

RESETTLEMENT, DEVELOPMENT AND GENDER: THE CASE OF KAMPUNG TAMPASAK

The forced eviction of the Kampung Tampasak community from their lands for the construction of the Babagon Dam was a political decision since the Sabah state decided that the dam was the solution to curb the recurrent water supply shortage in Kota Kinabalu, the state capital, and other nearby districts. In this regard, this chapter focuses on the resettlement of Kampung Tampasak in the broader socio-political context.

Drawing on library research and extensive primary data gathered from field research between November 1997 and May 1998, four primary topics are discussed. These are: (1) role of the state in resettlement and development; (2) the resettlement of the Kampung Tampasak community; (3) compensation; and (4) prospects and problems in the new resettlement site.

Role of the State in Resettlement and Development

This section discusses specifically the issues involved in the planning, management, and implementation of the resettlement of the Kampung Tampasak community. The features of the Babagon Dam, the reactions of the Kampung Tampasak community towards it, the administrative structure of the resettlement, and the law that sanctioned the state government to acquire the land for the dam, i.e. the Land Acquisition Ordinance (Sabah Cap. 69) are discussed here.

Features of the Babagon Dam

In December 1992, the Sabah State Government privatised the production and supply of water for Kota Kinabalu and surrounding areas under the Privatisation-cum-Concession Agreement that was given to a private company, Jetama Sdn. Bhd. (Jetama). Thus, Jetama secured “the exclusive right to supply treated water in bulk to the government for 20 years for the areas of Kota Kinabalu, Tuaran, Papar and Penampang on the West Coast of Sabah” (Jetama Information Note, 1998). Besides the Sabah Government (which had a 20% stake), the other shareholders of the privatisation joint-venture were Hume (Sabah) Sdn. Bhd. (35%), Suez Lyonnaise des Eaux (35%), and John Holland (M) Sdn. Bhd. (10%).

In June 1993, Jetama commenced the Kota Kinabalu Water Supply Privatisation Project (KKWSPP), which was to be implemented in stages over a 5-year period from 1993 to 1998. The KKWSPP covers the financing, designing and construction of all new water supply facilities as well as operating and managing the existing and future facilities. New facilities included the construction of the Babagon Dam, the Moyog Water Treatment Plant (WTP), pipelines, and six service reservoirs (See Figure 4.1).

The Babagon Dam is located on the Babagon-Tampasak River about two kilometers upstream from the confluence with the Moyog River, one of the major rivers in the Penampang district. It is a concrete face rock fill dam with an embankment height of 70 metres and a length of 325 metres. The total catchment area is 30 square kilometers (see Plate 4). The cost of the Babagon dam and reservoir was approximately RM70 million.

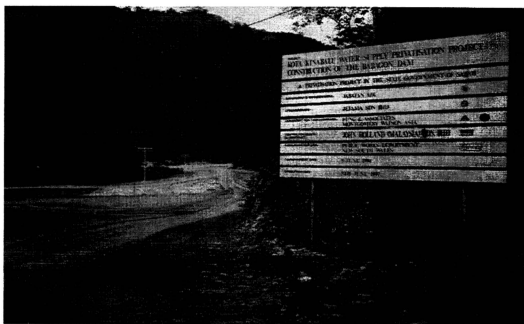


Plate 4
Entrance to the Babagon Dam site.

As with most privatised infrastructure projects in the developing countries, the Babagon Dam included transnational companies. John Holland, an Australian company, built the dam. Suez Lyonnaise des Eaux operated the facilities (but has sub-contracted this to its subsidiary Corporate Dynamics Sdn. Bhd.). Aktif FA Konsult, in association with Montgomery Watson Asia, reviewed the design and supervised the works.

The Sabah State government stressed that the Babagon Dam was for state development. Thus in the name of 'public interest', it invoked the Land Acquisition Ordinance (Sabah Cap. 69) to acquire 169.860 hectares (419.732 acres) of land compulsorily. According to the Environmental Impact Assessment (EIA) on Babagon Dam – which the villagers claimed they never saw prior to their resettlement – four villages, namely Kampung Tampasak, Kampung Kolosunan,

Kampung Kintok and Kampung Babagon Toki were located in the catchment area.¹ Kampung Tampasak was the only village to be entirely submerged by the dam and thus its community had to be relocated to a new settlement site.

Reactions of the Kampung Tampasak community towards the project

From the start, the villagers claimed they had not been informed about the Babagon Dam project. They remembered vaguely that between 1987 and 1990, they saw a group of private land surveyors 'illegally' entering their villages to survey the land.² The workers did not reveal their true purpose but told the villagers that the survey was related to a health project. During the surveying, the workers also felled a portion of the crops that the villagers had planted. In reality, the surveying exercise was not related to any health project but was to establish the site for building a dam, as related by some villagers later:

In the early stages, we were not aware or informed about the visit of the land surveyors to our villages. During the surveying, sections of our crops were felled. Then in April 1990, we received a notice from the Land and Survey Department informing the village leaders that the Waterworks Department would later conduct interviews with them about the dam project.³

Yet the authorities, in an attempt to gain support for the project continually told the villagers that the water supply dam was similar to the existing water pump in the

¹ The people in the latter three villages were not required to move, although compensation was offered only to those whose lands and homes were affected by the dam project.

² To the villagers, 'illegal' entry meant that permission was neither sought first nor was consent given.

³ Information taken from a leaflet on the Babagon-Tampasak dam project produced by the Kampung Babagon and Kampung Tampasak communities. The original script is in Malay and reads: *Pada mulanya, masyarakat Kampung tidak tahu dan tidak diberitahu tujuan sebenar juru ukur datang ke Kampung. Semasa pengukuran dilakukan, sebahagian tanam-tanaman orang Kampung ditebang. Kemudian pada bulan April 1990, mereka telah menerima notis dari Jabatan Tanah dan Ukur. Notis ini memberitahu Ketua-ketua Kampung tentang kajian melibatkan temuduga yang akan dibuat oleh Jabatan Air untuk tujuan projek pembinaan empangan tersebut.*

nearby village, Kampung Madziang. The villagers were never told where they would be moved when the need arise. "We later realised that the water pump was actually a dam, but by then, we were asked to give up our lands, homes and all belongings and be moved to an unknown site," a group of women told me.

When the rumour was first heard that the construction of the dam had been approved, there was an array of views and opinions about the project. Some, speculating job openings in the project site and promises of new facilities and monetary compensation by the government, defended the project. Others adopted a wait-and-see attitude to see what kind of deal the government was offering in exchange for their lands and homes. A significant number, however, were vocal about their opposition to the dam because of the fear of losing not just their land and homes but also the natural resources around them, like the river and forests. This refusal to give up their land for a project that 'benefits the State' has been deemed by the authorities as 'anti-development'. But in the face of the threat from the dam on their homes and means of livelihood, these individuals argued to stop the dam at whatever cost.

A village leader commented on the villagers' initial response to the Babagon Dam:

Many of us were stirred by the enormous support we received from public interest groups, concerned individuals and non-governmental organisations. The media also highlighted our case, although the reports were mostly not in our favour. We worked hard to raise awareness on the good and bad sides of the dam and the resettlement project – through public education and paralegal workshops in villages affected by the project. Slowly we gained support as more villagers realised the negative aspects of the project. They said that the loss of land and the Babagon-Tampasak Rivers meant the end of the close relationship that our ancestors and we have with the rivers, the land and the forests. However, some families were able to benefit

more than others due to better opportunities and higher economical and political status, so they continued to support the dam.⁴

When tensions surrounding the dam mounted, many of the affected villagers, notably the women came forward to 'fight' to stop the building of the dam and the resettlement scheme.⁵ For example, a 75-year old widow said that she has very strong bonds with the land and was determined to fight to keep it: "Land is my life and it is better to kill me than to move away." Similarly, a 31-year old mother of one told me why the women were determined to stop the construction of the dam:

Women from the affected villages frequently participated in meetings and peaceful demonstrations. We objected to the dam because we fear being resettled. It is much easier for men to look for alternative dwellings and jobs. But we women have our children to consider as well as our land and farms. If we lose our land, we lose everything!⁶

Inevitably, rural and indigenous women are often the worst victims whenever traditional lands are acquired. Not surprisingly, therefore, women from the affected villages participated in the meetings and campaigns against the Babagon Dam in large numbers. Women were effectively involved in village meetings, signature petitions, door-to-door awareness-raising campaigns, meeting the ministers and project holders to hand over petitions. However, the majority of the communities from the affected villages, such as Kampung Tampasak, Babagon, Timpoluon, Madziang, Pogunon and Inobong were initially apprehensive about the consequences of the dam (Map 4.1).

⁴ Personal conversation, January 1998.

⁵ Tensions surrounding the dam and resistance against the resettlement were especially high between 1991 and 1994, before the first six families were moved to the new settlement. The villagers formed an Action Committee to carry out campaign activities such as mobilising villagers for signature collection, meeting with the authorities and dam contractors, and writing petitions.

⁶ Personal conversation, 11 January 1998.



