

RESETTLEMENT AND REPARATIONS OF DAM AFFECTED PEOPLES

A Review of the Report of the World Commission of Dams
with special reference to Malaysia

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When the Bakun dam was first mooted in the mid-1980s, the then Deputy Prime Minister, Musa Hitam, said that, "If a project benefits the people, it will be implemented, even if it means incurring heavy costs." Such was the commitment of the government in bringing development to the people.

More recently, during the revival of the failed Bakun dam project, Prime Minister Mahathir put his foot down, or rather put our money down, and said that, "We will continue with the Bakun dam despite the criticism that this mega project is wasteful." He added, "We have to repay the people who voted for us by bringing development to them."

When leaders think and act like this, there is no point trying to educate them on the folly of their misconceived decisions. We really need to change the leadership itself.

It is a fact in this country, as it is also the case in many other countries, that dam projects, whether mega ones or small ones, bring more damage than good to the people who have to be displaced. Invariably, because most of the natural resource areas in the country are also the homelands of indigenous peoples, they are the ones most affected by such displacement.

I will not deal with the social, cultural and spiritual effects of displacement brought about by such projects. Rather, I will focus on the reasons why, in Malaysia, displacement of peoples for dams has been more than just a case of the dam needing to be built to meet water or power demands.

Equity Issues

There is no denying that dam projects have costs and benefits, both private and social, and often measured in economic terms. Thus for many, as long as the benefits outweigh the costs – that is, as long as the balance sheet shows more gains than losses – the project is an acceptable one and is to proceed.

However, such a simple 'balance sheet approach' ignores the distribution of gains and losses of a project across different societal groups. In reality, those who receive the benefits are typically those who do not share the costs. Conversely, those who share the social and environmental costs and risks are frequently not the same people who receive the social and economic benefits of water, electricity, and other services that dams produce. A classic example is the Temenggor dam in Perak: 20 years after its construction, the Orang Asli displaced by the HEP still do not have electricity, nor piped water in their houses. In fact, they never got the houses and development projects promised in the compensation package. This is the case also for the Sungei Batu dam in Selangor and the Chenderoh dam, also in Perak. Clearly the benefits were meant for others, and this is still evident today. Clearly, also, the affected Orang Asli are no better off than they were before the dams were constructed; in fact, when you consider their loss of traditional territories, the increased incidence of malnutrition and their difficulty in eking out a subsistence existence, the verdict is that they are worse off today than in pre-dam days.

The WCD report rightly asserts that the debate on the social impact of dams is thus about the equity dimension – i.e., whether the distribution of costs and benefits is judged to be fair or just (p. 125). A strong equity constraint dictates that there be no losers, that those who bear the costs of large dams should receive a proportionate amount of benefits. Put simply, a dam that renders the poor and the vulnerable worse off is to be deemed inequitable.

Prevalent structural conditions

However, adopting an equitable benefit-sharing approach requires that the project design and planning process consider such mechanisms right from the outset. Not at the beginning of the project in question, but rather in the provision of national legislation and policies that provide the legal framework to insist on equitable benefit-sharing.

But this is not forthcoming in the Malaysian context. Why? Simply because, at the moment, the current legal and decision-making frameworks benefit the project proponents and the external users, not the displaced people who are turned into environmental refugees. And this is the status quo that those in power want to maintain.

Now, there is a tendency to focus on the impact of dams on the society and culture of the displaced peoples, as if to suggest that the construction of this physical structure is the cause of the decline in the traditional social and cultural systems. The reality, however, at least in the case of the indigenous peoples displaced by dam projects, is that the state had already put in place conditions that cause the social and cultural (and spiritual) decline of the peoples concerned, so making it easier to control, and exploit, the people and their traditional territories. The dam project, as such, merely capitalises on the prevailing social and political conditions that the state has instituted.

As such, it is no coincidence that the majority of dams in this country have been in the traditional territories of indigenous peoples. It is also no coincidence that in all these dam projects, the state has been able to appropriate indigenous lands simply because indigenous peoples have yet to be clearly recognised as the owners of these lands.

Similarly, when the time comes for the community to negotiate for reparations and recompense, the state is able to ride smoothly over any dispute because it has already demolished the political autonomy of the people, creating varying levels of dependency and subservience. It does so by using a whole gamut of undemocratic laws and bestowing selective political patronage upon leaders who are accorded full representative rights, by the state, over the community, whether or not the community accepts their appointments or their decisions.

Thus, as the WCD report rightly points out (p. 110), due to neglect and lack of capacity to secure justice because of structural inequities, cultural decline, discrimination, and economic and political marginalisation, indigenous peoples have suffered disproportionately from the negative impacts of large dams, while at the same time often being excluded from sharing in the benefits.

Changing the social and physical landscape

Dams also provide an opportunity for the state to change the social and physical landscape of indigenous societies so that they conform to the desired characteristics of the mainstream society, as expressed in the government's policy of assimilation and discrimination.

As the WCD report notes (p. 123), the construction of a dam has profound effects on the natural and social landscape of the setting in which the dam is located. These changes will affect the legal, customary, or de facto entitlements to natural resources. They will also affect the

environmental quality and socio-cultural integrity experienced by local communities holding rights to the resources in the area.

