# Social conflict in the Bakun and Kelau Dam Projects in Malaysia: An Indigenous Perspective

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## Abstract

In the institutional change discourse, social conflict is said to erode the credibility of institutions and lead to empty institutions, to make of them a hollow shell that even has a negative effect on the actions of social and political actors.  Social conflict is the manifestation of inequality of distributional conflict among the actors involved. To investigate its nature, its role, and how it is perceived among the indigenous population, this paper examines two development projects in Malaysia: the Bakun Hydroelectric Project (HEP) in Sarawak and the Kelau Dam in Pahang. The instruments employed in this paper include survey, interview, observation, and content analyses. The Orang Ulu and Orang Asli are the two indigenous people in Malaysia who were directly affected by the projects' implementation. This paper will trace the conflict involved in both of the dam projects in terms of their source, type and magnitude. In addition, local reactions and the role of the state in dealing with this matter will also be clarified.

*Key words: Social Conflict, Institutions "credibility, Hydroelectric project, Indigenous people*

## Introduction

In the institutional change discourse, conflict is an indicator of the credibility of an institution. An institution that generates more conflict and intensifies such conflict becomes an unstable institution. Conflict brings about less desirable effects and in the worst cases leads to empty institutions – institutions that bring negative impacts to social and political actors (Ho, 2005; 2006). Meanwhile, Westman (cited in Barrow, 2010) suggest that in the context of the Environmental Impact Assessment (EIA), it is uncommon for a project, program, or policy to 'succeed' in the sense that it meets its planned goals while being overshadowed by the problems and conflict that it provokes. As Ho asserts (2005), credible institutions are established by local actors (i.e. agents) through interactions among socio-economic, cultural and political parameters at a given place and time. These interactions comprise the rules of the game.

In order to study the relations between institutions and the EIA, this paper regards institutions as rules of the game where entitlement specifies the rights, duties, liabilities and powers of the agents involved. Therefore, institutions are

the products of interaction among the socio-economic, the political and the cultural. In this regard, the EIA is shaped by those interactions while simultaneously being shaped it, and vice versa. The pertinent question is: how can the EIA gain credibility as a policy implementation? Or in other words, what disturbs the credibility of the EIA? As illustrated by Ho (2005; cited in Kremer et al. 2009), the credibility of an institution among other can be examined through conflict generation. This requires us to investigate the involved actors' interactions--most notably, how do local actors perceive state functions role and what are their expectations of how the state ought to fulfill its role. In other words, does the government's role facilitate or frustrate the EIA process and its implementation? This is the grounding question which this paper aims to address.

Aside from the introduction and the conclusion, this paper is organized into three parts. The first part reveals briefly the types of the conflict in the context of environmental and natural spheres. The second part explains brief strategies and tactics used by both proponents and opponents of the projects and examines conflict intensity as well. The third part touches on the respondents' perception of the impacts of politicians' roles in the projects.

**Examining conflict: definition, role and root**

There is no single concept that can represent the universal definition of conflict, as social psychologists, environmental conflict researchers, peace studies researchers, sociologists, political economists and others have all used it differently. The definition varies depending on from which angle one looks at it. To begin with, it is useful to look at conflict from the institutional change perspective as Knight (1992) puts it: conflict or social conflict is due to distributional conflict which contributes to the lack of social efficiency. This results from the conflicting interests of actors, who create the rules and then need to enforce the rules. The conflict between individual self-interest and social efficiency occurs because each actor would prefer to obtain a greater individual pay-off even without social inefficiency. Each actor would opt for less efficient forms of organization if these rules resulted in an increased individual share of profits. This view is also described by Acemoglu (2003) who asserts that the theory of social conflict suggests that societies often choose the wrong policies and institutions, or even undertake disastrous courses of action, because these choices are not made for the benefit of society as a whole, but for the benefit of those who are in power ( 2003, 648). Acemonglu's observations clearly touch on the actors' vested interests or business interests that are this paper's concern.

From a more practical point of view, Wallensteen (cited in Oishi, 2005), defined conflict as "a situation in which [a] minimum of two parties strive at the same moment in time to acquire the same set of scarce resources." Rubin, et al. (1994), defined conflict as "perceived divergen[cence] of interests, or a belief that the parties' current aspiration cannot be achieved simultaneously." A similar definition of conflict is offered by the psychologist Rubin et al (p. 5), who defined conflict as a perceived divergence of interest, or a belief that the parties' current aspirations cannot be achieved simultaneously. Meanwhile, Touraine (cited in Dwivedi (2006), refers to conflict as a situation in which "organized actors [have] goals that are valued by all competitors or adversaries." Conflict consists of three elements:

i) The identity of the actors: identity is how the actor defines itself and on behalf of what it speaks;

ii) The definition of opponent or adversary: the opponent is the actor's principal enemy as explicitly identified by the actor

iii) The stakes or goals: the vision of order or organization the actors hold of the long term.