Source: Adapted from Traditional Blotang Charts
Ministry of Defence, UK, 1969



Source: Adapted from Technical Photogram Chart
Ministry of Defence, UK, 1989

Map 4.1 Villages Affected By The Babagon Dam Project

When they later realised that the dam had more negative impacts than positive ones, they banded together to form the Alliance of Village Action Committees Against the Babagon Dam (*Gabungan Pembantah Empangan di Sungai Babagon*). The Alliance acted as the focal point for these villages to hold joint activities and to lobby public support for their campaign to stop the state government's plans to develop the Babagon dam project in the area and the resettlement of the Kampung Tampasak residents.

On 23 February 1992, it issued a press statement, in Malay, to assert their stance on the dam and the resettlement project. It read:

We strongly oppose the construction of a dam at Babagon River, although there are some who say that it must go ahead. We oppose it for the following reasons:

1. We and future generations depend on the land for our livelihood. We do not want to be moved to another place;
2. We value our way of life and our cultural heritage. We do not want to be forced to change and to start a new way of life;
3. We do not want the facilities such as the schools, clinics, and churches to be moved because this will affect many residents and villages nearby; and
4. A dam is dangerous and will result in the loss of many lives and much property if it bursts.

The main contentions of the affected communities were the loss of resource sovereignty (in particular their ancestral land within the project boundary) and the forced displacement of Kampung Tampasak. Furthermore, the Kampung Tampasak people were not told where they would be relocated, although some had heard that the resettlement site was a remote plantation scheme in Tawau on the eastern part of Sabah. Despite repeated protests by the affected villagers as well as by hundreds of concerned citizens throughout Malaysia, the Sabah government pressed ahead with the Babagon Dam project.

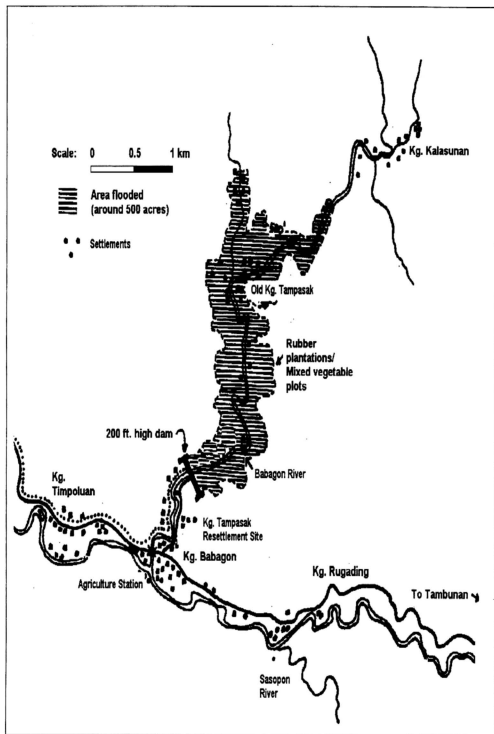
Administrative structure of the Kampung Tampasak resettlement

The construction of the Babagon Dam and the creation of the reservoir resulted in the inundation of all the houses and land along the Tampasak River (see Map 4.2). Kampung Tampasak was relocated to a new settlement, near the lower fringe of the old village. The resettlement involved the transfer of about 200 people from 30 families.

The planning and management of the resettlement was entrusted with a special high-level committee under the supervision of the Sabah Chief Minister's Department (JKM), and co-ordinated by the Penampang District Office.⁷ This committee, called the Committee for the Resettlement of the Affected Families by the Construction of the Babagon Dam (*Jawatankuasa Pelaksana Penempatan Semula Dengan Keluarga-Keluarga Yang Terlibat Akibat Pembinaan Empangan Babagon*) was formed in September 1995.⁸ The JKM had overall responsibility for the implementation of the resettlement. This included the early planning as well as the building of the physical and economic infrastructure, the procedures of implementation, and the actual implementation of the resettlement. Other state agencies also were included in the planning and coordination of resettlement programmes and services. The Committee for the Resettlement of the Affected Families by the Construction of the Babagon Dam comprised senior or high level officers from ministries, departments, statutory bodies and private agencies with stakes in the Babagon Dam project.

⁷ The information here is based on newspaper research and interviews with officers in the Penampang District Office in June 1998.

⁸ There was no clear official record on the exact date this committee was formed. It was later also called the *Jawatankuasa Penyelaras Projek Empangan Babagon* (Co-ordinating Committee for the Babagon Dam Project), and again, no record on when and why the committee was re-named.



Map 4.2 Extent Of The Area Inundated By The Babagon Dam

Government representatives came from the Ministry of Finance, Ministry of Agriculture and Fisheries, Department of Rural Development, Penampang District Office, Land and Survey Department, Rural Development Corporation (Korporasi Pembangunan Desa or KPD), Water Works Department (Jabatan Bekalan Air) and the People's Development Leader (Pemimpin Kemajuan Rakyat or PKR), representing the finance, public utilities, infrastructure, rural and people's development bodies. The private agencies were Jetama Sdn Bhd, the main project concessionaire, and other shareholders and their subsidiaries, namely John Holland, Corporate Dynamics, Aktif FA Konsult and Montgomery Watson Asia.

This committee held regular meetings to help settle problems of administration and management of the resettlement plans vis-à-vis the affected families. Many important policy decisions were made at this meeting, for example, the level of cash compensation and resolution of land claims. Yet there was no representation of the affected families during this critical stage of the resettlement process, which is not surprising given that the conventional approaches to development in many instances ignore the realities of the majority of people whom they are supposed to assist. However, representatives of the affected families were occasionally called to participate in the meetings when the committee needed information.

Moreover, the minutes of the meeting were highly confidential and restricted to official members of the State Resettlement Committee. The Secretary of the Kampung Tampasak village organisation, KMPGG provided an illustration. On behalf of the KMPGG, the Secretary had written to the Chief Minister's Department to request for a copy of the minutes that pertained to specific issues faced by the villagers within the Babagon Dam project site and discussed at the said meeting.

However, the application was rejected on the grounds that 'the minutes contained information inappropriate for public dissemination.'⁹ No other information or reasons were given to the KMPGG.

This lack of community participation and government transparency on the resettlement programme supports my earlier argument that marginalised communities such as indigenous peoples and women are often excluded from the decision-making processes that affect their lives. In other studies on resettlement involving indigenous peoples of Malaysia, similar behaviour has been observed. For example, the Batang Ai Resettlement Scheme by Hew (1987) and Ng (1999) and the Bakun Dam Resettlement by the Gabungan (1999). Furthermore, the claim that dominant development approaches have been 'top-down' is exemplified in the Kampung Tampasak case whereby the resettlement of the people was dictated by the authorities. A 31-year old woman with a three-year old daughter commented that resettlement was "reverse-development" for the villagers as their livelihoods have become more difficult, and although the new houses may look beautiful "they are worthless as compared to our houses in the old village where we had ample land."¹⁰

Land Acquisition Ordinance (Sabah Cap. 69)

At this juncton, it is pertinent to discuss the legal apparatus that sanctioned the Sabah State Government to acquire land compulsorily for the Babagon Dam project. This is the Land Acquisition Ordinance (Sabah Cap. 69).

⁹ Letter from the Chief Minister's Department, dated 21 December 1995, signed by the Chief Political Secretary (Sabah) Datu Harun Datu Mansor, to the Secretary, Persatuan Kerjasama Masyarakat Desa. Ruj. CMD.JKM.KSP(DHDM)/24/2.

¹⁰ One of the women who participated in the focussed group discussion held on 25 February 1998.

Like most laws in Sabah, the Land Acquisition Ordinance is a legacy of the British colonial administration. It is not within the scope of this study to explore the complex evolution of the land system in Sabah, but it has to be noted that, prior to colonial rule, the natives had their own set of customary practices and law, or *adat*, to govern and administer the community and property, including land. *Adat* varies according to region and ethnic groups, but it serves the interests of the community. Problems for the natives began with the imposition of laws, regulations and bureaucracy during the colonial period.

The land for the Babagon Dam project was acquired under the provisions of the Land Acquisition Ordinance, which is a general law in the state for the acquisition of land for public purposes. Under Section 4 of the said Ordinance, a notification has to be first posted in the Sabah Government Gazette (Warta Kerajaan Negeri Sabah). The District Office then has to inform landowners about the likely land acquisition. An illustration of the said notification is produced below:

Whereas it appears to the Yang di-Pertua Negeri that any land coloured shown on Plan No. KKWES/S 1 is likely to be required for a public purpose, that is to say for the construction of the Proposed Dam & Water Treatment Plant - (Babagon Dam Site), Penampang; now, therefore, in exercise of the powers conferred upon him by section 4 of the Land Acquisition Ordinance, the Yang di-Pertua Negeri hereby notifies that all the land set out in the Schedule hereto is likely to be required for a purpose, which in the opinion of the Yang di-Pertua Negeri is a public purpose.

2. Plan referred to above may be inspected at the office of the Director of Lands and Surveys, Kota Kinabalu or the office of the Assistant Collector of Land Revenue, Penampang, during normal office hours.

(Source: Warta Kerajaan Negeri Sabah 21 Jun 1990, pp.553-556, Government of Sabah, Kota Kinabalu).

