Water identity, intercultural dialogue, and the implications of financing: different aspects of assessing large water infrastructure projects

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Blockading the Baram: will establishing a “water identity” for Indigenous people help in the equitable assessment of large infrastructure projects?

Prof. Poh Ling Tan
Outline of talk

1. Context
2. Project
3. Challenges
4. Water identity?
1. The context – people and history

Brunei
White Rajahs 1841
Britain Post WW 2
Federation of Malaysia, 1963
The context – Borneo’s biodiversity

221 species of mammals, 620 species of birds, 35% out of its 15,000 plant species that are found nowhere else!

360 discoveries of flora and fauna made the past ten years, 52 more new ones were recorded.
Landsat images showing forest cover vs roads (pink) between 1990 and 2009, Sarawak.
Source: Bryan et al, 2013, doi:10.1371/journal.pone.0069679.g001
Forest cover and condition, 2009

Source: Bryan et al 2013, showing condition as at 2009.
2. The project: SCORE

51 sites identified in 1979, 12 prioritised in 2013
Numerous criticisms of Bakun Dam & SCORE e.g.

... Bakun ... intimately sketches the anatomy of failure of government planning, implementation and oversight no matter how technically sound the [infrastructure]

Sovacool and Bulan, 2011 p 4857
Resettlement issues

Government promises a comprehensive compensation package ... land, electricity, housing, education, healthcare .. Whilst preserving cultural identities and traditions.

Villagers refusing to be resettled, prefer to remain near land inundated


Floating house in Bakun reservoir
<table>
<thead>
<tr>
<th>Dam Project</th>
<th>Capacity (MW)</th>
<th>Cost (million Ringgit)</th>
<th>Dates-commencement and operational</th>
<th>Reservoir area (hectares)</th>
<th>Displacement of people</th>
</tr>
</thead>
<tbody>
<tr>
<td>Batang Ai</td>
<td>108</td>
<td>1,278</td>
<td>1981, 1985</td>
<td>9,000</td>
<td>3,000 Iban</td>
</tr>
<tr>
<td>Bakun</td>
<td>2,400</td>
<td>15,325</td>
<td>1994, 2012</td>
<td>69,640</td>
<td>10-15,000 Penan, Kayan, Kenyah and Kajang</td>
</tr>
<tr>
<td>Murum</td>
<td>944</td>
<td>4,280</td>
<td>2008, 2014</td>
<td>24,500</td>
<td>1,400 Penan, Kenyah</td>
</tr>
<tr>
<td>Baram 1</td>
<td>1,000</td>
<td></td>
<td></td>
<td></td>
<td>20,000 Penan, Kayan, Kenyah</td>
</tr>
<tr>
<td>Batang Ai extension</td>
<td>60</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8 others</td>
<td>3200</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
2 blockades since October 2013

May 7, 2015 was the 555th day of blockade noted by release of Borneo Project video Commerce or Corruption (https://vimeo.com/126976673)
3. The challenges

The **broad challenge** is to gain public acceptance by recognising the rights of affected people, particularly ethnic minorities, women and other vulnerable group in decision-making (WCD 2000).

**Industry perspective**: improvements in systems to assess and mitigate environmental and social impacts

Indigenous Peoples and large infrastructure projects – 6 major challenges
1. **No formal title to land.**

2. **Projects lack robust social and environmental impact assessment; no rights of participation.**

3. Frequently no citizenship status, numerous representation issues.

4. Land often being stripped of natural resources, primarily forest.

5. **Non-compliance with international standards**

6. Repressive legislation, critics often silenced
No formal title to land

Art 160 Federal Constitution

Sarawak law – Sarawak Land Code

- Recognises Native Customary Rights (NCR) created before 1/1/1958.

The recognition of NCR on land is primarily based on occupation. The most common way NCR is created is by way of felling of virgin jungle, occupation and cultivation. The use of land for burial ground or shrine is related to and is evidence of occupation of land.

(Suhakam, Malaysian Human Rights Commission, 2013, p 56)
Indigenous classifications of land

Pemakai menoa (land to eat from) within garis menoa (boundaries)

- Tanah umai (Gardens)
- Tembawai (former longhouse sites)
- Pendam (burial)
- Temuda (secondary jungle, land left fallow after cultivation)
- Pulau (primary forest reserved for community use)
4. Does concept of “water identity” help?

- Water identity is a foundational ... abiding attribute of individual or group identification with a water source, and experience of a “tie” to particular place with water, coupled with public representation of that experience, often through a shared story.

- Product of social action, and used to highlight the processual, interactive development of a collective understanding, solidarity that makes collective action possible.

- “Identity” ... tends to mean too much (when understood in a strong sense), too little (when understood in a weak sense), or nothing at all (because of its sheer ambiguity) Brubaker and Cooper, 2000
Penan chief: Land is my father, river is my mother. The ancestors have passed these to me. Now I am taking care of it. Mother gets milk from the river and provides nutrition. If anyone destroys these, they are killing my mother and father.

Kenyah activist - Names are a special part of our culture, names of people and places. Religion is not as important. When we say “Baram” it means Kenyah and Kayan. “Telung Usan” is the local name for the Baram. It is a Kenyah/Kayan name. It means “pineapple juice” or rainwater, meaning that the water is so clear.

Kayan woman: I cry for my children and grandchildren. I don’t want the dam to be built. From my heart – God has gifted river and land for us to live here. I don’t want this to be destroyed.
Water identity

What would the concept be useful for?

- “We need land, water and truth” ≠Khomani San woman, South Africa, R. Sylvian, 2002 p 1074

- If water identity is well-defined, suggests that trade-offs cannot be easily achieved.

- What are your thoughts?