To determine the types of conflict that apply in the context of this study, this paper posits that environmental conflict is the best fit context. According to Oishi (2005), environmental conflict stems from conflicts 'over the use and allocation of environmental resources' where it has several common features: 1) numerous parties involved, including developmental interests, residents, environmental groups, government agencies and even future generations—that all have varying degrees of organizational coherence; 2) lack of institutionalized mechanisms to solve the conflict except for adversarial ones like lawsuits; and 3) the complexity of the issues that stem from factors such as the unpredictable physical, social and political effects of the project; no original consensus among the parties on the acceptable levels of effects; and the problem of data verification, etc (Ibid).

In institutional change debates, Ho asserts that the credibility thesis concerns an institution's function rather than its form (Ho, Forthcoming, 2013), which is a proxy in measuring the credibility of an institution. The perception of a conflict by actors can be used in measuring institutional credibility. However, Ho warns that a credible institution does not imply there is no conflict (Ibid) as the scale of conflict itself is a continuum that ranges from conflict free to heavy contest. This view has parallels with Weber, who observed that a society is a continuum between conditions of equilibrium and conflict (Dwivedi , 2006).  However, the sharp warning given by Ho worth attention here where he emphasizes that the existence of a credible institution does not imply there is no conflict as the

concept of conflict itself is a continuum that ranges from conflict free to heavy contest (Ho, Forthcoming, 2013).

It is also wrong to simply assume that democratic, transparent and participatory institutions by definition would be more credible than autocratic, authoritarian and in-transparent institutions. The credibility thesis makes no prediction of institutional theology nor does it pass moral judgment on institutional form, as it is concerned with function alone (Ibid). Nevertheless, this paper will demonstrate that transparency and accountability in these case studies are demanded by the indigenous people and stakeholders involved.  It also worth mentioning that this paper views credibility as relating to the state's roles in EIA institutions: the state either facilitates or frustrates and the motives for taking either action are the main concerns of this paper. In other words, this study is concerned most with the reasons why empty institutions arose in the wake of Malaysia's EIA policy.

The basic question before us now is: what are the basic roles of conflict? Ho (forthcoming, 2013) in explaining a nexus between institution and conflict asserts that after a certain level of conflict, when an institution is no longer capable of absorbing it (conflict), a new institution can emerge. As such, conflict plays a constructive role in society as it may motivate a group to 'institute a new order which embodies society aspiration (Thurlings cited in Sidaway, 2005). Meanwhile, according to Barrow (2010), in some situations conflict may upset the status quo and enable or encourage change (whether beneficial or damaging). In the context of institutional development or change, conflict is related to rational–actor action, where it may arise over social expectations and on the credibility of efforts to establish them. The ongoing development of social institutions is best explained as a byproduct of conflict over distributional gains (Knight, 1992).

When analyzing the social function of conflict Scimmecca (cited in Sidaway, 2005) suggests that conflict tend to operate in favour of the powerful or those vested in the status quo. Conflict, according to Weberian perspectives, relates to social change and it acts in two different ways according to social structures— flexible or rigid. Conflict acts as a stabilizing process in social groups, as it can serve the functional purpose of allowing adjustment to be made in social norms or in the power balance (Ibid). Flexible social structures tolerate conflict and may even institutionalize it so that it can be used to eliminate dissatisfaction. On the other hand, in rigid social structures, which lack tolerance or the institutional mechanism to deal with conflict, hostility can accumulate. Conflict then becomes 'dysfunctional' as it tears the system apart (Ibid).  As the EIA is an impact assessment which aims to assess, predict, and mitigate the impact of policies, programs, and projects, conflict in this regard could provide proactive support to governance and management. The EIA can aid in understanding the

causes of conflict and may help developers be more accountable. It may also help developers integrate diverse disciplines in planning, thereby assisting efforts to achieve sustainable development. More importantly, projects, plans, programs, policies, cultural development, socio-economic development, and environmental changes run the risk of creating or exacerbating conflict as they involve complex multi-stakeholder situations with overlapping interests (Borrow, 2010).

The roots or sources of conflict are numerous, ranging from the macro level of structures of   society to the individual level. In explaining the roles of institution, North (1990) opined that conflict is root from uncertainty or ambiguity in rules of interaction. However, in the context of environment, environmental change is one of the main factors that can cause social impacts that consequently contribute to conflict in a negative or a positive manner. Failed development can also trigger conflict, change independent of any development can cause or ease problems, and development or an unrelated change may highlight or catalyze already developing conflict (Ibid). In the context of environmental governance, study of conflict has usually centered on the participatory approach and deliberative governance (Sairinen at al., 2010). In the context of this paper, this paper posits that conflict is due to the failure of EIA implementation is centered on two main themes: public participation and native title loss. These are blended with the conflict of interest of the business and political elites and comprise the characteristics that have long been embedded in the Malaysian socio-political structure.

