

Ensuring FPIC in large and small-scale energy projects in Sarawak



CELINE LIM KOOI HUA

SAVE Rivers

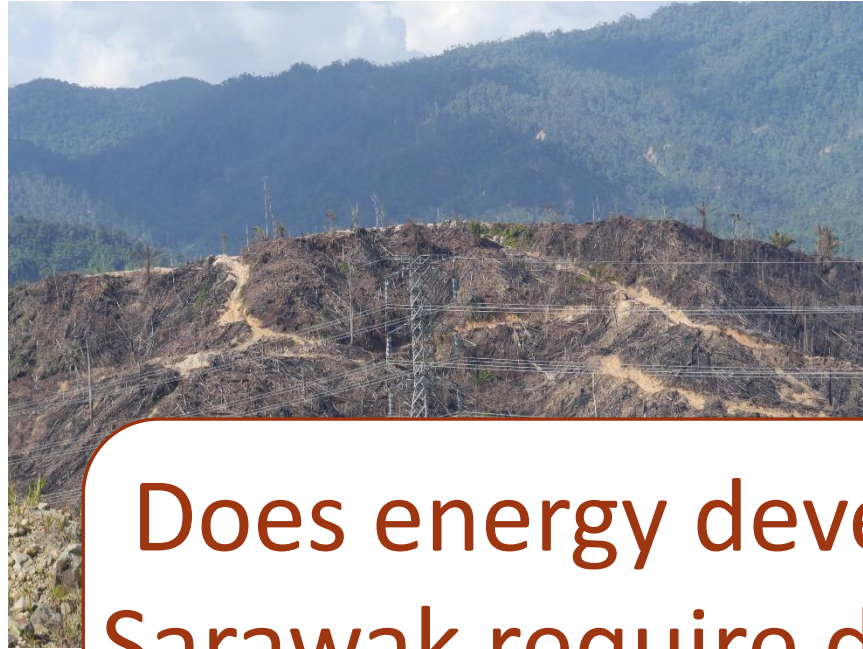
Sarawak, Malaysia

manager@saverivers.org

IG: @saveriversofficial FB: @SaveSarawakRivers

www.saverivers.org





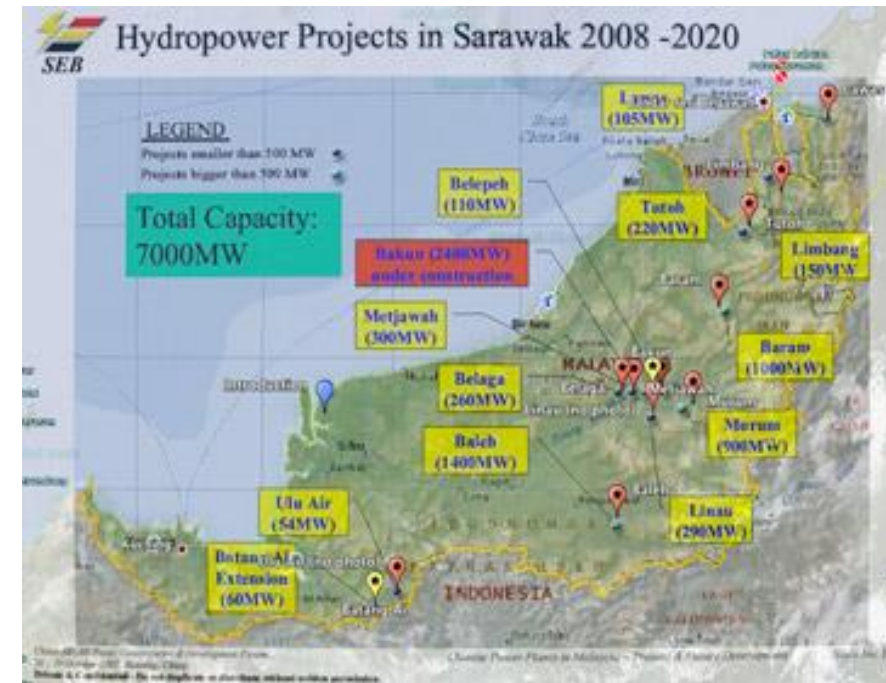
Does energy developments in Sarawak require driving people out of their homes?



CASE STUDY: The Proposed 12 Mega Hydro Dams

“The Malaysian government and its state-owned energy utility Sarawak Energy Berhad (SEB) plan to build 12 large dams, due to produce 7,000 MW (megawatts) of electricity. Six of them are scheduled for completion by 2020.

