

Contributing Paper

The Resettlement of Indigenous People affected by the Bakun Hydro-Electric Project, Sarawak, Malaysia

The Coalition of Concerned NGOs on Bakun
(Gabungan), Malaysia

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Dams, Indigenous People and vulnerable ethnic minorities

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1. Introduction

The Bakun Hydroelectric Project (HEP) has been dogged by controversy ever since it was first proposed in the early 1980s. Apart from the question of its necessity, its financial viability and its environmental costs, questions were raised from the beginning about its potentially disastrous social impact. This especially derived from the fact that the project would flood an area the size of Singapore and some fifteen indigenous communities, which by 1997 involved some 1,640 families and nearly 10,000 people, would have to be resettled. Given the context of both the way in which indigenous communities have suffered generally at the hands of the federal and state governments over the years, and also, more specifically, through the experience of previous resettlement schemes in Sarawak (and, indeed, elsewhere in the world), many had little confidence that any resettlement would be to the benefit of indigenous peoples. Now that the resettlement project has got under way, these fears have proven all too valid, as this paper will demonstrate.

1.1 Part One: Background to The Bakun Hydro-electric Project (HEP)

1.1.1 Why was the Bakun HEP proposed?

The Bakun HEP was first proposed in the 1980s as part of a series of dams to exploit the hydroelectric potential of Sarawak's rivers. The original proposal was scrapped in 1990, after a concerted campaign against it by local indigenous communities and other groups in Malaysia, together with its high financial costs¹. However, in September 1993, the project was revived, at least partly as a response to problems of electricity supply in Peninsular Malaysia. In the words of the Prime Minister, "*Bakun will not only provide the cheapest source of energy but will also serve as a catalyst to the country's industrialisation programme*"². As well as supplying electricity (mainly to Peninsular Malaysia), other benefits from the Bakun project claimed by the government included:

- providing an environmentally-friendly and significant source of electricity;
- generating employment and valuable spin-off industries for Sarawak which would add 3% to that state's growth per year;
- bringing the indigenous peoples '*into the mainstream of development*' through resettlement; and
- providing much needed infrastructure to a remote part of Sarawak, which would also become a valuable tourist destination.

As announced in 1993, the Bakun HEP was to be a huge project. It was to comprise the construction of a 2400MW hydroelectric dam, the transmission of its electricity, and the building of related infrastructure including access roads, a new township, and an airport. The actual dam is being built on the Balui River, some 37 kilometres upstream of Belaga in Sarawak, Malaysia. (For those unfamiliar with Malaysia's geography, Sarawak is part of the island of Borneo, a considerable distance across the South China Sea from Peninsular Malaysia.) It was to be a massive 205 metre high Concrete Face Rockfill Dam (CFRD), making it one of the highest rockfill dams in the world. The transmission of its electricity would have necessitated some 1,500km of overland wires and four 650km long undersea cables, under the South China Sea.

The overall cost of the project was officially estimated at some M\$ 15 billion³, although many argued that a truer figure was anywhere between M\$ 25 and M\$ 30 million. It was announced that the project was to be a privatised project, with the turnkey contract given to the Malaysian Company, Ekran, run by Ting Pek Khiing. Its responsibility included the sub-contracting of all necessary works related to the project, and the raising of the finance with which to carry out those works. The Sarawak State government, however, was responsible for the resettlement of the affected indigenous communities.

1.1.2 Doubts about the project

Once it was revived, doubts about the whole project were again voiced by many people. They included some of the affected indigenous peoples in Sarawak, as well as a wide range of non-government organisations, opposition political parties and individuals⁴. The Coalition of Concerned NGOs on Bakun (Gabungan), made up of over 40 Malaysian non-government organisations, has acted to give greater strength and cohesiveness to the questions and debate about the Bakun project. Concern was also voiced by many non-Malaysian organisations and individuals, across the world.

It is worth noting that, in addition to the impact on indigenous communities and the potential impact on the thousands of people living downstream of the dam, the project was attacked on just about every ground. In this, it shares similarity with many, if not all, large dam schemes built or proposed the world over. The necessity and viability of the Bakun HEP have been called into question and the cost of its social and environmental impact was argued to be unacceptable. To summarise:

- First and foremost, it has been argued that there is no need for Bakun's electricity. There is a current surplus in Malaysia, which will continue well into the next century. Critics argue that Malaysia has an excellent opportunity to frame future power-generating projects in a properly construed, efficient and environmentally conscious National Energy Policy. It is still argued that the construction of Bakun is detrimental to such a policy.
- Critics also point out that Bakun's electricity would have been neither the cheapest nor the cleanest. In fact, the cost of Bakun's electricity would have been the most expensive in Malaysia's history, with implications for price rises and extra costs to Malaysian consumers.
- The siting of a dam designed to supply Peninsular Malaysia with electricity in a remote part of Sarawak was considered strange.

The questioning of the desirability and viability of the project centred on several issues:

- Official projections of Bakun's electricity output were said to be wildly optimistic. The project was based on a number of assumptions regarding, for example, efficiency of the dam, rainfall, streamflow, sedimentation rates, likelihood of earthquakes, maintenance costs, speed of construction, and downstream effects, the miscalculation of any one of which would have thrown the viability of the project into doubt.
- Similarly, it was argued that projections of the costs and time anticipated to complete the project were, in the light of experience of other large dams around the world, likely to be overrun, to degrees which could destroy the economic justification of the project. This was especially pertinent to a privatised scheme. It was not helped by Ting Pek Khiing's claim that he could build it in five years, a boast that, far from attracting investors, seemed to make them ever more uncertain of the way such a large project was being handled. The consortium contracted by Ting to actually build the dam, led by Asea-Brown Boveri (ABB), and also became concerned over the issue of time/cost estimates and who was to be responsible for any extra payments in the event of overruns. Partly because of this, ABB were unceremoniously dumped from the project in late 1997, possibly to their relief, shortly before the whole thing was put on hold (again).
- There was anger and condemnation at how the planning of the dam was conducted with no public accessibility to vital feasibility studies, no process of public feedback on a highly controversial and subverted Environmental Impact Assessment process (which was described by the normally compliant mainstream press as "*an abuse*" and "*a farce*"), and extremely limited consultation procedures with the indigenous peoples who have had little idea of exactly what was to happen to them.