## Research methodology of primary data collection and study areas and people

Strategically located in the Southeast Asia (Figure **1** on Key Map at upper left), Malaysia is a federation of 13 states which is divided into two regions namely Peninsular Malaysia, and East Malaysia (Figure **1** on Key Map at upper right). As shown in Figure **1**, the Bakun HEP is a dam situated under Belaga District. Bakun HEP is planned to generate electricity, which then will be transferred back to Peninsular Malaysia as well be exported to neighboring countries like Indonesia, Brunei or Southern Philippines.   The project involved the resettlement of 15 longhouses of Orang Ulu scattered along the Balui River in Belaga district to the Resettlement Schemes of Sungai Asap, Bintulu Sarawak (hereinafter RSSA). The second project in this study is Kelau Dam, located partially in both the Bentong and Raub Districts in Pahang. The project was designed to provide raw water from the Pahang State to Selangor State, including the Federal Territory of Kuala Lumpur and Putrajaya.   The Kelau Dam project also involved the relocation of indigenous people, namely Orang Asli, from Temuan sub-group from Sungai Temir, in the Raub district to Resettlement Schemes of Lurah Bilut, Raub Pahang (hereinafter RSLB).
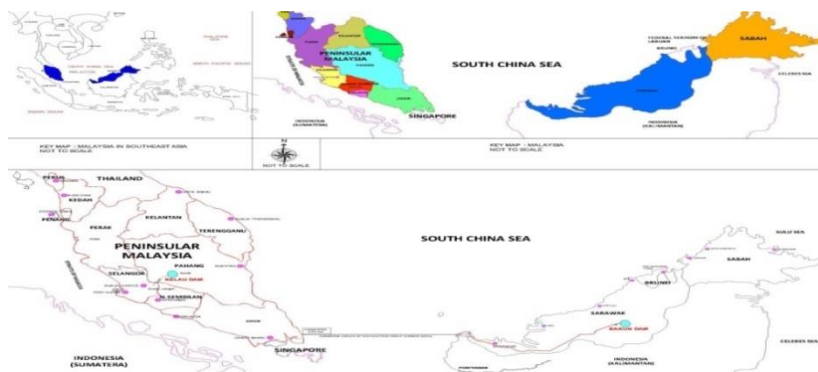
**Map 1**: Project Location for Bakun HEP and Kelau Dam
Note: Currently the Submarine Cables of High Voltage Direct Current (HVDC) project is still pending.

Figure 1: Project Location for Bakun HEP and Kelau Dam

The total population of Orang Ulu in 2011 was roughly 84,775, while Orang Asli in 2010 numbered around 178,197  (Department of Statistics (DOS, 2011) and  Department of Orang Asli (DOA, 2008). Both indigenous groups engage in agriculture and exploitation of forest-based resources including farming, hunting, fishing, and gathering as well as trading and retailing. According to the latest figures (DOS, 2008), in the 2000 alone, 63.9 per cent of the population was involved in agriculture, hunting and forest-based activities.

In terms of management and methodology of survey for the Bakun HEP, the preliminary data collection was done in May 2011; semi-structured interview and participatory observation were also made. The second round site visit was executed again in September until November 2012.  This time, the questionnaire survey was carried out on 220 respondents from ten (10) longhouses which comprised five (5) different groups namely Kenyah, Kayan, Lahanan, Ukit and Penan. Prior to full survey, a pilot survey on fifteen (15) households was carried out in order to test the questionnaire. For the Kelau Dam, the preliminary site visits were performed three times from May 2011 to July 2012. The pilot survey to seven (7) households had also been commenced before the final questionnaire survey of 37 respondents took place on the second week and third week in November 2012 to Orang Asli Temuan.  **Table 1** below simplified the basic profile of population in both case areas.

Table 1: Population profile in case study areas

| Population profile | Orang Ulu in Bakun, Sarawak | Orang Asli in Kelau, Pahang |
|---|---|---|
| Number of population | 11,616 | 330 |

| Number of head of family | 2219 | 137 |
| --- | --- | --- |
| Number of samples | 220 | 37 |
| Number of interview (local communities leaders only) | 16 | 5 |

Source: DOS (2011), (Unpublished data); Sub-District of Sungai Asap, 2011) (Unpublished data), and ; DOA, 2012 (Unpublished data).

**Analyzing conflict**

**Source of conflict**

This section aims to highlight the two basic causes for conflict in the study area: 1) bad governance in the EIA and 2) the perception of land right loss. It is clear that the way government agencies conduct the EIA is questionable and goes against the principles of good governance, which are transparency and accountability. Public participation as the main medium to pressure the EIA has failed to rally social and political support. Relentless demand by NGOs and local people for the state to release the EIA and other technical reports has fallen onto deaf ears. Many NGO observers believe that the EIA requirement is just being used to legitimize state action on the EIA. That is why it is unsurprising to see that out of 257 total respondents in this study, there are 226 (87.9 %) who were not satisfied with their involvement in the public participation aspect of the EIA. Only 14 respondents (5.4%) expressed satisfaction about it. This finding proved the general perception that public participation in the both projects was not given adequate consideration. The green light given by Mohathir Mohammad, the Prime Minister (PM) of Malaysia when the EIA was first implemented, to approve the ground-breaking of Bakun HEP without first having EIA approval indicated how seriously EIA principles were violated and made a mockery of the EIA. This also occurred with the Kelau Dam when EIA approval for project was given without the full EIA reports having been approved. Litigation and other types of conflict brought by the indigenous people in both projects manifested the people's discontent.

