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## Indigenous People, Development and Environmental Justice: Narratives of the Dayak People of Sarawak, Malaysia

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# Indigenous People, Development and Environmental Justice: Narratives of the Dayak People of Sarawak, Malaysia

## **Cover Page Footnote**

Elizabeth Weinlein graduated from Pitzer College in 2017, double majoring in Environmental Policy and Asian Studies. For the next year, she has committed to working with the Americorps FEMA program in Baltimore, Maryland. After Americorp, Elizabeth hopes to join the Peace Corp and eventually pursue a Master's degree in International Relations.

## **Indigenous People, Development and Environmental Justice: Narratives of the Dayak People of Sarawak, Malaysia**

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**Abstract:** Focusing on the indigenous people of Sarawak, this article explores the authors learned biases as well as the dispelling of myths through hands on experiences in Malaysia. Over the period of a couple days, it becomes apparent that the indigenous people in Sarawak are not victims of systems of oppression, but survivors who continue to fight for their land rights and livelihoods.

In 1912, Charles Hose, a zoologist and British colonial administrator in Sarawak, Malaysia, published a book titled *The Pagan Tribes of Borneo* and within its covers, he recounts his experience in Sarawak. In the early chapters of the book, Hose discusses how Sarawak's borders were formed, recounting the "White Rajah's" territory conquest of the Kayans, an indigenous group:

In the year 1863 the Tuan Muda (the present day Rajah, H.H. Sir Charles Brooke) led an expedition of some 10,000 or more native levies, consisting chiefly of Sea Dayaks and Malays, up the Rejang as far as the mouth of the Baloi Peh, a spot some 250 miles from the mouth of the Rejang and in the edge of the Kayan country. The Kayan's could not withstand so large a force and retreated farther up river but little show of resistance. Several of their long houses were destroyed, and a message demanding their submission to the Rajah's government was sent by a captive to Oyong Hang, the most influential of the Kayan chiefs. The messenger carried a cannon-ball and the Sarawak flag, and was instructed to ask Oyong Hang which he would choose; to which question the chief is said to have returned the answer that he wanted neither (Hose, 1912)

The Kayan's conflict with Sarawak's government in the 19<sup>th</sup> Century parallels present-day conflicts with the government, mainly centered on land. Now, instead of rulers such as Charles Brooke demanding the unification of indigenous people, the government of Sarawak is mandating indigenous people to abandon their land in order to drive economic progress through development projects. While the Dayak people have remained firm in protecting their land from government and international pressures, they are not entirely opposed to economic growth and development, acknowledging that they cannot wholly prevent Sarawak's development. Indigenous people provide an alternative approach to government and corporation growth: development, but on our (indigenous peoples of Sarawak's) terms.

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The Federation of Malaysia is composed of three distinct regions: mainland Malaysia (comprised of several states), Sabah and Sarawak. Sabah and Sarawak are physically separated by the South China Sea from mainland Malaysia, occupying space on the Island of Borneo and sharing their rainforest-dense island with Brunei and Kalimantan, Indonesia (CIA: Malaysia).

Sarawak is a geographically diverse and rich area of Malaysia, containing mangrove swamps, substantial coal deposits, and tropical rainforests. Fifty percent of Sarawak's population is made up of indigenous people, including the Iban, Kayan, Penan, and Bidayuh groups. The rest of the population identifies as either Chinese or Malaysian and concentrates in the cities. While this paper's main focus is on indigenous groups within Sarawak, it is important to note that within Sarawak's Federal Constitution, under Sarawak Interpretation Ordinance, in Article 161A, Clause 6, it is stated that a "Dayak", or an indigenous person, is legally defined as all non-Muslim natives. This differs indigenous people from the Malays, who are legally defined as Muslims, regardless of religious affiliation (Bulan, 2006). However, Malays are included in the legal definition of "native". Thus, when discussing Sarawak's policies, such as the Native Customary Rights, it is important to understand who is included in those rights.

Indigenous people of Sarawak are facing mounting pressures from international companies and Sarawak's government to globalize and develop, processes that have drastically changed the physical and social landscape of the region. To understand who the indigenous people are and how their lives are being affected, this paper looks at historical and present land use transformations. How did these environmental shifts happen and what are the consequences? After understanding what kinds of broad scale land use changes have occurred, the paper will then address the role of indigenous groups in Sarawak's transformation from a nation of subsistence famers to that of hydroelectric dams and palm oil exports. By focusing on Native Customary Rights and activist movements, Dayak people have been fighting to protect their connection to the land, a vast resource that has provided, and continues to supplement, their livelihoods. Lastly, this paper will discuss environmental justice in relation to Sarawak; the idea that the indigenous people are unequally impacted by negative environmental issues based on their position in society. While environmental injustices are occurring within Sarawak, indigenous and non-profit actions are working to bring justice to those most affected by government policy and international corporations development of land.