- There was considerable doubt about the privatisation process, and whether in the end the project would revert to reliance on government monies. Despite early claims by Ting Pek Khiing that raising the money would pose no problem, there were terrible difficulties in getting investors for the project and in the end, Malaysian government agencies were forced to take up large share-holdings (meaning, taxpayers' money was being used). Now that the project has been taken away from Ekran, following its abrupt abeyance, significant monies are being paid to '*compensate*' that company in what many people call a '*bail-out*'.

By 1997, the project was already facing major difficulties. Financing was proving to be a problem, with reports of lack of payments and uncertain futures. Conditions at the actual dam site were so bad that many local workers refused to work there; foreign workers were used instead. Delays caused by problems with the diversion tunnels had already indicated the wild optimism of original schedules, and the schedule for the resettlement of the indigenous peoples was constantly being changed (put back). The relationship between Ekran and the consortium building the dam, led by ABB, deteriorated to the extent that their contract was terminated.

So, by November 1997, the project was in an utter mess. And, along with a diversion tunnel, confidence in the Malaysian economy had also collapsed. Together with other “mega” projects, the government announced the temporary suspension of the Bakun HEP, and later stated that it would be taking the project back from Ekran. Since then, there has been speculation as to what exactly is to be Bakun's fate. The latest, unconfirmed report is that the project will be considerably scaled down and will be administered by the national electricity company, Tenaga Nasional. There would no longer be plans to cable the electricity to Peninsular Malaysia; instead, it would be used by Sarawak, Sabah or neighbouring Indonesia. Critics say that both Sarawak and Sabah already have enough electricity, Kalimantan has a number of power projects planned, and that the whole Bakun project should simply be scrapped.

Unfortunately, it has all come too late to save the trees of the reservoir site, which have been clear-cut by another of Ting Pek Khiing's companies. It has also come too late to save the future of the affected indigenous peoples. Despite the project being on hold, the state government have insisted that they move.

1.2 Part Two: The Experience of the Bakun Resettlement Project

The resettlement of the indigenous communities because of the Bakun HEP has been conducted in a way, which represents the general context in which indigenous peoples find themselves, in Sarawak as in the rest of the world. Their lack of political power, their relative marginalisation, and with a culture that is markedly different from that being pursued by state authorities (and by projects such as Bakun) has meant the indigenous peoples have been able to have little influence over what has happened, and is happening, to them. The consequence of the Bakun project has been to make the lives and future of these communities irretrievably worse.

It is worth recalling that in Sarawak, the indigenous population comprises some 48% of the total population of the state (Sarawak is the largest of the thirteen states of Malaysia). They are divided into numerous (some anthropologists say more than 35) distinct ethnic groups, including Iban, Kelabit, Bidayuh, Kenyah, Kayan, Kajang, Ukit, and Penan. Each group has its own social structure and mores, but all share a culture at whose base is land. Land supplies not just food and resources, but is the spiritual home of the community. The indigenous attitude to land is not one of commercial exploitation. Rather it is one in which the community is entrusted the responsibility for preserving and nurturing the land so that it can be passed on to future generations, intact. The main agricultural practice, shifting cultivation, represents this commitment to sustainability. In addition to farming land, the forest has also supplied food, medicines, building and other materials and is the site of ancestral burial grounds, and again, is jealousy guarded against over-exploitation and destruction, anathema to indigenous culture.

Such an attitude has come into continual conflict with the state government's desire to maximise profitability from land by commercial economic exploitation. Whether through logging, the establishment of oil-palm or tree plantations, attempts to introduce commercial agricultural practices or through infrastructural development for either tourism or other ends (Bakun being an example), the state authorities have consistently backed companies and contractors against indigenous communities even where there is clear incursion on indigenous land and destruction to indigenous property and culture. At the basis is the perception by the state authorities that indigenous land use is "unproductive", that indigenous attitudes are "a barrier to development", and that indigenous peoples must be brought "into the mainstream of development" (as defined, of course, by the state authorities)⁵. As we will see, these prejudices run through the Bakun project, and specifically in its resettlement scheme.

1.2.1 Who are affected?

The affected communities of the Bakun HEP comprise a number of indigenous groups. Reports have identified some fifteen communities affected, including Ukit, Kayan, Kenyah, Lahanan and Penan communities. Most of them had been there for many generations. In the 1980s, when the Bakun HEP had first been mooted, the majority of these people had clearly declared their reluctance to move. But in the end, they have had little choice.