The flaws in the EIA boil down to the second issue which was centered at the local level and affected local livelihoods. Given the fact that both of the studies areas are inhabited by indigenous people who greatly depend on land as their source of livelihood both during the pre-resettlement and at the current resettlement, it is unsurprising to see that land rights issues are the main cause of conflict. The survey finding shows that 74.55 percent of respondents are involved in the farming sector. Prior to the resettlement, they enjoyed great benefits from NT by which they were entitled to: 1) temuda/active and 2) island/roaming area. These two land use classifications gave huge advantages to the indigenous people and acted as sources of livelihood. The huge land sizes

granted under the NT also gave the indigenous people enough income for food. Above all, the NT provided free food availability. However, after the indigenous people had been resettled according to the new resettlement scheme, there was a drastic change in the land tenure system in which there were no more communal titles or NT but individual titles instead. Investigation on the perception of the impact of land rights reveals that the projects had negative impacts on their livelihoods. For example, the free food resources were reduced due to: 1) the loss of roaming areas (71.59%), and ; 2) the limited land size (71.59%) and the fact that the amount of land compensation did not take into consideration the number of family members (64.20%). These two main factors, blended with the conflicting interests of business and local politicians, contributed to occurrence of conflict in the study area.

**Stakeholders' interests, strategies and local resistance**

Table 2 below lists the main stakeholders involved in this study and explains briefly their interests. The staunch proponent of both projects was the former Prime Minister of Malaysia, Mahathir Mohammad, who views dam development as necessary in order to provide reliable electricity and water supplies for Malaysia's industrialization and urbanization processes. He also believed that through the resettlement schemes the project could improve the socio-economy of the affected people—the indigenous people of Orang Ulu and Orang Asli. The Bakun HEP was kicking off and the Kelau Dam documentation was finalized during his premiership.

Mahathir took part in the earth-breaking ceremony in the Bakun dam project and in its support, he made harsh remarks to those who oppose the projects. Hiding behind 'public interest' and development rights, Mahathir labeled opponents of projects as 'anti-development', foreign agents, and other negative labels. This negative labeling was also used by the Federal Ministries and state executives including the Chief Minister (CM) of Sarawak, Taib Mahmud. However, Mahathir and Taib Mahmud's interest in this project was not purely due to public interest. Much of the benefits of the projects went to political patrons linked to UMNO or Barisan Nasional (National Front) companies or to personal interests. For example, in the Bakun HEP, a subsidiary project was given to Ting Phek Khing who was the first contractor who had a personal connection to political figures at both the federal and state levels. Not only did Ting possess a strong relationship with Mahathir, he also allegedly had a personal connection to Daim Zainuddin, who was the Finance Minister. At the state level, he possessed a personal connection to Taib Mahmud since Taib's son was a shareholder in one of Ting's companies. Ting's personal influence and connections have allowed him to get the project without open tender (see, INSAN, 1996).

Table 2: Key Actors of the conflict: Divergent and conflicting interest

| Actor | Bakun HEP | Kelau Dam |
|---|---|---|
| Politicians (Federal) | Mahathir Mohammad, (PM) Daim Zainuddin | Sammy Vellu |
| Businessmen | Ting Pek Kheng (Ekran Bhd) | United Engineer Malaysia (UEM), Shimizu-Nishimatsu |
| State (Federal) | Taib Mahmud (CM) | Khir Toyo (CM) Khalil Yaakub (CM) |
| Indigenous action groups | Orang Ulu (BDC, BPRP) | Orang Asli |
| Regulatory agencies | DoE Federal and NREB | DoE Federal, DoA, |
| International funder | - | JICA |
| Proponent | Ministry of Finance (MoF) | KeTTHA , JICA |
| NGO | SAM, FOE, Coalition of NGOs | SAM, COAC |