These dams are part of a development initiative known as SCORE (Sarawak Corridor of Renewable Energy), created to "stimulate global and domestic investment in traditionally rural areas.””



Source: [The Ecologist 2014](#)

The projected 12 dams will produce 7,000 MW of electricity in Sarawak, although local energy demand is now just 972 MW and is only projected to reach 1,500 megawatts by 2020.

The 2,400 MW Bakun dam, commissioned in 2011, is being operated well below capacity.

The Bakun dam flooded 696 square kilometers of old forest ecosystems and displaced 10,000 indigenous people, mainly from the Kenyah and Kayan tribes, drowning their villages, farms and the forests in which they would hunt and gather foods, medicines and other goods.

The Effects of Mega Hydro Dam



This is the grave of my brother, our brother who died.



and pray to God to look after them who are left behind.

The Effects of Mega Hydro Dam



The Anti-Baram Dam Campaign

The Baram Dam, the next dam in line to be built, was faced with tremendous resistance.



Since October of 2013, Baram communities continuously managed two blockades that have prevented construction of the Baram Dam.

Fun Fact: The anti Baram dam blockade is the longest ran blockade in the country – it ran from Oct 2013 to Nov 2015.



The anti-Baram dam resistance culminated in demonstrations and marches from North Sarawak to the state capital in South Sarawak.



INTERNATIONAL HYDROPOWER ASSOCIATION WORLD CONGRESS
Borneo Convention Center Kuching, Sarawak 21st-24th May 2013

Watch the Documentary: [Save Sarawak. Stop the Dams](#)

Note: The campaign was successful when in 2015, the Sarawak chief Minister instructed the construction of the mega hydro dam to cease and the project was shelved.



A Fact-Finding Mission Report

NO CONSENT TO PROCEED :

Indigenous Peoples' Rights Violations At
The Proposed Baram Dam In Sarawak

Written by:
Tanya Lee, Thomas Jalong & Wong Meng-Chuo

Endorsed by:
Jaringan Orang Asal SeMalaysia (JOAS), Suara Rakyat Malaysia (SUARAM), Asia Indigenous Peoples Pact (AIPP), Asian Forum for Human Rights and Development (FORUM-ASIA), Bruno Manser Fund & International Rivers



Sarawak, Malaysia
August 2014

At Long Anap, people noted that the consultants “did not describe what an SEIA is, ask people whether they want to participate in the SEIA, or give information about the SEIA reporting process. No one explained that the information in the survey would be for a report. They didn’t offer to give any report to the village headman afterwards.”

Pg. 8

As explained in a discussion group at Long Laput: “Some community leaders [appointed by the Sarawak government as ‘spokesmen’] are pro-dam, but they are not representative of the sentiments of people on the ground, of those who live in the villages along the Baram River.”

Pg. 12

Although the SEIA surveys required respondents to provide personal identity data and information about consumption habits, there was no corresponding offer from the consultants to ensure the confidentiality of results. Villagers interviewed interpreted this requirement of the survey as implicitly threatening.

Pg. 14

How would our SEIA reflect these?

What is the moral and ethical obligation of SEIA in reflecting the truth?

(Not just data!)

Recommendations

SEB and the Sarawak government are accountable for the human rights violations committed to date in relation to the proposed Baram Dam, and most urgently, have a responsibility to take corrective action.

In addition, all actors involved in the development of dams in Sarawak and associated facilities have a responsibility to uphold and respect the rights of the indigenous communities in accordance with the Malaysian Federal Constitution along with provisions in UNDRIP, the international human rights instruments to which Malaysia is signatory and international customary law.

Due to the SEIA survey procedures involving tactics which are coercive, disrespectful of affected communities' *adat*, inappropriate for the specific language needs of communities, lacking in transparency and in violation of peoples' rights to information, SEB's forthcoming Baram SEIA report will neither be a legitimate nor valid reflection of the realities in Baram or the will of the communities. Affected villagers have explained they have not consented to dam construction on their land, agreed to give up their land or agreed to move to a resettlement site. In accordance with international obligations under the provisions of UNDRIP, numerous villagers said that SEB should – as a matter of urgency – completely withdraw from the area.

The following specific recommendations are based on the expressed concerns of villagers living along the Baram River and the key findings of this report.