1.2.2 Promises

The conflict of attitude between state authorities and the indigenous peoples was apparent immediately in the propaganda surrounding the revival of the Bakun HEP. Government spokespeople were not slow to promise the world to these indigenous peoples. As Sarawak Chief Minister Abdul Taib Mahmud said: *"We believe the Bakun project is the best opportunity to help the Orang Ulu (people of the interior) of Belaga. We want to bring the people of Belaga into the progress that will culminate with Vision 2020."*⁶

He also stated, ironically (given the present situation at the resettlement site), that *"The children of the Orang Ulu will be able to have modern facilities, including piped water and roads and communication with the outside world. They will be at a par with all Malaysians and will be proud to be called Anak Sarawak (children of Sarawak)."*⁷

Other politicians and project proponents were not slow to offer equally rhetorical promises. Ting Pek Khiing, chief executive of Ekran, the company in charge of the Bakun project, stated that the welfare of the indigenous peoples *"will be taken care of. They will be offered permanent jobs, free housing, free water, and free electricity. Their children will get proper educational facilities. They will live in easy reach of Bintulu town. Isn't that something to look forward to?"*⁸

The promises of a better future for the indigenous peoples were set in the context of the overall perceived benefits that Bakun would bring to Sarawak. As far as the State government was concerned, *"Bakun is a huge gift from the Federal government"*, which, among other things, would ensure that *"Sarawak will become the powerhouse of Malaysia"*⁹. The spin-off effects of the project were to be the attraction of foreign investment to the State and therefore industrial development in which the establishment of an aluminium plant, a pulp and paper plant and *'perhaps the world's biggest'* steel plant were specifically mentioned. Also earmarked were the development of a high-tension and high-voltage wire industry in Tanjung Manis (apparently through a company in which some of Taib's family members were prominent) and the development of the Bakun area as a tourist resort. Whilst these kinds of benefits may sit well with the state government's priorities for development, they are a little outside the experience of indigenous communities and hardly relevant to indigenous culture.

1.2.3 Batang Ai – an earlier example

The fact is that this kind of rhetoric had been heard before, during a resettlement exercise following the building of another dam at Batang Ai, in the 1980s. The experience of that project had shown that beyond the rhetoric there was little substance. It was a project, which demonstrated a considerable failure in planning and implementation because of the arrogance of state authorities in deciding what was best for the indigenous communities affected, and a complete lack of process and sensitivity to indigenous needs.

More than 80 per cent of the resettled people from Batang Ai now say that they are worse off than before. They complained and complain that there was poor consultation, poor information, many promises which were subsequently broken, unattended grievances relating to the compensation process and a lack of proper counselling and preparation on financial management (given that compensation means suddenly these people have an amazing amount of cash which they certainly have never before been used to). They complained and complain that there were and still are a host of problems at the resettlement site which include highly inadequate provision of farming land, high expenses for basic facilities like housing, water and electricity, few employment opportunities (a major broken promise) and a number of social problems which include gambling, drinking, indebtedness, family dislocation and an undermining of peoples' roles within the community, especially those of women.

1.2.4 The Bakun Resettlement: Obstacles and Constraints

In conducting the Bakun resettlement exercise, similar failures have been a feature. Despite plenty of advice about the need to ensure full consultation, information and provision of alternatives in the planning of the resettlement, and avoidance of a wholesale uprooting of indigenous communities from their land and culture, the state authorities have seemingly failed to heed any of this. Instead, again, they have been concerned to control the resettlement from the top, utilising their appointed leaders within the indigenous communities to translate the little information given, control grievances and ensure compliance. From the beginning they had earmarked one (and one only) resettlement site, at Sungai Asap, to which all affected people would be relocated. No discussion was entertained either about the efficacy or desirability of this plan, let alone about the suitability of the site and its implications.

So when questions were asked about specific plans for the Bakun resettlement, including how the indigenous peoples were to be consulted, what was the process and amounts of compensation, what alternatives were on offer, and what guarantees were to be had to ensure that the disastrous experience of the Batang Ai resettlement project would not be repeated, few answers were given. Instead, obstacles (including the use or amendment of existing legislation) were used against anyone wanting public divulgence of information or opportunity for public debate, and government control of the media was utilised to scapegoat any critics, whether indigenous or otherwise, as 'anti-development' and/or mischievous, self-promoting, traitorous, agents of foreigners or simply misguided.

The Malaysian authorities, which of course include the Sarawak authorities, have a number of laws available to prevent access to information and to public debate. They have been used to ensure that the Bakun HEP, and the resettlement project, have proceeded with little or no transparency or public accountability. The Official Secrets Act, for example, has been used to classify the many official studies done on the project. At least seventeen studies on the project have been officially commissioned: these remain secret, despite the hugeness of the project and its potential impacts on the Malaysian (and indigenous) people.

The State government itself has commissioned studies specifically relating to the resettlement, but again, and instructively, the State government has been concerned that none of these studies should be

publicly available. A Canadian anthropologist, Jerome Rousseau, asked by the State government to prepare one such report, states that part of his contract included a confidentiality clause. This he refused to sign. His study, now openly available, is a highly instructive one with reference to the issues, needs and flaws in the planning for the resettlement. However, other researchers contracted by the government did sign a confidentiality clause, meaning their work and suggestions remain secret.

Further, permits have been refused to groups hoping to organise public forums on the Bakun project, passports of indigenous and other representatives have been impounded to prevent them giving their input at regional or international forums, and government agents have been busy in the Bakun area warning people about listening or responding to the views of the few non-government organisations active in the area. Signposts were even erected stating that these organisations were unwelcome.

This atmosphere is hardly conducive to the inspiration of confidence in state authorities from either the affected indigenous peoples or Malaysians generally. What is there to hide? When some public interest groups sought assurances from the Malaysian government that there would be a process of public participation built into the Bakun planning stages, they were promised that this would be done through the Environmental Impact Assessment. But even this was reduced to a level of farce. Legislation was specifically enacted to allow the federal government to cede its responsibility (for what after all was a huge *national* project) to the Sarawak state authorities. By coincidence (sic), the latter's procedures for EIA had no element of public participation. When three of the indigenous peoples from the Bakun area took a case to court seeking to uphold the principle that they should have opportunity for feedback on a project that directly and severely affected them, the case was thrown out¹⁰.