In the Kelau Dam project, the construction of the dam was promoted by the Malaysian government and the JICA, which strongly supported the idea. The motives were quite clear: the Malaysian government had to pay back the grant and the JICA obtained huge advantages due to the priority given to Japanese contractors in the project. This was because the loan for the project was obtained from Japan. Jomo (1994) describes how Japan's ODA-tied aid turned into profits for Japanese companies. The project was given to a joint-venture between Japanese and Malaysian contractors, known as the Shimizu-Nishimatsu-UEM-IJM. The United Engineers Malaysia (UEM) is believed to be a UMNO linked company that received special treatment in terms of projects and tendering (see, Gomez, 1991; INSAN, 1996; Gomez and Jomo, 1999). Shimizu, on the other hand, has a connection to the Japanese International Cooperation Agency (JICA) – the project funder for the Kelau Dam project. Although the project was open to international tender, critics claim that the Shimizu-led consortium did not win by making lowest bid as from the beginning the project was designed for Japanese contractors without real open tender. Both Japanese contractors acquired 30 percent each from the cost of the water transfer tunnel (1.3 billion) (The Star, 29 May 2009, Cheap loan' for water project tied to award of jobs to Japanese). Given the strictness of JICA in meeting to the social and environmental requirements, the then CM of Selangor, Khir Toyo and Ministry of works, Samy Vellu asked local NGOs to give cooperation and not to propagate Orang Asli to protest the project. In response to this statement, local NGOs firmly said that they (the NGOs) are not the one who delayed the project and should be blamed. Instead, that was because the clumsy work by consultants who commit serious flawed in water

projection          as          well          as          in          the          socio-economic          study (http://www.malaysiakini.com/opinions/21434, Ritrieved at 25 June 2012).

Regulatory agencies faced difficulty in implementing rules and guidelines when executive interest in both of the projects was very clear. This means that the implementation and enforcement aspects of the project have to be compromised on. Given this background, Meor Razak ( interview on 25 August 2011) from SAM Penang made the following statement:

"It is difficult to see EIA success when our political elites have hidden motives and business interests. They can justify their action in the name of public interest while the truth is they are enriching themselves or cronies".

Meor went on to directly point out how the EIA, according to his opinion, was viewed by the state:

"In many cases, EIA process is used to legitimize project proponents' action without genuine intention towards empowering public roles. Many [who] do it just do it for the sake of procedur[e] or formality, particularly when the project is strongly backed by government. This is clearly the case in the Bakun project."

Media, non-governmental organizations (NGOs), and scientists at both the local and international levels took part in the projects by helping local people organize local resistance and getting media support.  Although politicians at federal and state levels regarded any action by NGOs as moves to destroy Malaysia's good name and slandered them as foreign agents or anti-development, they managed to resist the pressures, collaborate with local people , and stand up to the government. It was difficult for them to get coverage in local media due to the proliferation of state-controlled media in the form of draconian laws that enforced publication permits and licensing. However, local NGOs collaborated with international NGOs and at least 30 NGOs protested the project. Local NGOs like Sahabat Alam Malaysia (SAM) and international NGOs like Friend of Earth (FoE) and International Rivers Network (lRN) provide support to the committees. A global campaign has been initiated by Friend of Earth (FoE) and international NGOs have given the government serious concern. Within Malaysia, a coalition of 40 Malaysian NGOs comprised of indigenous, environmental, human rights, women's, workers', and consumer groups among others gave strong voices to oppose the project. Petitions and letters were sent to the leading consortium (Asea Brown Boveri), consultant (Harza Engineering Company),  and to politicians including the PM, the High Commissioner of Malaysia in London, the DPM and the CM of Sarawak. In the Kelau Dam case, the active and leading NGOs were the Center for Orang Asli Concerns (CoAC), Sahabat Alam Malaysia (SAM), Save Our Sungai Selangor

(SOS) and The Treat Every Environment Special Sdn Bhd (TrEES), which supported the public protest by giving a technical view on the project. In the case of Bakun HEP, strong efforts by international NGOs like Friend of Earth (Japan) pressured the Malaysian Government. International NGOs aimed to spread the protests of the Malaysia government internationally and to discourage international investors from participating in the project. The government regards these efforts on the part of international NGOs as attempts to halt development and as act of foreign intervention into domestic matters. In the Bakun case, however, support was given by both local and international parties.

In the Bakun case alternative media at the time was limited, but with the active roles played by local and international NGOs as well as the action committee, the local plight was brought to the outside world. Utusan Consumer and Borneo Post were among the active local media that covered the project. In the case of Kelau Dam, many alternative media such as online media gave a balanced view and spread the incidents involving resistance extensively. In both cases, publications such as pamphlets, video, and articles helped to generate public interest and create awareness of the project. Examples in the Bakun case include the documentary videos *'Mother of Bakun'* by a coalition of NGOs and "Dam: *Drowned Forest: Damned Lives"* by Center for Orang asli Concern (CoAC). Both videos documented indigenous views on the project and the reasons why the indigenous people opposed the project. To pressure the state to reconsider its decision on the project, scientists like international anthropologist Jerome Rousseau added pressure to the state. He was invited to conduct a study on socio-economic EIA for the Bakun HEP and was tricked to sign a confidentiality agreement which he managed not to sign. His works reach international's community attention. Another scientist involved was Dr. Wang Wei Lou, who is a lecturer from the Dortmund University of Germany. He has been denied entry into Malaysia due to his critical view of the Bakun study, in particular for his critiques of the streamflow and rainfall pattern predictions as well as of the expected income of Bakun electricity generation. In addition, several committee members of the NGO known as The Coalition of Concerned of NGOs on Bakun have been denied entry into Sarawak (INSAN, 1996; SUARAM, at http://aliran.com/archives/hr/js11.html).