Since 1841, under the rule of the White Rajah James Brookes, Sarawak has been opened up to the world for trade and development. Development started off slow, yet the ample resources of the region, including timber products, palm oil and hydroelectric potential, have led to Sarawak's economic development. Economic development and globalization have shifted the political and social climates.

Originally, the Dayak people of Sarawak were solely subsistence farmers. Adapting to uneven terrain and damp forests, Dayak groups relied on traditional forms of agriculture, such as slash-and-burn, to survive. As Southeast Asia gradually became intertwined in world trade, mainly through international influence, Sarawak's agriculture and land use shifted due to changing economic and trade demands. These shifts can be categorized into four main phases: subsistence economy, cash crops, plantation economy and hydroelectric dams.

During the period prior to the 1960s, Sarawak's economy was mostly subsistence based, where natives owned and tended to their land with the governments support. This support was in the form of unidirectional contribution, meaning the government supported the indigenous people without expecting much in return. This laissez-faire relationship between the government and indigenous people can also be seen in Dayak group's self-determination. However, by the late 1950s, the increasingly pervasive development model begins to challenge traditional tribal norms.

From the 1960s to the 1980s, Sarawak's cash crop economy emerged. During this phase, Indigenous people maintained their self-determination, having the choice to adopt cash crop agriculture. This ensured Dayak ownership over the products they were selling, and the indigenous people who participated in this economy began to grow individual profits. Prior to this time, profits and resources largely had been shared within a village, yet profit making began to modify this process.

The next economic shift took place in the 1980s, resulting in cash crops becoming plantations, especially tree farms. Unlike the previous two stages, the shift from small-scale agriculture to large agriculture mainly benefited the government and investing corporations. With government and large corporations expanding into plantation style agriculture, land conflicts arose as Dayak people's ownership of the land was coming into question. In order to control and better manage the indigenous populations, governments took action and installed government chosen officials to act in village leadership roles, decreasing the self-determination previously enjoyed. With government representatives becoming increasingly more involved in indigenous peoples lives, indigenous life began to shift: land became more heavily monitored, restricting hunting and subsistence farming.

The fourth stage, which is the current state of Sarawak, contains two parts: hydroelectric dams and palm oil plantations. This period, growing prominent in the 1990s, remains the current focus of land use in Sarawak. Like the introduction of plantations, hydroelectric dams and palm oil plantations mostly benefit the government and corporations, while indigenous people face issues of relocation, compensation and serious degradation of village lifestyles and culture.

To understand how the government has the ability to transform this land, especially land that is claimed by indigenous people, one must look to Sarawak's Native Customary Rights to Land. Prior to James Brooke's rule, Sarawak's native population followed a system that allowed indigenous people rights to the forest, including: rights to cultivate land, right to the produce of the jungle, rights to hunt and fish, rights to use the land for burial and ceremonial purposes, and rights of inheritance and transfer. This system provided regulation for the use of the forest while allowing indigenous people to benefit from the forest. A Penan from Ulu Limbang, Along Sega', described the relationship between the forest and Sarawak's indigenous population during a logging resistance movement:

The earth is like our mother, our father. If you from the government give orders to the companies to invade our land, you might as well cut off our heads and our parent's heads too. When the bulldozers tear open the earth, you can see her blood and her bones even though she can't speak...the forest is our home, our pantry, our department store and hospital. Whether we are bitten by a snake, or suffering from a headache, a fever or an injury, our

doctor has always been there for us...We always know how to get food in our undisturbed land and we aren't dependent on your hand-outs...Our land is not so large...We are in trouble because our land has been taken and we have been made poor...The fish in the river die because of the polluted water (Osman, 2000, 46)

Sega is voicing the indigenous people's reliance on the forest and how the government has changed the relationship between the people and the forest. Over time, Sarawak's government believed that the Dayak's people regulation of land was inadequate, and land needed to be shaped into a more formal and legal regulation, thus the creation of several policies that transformed land in Sarawak.