Sarawak Energy and the Sarawak government should:

- *Respect affected residents' of Baram expression of broad community opposition to the Baram Dam and their decision to withhold consent for the project by immediately withdrawing from the area.* All surveys, bidding processes, land acquisition and preparatory site work – including logging – for the Baram Dam should be immediately halted.
- *Address the lack of transparency surrounding the Baram Dam by publicly releasing all studies, surveys and plans completed to date about the proposed dam and its impacts, making them available online and in hard copy in Bahasa Melayu, English and local indigenous languages.*

- *Return all lands acquired for the Baram Dam to the native customary rights land holders.* Any further action towards extinguishing the rights of rightful landholders and usurping the properties without free, prior and informed consent of all affected residents and their leaders (selected and agreed by the community concerned) is unconstitutional and should not proceed.
- *Respect and abide by the Malaysian Federal Court rulings to uphold native customary land rights in Sarawak based on the provisions of the Federal Constitution.*

The Malaysian Government and Malaysian Anti-Corruption Commission should:

- *Take immediate measures to launch an independent and detailed investigation into allegations of SEB's acts of corruption and coercion of villagers at Baram.* They should require that SEB produce an action plan to avoid corrupt practices and comply with federal laws.

Institutions that are considering or offering loans, financing, or advisory, engineering or construction services to SEB for hydro-generation and transmission projects should:

- *Withdraw all financial and technical support to SEB in order to avoid complicity in violations of internationally recognized indigenous peoples' rights, allegations of corruption and illegitimate SEIA reporting processes that do not meet accepted industry benchmarks.*
- *Investigate SEB's project compliance with the Equator Principles and IFC Performance Standards.* Attention should be focused on questions related to land acquisition, involuntary resettlement and respect for indigenous peoples' rights.
- *Follow-up with the Malaysian Anti-Corruption Commission in relation to allegations of SEB's acts of corruption at Baram and launch further investigations as needed.*



Download “No Consent to Proceed” [HERE](#)

Sahabat Alam Malaysia

<https://foe-malaysia.org/articles/memorandum-improving-sarawaks-eia-process/>

Manifesto Rakyat 2021

<https://ms.manifestorakyat2021.org/> (3j: Environment)

Excerpts from community members:

“Although the process for dealing with such large development projects is not clearly outlined in our traditional ‘Adat’ (customs), if a company wants to propose a project they should meet with the village leader, and then consult with all villagers.

The villagers themselves should also be able to have the time to get together, discuss and form the opinions that they will bring forward to the village leader and to the company proposing the project.

There must be a consensus with terms and conditions made by the people, who can make the decision for the project to stop if the project is not being carried out the way it was proposed or if they reject the project proposal. Consent does not come from a village leader only.”



Nik Nazmi wants EIA transparency, more officers for enforcement

Martin Vengadesan & Low Choon Chyuan
Published: Dec 31, 2022 8:00 AM · Updated: 8:00 AM

<https://www.malaysiakini.com/news/649910>

<https://www.malaymail.com/news/malaysia/2022/12/31/new-environment-minister-nik-nazmi-raises-bar-on-eia-studies-says-transparency-crucial/47809>

MALAYSIA

New environment minister Nik Nazmi raises bar on EIA studies, says transparency crucial



Nik Nazmi said greater transparency with regards to environmental issues is something the government will promote as the information shared will get better public involvement and better feedback. — Bernama pic

Nik Nazmi calls out 'public' EIA reports that hide vital aspects

By BENJAMIN LEE

NATION

Sunday, 19 Mar 2023
3:34 PM MYT

Related News



NATION 10h ago
Measures in place to deal with open burning, haze, says Environment Dept

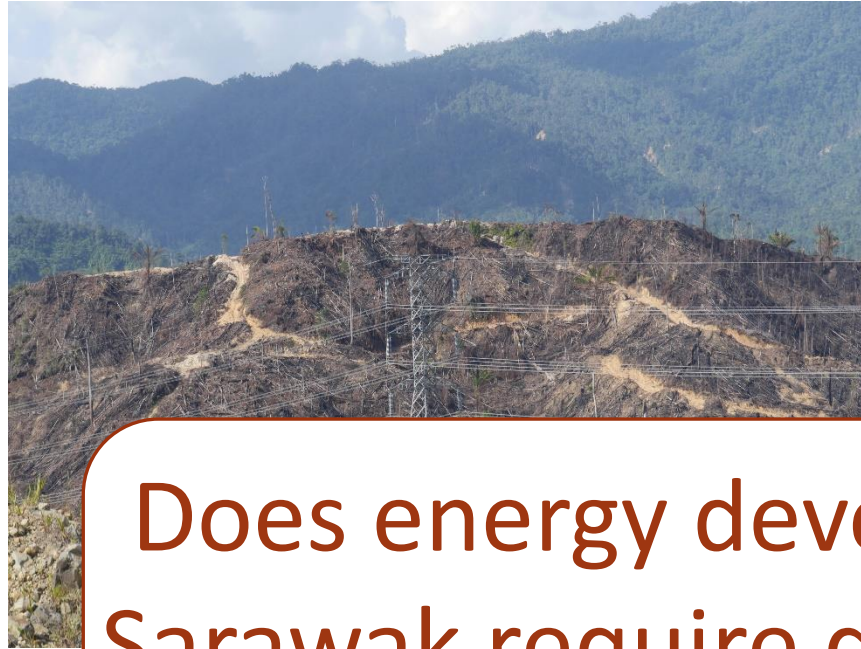
NATION 7h ago
DOE ready to deal with open burning issues