Indigenous people in both projects employed several approaches to pressure the government to reconsider its decision. Petitions, letters and memos were sent by both affected indigenous people and their representatives to government agencies and political figures. For example, there were at least seven letters sent by the Orang Ulu representative to state agencies including to the prime minister and deputy prime minister concerning various issues. These issues included inadequate compensation of land, methods in surveying land, the loss of roaming areas, and objections about the project. Similar action was taken by

Orang Asli, who sent letters to the Sultan of Pahang, Prime Minister Abdullah Badawi and Deputy PM, Najib Razak appealing not to move out from their original village and disagreeing on the project.  The petition was endorsed by 5,000 signatures from local residents in and around Kelau dam who protested the project.  To diversify campaigning and lobbying strategies, representatives also personally met local politicians. In the case of the Bakun people, the representative of Orang Ulu went to meet the Deputy PM, Abdullah Badawi, in 2001. According to Saran Imu, the meeting was their final hope that an intervention could be made (Interview with Saran Imu at RSLB, 26 October 2012). Besides that, both indigenous people also held demonstrations as part of the strategy to pressure the government to reconsider its decision on project approval. In the Bakun case, demonstrations by Orang Ulu were held at the site during the investors' visit; the aim was to directly inform investors who might not have been exposed to public discontent of the public protest.  Protest also occurred during the Sarawak state assembly. However, the state as usual by means of the police has prevented the Orang Ulu representative of the Bakun Action Region Committee (BRPC) from submitting their plea directly to CM (Spires, October 1995). The upstream river people of Sungai Balui also demonstrated in front of the Bakun Dam gate and demanded that the management of Bakun Dam pay compensation to those who were affected by water impoundment (interview with Engineer Hanif from Sarawak Hydro at Bakun on 18 october 2012). The Orang Asli also peacefully protested during the seminar on the Lakum Forest Rreserve to express their rejection of the project.

In 1996, in a bid to stop the Bakun HEP, the Orang Ulu launched a court injunction to stop the Ekran from proceeding with the project, thus challenging the legality of EIA approval.  The three indigenous groups are from the long houses of Long Bulan, Uma Daro and Batu Kalo in the Belaga District led by Kajing Tubek, Tahu Lujah and Sarah Simu. At the High Court in Kuala Lumpur on 20 April 1995, they filed an originating summons asking for a declaration that the applicable law was the EQA 1974 passed by Federal Parliament and that they be given the right to make representations, as provided under the law (Nijar, 1997). In the case of Kelau Dam, the application was filed on 9 October 2007 by three Orang Asli—Pendor Bin Anger, Cham al Beng (the current Batin at Sungai Temir Village and now at RSLB), and Bedu Bin An (Menteri who has refused to relocated)—together with 24 others. They had launched litigation cases against three respondents: (1) the Director of DOE, (2) the State Government of Pahang, and (3) the government of Malaysia.Personal threats were made to individuals who the state targeted as having the potential to pose a threat to it. Aside from Kajing Tubek, Bato Bagi, and others, Saran Imu, who was one of the local people who brought the Bakun Case to court, recalled when he was 'advised' by other longhouse members:

"You should take care of yourself. Don't go against the government order, we have to obey it. Police will detain you if they think your activity will [endanger] the project" (Interview with Saran Imu at RSLB, 26 October 2012).

Saran Imu  is one of the people who was actively involved with a local NGO, SAM (Sahabat Alam Malaysia or Malaysian Nature of Society).  According to Saran, when he tried to go to Kuala Lumpur to file a case in the High Court of Kuala Lumpur, police blocked the road in Sibu to prevent him from bringing the matter to Kuala Lumpur. He eventually managed to find a way to pass through the situation. In some situations, if local people seemed hard to induce with development benefits, they were threatened with the shutdown of amenities. The same threat was received by Orang Asli Sungai Temir. They were asked to agree to relocation because they were told that their houses were already being built. If they didn't move, their land (Sg Temir) would be taken over by the state and they would no longer receive amenities and utilities such as schooling or a public hall. This was especially threatening to those who were receiving monthly allowance from the Welfare Department (DoW). This put a great deal of pressure on them if the government terminates services because they think the Orang Asli are stubborn and will continue to protest government order (Bedu Bin An at Kampung Sungai Temir on 3 December 2012).

## Survey findings: respondents perception of the state: conflict roots and manifestations

The following five (5) questions from Table 3 were formulated in order to investigate respondents' perception of government and politicians' roles in the projects, including their impacts on EIA policy and its manifestations. Respondents were asked to evaluate the statement  given from the questionnaire based on five (5) Likert Scales ordered respond, starting from strongly agree, agree, uncertain, disagree and lastly strongly disagree.