Theoretically, landowners can make an appeal against the alienation of their land within 14 days of the notification. However, it is difficult for a landowner to make an

appeal for four reasons. Firstly, the government recognises ownership of land only through the possession of certificates and titles, and land without one of these documents is deemed to belong to the State; this effectively negates rights to untitled (native) land. Secondly, the notification hardly ever reaches landowners living in remote villages, and even when it does, the appeal period is often too short for those living far from the Land Office to make the appeal on time. Thirdly, the notification being written in English and using legal jargon, is incomprehensible to many natives who are either illiterate or not well-versed in English which is not their native tongue. Fourthly, the fact that the land acquisition or reservation is classified as for a 'public purpose' is sufficient legal grounds to allow the State to acquire the land.

In describing the control of the state over development, Ramanathan (1996:1486) stated that:

The paradigm of development that has found favour with planners makes displacement of large numbers of people, even whole communities an unavoidable event. The utilitarian principle of maximum happiness for the maximum number has been invoked to lend respectability to making the lives of communities into a cost, in the public interest. The law is ill-equipped to counter this attitude and in fact abets it by lending the force of state power.

The force of state power was evident in all top-level decisions on the Babagon dam with virtually no consultation or participation of the affected communities or the general public. Since the project was deemed to be of 'public interest', consultation or participation of the affected communities was crucial. Much of the information on the Babagon Dam was classified as 'confidential'. Furthermore, the Stone Laying Foundation Ceremony to officially mark the beginning of the Babagon Dam construction on 10 November 1994 by the Sabah Chief Minister was graced by ministers, assistant ministers, heads of government departments and private project

holders and their staff, and media representatives. None of the families who were asked to sacrifice their homes and property for the dam were invited to the event! This is not surprising as in most projects or activities, government planners and implementers often fail to realise that the affected community is a stakeholder in the project and hence the importance of involving them in the decision-making process

State, Resettlement and Indigenous Peoples: A Critical Look

When the Babagon Dam project was announced in the early 1990s, there was resistance particularly from Kampung Tampasak to the danger of total submergence and to their relocation. The state authorities had been warned from past experiences of the effects of resettlement yet they went ahead with the project. Present-day Kampung Tampasak is a good example of a community disrupted by resettlement.

When communities are resettled, the various rules and policies of the concerned state government or those formulated for the project are 'most often ad hoc and piecemeal' (Thukral 1992: 16). The problems of Kampung Tampasak could have been avoided if the government had prepared the resettlement plan well in advance to help the affected groups transfer and adjust to the new site. Since cash compensation alone was inadequate, the government should have ensured the implementation of rehabilitative measures to provide alternative sources of income, such as the provision of training in various trades and crafts, assistance in setting up petty and micro-businesses and the establishment of ancillary units in the vicinity of the resettlement site.

It is hoped that lessons from the experience of Kampung Tampasak can help the state authorities, private agencies, support organisations and the community in order

to understand what has resettlement done to the displaced community in general and the women in particular. It is also hoped that the Kampung Tampasak lessons will tell us that, if all development projects cannot be stopped and resettlement is inevitable, at the very least, the process should minimise the loss and trauma felt by the affected persons, and if possible, avoided.

Lack of a proper consultation process

The way the Babagon Dam project and resettlement of Kampung Tampasak had been implemented raised the issue of the lack of proper information and consultation with the affected villages identified in the Environmental Impact Assessment (EIA) on Babagon Dam. The four villages identified in the EIA were Kampung Tampasak, Kampung Kolosunan, Kampung Kintok and Kampung Babagon Toki, although Kampung Tampasak was the only village entirely inundated by the dam.

Matters related to the approval of the dam, the resettlement plan and the compensation package were poorly handled. Information on the resettlement plan remained secret and classified, until the relocation drew near. In fact, it took almost five years, since the dam was initiated, for the government to notify the Kampung Tampasak people that they had to be resettled. The basic principles of the need for early and full consultation with the affected community were not followed. There was a total lack of involvement and participation of Kampung Tampasak in planning and decision-making. Instead the government, in compliance with demands of the project concessionaire, took all decisions regarding the Babagon Dam and the Kampung Tampasak resettlement unilaterally. Decisions on resettlement, just as

Thukral (1992: 51) concluded for the Indian experience, "were merely communicated to the people and worse, imposed upon them."

Furthermore, the government officials from agencies involved in the Babagon dam and the resettlement of Kampung Tampasak were giving excuses to avoid being interviewed. Many of them responded thus: "We did not know what actually happened. Some of our predecessors had been transferred to other departments or agencies, while others had already retired or changed jobs." In fact, three different People's Development Leader, or *Pemimpin Kemajuan Rakyat* (PKR) had handled the Kampung Tampasak case at different phases, without any systematic changeover. Similarly, there had been two different District Officers in the Penampang District Office that acted on administrative matters in Penampang District, including Kampung Tampasak, between 1994 and 1997 when the field study was conducted.

The constant change in officers from ministries, departments and statutory bodies had affected the representatives in the special high-level committee handling the resettlement of the affected families. Thus it was common for one agency or department to point fingers at the other whenever a top-level decision had not been executed properly. This is itself a reflection of the lackadaisical attitude of the government representatives in handling the problems of the displaced community. The lack of coordination among the ministries, departments and statutory bodies was also apparent. A case in point is the poor implementation of the housing issue, which had resulted in a spilt in the community due to competition for the housing allocation and resentment over the different house standards for different families. Another case in point is the failure of several of the agencies to fulfill the provision of basic

amenities and other facilities that the resettled families claimed were promised to them. This included the allocation of grazing land, training on handicraft making and construction of a community hall.

Complaints procedure: the missing link

In the Kampung Tampasak case, there was no clear support system in place to give guidance and advice to those in need. Complaints had not been acted upon quickly and effectively, or in some cases, not even acknowledged. Whenever the affected groups expressed grievances, the official response was that these people were anti-development or were instigated by outsiders.

Later, in order to pacify public opposition to the Babagon Dam and the resettlement of Kampung Tampasak, the government opened the channels for people to express their concerns, through the District Office, the PKR and the JKKK. These channels were not working effectively in dissipating the grievances of the peoples or solving their problems related to inadequate compensation, amenities and other facilities, for these reasons. Firstly, the District Officer, PKR and JKKK Head were all government appointees, which meant that they would try to convince the people to accept the government's views. Secondly, the people who were vocal against the Babagon Dam and the resettlement were alienated and discouraged from the process of interaction with the bureaucracy. Thirdly, people who had no confidence in the government-appointed leaders or committees were unlikely to use these channels. The reliance on the village organization, KMPGG, even though it was not accepted as the 'proper liaison' pertaining to official matters, was proof of the peoples' doubt in the official local representatives.

Whither the compensation monies

The way the compensation money was dispensed in Kampung Tampasak made the families distrust each other. Due to the lack of a proper valuation system, compensation was higher for some families who could negotiate better with the government officers. Furthermore, the payment of large compensation monies to some families had changed the traditional values of the people. The bulk of the compensation money was spent on material goods and on drinking or gambling. The forced idleness in the resettlement site added stress to the people and prompted a greater number of people to indulge in drinking and petty crimes especially among the youths.

Compensation was offered for land, houses, crops and other quantifiable property such as fishponds and graves. They were evaluated accordingly and paid in cash. Thus many people received compensation at different rates for the same category. Herein lies the problem associated with resettlement. The approach to resettlement is but a reflection of the government's attitude that compensation was meted out to those whose land was compulsorily acquired by the government, so it would seem that nothing more was wrong. Compensation notwithstanding, one is forced to ask: How long is this cash going to be able to sustain the displaced? By and large, the project has not taken into account all the social and environmental costs.

Gender insensitivity in policy and implementation

It is apparent from the impact of the resettlement on the community and individuals in Kampung Tampasak that gender-specific considerations received very little attention in the resettlement plan and implementation. The perception by the

authorities responsible of women as exclusively housewives and not as farmers in their own right also accounts for the lack of attention to the impact of land acquisition on the lives of the women. The economic issues vis-à-vis women, such as equal access to alternate employment and wages has not been adequately recognised. Women are also perceived as a homogenous group. As such, separated, divorced or single mothers are disadvantaged, compared to the male heads of households. The gender bias of the planners is reflected in the house replacement issue. When a single mother with four young children found that her name was removed from the JKKK list for the Phase II housing entitlement, the JKKK and the authorities made no effort to reinstate her rights. They did not even consider the children's welfare. The intervention of KMPGG followed, and appeals made resulted in the woman getting her house only after a long tussle with several competing families.

Social problems which include gambling, drinking, indebtedness, family dislocation and a worsening of women's position were taken for granted by the government and simply classified as the results of 'developmental change'. These problems were not seen as the consequences of resettlement – they were not recognized as being due to a failure to prepare the community for resettlement in a new environment. Thus, the human dimension of resettlement was not adequately addressed.

The Resettlement of the People

The resettlement site was on the southern fringe of old Kampung Tampasak, below the dam (see Plate 5). This was 'offered' by the Sabah state government to the Kampung Tampasak families as their new dwelling place. Various state government departments and agencies were recruited for a campaign to prepare the people for the

evacuation. Government negotiators rationalised that evacuation was a way to a better life in the new settlement and stressed on the increased economic opportunities available in urban areas near the resettlement site to persuade the villagers to relocate. They further promised the people that they would be properly resettled. At the same time, compensation and facilities such as electricity supply, piped water, schools and roads would be given.