Of course, the publication of the Bakun EIA did little to reassure critics. Not only did it specifically exclude assessment of the impact on the communities, but also the assessment of the project generally was full of omissions, mistakes and questionable assumptions. The fact that it was published in English and cost a significant amount of money for each of its several parts meant too that it remained inaccessible to the vast majority of people, including indigenous peoples.

1.2.5 Principles ignored

All of this is instructive. Neither the federal government nor the Sarawak state government were interested in public participation in the Bakun HEP. It was to be imposed, whatever the flaws and the consequences, as part of an agenda about which many local indigenous peoples and many Malaysians generally had serious reservations. But these were not up for consideration.

It is also instructive in that such neglect of full and proper discussion, indeed such intransigence to even the beginning of a debate, has ensured the respective governments have ridden roughshod over basic principles of planning of such projects, and specifically, over principles of resettlement.

For example, the World Bank and other institutions have provided a number of guidelines relevant to the kind of mistakes that must be avoided in resettlement projects. Included in these is the clear exhortation that Environmental Impact Assessments should include assessment of impact on communities, and that separate EIAs should be done on proposed resettlement sites. The latter should include an assessment of host population, resource use patterns, use of area by non-residents, formal legal and customary use-rights, inventory of fauna and flora, social infrastructure, assessment of public health conditions and institutional assessment. The World Bank Environmental Assessment Sourcebook has more details. But no EIA at all was carried out for the Sungai Asap site to be used for the Bakun displaced people, and, as we have noted, the EIA done for the Bakun project specifically excluded any assessment of the impact on affected communities.

Further principles espoused by the World Bank and reports such as Rousseau's include the need for early and full consultation with the affected communities ("*participation*"), the need to put aside prejudice in order to fully incorporate the needs and ambitions of the affected communities and to

preserve as far as possible their autonomy and cultural identity, the need to provide a series of alternatives, the need to ensure that adequate and properly fertile land be provided at any new locations, the need to avoid any traumatic, wholesale change in lifestyle and environment, and the need to support, monitor and evaluate any resettlement project as it develops. Specific warnings mentioned included the probability that the Sungai Asap site had inadequate land both in terms of quantity and quality, that the attitude of the state authorities was forcing the indigenous peoples into an alien, monetised economy that would lead to a loss of autonomy, dependency on jobs and state support, migration (given Sungai Asap was unlikely to be able to support enough jobs to sustain the community) and indebtedness. It was stated that all this would lead to or intensify social problems, including a worsening situation for women and the elderly, gambling, alcoholism, and general family and community breakdown.

Underlying all of these suggestions, borne from experience, is that the last thing that should happen is that indigenous peoples are told where to go and what to do: in other words, are presented with a *fait accompli*. Yet this is exactly what has happened in the case of Bakun, and was exactly what happened in the case of Batang Ai.

1.2.6 The Bakun Resettlement: The Fact-Finding Mission, May 1999

In now turning our attention to describing the process and consequence of the Bakun resettlement in more detail, we can note that much of the information presented here comes directly from the indigenous communities themselves. This has recently been confirmed and supplemented by a Fact-Finding Mission, sent by the Gabungan in May 1999, as a response to a number of grievances and complaints emanating from the Bakun area. This Mission interviewed over 300 people affected by the project, including state authorities, and its full report has just been published. Those interested in more information about the resettlement exercise should read this¹¹.

In the report, the process and impact of the Bakun resettlement is described in considerable detail. At the outset, it states that

“We should note from the outset that the evidence presented to us tells us that the resettlement process has been to the considerable disadvantage of the indigenous peoples, despite promises to the contrary. It is difficult to adequately capture in words the utter desperation and dislocation being experienced by the indigenous communities forcibly resettled because of the Bakun project. A gaping hole has been blown in their social fabric; their culture and their future is in serious jeopardy. Despite the many, many warnings, this represents a gigantic failure of planning. It is a betrayal of the indigenous peoples.

If remedial actions are not undertaken by the relevant authorities speedily and effectively, the lives of the majority of these indigenous peoples will have been made irretrievably worse.”

Indigenous peoples affected by the project voiced many grievances, which need urgent attention. These grievances cover everything from the original process of consulting, informing and explaining to indigenous peoples the plans, process and consequences of the resettlement, to the actual physical conditions and implications of the move to the Sungai Asap site. An initial list would include major and serious concerns about

- the decision to go ahead with the resettlement despite the fact that the postponement and scaling-down of the Bakun project meant that for many of the affected longhouses there is no urgency and even no necessity to continue;
- the way indigenous land in the Ulu Belaga area (the site of the Bakun HEP) was surveyed and compensation figures assessed;
- the lack of action by the authorities when complaints were made about improper or inadequate surveying;

- how indigenous peoples were consulted and informed of the resettlement process - everything was decided for them;
- the lack of provision of any alternative for indigenous peoples, denying them any choice as to their future; the choice of the Sungai Asap site;
- the broken promises of land to be allocated to indigenous peoples at the new site;
- the way the longhouses at the new site were designed (without the affected indigenous peoples being involved);
- the overall choice of consultants and contractors for the new site, and the exercise of proper supervision and accountability in the process;
- the contracting and building of the new longhouses, which are in a very poor state;
- the contracting and building of other infrastructure, including sewage disposal and rubbish disposal, as well as access roads;
- the costing of the new homes, for which the indigenous peoples are being charged what seems an exorbitant amount;
- the process by which the indigenous peoples were made to sign a contract for the new homes without any adequate explanation given to them or effort made to allow the indigenous peoples to understand what it was they were signing (the contract is in English!);
- the circumstances whereby people were moved into homes which had not yet received their Certificate of Fitness (which on the evidence of the Mission would not be granted due to the substandard quality of the new homes);
- the way compensation has been paid without any adequate support mechanism provided to the indigenous peoples to help them understand the consequences of being moved into a monetised economy and the importance of financial planning;
- the decision to apparently penalise those remaining at the original Bakun site by closing schools and clinics, despite many longhouses not having yet moved, and by refusing to pay compensation money to them;
- the lack of response of state authorities and politicians to indigenous concerns and requests for help or explanation;
- the apparent lack of concern over the emerging social problems and the future of these people.