KLANG: The lack of transparency in some aspects of environmental impact assessment (EIA) reporting is making a mockery of the system, says Nik Nazmi Nik Ahmad.

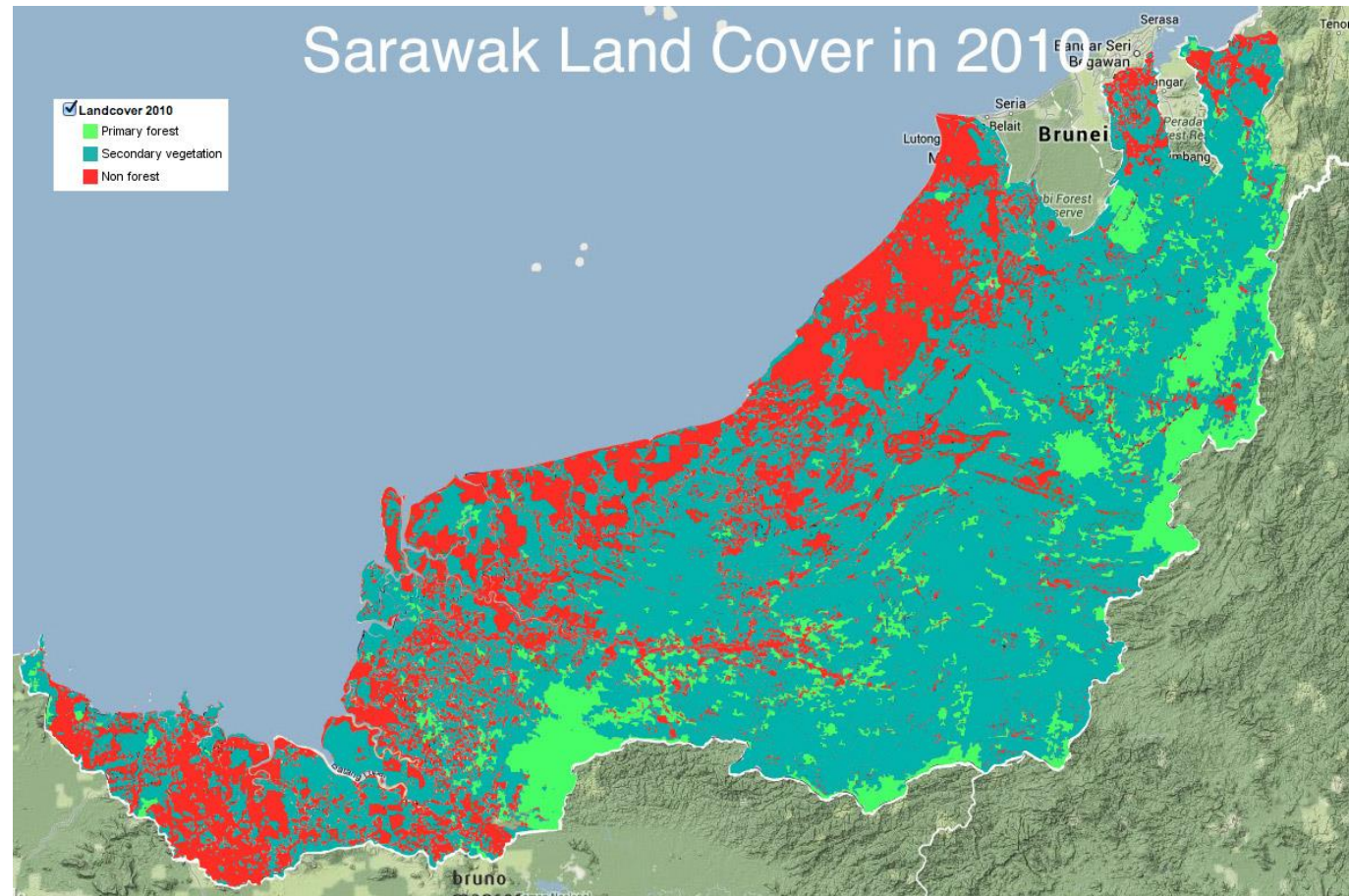
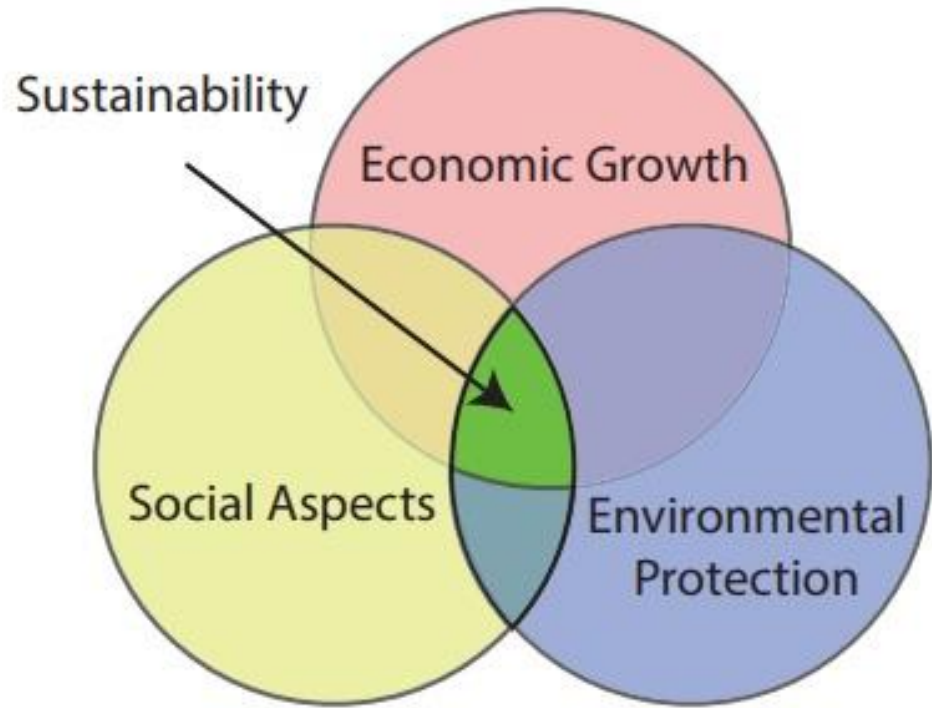
<https://www.thestar.com.my/news/nation/2023/03/19/nik-nazmi-calls-out-039public039-eia-reports-that-hide-vital-aspects>