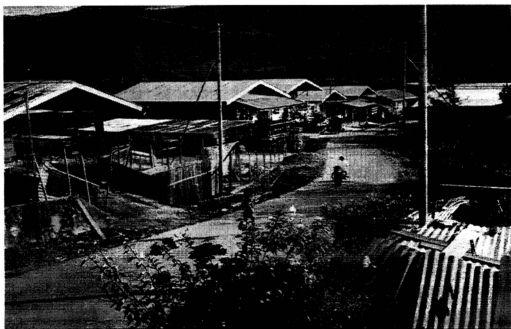


Plate 5

The Kampung Tampasak resettlement site. The move from a village to a resettlement site had meant that the affected families had to adopt to a new lifestyle. Resettlement had also affected the children. Previously, they freely enjoyed exploring the river and forest, however here, the children's space for playing is restricted to the road.

Interviews with both government and private sector officers who were involved in the dam project showed that they endorsed the resettlement exercise. For example, the PKR said: "My function is to make sure the resettlement is comfortable to the residents and to give them facilities they need, or what they had previously. Most, if not all, are available here (the new resettlement site)."¹¹ Though he claimed that people's standard of living had improved because "the existing houses at the

¹¹ Personal conversation on 3 June 1998 at the PKR office, Penampang.

resettlement site are much better", he nevertheless recognised that there had been a 'change of environment' and the resettled people were not yet familiar with it. This 'change of environment' refers specifically to the setting in the old village where the houses were big and each family had ample space for farming, for children to run about, and for livestock to roam freely. In the resettlement site, however, each unit only measured 24 by 30 feet with a narrow corridor between houses which was felt to be too small for a large family. There were cases where two or three families had to share a house.

Meanwhile, Jetama's Technical Manager argued that they had compensated the people and built houses for them.¹² The KPD was appointed the agency to build the houses in the resettlement site and subsequently to undertake the difficult task of evacuating the inhabitants from their old village. This is attested to by the records of the Committee for the Resettlement of the Affected Families by the Construction of the Babagon Dam, and validated by several members of this committee that noted that the KPD was the lead agency in the resettlement exercise and socio-economic development of the resettled families. "The resettlement of Kampung Tampasak was given to KPD because this agency was seen as the expert in establishing socio-economic projects, particularly among rural people," noted a political appointee.

KPD is one of the agencies created by the Sabah Government to spearhead rural development to alleviate rural poverty in Sabah, in line with KPD's vision "to champion the total development of the target rural poor into modern and self-reliant farmers". It was first established as a cooperative society in July 1976. In 1978, it

¹² Personal conversation on 9 June 1998 at the Jetama office, Kota Kinabalu.

was converted into a statutory corporation. In 1981, a new statute was passed making KPD a project-implementing agency of the Ministry of Agriculture and Fisheries. Under its Enactment, the KPD is responsible for fulfilling the following objectives:

- To improve the economic and social well-being of the rural poor;
- To inculcate the spirit of self-reliance;
- To increase agricultural production and agro-based industries;
- To encourage *in situ* farming;
- To promote and develop skilled Bumiputra entrepreneurs; and
- To preserve and increase the overall net worth of the corporation over a period of time.

(Source: KPD Information Booklet, entitled *Korporasi Pembangunan Desa (KPD): Program-Program Pembangunan Desa Sepintas Lalu*, Government of Sabah, 1995).

Subsequently, the KPD denied that they were put in charge of the resettlement and the implementation of economic activities to help the resettled families replace their lost incomes due to loss of land. In fact, after my preliminary meeting with one of its officers, the KPD shut its doors on me and insisted that it “only builds the houses and infrastructure when directed... after that, we are not involved anymore.”¹³

This reluctance to acknowledge their socio-economic responsibility to the resettled families and their reluctance to grant me an interview to verify many of the claims made by the Kampung Tampasak community, places the KPD in a bad light. There was clearly no transparency in the operations of KPD or the other agencies involved.

¹³ Telephone conversation with the officer, 3 June 1998. In an earlier meeting on 25 May 1998, the officer had requested that I submit my list of questions for the KPD ‘to know what questions I would be asking’ before they approve the interview. This caution was hardly surprising because the agency has been under constant criticisms for ‘not fulfilling the promises made by the government to the resettled families’ being the lead agency in the resettlement exercise.

Meanwhile, the findings of the study conducted by the Community Resource Development Research Group, Universiti Malaysia Sabah in collaboration with the Centre for Borneo Studies, Sabah Foundation (1997) on behalf of the Sabah Government were not released.¹⁴ The question remained: 'Why were matters relating to the resettlement of Kampung Tampasak and the findings of the survey on marginalised communities kept confidential?'

Evacuating the families

The first evacuation took place in February 1994. It involved six families. Another 14 families were moved out in June. In September, the Penampang District Officer ordered the district education officer to relocate the primary school students from SK Tampasak to the existing Babagon primary school near the new resettlement site. Following this, 32 parents of the SK Tampasak school children responded with a signature petition that was submitted to the District Officer by the Parents and Teachers Association (PIBG) and the newly formed village organisation, KMPGG. The petition voiced the parents' protest against the closure of the school as they were not involved in the decision-making nor invited to attend meetings on this matter. The protests were futile and the pupils were moved to the Babagon primary school.

The next shift included the remaining ten families who were adamant to stay in the old village. Pressured by Jetama because of the delay in resettlement, which in turn delayed the contractor's (John Holland) work programme, the State Resettlement

¹⁴ Interestingly, Kampung Tampasak was included as one of the 10 marginalised communities in the study. In the preamble of the Questionnaire, entitled *Borang Soal selidik Kajian Komuniti Terpinggir Bahagian Pantai Barat Sabah* a marginalised community is officially characterised as: left out of mainstream development, traditional employment (land based and sea based), below the poverty line (RM380 or less), low skills, low educational attainment and poor living conditions.

Committee through the Penampang District Office issued a 'Notice of Relocation to the new resettlement site' to all the inhabitants of Kampung Tampasak giving them an ultimatum to move out.¹⁵ The ten families were eventually forced to move out in February 1995 when the power supply, recently installed in the village, was disconnected and the access road barred.

Women interviewed expressed fear of continuing to live in their original homesteads, with no power and accessibility, further compounded by the government's threat to forcibly move them out. "John Holland even posted a security guard on standby to ensure that no one entered the barred area, so we had to move in case we could not bring our belongings out later," commented a 36-year old mother of four young children.

The evacuation of all 30 families from Kampung Tampasak was accomplished between February 1994 and February 1995. During this period about 200 adults and children from 30 affected families were transported in vans, trucks, and other vehicles from the old village to the new resettlement site. The villagers were assisted with transport provided by KPD, John Holland and the local district office. Those who were assisted by the local authorities and John Holland were satisfied with the help received. However, the police were summoned by the project holders to maintain order during the move, whose presence was puzzling to the villagers, as they had already agreed to move.

¹⁵ Penampang District Office, 'Notice of Relocation to the new resettlement site' to all the inhabitants of Kampung Tampasak involved in the relocation exercise, dated 7 February 1995.

Households/Families' perception of resettlement

Information regarding resettlement reached the villagers through various channels. Most of the women and men interviewed said that they learnt about the resettlement from the contractor, John Holland and the local government administrative officials. Most of them learnt about the resettlement plans from John Holland as once the project started, most of the men from the village became waged workers with the contractor and so communicated the information to others. The least effective source of information regarding the resettlement was the local assemblyman. This can be seen in Table 4.1.

Table 4.1
Source of information about resettlement

Source	Number of respondents (Percentage)
John Holland	13 (43%)
Government officials	12 (40%)
Male village leaders	4 (13%)
Local Assemblyman	1 (3%)
Total	30 (100%)

One of the reasons frequently mentioned by the respondents for the move to the resettlement site is the dam project. However, they could not identify clearly who asked them to move, that is, their knowledge of the authority whom instructed them to move included John Holland, government officials, local assemblyman and male village leaders. While access to information may differ in the beginning, such access

quickly becomes equal among women and men due to the fact that information is traditionally shared freely in the community.

Tables 4.2 and 4.3 respectively show the reason given for moving and the authority that instructed the move.

Table 4.2
Reason given for moving

Reason	Number of respondents (Percentage)
Building the Babagon Dam	22 (73%)
For a development project	4 (13%)
Government orders	3 (10%)
Access road to area closed	1 (3%)
Total	30 (100%)

Table 4.3
Knowledge of authority who instructed respondent or respondent's family to move

Authority	Number of respondents (Percentage)
John Holland	14 (47%)
Government officials	7 (23%)
Local Assemblyman	5 (17%)
Male village leaders	4 (13%)
Total	30 (100%)

None of the respondents were able to identify the powers responsible for the approval for the Babagon Dam, nor were any of them able to point out the exact organisations responsible for the implementation of the resettlement. The responses reflected the lack of accurate information and an uncertainty of basic facts regarding the resettlement plan and implementation.

It was also evident that very few villagers had any direct contact with official agencies or project holders. Even fewer were knowledgeable about bureaucratic procedures dealing with resettlement issues. Almost all families expressed reluctance to relocate, while those who agreed to move, set certain conditions such as those pertaining to house, land and facilities. Satisfaction with their livelihood in the old village and loss of land and property were the main reasons cited by women for not agreeing to move. The latter was the main reason cited by men. A fifth of the respondents also did not agree to move as they were forced to do so without proper consultation nor participation in the decision-making of the project.