These concerns centre on three aspects. Firstly, the whole process of planning of the project, the basis of the resettlement and definitions of alternatives, is questioned. Secondly, the physical conditions of the site are described (as very, very poor); and thirdly, the social and cultural implications and impacts are presented (as having serious, negative consequences on the lives of those individuals and communities affected).

All of this has been as a consequence of a large and highly controversial hydro-electric project which has twice had to be postponed because of major problems with its implementation and yet to which the lives of nearly 10,000 people have already been what is tantamount to sacrificed.

1.2.7 Planning and consultation controlled

In addition to controlling the information and debate on the Bakun HEP as a whole, the state authorities have also been eager to control “participation” in the planning and implementation of the resettlement. To do this, the Sarawak state government set up a committee called the Bakun Development Committee, which it then declared to be the only legitimate channel for indigenous representation. This committee is made up of government appointees, including local state assemblymen, businessmen and government-appointed indigenous leaders. The committee was neither elected nor endorsed by the people in the indigenous communities; nor is there any process of accountability of this committee to the people. Some of the more prominent members have apparently benefited from contracts from the construction either at the Bakun site itself or from the resettlement site (or both). This conflict of interest has merely added to the lack of credibility this committee enjoys within the majority of the affected indigenous peoples.

When local people attempted to set up alternative structures, which included such groups as the Indigenous Peoples Development Centre and the Bakun Peoples' Regional Committee, the state authorities denigrated these and their concerns ignored. And the controls over public meetings, debate and travel already mentioned further indicate the desire of the authorities to rail-road the project through with no questions asked.

Resettlement is never easy – it is, after all, forced relocation and subject to many problems and trauma. The relocation does mean that a new life must be made for the displaced people. In one sense, therefore, it is an opportunity for those displaced people to evaluate their options, to decide on (possibly different) alternatives and to become involved in maximising any new potentials for enhancing their, and their children's, future. But, far from allowing the Bakun resettlement to promote good, vibrant discussion about the future for the affected indigenous communities, the whole Bakun process has been one of (further) disempowerment and marginalisation, in which the indigenous peoples have been treated like objects in a process that has excluded them from input and debate and has basically reduced them to follow an agenda and a definition of 'development' that has been written for them. It is hardly surprising, therefore, that the morale within the communities has been steadily deteriorating and could now be described as at an all-time low.

1.2.8 Threats to move

The fact is that many of the indigenous peoples were extremely reluctant to move to a new site which they had little knowledge about and were deeply suspicious of, despite (or even because of!) the promises of the state government. The latter then resorted to a number of inducements and threats to ensure most of them moved.

- Firstly, it threatened to withhold compensation payments.
- Secondly, it closed schools and clinics and other facilities at the old site.
- Thirdly, it threatened that moving elsewhere would be illegal and would run the risk of subsequent eviction.

After a series of delays, the first families, the Ukit from Long Ayak, were moved in September 1998. Subsequently, families from other (but not all) communities have moved, the latest (Batu Kalo) having moved in April 1999. It should be noted that, despite the threats and inducements, not all families from each community have moved to the new site, and some people in some of the longhouses have also decided to move to other sites, not designated by the government. According to latest figures, the situation is as follows:

Longhouse	Original no. of families	No. of families who have moved	No. of families remaining on the Balui
Long Geng	250	205	45
Rumah Daro	45	43	2
Batu Kalo	75	41	34
Bato Keling	90	78	12
Long Bulan	170	133	37
Long Jawie	205	196	9

Residents on the Balui who have chosen to build new longhouses further upstream or elsewhere:

Longhouse	Resettlement Site
Long Geng	Long Lawen - have already shifted
Batu Kalo	Up the Sg Bakau - new houses are almost completed
Batu Keling	Apau Bulu - have already shifted
Long Bulan	Sang Anau, an old logging camp - have already shifted
Long Jawie	Have identified a site
Long Dupah	Tubau - a Kayan settlement area.

In all communities, whether they have moved or not, there are many and serious complaints about what has happened to them. It should be noted that the state authorities have announced that all communities will be moved by August 1999.

In effecting the move, the state authorities have continually demonstrated their lack of respect for indigenous peoples and their culture, their lack of concern in involving and supporting the indigenous communities in the trauma of the resettlement and their lack of respect even for their own laws and procedures (let alone any principles of resettlement, as we have noted).

1.2.9 Compensation

This has been demonstrated through, for example, the way compensation payments were assessed and (not) paid. To arrive at a figure for compensation for the affected indigenous peoples, the state government had to do two things. Firstly, a survey of all land and assets (including houses, crops, fruit trees, medicinal plants and burial sites) claimed by individuals and communities needed to be undertaken. Secondly, a process of valuation needed to be worked out. On both these issues there exist widespread complaint amongst the indigenous communities.

Most of the residents claim that the major portion of their land had not been surveyed. They stated that only relatively small areas in the vicinity of their longhouse were taken into account.

This reflects the underlying prejudice and negation of indigenous native customary claims to land, which has long been a feature of the Sarawak state government's policy. For indigenous peoples, their land comprises of particular land serving particular purposes. Their *temuda* represents the area of land around the longhouse, including their farmed land. Their *menoa* is the area of land (forest) which is their ancestral domain and which they use for hunting and gathering. Their *pulau* is an area of land set aside for water catchment and for material extraction for building, for example. *Dampa* are cultivated fields a distance away from the longhouse.