EIA in then National news lately



Does energy developments in Sarawak require driving people out of their homes?





Source: <https://borneoproject.org/new-forest-map-for-sarawak-reveals-large-scale-deforestation-encroachment-on-indigenous-territories/>

News

UN report: indigenous people are the best forest guardians



826 indigenous peoples live in Latin America and the Caribbean, 305 of them in Brazil (© COICA.ORG)



Mar 31, 2021

Source: <https://www.rainforest-rescue.org/updates/10177/un-report-indigenous-people-are-the-best-forest-guardians>

Source: <https://www.fao.org/americas/publicaciones-audio-video/forest-gov-by-indigenous/en/>

Food and Agriculture Organization of the United Nations

ENHANCED BY Google

English Español

FAO Regional Office for Latin America and the Caribbean

FAO in the region Regional Initiatives News Events Publications and Multimedia Jobs

Food and Agriculture Organization of the United Nations FILAC

Forest governance by indigenous and tribal peoples

An opportunity for **climate action** in Latin America and the Caribbean

#IndigenousPeoples #ForestsGovernance

Facts and figures

Indigenous peoples physically occupy 404 million hectares in Latin America

- That is about one fifth of the total area of the region
- Of the 404 million hectares, 237 million (almost 60%) are in the Amazon Basin. That is an area larger than France, Great Britain, Germany, Italy, Norway, and Spain combined

Document



There is NO attaining SDGs or climate crisis solutions or any environment protection/conservation efforts when **the world's best environmental guardians** are EXCLUDED out of the discourse!

Let's continue the conversation!

Post questions and comments in the IAIA23 app.



CELINE LIM KOOI HUA

SAVE Rivers

Sarawak, Malaysia

manager@saverivers.org

IG: @saveriversofficial FB: @SaveSarawakRivers

www.saverivers.org