That is to say, in essence, dams remove productive resources from the control of the local community and give them or make them available to another group of people, often much better off than the local community concerned.

For this reason, resettlement of displaced peoples, especially indigenous peoples, is always a preferred, even desired, option in dam projects. Why insist on resettlement? Simply because resettlement allows for capitalist and colonial-style exploitation of indigenous peoples and their traditional territories – under the presentable guise of it being a development project for the people's own benefit.

But resettlement of indigenous peoples has several impacts. The most immediate and obvious is the erosion in the size and quality of their resource base. Resettlement also implies that they have been compelled to move out of their traditional territories, and that the cultural identity and economic stability of the affected indigenous peoples are being threatened. More importantly, there is a decline in their political autonomy and self-reliance, apart from a deliberate disregard for their inherent right to their traditional territories.

Resettlement also changes the social landscape. Because dams are long-term projects, their consequences also affect the future generations of the resettled people (cf. p. 124, WCD). For example, given that the number of individual lots in resettlement schemes are fixed as per the time the census was taken for the resettlement computations, there will certainly be a strain, not just on the house plots, but on the natural resources as well in the not too distant future of the project. This is already happening in the Bakun resettlement scheme where the population is said to have increased by 40% since resettling there. The increased pressure on the allotted area will certainly lead to a breakdown in the social structure, among other effects.

However, dams do not only cause the displaced population to be resettled in the new area. On the contrary, dams also cause the settlement, and exploitation, of the area by others, including ecotourism operators, new settlers, business opportunists and real estate investors, amongst others. This has happened in the case of the Temenggor and Sungei Batu dams.

Thus, the social and cultural implications of putting a dam into an ecological niche – a specific traditional territory – belonging to an indigenous community are not only locally disruptive but also usually long-lasting and often irreversible.

Report card

How does Malaysia fare in the treatment of issues involving the displacement of peoples as a result of dam projects? The WCD report is very comprehensive as to what guidelines to use in order to plan for new dams or to assess existing ones. Looking at the chapter on People and Large Dams (pp. 97-134), the following test criteria are given:

In the context of increasing recognition of the self-determination of indigenous peoples, the WCD recognises that the principle of free, prior, and informed consent to development projects and plans affecting these groups has emerged as the standard to be applied in protecting and promoting their rights in the development process (page 112 of the WCD Report). Has this principle been applied in dam projects in Malaysia?

A definite 'NO'. In fact, very often, indigenous peoples only learn that something is going to be built on their land when the surveyors or the bulldozers make their presence in the traditional territories.

Another test criterion, stated on page 117 of the WCD report, asks if, despite the established potential for significant and often irreversible losses of cultural resources due to dam construction, has cultural heritage management has been adequately considered in the planning process.

Again the answer is an unqualified 'NO'. In fact, in some of the earlier EIAs for dam projects involving Orang Asli areas, there was little attention paid to the local community question. For example, in the 210-page Linggiu Reservoir Project EIA Report of 1990, where six Orang Asli settlements in Southern Johore were directly affected, no more than 2 pages were devoted to the Orang Asli affected by the project.

The WCD Report, on page 119, also asks if – despite several decades of precedence, documented experiences from different regions, and the availability of sophisticated assessment techniques and instruments such as the Health Impact Assessment – health concerns were integrated into the design of the dams and infrastructure to the extent possible?

For Malaysia, it has to be another unqualified 'No'. In fact, in the Temenggor dam in Perak, the health situation has worsened there with an endemic outbreak of schistosomiasis among the Temiar and Jahai communities (a disease transmitted by snails living in the now slow-moving waters of the lake-streams).

Another pertinent criterion set by the WCD, at page 127, asks whether the project adopted a benefit-sharing approach that required the project design and planning process to consider such mechanisms from the outset. Were there progressive national legislation and policies already in place to provide the legal framework and to standardise benefit-sharing?

Again, 'NO'. On the contrary, the existing legislation purportedly controlling the rights to tenure in indigenous territories are unconstitutionally biased towards the state and can be regarded as discriminatory towards the indigenous peoples.

Why then such a 'negative' report card for Malaysia?

I contend that the invisible, and sometimes not-so-invisible, political hand is always at play when it comes to initiating and approving dam projects, often with the other hand clasping that of some friendly businessperson in a firm handshake at the same time.

For this reason, you get dams approved by political leaders even before the EIA has been approved by the DOE (as in the case of the Klau dam in Pahang).

Or when you find a favoured dam developer being given the job, without calling for tenders or carefully considering alternatives from other parties (as was the case in the Sungei Selangor dam).

Or when you reward a business failure with a golden handshake and then unabashedly look set to repeat the whole thing again by giving him the contract in the revived dam project (as in the case of the Bakun dam).

Clearly, therefore, when it comes to dam projects and having to displace people for them, politics dictate whether such projects should go ahead. Such decisions are not normally based on commonsense or with concern for the welfare of people, especially indigenous peoples.

We should not give political power to those who do not know how to secure culturally and materially healthy lives for people without making our environment sick. It is time that a more concerted effort is taken in Malaysia to make sure that individuals and political parties who think nothing about making our environment sick in their pursuit of a quick buck do not get into power.

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