Each part of this land serves a particular purpose in sustaining the spiritual and economic health of the community. If proper respect is to be paid to the affected indigenous communities, and due compensation paid, then all such land should be recognised for what it is and what it is worth. It could be added that, in order to attempt to preserve as far as possible the cultural identity of the communities, similar land should be made available at the alternative site(s).

However, neither has been the case. The Sarawak state government has been reluctant to recognise anything more than *temuda*, and has in fact enacted successive land legislation which has consistently undermined recognition and rights to *menoa* and to *pulau*. In the case of the survey of the Bakun communities, it would appear similar denial was practised. And land allocated at the new site is inadequate both in quantity and quality, despite promises to the contrary.

The lack of transparency in the compensation process has also led to confusion as to how exactly compensation figures were arrived at, and suspicion of irregularities. The amounts of compensation vary widely from individual to individual and from community to community. For individuals, the amount may be as little as nothing to as high as the reputed payment (not confirmed) of RM700, 000 to a particular person. It is the case that such compensation in the vast majority of cases is nowhere

near the cost of resettlement, particularly in relation to the RM52, 000 being charged for the new home (see below). The alleged enrichment of those close to the government is an issue mentioned in the Mission report, which also detailed worries about how part of the compensation is paid into a community fund, but the management and use of which is again unaccountable to the majority of the people, being held by the government-appointed leaders.

It may be noted that at least one court case is pending, regarding the way the assessment has been done.

1.2.10 The site and housing

Lack of respect by the state authorities is also seen in the condition of the site. Again, despite the rhetoric of a wonderful future, the site leaves much to be desired. It has basic facilities, like schools and clinics, but its condition is very poor. There are inadequate roads, meaning that access to and from the site is difficult. No lorries can get in to perform, for example, rubbish collection, which means rubbish is just piled up wherever, posing a serious health hazard. The sewerage and drainage systems are wholly inadequate: the sewerage drains into the local river, rendering the latter unfit for bathing or any other use. Stagnant pools of water because of already broken drainage pipes again are health hazards, being mosquito breeding grounds amongst other things. All this threatens not only the health but also the longer-term sustainability of the communities.

Most of all, the conditions of the ‘new’ houses are already very, very poor. There are broken doors, shattered walls, leaking and stagnant drains, rickety stairs, collapsing banisters, and broken windows. The materials used are cheap and shoddy; the finish to the houses has been left undone.

The design of a longhouse should reflect the culture of its people. But in Sungai Asap, each new longhouse is of a standardised design, each longhouse having fifteen *pintu* (or families). This is clearly culturally inappropriate. So too is the fact that the common verandah of each longhouse is too narrow for it to perform the kind of communal meeting-place and ceremonial function that was so crucial in the old longhouses, and some of the materials used in the building are actually considered taboo by some of the indigenous communities. Far from allowing each indigenous community to build its own longhouse, an English company, Bucknalls, with no previous experience of Sarawak, was appointed project consultant, and various sub-contracts given to those favoured by the state government.

To add insult to injury, each family is being charged some RM 52,000 for the new home. This is a very inflated price when compared to other low-cost housing in Malaysia. No one has justified it. Indeed, no one from the state government even explained to the indigenous peoples that this was the case. It was only when the first families arrived, and were made to sign a document in English before they got their keys, that it was realised that something was up¹². On closer investigation, it was found that this document not only set the price for the house, but committed the families to a loan for the monies to be paid back over 25 years. Nothing has been explained and no family has a copy of the long document (which anyway most of them would not be able to understand). What was explained to them was that they would not get the keys unless they signed, and they would not get the balance of compensation money due to them unless they signed.

It was also discovered that the compensation paid for their old homes (much, much lower than RM52, 000, despite most of them being of far better construction and size) was not to be paid to the people but was used to offset their new compulsory house purchase.

All of this is legally as well as morally questionable.

1.2.11 Sub-standard procedures

The lack of respect and concern shown by the state authorities to the indigenous peoples and their future is compounded by the fact that in the design and construction of the new site, the state government's own rules have been broken. The building plans for the settlement were never submitted by the statutory body, the Sarawak state government agency, the Land Consolidation and Development Authority, to the appropriate District Council, until the time they needed the Occupation Permit just before the resettlement exercise. Nor was any Certificate of Fitness issued for the houses. In the words of the Fact-Finding Mission Report: "*All this requires urgent investigation.*"

Many would argue that the indigenous peoples were removed to the site under false pretences.

1.2.12 The Implications: Disintegration and Disaster?

Over and beyond the major deficiencies of the resettlement site and the planning and process of the whole project, the longer-term impact of the Bakun resettlement scheme (which is already becoming obvious) is one where, to put it bluntly, the whole community is in danger of completely falling apart. People are already desperately unhappy. Roles played by different people in the old community, by the elderly, by women, by the young, are now becoming irrelevant and are being substituted by a different hierarchy, in which men and money play the critical part. The destruction of community cohesion, which follows, has seen the rapid increase in anti-social behaviour.

This all stems from the agenda imposed by the state authorities on the indigenous communities, which has underpinned the entire way in which this project has been conducted. For the state authorities, traditional indigenous culture and land use is deemed 'unproductive' and a waste of human and resource potential. Of course, such potential is defined in purely monetary and commercial terms. So, when the state government's spokespeople declare that indigenous peoples need to be 'brought into the mainstream of development', this translates to a need to be brought into a monetised economy where they became integrated into a waged economy and their land can be developed (by others) into whatever is the most profitable enterprise.

This is what has happened. The desire to build the controversial Bakun Hydro-electric project, complete with the removal of indigenous peoples from the reservoir area and surrounding land (highly valuable for timber and other resources) and the forcible removal of these people to a site to which they were condemned to be waged earners all indicate the priorities of the state government. They are not the priorities of the indigenous peoples.