Table 4.4 below shows the breakdown.

Table 4.4
Reasons for agreement or disagreement of respondents to the resettlement

Reasons	Number of respondents (Percentage)
Total agreeing to the resettlement	4 (13%)
Total disagreeing to the resettlement	26 (87%)
Total	30 (100%)
Reasons for agreeing to the resettlement	
Provision of land in new site	1 (3%)
Provision of housing in new site	1 (3%)
Provision of all basic amenities in new site	2 (7%)
Total agreeing to the resettlement	4 (13%)
Reasons for disagreeing to the resettlement	
Loss of satisfactory life	8 (27%)
Loss of land and property	9 (30%)
Lack of security and amenities in new site	3 (10%)
Forcible manner of the resettlement	6 (20%)
Total disagreeing to the resettlement	26 (87%)

The respondents did not recommend that resettlement schemes be imposed on other communities, even though they might be 'better facilities'. They still remain dissatisfied with resettlement, particularly the women who found it more difficult to adapt to the new environment. Table 4.5 shows the breakdown.

Table 4.5
Support of or opposition to resettlement programmes in general

Reasons	Number of respondents (Percentage)
Total in support of resettlement	4 (13%)
Total opposed to resettlement	26 (87%)
Total	30 (100%)
Reasons for supporting resettlement	
Provision of land in new site	3 (10%)
Provision of all basic amenities in new site	1 (3%)
Total in support of resettlement	4 (13%)
Reasons for opposing resettlement	
Unpleasant experience	15 (50%)
Increased hardships	3 (10%)
Difficulties resulting from loss of land	7 (23%)
Lack of security in resettlement sites	1 (3%)
Total opposed to resettlement	26 (87%)

These women had a strong sense of belonging to the village where they spent a lot of time working on their farms or in the forest searching for food and other forest products before they had to move. "We were satisfied with the old village, so why did the government decide for us, that we must move out?" the women echoed. This sense of belonging was not evident in the new settlement. "We don't want others to go through the resettlement experience like us" and "Life becomes more difficult due to loss of livelihood sources especially land" were the two main reasons cited for

not wanting resettlement to be implemented for others. For men, they have more options for waged employment elsewhere, and indeed, many younger men migrated temporarily to neighbouring Brunei to *cari duit* (look for money).

On knowledge regarding the effects of resettlement, majority of the women and men were aware of such effects in particular the loss of livelihood for the family and for women. In the case of respondents who were not aware of the effects of resettlement, they blamed the government for not telling them the actual facts. Table 4.6 shows the level of awareness of the likely effects of their resettlement and the reasons given for their level of awareness.

Table 4.6
Respondents' awareness of the likely effects of their resettlement

Awareness	Number of respondents (Percentage)
Unaware of the likely effects	12 (40%)
Aware of the likely effects	18 (60%)
Total	30 (100%)
Primary reason given by those who were unaware	
Lack of experience in resettlement	3 (10%)
Lack of interest	2 (7%)
Lack of information from government	5 (16%)
Total respondents	12 (40%)

Table 4.6 (continued)
Respondents' awareness of the likely effects of their resettlement

Primary expected effect on the family by those who were aware	
Loss of livelihood	13 (44%)
Exposed to risk of dam bursting	1 (3%)
Loss of amenities and space	3 (10%)
Shift to noisy resettlement site	1 (3%)
Total respondents	18 (60%)
Primary expected effect on women by those who were aware	
Loss of livelihood	13 (44%)
Loss of amenities and space	1 (3%)
Shift to noisy resettlement site	1 (3%)
No impact for women	3 (10%)
Total respondents	18 (60%)

Most of the respondents described their families as “worse off” in respect of their traditional livelihood and way of life. Relocation has altered the people’s life style. One of the most important changes that have occurred is the absence of land for them to carry on with paddy planting. For respondents and their households who depended on the forest for their daily needs, the sudden loss of a communal forest in which to gather *paku* and other ferns for food, firewood and jungle products such as rattan for making mats and baskets has led to a sense of dispossession and insecurity. This was what a woman respondent said: “There is no land here for us to grow rice, no land for our children, unlike the old village where land provides us with food and we can pass it to our children.”

Both the women and men interviewed identified that the main disadvantage after resettlement were the loss of farm produce and income. Nevertheless, public services and infrastructure have improved after the move to the resettlement as can be seen in Table 4.7.

Table 4.7
Respondents' analysis of the impact of resettlement

Impact	Number of respondents (Percentage)
Main advantage	
No advantage	10 (33%)
Easier access to town and hospital	10 (33%)
Easier access to other facilities	5 (17%)
Private telephone	3 (10%)
More frequent public transportation	2 (7%)
Total	30 (100%)
Main disadvantage	
Loss of farm produce and income	24 (80%)
Less spacious and noisier conditions	5 (17%)
Loss of unity among villagers	1 (3%)
Total	30 (100%)

Given the information described above, a majority of the families do not want to continue staying in the resettlement site. However, among those who do want to remain in the resettlement site, they added that they had no choice, as they had no means to live elsewhere or had no land in other areas where they could start afresh. The remaining respondents preferred to move out and live in a village set-up where

there was ample land for farming and where the village's legal status was secured. In the present resettlement site, the village has no legal status since it is yet to be gazetted as a Reserve Village (*Kampung Simpanan*). Table 4.8 gives the percentages of respondents' feelings regarding remaining in the resettlement site.

Table 4.8
Respondents' feelings regarding remaining in the resettlement site

Response	Number of respondents (Percentage)
Resigned to remaining due to lack of alternatives	9 (30%)
Dissatisfied with remaining in the settlement site	21 (70%)
Total	30 (100%)
Reason given for dissatisfaction	
Desire to live in a village	11 (37%)
Lack of land for farming	4 (13%)
Lack of security- no land title, dam bursting	6 (20%)
Total	21 (70%)

The overall perception of the families surveyed was that they are not better off after resettlement. The great majority of the families displaced by the dam stated that their loss of land, homes, crops and other property were not compensated to their satisfaction. The compensation issue is discussed in the next section.

Trauma of Resettlement

The intangible effects of resettlement, due to loss of land and livelihoods especially among the older people cannot be quantified. Similarly, the psychological and

physical stresses in having to cope with lack of space, and the discomfort of living in a congested new settlement cannot be seen. Take the example of uprooting of the community. One woman in the survey noted that:

Many of us cried when the last rite was carried out in the old village to appease the spirits and to ask for forgiveness for abandoning them. The local priestess (*bobolian*) was called to lead the ritual. Kampung Tampasak has been my home for 11 years and I got married here. I can't help but leave with a heavy heart!

This woman's emotional state exemplified the bonding with the surroundings, which she sees as being imbued with a spirituality and sacredness not generally comprehensible by others. The surrounding for her is more than just the house she has to abandon; it is the basis of her existence and cultural identification. Hence, the loss is not just the physical movement but also the loss of sentiments and individual history. Uprooting has forced her to leave behind the history of the place. Particularly for indigenous communities, any change in the environment will affect other spheres of indigenous way of life, worldview and cultural identity. This is why a 70-year old widow responded, "I have lost my land and farm – it is so difficult now, I feel like dying." Similarly, a 79-year old man told me he felt like a caged pig, without land ("*macam kurung babi saja, tiada tanah*").

Even for the dead, they had to be buried twice in the name of resettlement, as was the case of an elderly man who died just before the families were moved out. The old man was buried in the Kampung Tampasak cemetery. But when the resettlement happened, the family decided to relocate the coffin to the new burial site because the mourning ceremonies were not completed yet (see Plate 6). "We had to dig the coffin and shift it to the new resettlement site," one of the sons commented. The

family was successful in claiming RM7,000 as compensation, which helped to pay for the transfer of the coffin and last rites.¹⁶



Plate 6

Twice buried. The next-of-kin of this old man who died just before the families were moved to the new resettlement site decided to relocate the coffin to the new burial site because the mourning ceremonies were not yet completed. (*Photo courtesy of Blasius Soinggan*).

In another case, a 61-year old man who regarded himself to be the seventh descendent of the Tulu Ragang (original descendents), had collected the bones of his deceased kin and placed them in large Chinese jars, which were brought to the cemetery at the new settlement site (see Plate 7). He also transferred several menhirs (stone pillars) from his old house to the resettlement site and built a 'memorial structure' at the fringe of the housing area (see Plate 8).

¹⁶ According to the LSD assessment, graves were only compensated with RM1,000 cash.



Plate 7

Bones of the ancestors. The intangible effects of resettlement, due to loss of lands and livelihoods especially among the older people cannot be quantified. Uprooting had forced the villagers to leave behind the history of the original village and to abandon the basis of their existence and cultural identification.

Most of the families, especially the women, wept at the empty lot where their homes and *sulap* (farmhouse) once stood. A 31-year old mother of five recalled:

We loaded whatever possessions we could pack into trucks and vans, some of which were provided by KPD and John Holland. Cows, goats, and other livestock were difficult and expensive to transport. There was no space in the resettlement site to allow our animals to roam. So we left the animals behind, hoping to collect them after we have settled down at the new settlement and found grazing land for them. But we brought the wood, zinc, pillars and other materials from our old house and farmhouse – we used them to repair and extend our present house, which saved us a lot of money.