Table 3: Respondents perception on government roles and its manifestation

|  | **Response** | **Total** | **%** |
|---|---|---|---|
| Government does not fully honor the promises of compensation | Strongly agree | 66 | 25.7 |
| | Agree | 157 | 61.1 |
| | Uncertain | 21 | 8.2 |
| | Disagree | 7 | 2.7 |
| | Strongly disagree | 6 | 2.3 |
| The resettlement brings more positive impacts than | Strongly agree | 6 | 2.3 |
| | Agree | 28 | 10.9 |

| | | | |
|---|---|---|---|
| negatives | Uncertain | 41 | 16.0 |
| | Disagree | 150 | 58.4 |
| | Strongly disagree | 32 | 12.5 |
| Trust of government has increased due to project implementation | Strongly agree | 12 | 4.7 |
| | Agree | 18 | 7.0 |
| | Uncertain | 28 | 10.9 |
| | Disagree | 176 | 68.5 |
| | Strongly disagree | 23 | 8.9 |
| Trust of local politicians has increased due to project implementation | Strongly agree | 8 | 3.1 |
| | Agree | 20 | 7.8 |
| | Uncertain | 17 | 6.6 |
| | Disagree | 186 | 72.4 |
| | Strongly disagree | 26 | 10.1 |
| Political actors gained many more benefits than local people did in this project | Strongly agree | 101 | 39.3 |
| | Agree | 116 | 45.1 |
| | Uncertain | 33 | 12.8 |
| | Disagree | 2 | 0.8 |
| | Strongly disagree | 5 | 1.9 |

Based on Table 3, it is obvious that respondents perceived that the government has failed to honor its promises on compensation issues. The majority of them (61.1%) are agreed, while 25.7 percent are strongly agreed. This finding is not surprising as this is the most frequent issue highlighted by local people. Pemanchar Tony Kulleh, the second level of local leaders at RSSA made the most relevant comments in this regard:

> "Many promises [are] made by government. Firstly, on the promise to compensate this would be fully paid upon us resettling here. But after years of waiting, still some people do not receive it. Secondly, on the land size where government promised to compensate at least seven acres to each family involved, but lastly three acres only. In addition, overall government promised to improve socio-economy of local people by providing employment opportunities but so far nothing much could be taken up for local people. This made us [lose] trust [in] government." (Interview with Pemanchar Tony Kulleh at RSSA, 2 October 2012)

This is also a perception shared by the Orang Asli. Harun Jaafar, the chairman of the Village Security and Development Committee (VSDC), made the following remarks:

"We appreciate what government has done to us but still some aspects on compensation really make us feel frustrated and cheated. Mostly on the way of our land being surveyed and calculated. Some of us received more compensated money despite [having] smaller land size. All this create[s] uncertainty." (Interview with Esof Bin Che at RSLB, 3 December 2012)

While indigenous people acknowledged government efforts to provide complete basic amenities, over half of them or 58.4 percent strongly disagreed and 12.5 percent disagreed that the resettlement in general had brought more positive impacts. 16 percent and 12.5 percent of the sample were uncertain and strongly disagreed respectively that the projects generate more positive impacts than negative impacts. Only 10.9 percent and 2.3 percent agree and strongly agreed respectively that the projects had stronger positive impacts. This sentiment was mostly felt due to the loss of Native Title (NT), as has been discussed previously (see preceding section of 4.1).

Given the background of the local people, the resistance which has centered around the way the EIA has been conducted, and the frustrated feeling of respondents that have lost their NT benefits, it is common to see that trust in government has decreased. As shown in Table 7, the majority of respondents, or 68.5 percent, disagreed and 8.9 percent strongly disagreed that the projects have resulted in increased trust in government. 10.9 percent of the sample was uncertain. Less than 7 percent and 4.7 percent agreed and strongly agreed respectively. This finding can possibly be related to the latest outcome of our General Election of 14, in which most of the Orang Ulu and Orang Asli in both resettlement areas have voted for opposition parties (Personal conversation, with Daisy Igang, on 22 July 2013, and Tanjung anak Cham on 23 July Mei 2013).

Consequently, respondent also do not trust local politicians. The majority of the sample, or 72.4%, and 10.1% of the sample strongly disagreed and disagreed respectively that trust in politicians has increased due to the projects. Both groups of indigenous people do not trust politicians from the ruling party, the National Front, especially at the state level of Sarawak. On the last question, the majority of the respondents believe that local politicians gained many benefits from project implementation. 45.1 percent and 39.3 percent agreed with that statement while only 12.8 percent remained uncertain.

**Conclusion and discussion**

At least two matters still prolong the conflict by creating unsatisfactory feelings: 1) compensation related issues many feel that compensation for resettlement was inadequate; and 2) difficulty in earning income in new resettlements, which

is exacerbated by the issue of land rights. In case of Orang Asli, their reaction to the due date of the monthly income stabilization program is worth noting. During my last visit to RSLB, at least 20 houses which had previously been occupied were vacant due to the income issue.  This is an obvious issue for the Orang Ulu, which has many unoccupied units in longhouses. One simple conclusion that can be drawn from these examples is that livelihood or income issues are the most basic factors that spark conflict as demonstrated by this study.