No effort was made to supply land in large enough quantities and appropriacy at the new site to allow the indigenous peoples to continue their farming and hunting/gathering activities. It is arguably crucial to the success or otherwise of a resettlement scheme like this one that there be provision of adequate land to substitute the land used at the original site. This is both to allow the continuity of cultural practice, cohesion and identity and, more practically, to ensure food sustainability can be maintained.

It is a sad fact that the authorities had already been made aware of the unsuitability of the Sungai Asap site with regard to provision of adequate land for the indigenous peoples. The SAMA consortium had stated that the soil of the new area is mediocre and unsuitable for cash cropping. It stated that the area was too small for the proposed population. It stated it lacked needed jungle resources, despite the fact that the communities relied for over one-third of their income from such resources. Rousseau also stated that the resettlement area "*is inadequate. Planners have failed to consider the current needs of the people; they have failed to plan for a population increase; they have failed to consider the needs of the people from the lower Balui, who currently face a shortage of land. The Government is also ignoring the fundamental issue of land tenure. Without long-term secure rights to land, effective*

*development is impossible; feelings of insecurity will sap the enterprise of the population concerned*¹³.

It may be noted that the actual amount of land given to each family was reduced from early promises of ten acres, to later promises of seven acres, to a reality of three acres.

Several consequences have emerged from this. Firstly, the pressure on the existing land has meant almost immediately that there is a severe shortage of fish, game and jungle products. This, together with the lack of vegetables and fruits, has meant that the communities have been thrust immediately into a wholly cash economy, spending significant sums (for them) on purchasing food and materials which had previously been obtained for free. High transportation costs and controls by a small minority also means that the cost of such purchases are relatively expensive. Secondly, there is emerging conflict within the resettled communities as well as between the resettled communities and other indigenous peoples already in the area, over land. Thirdly, in an attempt to at least retain some modicum of self-sufficiency, some of the communities have begun cultivating neighbouring stateland, again bring them in conflict both with neighbouring communities and the state government. All is a product of the initial poor planning.

1.2.13 No jobs, no sustainability

The lack of alternative land and the terms and conditions imposed on the resettled people means that they are now completely immersed in a monetised economy. In contrast to the situation at their original homes, everything now costs, including food, water, housing, electricity and transport. The overriding question is: how will they pay? Once the compensation money has gone, and for many this either has already happened or is imminent, what is left?

The fact is that by defining development the way they have the state authorities have made it the case that the sustainability of the new community completely depends on the close availability of jobs. In the preliminary promises, the state government had indicated that these jobs were to be on oil-palm plantations. However, despite the fact that five companies have apparently been earmarked oil-palm projects, only one has been started and this will take at least five years to mature to the point where numbers of workers will be needed¹⁴. This is leaving aside the question of whether the substitution of a relative autonomous, sustainable, self-regulating and cohesive culture and lifestyle for one inherently unstable and material is actually a ‘development’ in any sense of the word.

The economic unsustainability of the new site means that nothing else is sustainable. This has meant already the out-migration of the economically active, given that they are now dependent on waged employment, little opportunity for which exists at Sg. Asap. One can already see Sg. Asap as turning into a place only for the old, the very young and some of the women. The rest will have fled. The communities will have been destroyed.

Roles and lives affected

More than that, the resettlement has had, and will continue to have, serious and negative impacts on the roles and lives of people in the community. For example, it has already impacted badly on the roles and lives of women. From having played a vital role in food production and income-generation activities, women are now increasingly reliant on men for material resources and for labour. The distance to the little land made available means women can no longer get there easily. Their mobility has been compromised. They are reliant on men for transport. As a result, many women are becoming housebound. There is already complaint of the boredom of the long days. Women are also now becoming the sole carers for the children and the elderly. What was a more egalitarian way of life in the old community, where productive and reproductive roles were shared much more equally, is fast becoming one that favours men as ‘heads’. The roles of women are quickly being transformed and limited into subordinate, secondary and supportive ones. Their old lives were very different.

The fact that the compensation was paid to the men has not helped women be equal partners in decision-making and resource allocation. Yet the pressure of household expenses means the burden of budgeting falls more on the women.

And because employment has now become the major (only) means of earning income, the well-documented discrimination against women in waged employment will further erode their position and increase their vulnerability to abuse and exploitation. There is little equality for women at the workplace. They are paid less, they are usually *'last in, first out'*, they face discrimination in promotions and training, they face particular health problems and their labour is often casualised to ensure greater flexibility for the employer and, the bottom line, greater profits. Their subordination at the workplace reflects their increasing subordination within the family and community. More than this, for those women who do get jobs, they will have to combine their waged employment with their responsibilities in the home. They will effectively be working a *"double day"*.

And an increase in social problems may also have particular, negative consequences on women, not the least of which may be an increase in violence against women.

All this has reduced the contribution, status and respect of women, and has thrown them into a new monetary culture which has a proven track record of undervaluing women and which is likely in the end to make them little better than marginal members of their community.

The same is true for the elderly. Their vital role in maintaining cultural cohesion and continuity is already fading in the new site. Lack of respect and lack of tolerance for their dependency means their future is particularly bleak.

It is a little different for the youth. In their traditional longhouses, they took part in the economic activities of their communities, gathering forest products, hunting, growing crops and partaking in the traditional practices of the longhouse. At the new site, these activities are no longer integral to their lifestyle. In the absence of work or other opportunities (there is a significant absence of facilities for the youth), many of the younger men have chosen instead to indulge what money and time they have on such things as motorbikes and alcohol. Dissipation of time and money seems to be the norm. It is not sustainable.