Many trusty household items like *tosung* (rice pounder), kitchen utensils, clothes, shoes, pillows, wooden stools, and mirrors were also left behind because there was limited space in the small trucks and vans, and the villagers could not afford to pay for extra trips. “Later, we walked back to our old house to collect some of these items, but we found our house had been broken in and some plates, clothes and the mirror were stolen. Others were broken,” another woman added. People therefore are deeply traumatised by the loss of their familiar habitat.

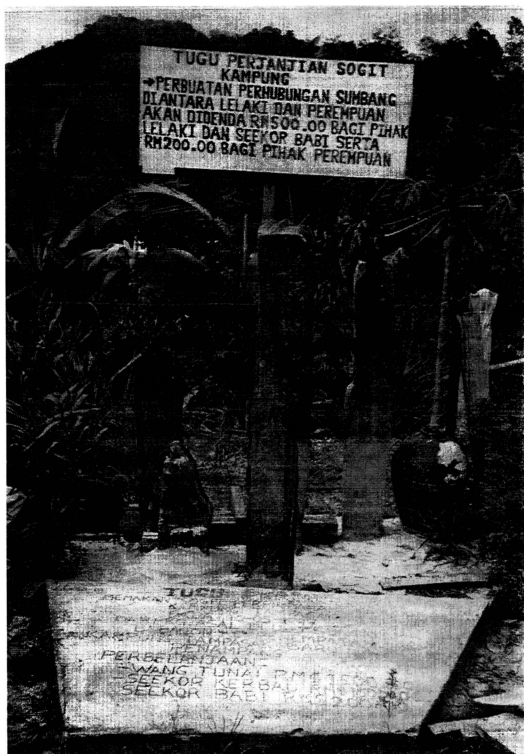


Plate 8

A 'memorial structure' at the fringe of the resettlement housing area. (The signboard is not part of the memorial but a caution to couples on pre-marital sex offences).

Kothari (1996: 1477) shares this trauma of displacement. He writes:

The experience of the post-independence period from the projects across the country suggests that the long drawn out process of displacement has caused widespread traumatic psychological and socio-cultural consequences. These include the dismantling of production systems, desecration of ancestral sacred zones or graves and temples, scattering of kinship groups and family systems, disorganisation of informal social networks that provide mutual support, weakening of self-management and social control, disruption of trade and market links, etc.

Trauma also happens in the face of insecurity over the village status. To date, the resettlement site is yet to be gazetted as a Kampung Reserve. This means that the village has no legal status, and consequently, the community is not entitled to all the benefits, facilities and infrastructure provided by the government. At the time of the study, the KMPGG and JKKK have collaborated to submit an application to the government for Gazette Notification (GN) certifying it to be a Kampung Reserve, as stipulated under the Native Court Ordinance. Until the GN is issued, the Kampung Tampasak community is living in fear of being displaced once more.

As Scudder (1979: 67) aptly noted, "The trauma of resettlement is exacerbated by the knowledge that the government has the power and the will to move people regardless of their own preferences and despite their attempts to thwart government intentions."

NGO's role in the resettlement of Kampung Tampasak

The local NGO mentioned earlier – Partners of Community Organisations, or PACOS has provided much support to the Kampung Tampasak community since the

early 1990s when the villagers were faced with the problem of the state government compulsorily acquiring their ancestral land for the Babagon Dam project. Then, the only information that was released to the affected villages was the promise of compensation. Towards this end then, some individuals from the affected communities approached PACOS for assistance, which the latter responded by providing leadership training for the women and men, conducting paralegal education on the land rights of indigenous peoples, and networking activities with the youths.

It should be stressed however that it is not just the presence of PACOS in the community that encouraged the development of women as leaders and organisers in Kampung Tampasak. The women of Kampung Tampasak themselves were actively protesting against the Babagon Dam project because of the fear of displacement from their lands and homes. These two factors, combined with the opportunity for the wider society to support Kampung Tampasak, helped to push individual women to the fore. In addition, the government's misunderstanding of the community's peaceful actions such as the signature, postcard and poster campaigns, and even the attempt to divide the villagers by using the police, turned out to be a blessing in disguise, for it helped to strengthen the zeal of the women in protecting their rights to customary land. As one woman said, "At first, I was really scared to face the Minister and District Officer, and certainly the police. These male leaders and politicians, including some of the male members in our community, even laughed at us women. Slowly, when I realised the significance of our role, I became braver."

Compensation

According to Hirsch (1996: 212), compensating for dams is a controversial issue throughout mainland Southeast Asia. Compensation is closely tied to questions of national, local and corporate resource sovereignty. The question of indigenous peoples' tenure rights is particularly complex in this case. The experience of the resettled communities of Kampung Tampasak is illustrative of the controversy surrounding compensation and the outcome of resettlement.

Under the privatisation contract, the Sabah State Government had estimated resettlement costs to be RM2 million, including the construction of houses and provision of facilities (*Borneo Mail*, 9.3.1994, p.5). No reliable data were available from official agencies on the actual cost of both resettlement and compensation. It was also difficult to trace this from the families because of their reluctance to fully disclose the amount of compensation they received. Thus, compensation estimates given in this study are probably underestimated when provided by the resettled families and overestimated when provided by the authorities.

The Land and Survey Department (LSD) was assigned to conduct ground surveys to quantify the properties owned by each family such as houses, landholding, fruit trees and burial sites.¹⁷ Compensation of land and property was made as follows:

- Payment of cash for land.
- Replacement of resettlers' houses and payment of cash compensation.
- Payment of cash for crops, buildings and other structures (for example, fish ponds)

¹⁷ Data on government's assessment of compensation for Kampung Tampasak was largely based on information from the Land and Survey Department Kota Kinabalu and the Penampang Land Office.

Compensation criteria

Compensation of displaced persons or communities is not compulsory in Sabah. The Committee for the Resettlement of the Affected Families by the Construction of the Babagon Dam decided on the eligibility of land and property, buildings and other structures for compensation. The responsibility for estimating compensation costs for each affected family was given to the LSD.

Sections 14 to 20 of the Land Acquisition Ordinance (Cap. 69) deal, *inter alia*, with the determination of claims to compensation and Sections 21 to 24 describe the provisions governing assessment of compensation. What determines the question and claims relating to the payment of compensation under this Ordinance? Section 15(1) of the Ordinance specifies the documents to be forwarded for such claims, as follows:

- a) a copy of any notification and declaration which has been published in the *Gazette*;
- b) a copy of the notice of acquisition;
- c) a copy of any notice issued or received by him or her;
- d) a copy of all statements received by him or her in compliance with any notice issued by him or her;
- e) the names and addresses of the persons who the authorised officer has reason to believe are interested in the land;
- f) the acreage of the land as certified by the Deputy Director of Lands and Surveys; and
- g) a copy of the report required by this section.

(Land Acquisition Ordinance, Sabah Cap. 69. Government of Sabah 1973).

As mentioned earlier, it is difficult for a landowner to make an appeal against the alienation of his or her land for a project deemed to be of 'public interest'. It may be implied that, therefore, a claim for compensation is also difficult for a landowner to submit. On the question of assessment of compensation, it is important that damage to the claimant such as loss of earnings be taken into consideration, other than the loss of the land. However, the proviso under Section 21 of the Ordinance does not provide adequately for it whereby sub-section (e)(i) states that no allowance shall be made on account of the acquisition being compulsory or the degree of urgency or necessity which has led to the acquisition (Government of Sabah 1973). Thus the land acquired compulsorily for the Babagon Dam is not stipulated in the Land Acquisition Ordinance as legitimate interest and lawful rights over land, whereby compensation should be payable.

Moreover, land compensation only included persons in possession of titled land in the reservoir area. Legal proof of land ownership was an essential criterion to establishing the rights to the payment of compensation for land inundated. Land without legal status – that is without ownership documentation in the form of title deed or certificate was not considered for compensation. Proof of agricultural use of land was also essential for compensation consideration. Thus land without title such as native customary right (NCR) land, land held under Field Register, Provisional Lease (PL) and Land Application (LA) was not recognised and thereby were not eligible for compensation. However, this stipulation is not clearly stated in the Land Acquisition Ordinance.

Valuation for crops including fruit trees was made by the LSD based on the assessment of the Department of Agriculture (DoA). The categories of compensation

included the age of the tree, the tree or fruit species, the number of trees and quality of the trees. This DoA list is classified as confidential and is inaccessible for public scrutiny.

Besides cash compensation, house plots were also provided to those eligible. Cash compensation for houses depended on structural quality, house construction material, house size, design and condition of the house at the time of the LSD valuation. For example, concrete houses were considered better than timber or thatch houses and as such received higher compensation. Similarly, houses that were painted were accorded a higher value than houses that were not.

Graves eligible for compensation were tagged at RM1,000 each, but some were revised following appeals by the affected families.