Under the British Crown in 1948, the Land (Classification) Ordinance was enacted, detailing the different uses and potentials of land. This classification included 6 different categories of land: Mixed Zone Land, which was land that could be held by any citizen without restriction, Native Area Land, land that required a registered document of title and held by natives only, Native Communal Reserve, declared by order of the Governor in Council for use by any native community, regulated by the customary laws of the community, Reserved land which is reserved for public purposes, Interior Area Land or land that does not fall within the mixed zone, and lastly Native Customary Land, land where customary rights, communal or otherwise, have been created. The legal definitions of land made the statement that prior definitions of native land ownership were invalid, taking one of the first steps to complicate the indigenous people's ability to access and occupy land.

In 1958, the Sarawak Land Code was adopted, a measure that was based on the Torrens system, recognizing only registered interests in land. This measurement introduced mandatory physical proof of ownership of land, which could be a grant or lease or another document. Indigenous people had been sharing and utilizing land without formal documentation prior to the introduction of this document. Thus, this land code wrote off previously acknowledged land rights, creating a conflict between the government and indigenous people. In Section 5(2) of this document, it defines how one can claim land. This definition included land that has been cleared of virgin jungle and then occupied, land that has been cultivated, land used for burial grounds or shrines, land used for right of way and any lawful method, the last was later deleted in the 2000 Land Code (Ordinance) Amendment. One of the more recent additions to NCR (Native Customary Rights) is the New Concept of Native Customary Land Development. This new model is based off an agreement between native customary landowners and the government where NCR land is leased to private plantation company developers for a period of 60 – 90 years. On Sarawak's Ministry of Land Development webpage, the compensation and benefits to NCR landowners are as follows: adequate infrastructure, 30 percent share profit, up-front payment, job opportunities and stable income (New Concepts of Development, ). However, by looking at past and current situations over relocation and land use concerning indigenous people, the government and corporations, one can see the issues that arise concerning environmental and social justice.

The Batang Ai hydroelectric dam was completed in 1985 on land that was formerly under the Native Customary Rights of the Iban people. In order to build the dam, 30 longhouses were resettled and because the Iban people had to leave their NCR, they were compensated with "11

acres of land, five for rubber cultivation, three for coca, two for general farming and one for orchards” (Osman, 2006, 50). Promised government compensation is the deciding factor for a lot of indigenous people facing similar circumstances, however this compensation, which includes cash payments, combined with moving away from ancestral lands, can create serious problems for indigenous people. Some problems can include loan repayment issues, rapid depletion of the compensation and erosion of the cultural identity. After the Bakun Dam was constructed, the displaced families were surveyed on their overall experience:

A survey of 379 families displaced by the construction of the Bakun Dam in Sarawak, Malaysia, reveals a high level of dissatisfaction with the compensation provided...The average compensation gap (difference between the expected compensation and the actual compensation received in land) is 20 acres per study household (Lee, Viswanathan and Ali, 2015, 64)

Government promises have gone unfulfilled in many situations involving indigenous peoples land, mainly because of indigenous peoples’ positionality within society. In Sarawak, indigenous groups do not possess much capital or representative/political power and are unable to access certain opportunities and education. However, Dayak groups do hold Sarawak’s most valuable resource, land. The government wants this land for development, and understanding indigenous peoples’ diminished status chooses to exploit and take advantage of them. This is environmental injustice committed by the government and can be seen in the unfair power balance between the government, corporations and indigenous people.

Indigenous groups are not idling sitting by as their land is being taken from them. Some indigenous groups agree to government terms, yet as time goes on, and more development projects are started, the government’s inadequate compensation becomes more apparent. The indigenous groups affected can be those that sign deals with the government and those whose land is unfairly taken from them due to the government’s failure to recognize NCR land. Affected communities and allies are joining together, protesting, waging international campaigns and taking legal measures. The Dayak people are their own environmental and social advocates, locally fighting to maintain their way of life. Some of these indigenous based resistance movements include physically blocking pathways to development infrastructure, rejecting legal or political institutions and attempts to peacefully negotiation. Kenyah-Badeng expresses why indigenous people fight for their land, stating: “We don’t want our land to be destroyed. Money is nothing to us. Even if we are paid a million dollars, this money cannot guarantee our survival.” However, as dedicated communities are to fighting for their land, there are still many injustices that are placed upon them. When taking legal measures, maps provided by indigenous communities to prove native customary land tenure are not recognized. Land rights of communities practicing rotational agriculture are not recognized and the burden of proof lies on indigenous communities. Yet, indigenous people press on, actively trying to preserve their way of life, their land and their communities. Why? As Lulu Belugu, an indigenous leader at the Bakun Dam, stated: “Development does not mean stealing our land, our rights, our culture and our future. This is not development, but theft” (