The younger women also worked on the farms and participated in the communities' cultural and social gatherings at the original site. But now, in the words of one younger woman: *"we just sit at home - eat, sleep, eat, sleep"*. Another woman added: *"We are no different to the pigs that are locked up in the pen"*.

The excessive presence of alcohol has implications for women: it puts them at increased risk of violence.

1.2.14 Family and community division

The lack of jobs, opportunities and anything to do is unsurprisingly causing family division and schism. People are already migrating out, families are dividing. Where families break up, there will be accompanying trauma and sadness. As one woman said: *"We used to all be together and really happy. Now we are split up. One child here, one there. I want to forget this place. Tomorrow I am coming with you back to my kampung."*

And one resident has described her existence during the last few months at the new site as *".. like living in a volcano waiting to erupt"*. Another says *"...it feels like flying, you know that you are going to drop one day"*.

1.2.15 Lessons ignored

This is no more than what the experience of other resettlement schemes has told us. The trauma of the move, the lack of continuity in lives and culture, the lack of alternatives and of course the lack of work see the emergence of an apathy, a disenchantment and straightforward depression within the whole community. Social problems and indulgence in destructive activities like gambling and drinking have resulted.

Again, warnings of social and cultural dislocation, and the particularly negative impact this has on women, appear to have been ignored by the state authorities. There would appear very little that has been done to anticipate any of the problems about to be listed, and very little initiatives taken to attempt to combat any or all of them. There is no clear complaint procedure, no proactive support mechanisms, and state officials seem desirous of denying all responsibility rather than assessing and tackling the problems. No attention at all seems to have been given to the particular problems and effect women might face. Again, to repeat, this represents a gigantic failure in planning.

1.2.16 Development for whom?

Yet they call this ‘development’. It is not a development that has either been wanted or asked for by indigenous peoples. They were not asked what they wanted. It is a development to which, in this instance, the Bakun HEP has almost literally cemented their fate. In this, Bakun shares a similar experience to many large dams around the world. It is a project, which has never been accountable, and this means it is unclear who and to what extent has benefited from the project. They are the few. What is known is that the vast majority of the indigenous peoples affected by the project has suffered – and have suffered almost irretrievable damage.

At the level of United Nations, within multilateral institutions like the World Bank, within indigenous and other organisations all over the world, fundamental principles regarding policies affecting, and treatment of, indigenous peoples have been clearly stated. But large dam projects like Bakun have a poor track record in the heeding of any of this. Certainly the Malaysian and Sarawak government have paid no attention to any of these principles?

In the Malaysian Charter of Human Rights, a document produced through an extensive consultation exercise involving over 50 non-government organisations, Article 16 states:

"Indigenous peoples are entitled to self-determination. By this is meant their natural and inalienable right to retain and control the land and all resources found on their traditional territories, and the right to choose their own way of life.

"They have the right to practise and develop their culture and indigenous religion and to maintain their cultural identity."

But these basic rights have been denied to them. They have been denied not just in examples like this Bakun resettlement scheme, but in their treatment right across Sarawak and Malaysia as a whole. The abuse of their rights is always justified by government spokespeople as necessary for ‘development’.

But, in the apt and oft-quoted words of an indigenous spokesperson: "*Development does not mean stealing our land, our culture and our dignity as human beings. That is not development, but theft.*"

This article was produced as a joint effort of the Gabungan, the coalition of non-government organisations in Malaysia which have consistently opposed the Bakun project.

Endnotes

¹ The Malaysian government's official line, as announced by Prime Minister Mahathir in the lead-up to UNCED, was that the Bakun project was cancelled as "*proof that we care about the environment*".

² Star, 20/9/94.

³ The exchange rate between the Malaysian Dollar (Ringgit) and the US Dollar was about 2.5 : 1 in 1993. It climbed to about 4 : 1 by 1999.

⁴ See *Power Play*, published by Insan, Kuala Lumpur, 1996 for a description of the earlier history of the Bakun HEP. The book is particularly strong on the way in which the project has fitted into the patronage politics of Malaysia, with beneficiaries being close to the political elite. This is arguably one reason why the project was so ill-devised and so constant in its failings.

⁵ For a recent exposition of the history of conflict between indigenous groups and the State in Sarawak, see *Tanah Penghidup Kitai – The undermining of indigenous land rights and the victimisation of indigenous peoples in Sarawak*, - published by Ideal-Times, Sibul, 1999.

⁶ New Straits Times, 18/8/95

⁷ New Straits Times, 1/8/95

⁸ Malaysian Business, 16/8/95

⁹ New Straits Times, 31/1/94

¹⁰ The initial case was actually won, but was overturned on appeal. The lack of judicial independence in Malaysia provides a further barrier to any securing of what little legal rights or entitlements may exist.

¹¹ *Empty Promises, Damned Lives – The Report of the Fact Finding Mission*, Suaram, Kuala Lumpur, 1999

¹² For example, when the people of Long Ayak moved, they had a trip of 6 -10 hours by longboat and another 3 hours by landcruiser, before they arrived at the site. On arrival, they were informed by the State Administrative Officer that they had to sign the Sales and Purchase Agreement in order to obtain their keys. They did not understand it, but in these circumstances, what choice did they have? The trip back would have cost over RM1000. And without any explanation as to the contents of what they were signing, they thought it was just a procedure to get the keys. The people of Batu Keling also faced the same situation.

¹³ J. Rousseau: "The Bakun HEP and Resettlement", paper presented to a seminar on the Bakun project, December 1995.

¹⁴ The fact is too that oil-palm plantations have shown a marked preference for immigrant labour. It is instructive that James Masing, the Sarawak state government person responsible for the resettlement, could offer no guarantee to the resettled people for jobs, at a recent press conference in May 1999.