Implementation of compensation

The LSD began its land valuation in September 1992 when the Sabah State Government decided to go ahead with the Babagon Dam project. By December 1994, when the titles affected by the land acquisition were published in the Government Gazette, the compensation entitlement for the affected landowners was disclosed, which was based on the survey findings of the LSD. The LSD provided information on the extent to which compensation had been given out to the affected Kampung Tampasak population. The LSD inventory to assess compensation costs was calculated for each category eligible for compensation, that is, land and property, buildings and other structures. Although a breakdown was available, the LSD did not disclose how much was paid for individual assets, the means of payment and date of payment to each family. Without this breakdown of

compensation monies, it was not possible to contrast the actual entitlement, as assessed by the LSD, and the total amount paid to the families, many of whom complained of “inadequate cash compensation payments by the LSD”.

Table 4.9 below summarises the total cash compensation paid by the LSD to the affected families.

Table 4.9
Compensation paid to the families by the LSD Kota Kinabalu

Total cash compensation paid by LSD	Number of families
None	2 families
Below RM 5,000	5 families
RM5,001 – RM10,000	1 family
RM10,001 – RM20,000	5 families
RM20,001 – RM40,000	7 families
RM40,001 – RM80,000	2 families
RM80,001 – RM100,000	2 families
Above RM100,000	6 families

(Source: Compiled from data obtained from the LSD Valuation Officer, LSD Kota Kinabalu, May 1998)

According to the LSD Valuation Officer, the highest cash compensation paid out to one family was RM182,200 while the lowest was RM3,000. Additionally, the officer argued that there were many claims by land applicants and some of these claims were “outrageous” since the government had already paid around RM6 million cash compensation to Kampung Tampasak and Moyog. In Moyog, many families were in discord with the LSD because their land under Native Titles and NCR were not considered for monetary compensation.

The affected families argued that native land was valuable to them since they depended on such land to secure their livelihood. However, only those with individual grants received compensation. Those families owning land that only had NCR or LA status did not receive any compensation, and the estimates of persons affected are shown in Tables 4.10a, 4.10b and 4.10c. The highlighted portion refers to the number of persons whose lands were affected as a result of the land acquisition (Table 4.10b).

Of the women, 51 women (55 per cent) were 19 years old and below, while 42 women (45 per cent) were above 19 years old and were likely to own land (cf. Table 2). This numbered 28 women who had their own land in the old village: 7 had NCR land, 10 had LA land, and 11 had individual grants. Among the men, 50 men (51 per cent) were 19 years old and below, while 48 men (49 per cent) were above 19 years of age and were likely to own land (cf. Table 2). This numbered 49 men who had land: 9 had NCR land, 23 had LA land, 16 had individual grants, and 1 had bought land (see Table 4.10a).

As can be inferred from Table 4.10b, 25 of the 28 women who had their own land had been affected by the compulsory acquisition of land for the Babagon Dam project. Similarly, 38 of the 49 men who had their own land had been affected. As noted earlier, only titled lands were considered for compensation. This means that for those affected by land acquisition, 15 women and 25 men with both NCR and LA lands were not accepted for compensation, further aggravating their loss following the resettlement.

Table 4.10a
Land ownership categories of residents of Kampung Tampasak
prior to acquisition

Category of ownership \ Landowners	Number of landowners by gender (Percentage by gender)		
	Female	Male	Total
NCR (Customary) Land	7 (25%)	9 (18%)	16 (21%)
Land Application (LA) Land	10 (36%)	23 (47%)	33 (43%)
Individually Titled Land	11 (39%)	16 (33%)	27 (35%)
Purchased Land	- -	1 (2%)	1 (1%)
Total landowners	28 (100%)	49 (100%)	77 (100%)

Table 4.10b
Use of land by residents of Kampung Tampasak prior to resettlement

Category of land and use \ Landowners	Female	Male
NCR (CUSTOMARY) LAND	7 persons	9 persons
Mixed farming	57%	44%
Cash crops	29%	44%
Multiple use	14%	12%
Average size in acres	8 acres	14 acres
Persons affected by land acquisition	7 persons	7 persons
LAND APPLICATION (LA) LAND	10 persons	23 persons
Mixed farming	18%	22%
Cash crops	45%	30%
Left fallow	18%	-
Multiple use	9%	48%
Average size in acres	10 acres	10 acres
Persons affected by land acquisition	8 persons	18 persons
INDIVIDUAL TITLED LAND	11 persons	16 persons
Mixed farming	18%	13%
Cash crops	27%	50%
Multiple use	55%	37%
Average size in acres	10 acres	10 acres
Persons affected by land acquisition	10 persons	13 persons
PURCHASED LAND	-	1 person
Mixed farming	-	100%
Average size in acres	-	13 acres
Persons affected by land acquisition	-	None
RENTED LAND	5 persons	-
Mixed farming	100%	-
Average size in acres	2 acres	-
Persons affected by land acquisition	1 person	-

Note: The results are calculated using only valid respondents and not the total number of respondents surveyed in the study. Valid respondents here mean the landowners.

Table 4.10c
Average size of land plot owned by residents of Kampung Tampasak
prior to resettlement

Average land size Category of land	Average size (acres)		
	Female	Male	Total
NCR (Customary) Land	8	14	11
Land Application (LA) Land	10	10	10
Individually Titled Land	10	10	10
Purchased Land	-	13	13
Total	10	11	10

In general, there is only a slight difference between women and men's land ownership. However there are some differences by category of ownership, with men owning on average 14 acres of native customary land as compared to women owning 8 acres. This is despite the *adat* according both women and men equal access to ownership of land. This suggests that even within households there are likely to be gender inequalities due to prevailing social and cultural biases. In addition, the men had access to purchased land within the household, while women did not, which indicates that men had greater access to income to purchase land.

Households/Families' perception of compensation

Families who received compensation felt that compensation given for land was not equivalent to their loss. Acquisition of their land for the dam project made their livelihood worse off due to loss of land and income derived from farming. Another dissatisfaction among them was the size of land provided at the resettlement site was only 50 acres, instead of 200 acres with grazing land that the villagers remembered the minister had promised during one of his briefing sessions. It was found that the total cash compensation received for land, trees, houses, and other property totalled

RM527,596 for 47 women and RM264,496 for 30 men. In other words, the average cash compensation received by every eligible woman was RM11,225 while that of every eligible man was RM8,816. Many, however, maintained that compensation given had grossly underestimated their sufferings as loss of NCR and LA lands were totally disregarded. Table 4.11 shows the details of compensation received by the households.

Additionally, some families were hesitant to reveal how much they were compensated while others under-reported the amount they received. It is likely though that some claims could have been “outrageous” as held by a Land and Survey Department officer, as the compensation for all the affected families have been far from satisfactory. In other words, compensation continues to be the source of complaints and protests. Non-recognition of land with Native Title (NT) and LA status exacerbated the dissatisfaction of resettled families since many of those affected owned land under these categories.¹⁸

The source of the conflict between the Kampung Tampasak community and the government lies in the failure of planners and implementers to recognise native lands from which the people not only obtain their food security but also their identity as natives. Compensation costs did not take into account non-quantifiable and non-monetary values on which livelihoods, identity and culture were based, and even if they did, how could this loss be quantified and compensated? An example is the loss of the forests that sustained the subsistence needs of the local people for generations.

¹⁸ The KMPGG and JKKK have indicated that they have submitted applications to the authorities so that land with NT and LA status be recognised and compensated.

Table 4.11
Compensation received by households

Item	Female members of household	Male members of households
<i>HOUSE</i>		
House only	10%	10%
House and cash compensation	90%	90%
Average cash compensation	RM 13,692	RM 9,312
Those who received cash	13	8
Compensation not yet valued	5	1
<i>LAND</i>		
No compensation	25%	NA
Land not yet surveyed	10%	NA
Compensated	65%	100%
Land only	5%	-
Cash only	50%	90%
Land and cash compensation	-	10%
Land not yet valued	10%	-
Average compensation	RM 19,000	RM 14,400
Those who received cash	10	10
<i>CROPS</i>		
No compensation	25%	-
Those with no crops	10%	-
Compensated	65%	100%
Cash only	50%	80%
Crops not yet valued	10%	10%
Don't know	5%	10%
Average compensation	RM 8,960	RM 4,375
Those who received cash	10	8
<i>GRAVES</i>		
No compensation	15%	10%
Those with no graves	20%	40%
Compensated	65%	50%
Cash only	45%	40%
Allocated space at new cemetery	10%	10%
Graves not yet valued	10%	-
Average compensation	RM 4,000	RM 2,750
Those who received cash	9	4
<i>OTHERS (Fish pond and cattle pound)</i>		
No compensation	15%	10%
Those with no fish pond/cattle pound	50%	90%
Compensated	35%	-
Cash only	25%	
Replaced with new ones	10%	
Average cash compensation	RM 6,800	
Those who received cash	5	

Note: N = 30 households. The results are calculated using only valid respondents and not the total number of respondents surveyed in the study. Valid respondents here mean those who received compensation in cash or in kind.

Prospects and Problems of the New Resettlement Site

By the villager's choice, the new resettlement site retained the old name, Kampung Tampasak. It is a compact settlement consisting of 30 houses built in two blocks. All the houses have the standard design. A typical house has three rooms, a kitchen, a bathroom, and a small veranda (see Figure 4.2). The walls are made of wood with the outside painted blue. Roofs are made of zinc. There are exceptions, however, such as the house of the JKKK head, which had a bigger hall and a modified stairway.