Indigenous groups have taken legal action, including filling multiple pending lawsuits related to the Baram Hydroelectric Dam case on Native Customary Rights under Sarawak Land Code Section 5(2). After 5 years of Dayak based protest and action, in March of 2016, the government

called off the dam project and recognized the native ownership of the land. While this a great accomplishment for the activists, Phillip Jau (email correspondence, 2016), a community organizer with the Baram Protection Action Committee (BPAC) and Save Sarawak's Rivers Network (SAVE), shared the reality of the political system in Sarawak:

The dam is not going to be built. Nonetheless, we are still demanding the state government make a public official announcement that the Baram Dam is already scrapped. Though the people of Baram rejoice to hear of the news, they are however skeptical as it comes just before election. Let's hope this is not a political gimmick.

Environmental justice is an ongoing fight, but through the strong connection between the land and indigenous people, Native Customary Rights are being recognized by the government and will hopefully lead to Sarawak's development on Dayak terms.

## Literature Cited

- Brosius, J. Peter. 1999. *Green Dots, Pink Hearts: Displacing Politics from the Malaysian Rain Forest*. *American Anthropologist* 101 (1). [American Anthropological Association, Wiley] <http://www.jstor.org/stable/683340>.
- Brosius, J. Peter. 1997. *Prior Transcripts, Divergent Paths: Resistance and Acquiescence to Logging in Sarawak, East Malaysia*. *Comparative Studies in Society and History* 39 (3). Cambridge University Press <http://www.jstor.org/stable/179156>.
- Bulan, Ramy. 2006. *Native Customary Land: The Trust as a Device for Land Development in Sarawak*. In *State, Communities and Forests in Contemporary Borneo*, edited by Fadzilah Majid Cooke, Asia-Pacific Environment Monograph 1:45–64. ANU Press. <http://www.jstor.org.ccl.idm.oclc.org/stable/j.ctt2bjbv2.11>.
- Cooke, Fadzilah Majid, and Fadzilah Majid Cooke, eds.. 2006. *Expanding State Spaces Using 'idle' Native Customary Land in Sarawak*. In *State, Communities and Forests in Contemporary Borneo*, edited by Fadzilah Majid Cooke and Fadzilah Majid Cooke, Asia-Pacific Environment Monograph, ANU Press. <http://www.jstor.org.ccl.idm.oclc.org/stable/j.ctt2bjbv2.10>.
- Hose, Charles. 1912. *The Pagan Tribes of Borneo; a Description of their Physical, Moral and Intellectual Condition, with some Discussion of their Ethnic Relations*. In. Vol. 2. London: Macmillan and Co.
- Jau, Phillip. Email Correspondence. Feb – April 2016.
- Lee, Wen Chiat, K. Kuperan Viswanathan, and Jamal Ali, 2015. Compensation policy in a large development project: the case of the Bakun hydroelectric dam. *International Journal of Water Resources Development*, 31:1, 64-72.
- Wan Ping Chua. 2017. Plantation and Dam Resistance and the Indigenous Identity in Sarawak. *EnviroLab Asia*, Vol. 1, Issue 1.
- New Concept of Development on NCR Land*. Ministry of Land Development Sarawak. [http://www.mlds.sarawak.gov.my/pages.php?mod=webpage&sub=page&id=62&menu\\_id=148&sub\\_id=150](http://www.mlds.sarawak.gov.my/pages.php?mod=webpage&sub=page&id=62&menu_id=148&sub_id=150)
- Osman, Sabihah. 2000. *Globalization and Democratization: The Response of the Indigenous People of Sarawak*. *Third World Quarterly* 21 (6). [Taylor & Francis, Ltd., Third World Quarterly] <http://www.jstor.org.ccl.idm.oclc.org/stable/3993551>.
- Stephenson, Amanda. 2016. *Land Rights Returned to Residents!* The Borneo Project. <http://borneoproject.org/updates/surprise-change-of-events-for-baram-dam-land-rights-returned-to-native-residents>

Wen Chiat Lee, K. Kuperan Viswanathan, Jamal Ali. 2015. *Compensation policy in the large development project: the case of the Bakun hydroelectric dam*. In International Journal of Water Resource Development 31 (1).

Yaacob, Mohd R., Wong, Loong. 2007. *Stakeholders Activisms: Indigenous Peoples' of Sarawak Resistance against the State Government and Corporations*, Social Responsibility Journal, Vol. 3