In terms of conflict, although there are a few small demonstrations and violent activity in both cases, most of the conflict was peaceful and non-violent. This could be due to Malaysia's political nature and climate, which discouraged civil society from exercising democratic rights. While in the short term this situation allows projects to move smoothly, in the long run the feelings of discontent still persist.

## Reference

Acemoglu, D. (2003). Why not a Political Coase Theorem? Social Conflict, commitment, and Politics. *Journal of Comparative Economics, 31*, 620-652.

Barrow, C. J. (2010). How is environmental conflict addressed by SIA? *Environmental Impact Assessment Review, 30*(5), 293-301.

DOA. (2008). *Basic Data and Information in 2008. Department of Orang Asli*. Kuala Lumpur.

DOA. (2012). *Socio-economic Orang Asli Sungai Temir in Raub Pahang. Unpublished*.  Department of Orang Asli.

DOS. (2011). *Yearbook Statistics Sarawak 2011*.  Kuala Lumpur: Department of Statistics.

DOS. (2012). *Socio-economic Data of Belaga in Sarawak, Unpublished*. Department of Statistics.

Dwivedi, R. (2006). *Conflict and collective Action: The Sardar Sarovar Project in India*. New Delhi, India: Routledge.

Gomez, E. T. (1991). *Money Politics in the Barisan Nasional*. Kuala Lumpur: Forum Publications.

Gomez, E. T. J., .S. (1999). *Malaysia's Political Economy: Politics, Patronage and Profits*. United Kingdom: Cambridge University Press.

Ho, P. (2005). *Institutions in Transition: Land Ownership, Property Rights and Social Conflict in China*. Oxford: Oxford University Press.

Ho, P. (2006). Credibility of Institutions: Forestry, social conflict and titling in China. *Land Use Policy, 23*, 588-603.

Ho, P., in Kremer, Monique, Lieshout van,  Peter and Went, Robert (Edts.). (2009). *Doing Good or Doing Better*. Amsterdam: Amsterdam University Press.

Ho, P. (Forthcoming 2013). In Defense of Endogenous Spontaneously Ordered Development: The Institutional Structure of China's Rural-Urban Property Rights. *Journal of Peasant Studies*.

INSAN. (1996). *Power Play : Why We Condemm the Bakun Hydroelectric Project*. Kuala Lumpur: Insan.

Jomo, K. S. (1994). *Japan and Malaysian Development : In the Shadow of the Rising Sun*. New York: Routledge.

Knight, J. (1992). *Institutions and Social Conflict*. United Kingdom: Cambridge University Press.

North, D. C. (1990). *Institutions, Institutional Change and Economic Performance*. USA: Cambridge University Press.

Oishi, M. (2005). *Conflict and Development: Development-Related Conflict in Asean and Role of NGOs*. Katmandu, Nepal: National Society for Nepal-Japan Friendship& Cooperation (NASO).

Rubin, J. Z., Pruitt, dean G.g and kim, Sung H. (1994). *Social conflict: Escalation, Stalemate and Settlement (Second edition)*. United States of America: McGraw-Hill, Inc.

Sairinen, R., Barrow, C., & Karjalainen, T. P. (2010). Environmental conflict mediation and social impact assessment: Approaches for enhanced environmental governance? *Environmental Impact Assessment Review, 30*(5), 289-292.

Sidaway, R. (2005) *Resolving Environmental Disputes: From Conflict to Consensus*. London, UK: Earthscan.

Sub-district office of Sungai Asap, B. S. (2012). *Basic Profile of Sungai Asap Population, Unpublished.*

**Online references**

SUARAM, *Police Abuse of Power and Violence* at http://aliran.com/archives/hr/js11.html. Retrieved on 25 August 2013

The Star, *Cheap loan' for water project tied to award of jobs to Japanese*, 29 May 2009, Retrieved on 11 October 2012

Rosli Omar, 30 April 2002, *Point not to shoddy EIA, or be blamed for it,* at http://www.malaysiakini.com/opinions/21434, Ritrieved at 25 June 2012)

**Interview**

Menteri Bedu Bin An, Former 'Menteri'  at Kampung Sungai Temir, 3 December 2012

Esof Bin Che, Chairman of VCSD at RSLB, 3 December 2012)

Meor Razak, Officer from SAM, Penang, 25 August 2011

Saran Imu. Activitist NGOs RSSA, 12 October 2012

Tony Kulleh, Pemanchar at RSSA, 2 October 2012

Cham Anak Beng, Batin, at RSLB, 24 November 2012

Hanif from, Engineer from Sarawak Hydro, in Bakun, 18 october 2012

Nora Igang, Teacher at RSSA, 11 October 2012,

Personal conversation through telephone with Daisy Igang, on 22 July 2013

Personal conversation through telephone with Tanjung anak Cham on 23 July 2013.