The resettlement plan also made provisions for facilities such as sealed roads, a primary school and playing ground which, according to the government, were for upgrading the environment of the resettled people. The Communication and Works Minister, then Wilfred Bumburing, had assured the villagers that the approach road to the new village would be upgraded, while a proper community hall, a pre-school building, and a football field would also be provided for the area. To brighten prospects for the resettled families, the Minister also said that "the KPD would also provide a handicraft centre, create income generating projects through agriculture and also promote tourist-related activity" (*Borneo Mail*, 9.3.1994, p.5).

However, it was a mixed picture in reality. On the positive side, most of the respondents remarked on the considerable shorter distance they had to travel now to town and the hospital, and on the accessibility of public transport since the resettlement site was located near the Penampang-Tambunan trunk road. In fact, observation showed women and men moving freely to and from the resettlement site and Donggongan, and to Kota Kinabalu or to other districts. In addition, two

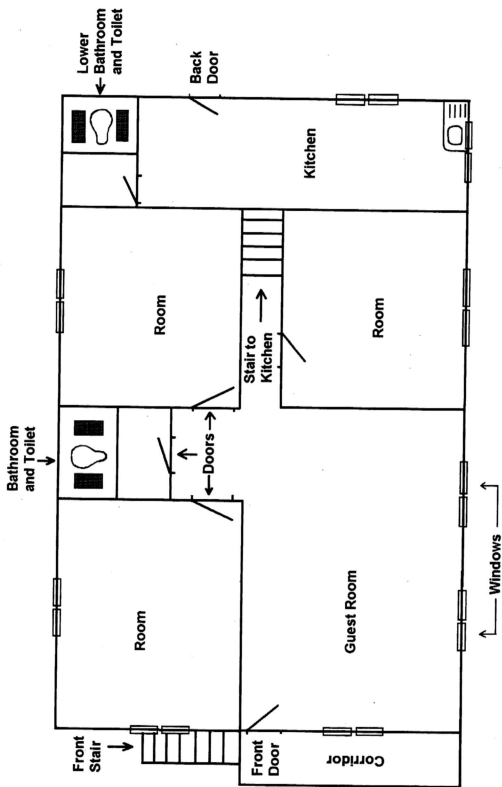


Fig 4.2 Floor plan of a house in the Tampasak resettlement area
 (Based on a sketch map by Blasius Soinggan, one of the villagers)

families now own cars; another two families have vans for plying passengers for a fee; and two others have pickup trucks for their private use.

Several families now also own new household items like hi-fi sets, refrigerators, furniture, television sets and video players. It is interesting to point out that in Batang Ai, among the resettled Iban of Sarawak, a similar behaviour has been observed (Hew 1987). This could be attributed to two main factors. First, the people now have much money - compensation money - to spend and they utilised the cash to acquire items which they desire. Second, relocation has altered the people's life by the entry into a cash-oriented lifestyle. It is therefore not surprising to see the rising socio-economic differences among families who are in possession of much money and those who are not.

Another popular feature was the telephone, with 22 of the 30 houses having a private line installed. The telephone was obviously a facility that the people enjoyed. On one occasion, it was amusing to see a young man calling his peer who lived two doors away to say that he was coming over at once! Enquiring why he did not just walk over, he said, '*Bah, kami sudah ada telepon sekarang, mau main-main aje*' (We have telephones now, so we are just having some fun).

While the resettled people have been able to benefit from better infrastructure in the resettlement site, there were also other, less favourable impacts of resettlement. For one, the new houses were far too small to accommodate extended families. The LSD had only assessed and provided for 20 houses as compensation, disregarding members who have since married and started their own families. After much bickering with the authorities, ten new units were added to the Phase 1 housing.

Nevertheless, contest over the houses among families divided the community. The KMPGG, and later the JKKK as well, petitioned the government to build another 12 units under Phase 2 of the resettlement to accommodate new families, which was eventually approved. However, claims of maneuvering to compete for the houses produced much greater conflict and opposition among the families who were already fragmented by allegiance to differing political parties and village leadership – either the KMPGG or JKKK. A final solution to this problem was the construction of three extra houses.

Two, the nearness of the houses compelled most of the families to shut their main doors – to keep off prying neighbours, prevent dogs or chickens from entering the house, or strong winds from slamming the door. The woman mentioned earlier, JJ recounted one of her embarrassing situations:

Sometimes the front door opens by coincidence. Then I glance across the house and see my neighbour watching me with my huge plate! (*Miagal otingayaman tomod oku tokito*). In the old village, our houses are so far apart we don't have to worry how we eat, sit, or act.

Indeed, in the old village, individual dwellings were located at some distance from each other and the space between houses allowed for each family a certain degree of privacy. For example, sibling squabbles or annoyance from over-drinking were kept within the boundaries of the family involved. This freedom and space was gone in the resettlement site. Experiences during fieldwork attest to this. When I stayed at JJ's house, I found the neighbours well aware of my movements if I kept the curtains up or the doors ajar, because from every angle – directly opposite, slanted or side-by-side – eyes could pierce through the windows and doors. I felt as though I was being constantly observed,¹ watched or eavesdropped by my immediate neighbours.

In short, it was suffocating! The women's insights on the lack of privacy and space were indeed real.

Three, the resettlement site has certain basic services such as gravity piped water, approach road, and electricity supply. But the villagers claimed that it is a far cry from what was promised to them during negotiations with the government (namely the KPD) especially with regard to the houses. Due to pressure from the resettled families to improve the houses, the government extended the rear of the house into the kitchen and constructed another bathroom there. At the time of this study, both the KMPGG and JKKK were negotiating with the government for other amenities such as a chapel and a community hall, as well as extending the cemetery site by five acres and the resettlement site from the present 50 acres to 200 acres.

Meanwhile, many families have spent their own money to improve their houses. Some families remodelled their house facades to recreate the old homes, while others added new rooms, extended walls into the backyard, built store rooms, extended verandas, installed gates or grills. Some claimed that the renovations and additions to the houses reflected an emerging social status and class because not all families could afford the expense, while others said these adjustments were necessary to make living in the resettlement tolerable. As a young bachelor aptly commented: 'This is a resettlement site, not like our old village, so must make it look nicer!'¹⁹

¹⁹ Personal conversation, January 1998; "*Sini penempatan, bukan perkampungan, perlulah buat cantik-cantik sikit macam kampung dulu!*"

Summary

One of the main conclusions of this chapter is that the State and the Kampung Tampasak villagers have differing views on development. The Babagon Dam is touted as one of the development project of the Sabah State Government to curb the recurrent water shortage in Kota Kinabalu, the state capital and neighbouring districts. The water supply from the dam is necessary for the domestic and industrial users of the capital city and other major towns. The presumption is that the resettlement of some 200 persons from the affected Kampung Tampasak is a small sacrifice. The resettlement of Kampung Tampasak is in fact seen as modernising the way of life of rural people through social services and basic facilities such as school, housing, water and electricity supply. The role of the state in facilitating the implementation of the Babagon Dam project and resettlement of Kampung Tampasak is crucial, as can be seen in the high-level committees formed under the Chief Minister's Department to plan and coordinate the resettlement programmes and services, including compensation.

Another difference noted between the State and the Kampung Tampasak people is in the way by which property rights are valued, particularly lands held under native customary rights and resettlement experience assessed. Each takes different factors into account, but three considerations seem to be the most common:

- 1) the government recognises ownership of land through the issuance of certificates and titles whereas the villagers recognises land as encompassing all aspects of life, from economic, cultural, spiritual to identity as indigenous peoples and legally through the *adat*;

- 2) the government feels that cash compensation suffices to make up for the loss of land, other property and homes as a result of the resettlement, but to the affected people, this loss cannot be easily quantified and compensated; and
- 3) some changes bring about a better quality of life to the affected community especially the physical changes, but on the whole, involuntary resettlement is neither simple nor predictable and a diversity of effects is evident.

Hence this chapter generally confirms that resettlement has changed the character of Kampung Tampasak. As noted above, resettlement has caused much disruption to the existing social, cultural, economic and political relations of the people residing therein. This is, in fact, what has happened, and is happening:

1. Clearly, there is a lack of community participation and government transparency on the resettlement programme. Many of the members of the affected community did not know exactly where they would be resettled, nor were they given any say in selecting the site. They also did not know who were the decision-makers and implementers of the resettlement. The only information they got was the promise of compensation.
2. More men than women were able to take advantage of the construction of the Babagon Dam and resettlement. For example, men were more easily hired as waged workers in the dam site and had more direct contact with the authorities and project holders whereas the women were generally left behind in the resettlement site tending to the children and homes.
3. Although women and men both received compensation for their losses, women found it especially difficult to adapt to the new environment because it required them to rely on cash for daily needs and consumption and far less women than men had a cash income.

4. Apart from the lack of adequate compensation, the resettlers complained that the government had not kept its promises on provision of facilities and amenities such as the community hall, chapel, grazing land, and primary school.
5. Living space is much more restricted in the resettlement site. This makes living more stressful and unhealthy due to the congestion and loss of the ambiance of the village set-up.

However, it should be stressed that some changes resulting from resettlement have brought about a better quality of life to the individuals concerned. The next chapter will look at the broader effects of resettlement and a gender analysis of how these changes are affecting the community, families and individual women and men.