

THE NAKED TRUTH ABOUT HOW LAND ACQUISITION DEALS IN SARAWAK ARE A GATEWAY TO VIOLENCE

an in-depth research on the impact of land acquisition deals in Sarawak through the lens of neo-colonialism theory



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August, 2013

Nijmegen, the Netherlands

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Preface

The road to become a better person is always under construction. I started to go to the Radboud University to pursue a career in international politics at the age of 27. Being able to study at the Radboud University and work at the Kingdom of the Netherlands Embassy in Kuala Lumpur has certainly made this choice a life changing and unforgettable endeavour. I am forever grateful for my parents that only partially disagreed with my choice.

As Frank Sinatra said: "*I did it my way*". But not without a good deal of motivation, and a push in the right direction, from dr. Bert Bomert, dr. Willemijn Verkoren, dr. Anna van der Vleuten, dr. Corjan van den Berg, Lotte Melenhorst, and Nian Sadiq. A special thanks to H.E. Paul Bekkers, James Nayagam, Peter John Jaban, and Christina Suntai for shining their light of expertise on this thesis. I deeply thank all of you and am forever in your dept.

Executive summary

Over the last couple years, land acquisition deals have become hot topic. Terms like ‘land rush’, ‘land grabbing’, and ‘neo-colonialism’ have been tossed around in media and the academic world. Often linked with the possibility to conflict. In 2012, Jacques Diouf, head of the United Nations Food and Agricultural Organization (FAO), talked about a “*cause for alarm*” if the neo-colonial system of land acquisition continued. As there is no sign of land acquisition changing in pace, content, and impact, it seems as if the time to take action is now. But is this somewhat loaded terminology and cry for change correct? Will neo-colonial elements cause land acquisition deals to spark the fuse for conflict? And what action needs to be taken?

This research on land acquisition deals in Sarawak (Malaysia) shows that the key elements of neo-colonialism theory, being political, economic, and socio-cultural in nature, are at play within contemporary land acquisition deals in Sarawak. Although neo-colonialism differs from traditional colonialism, the drivers and impact show a certain overlap, making it plausible that land acquisition deals can lead to conflict. Especially the oppression of indigenous people, the loss of control, cultural grievances, and inefficient compensation show a strong resemblance to colonial times. By discussing three court cases, and interviewing various people, an in-depth look at land acquisition dilemmas in Sarawak has been sketched. Besides debating the negative consequences of land acquisition deals in Sarawak, this thesis researches whether or not a change in (international) policy will be the answer to land acquisition-related conflict in Malaysia.

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ANNEX

LITERATURE

Chapter 1. Introduction

Since 2004 large-scale acquisitions¹ of land in Africa, Latin America, Central Asia, and Southeast Asia have made headlines in international media reports across the globe (Wakker, 2004; Colchester et al., 2006; Colchester & Fay, 2007; CIFOR, 2009; World Bank, 2010; GRAIN, 2011, Oxfam, 2012a). These reports talk of thousands upon thousands of hectares of land being leased or sold for long periods of time to investors,² seemingly, without taking any regard to possible consequences. NGO's such as Oxfam define these acquisition deals as land grab if the land deal violates human rights, overlooks the social and environmental impact, fails to consult affected people, does not get proper consent and happens in secret (Oxfam, 2012b). Initially, the discussion about the impact of land acquisition deals was connected to food security and financial gain for rural communities. The World Bank's World Development Reports of 2004 and onwards claim large-scale land acquisitions are, when executed correctly, beneficial for agricultural productivity and rural communities (Vachadze, 2012; World Bank 2011). As a result, various governments in developing countries are promoting land deals as being beneficial for economic growth (Vachadze, 2012:3-6).

Today's debate is much broader, as attention to land deals has fired up the debate between those in favour of land investments and those who largely oppose it. The traditional assumption of those who are in favour of land acquisition has always been that investment stimulates growth, and thus, in the long run, benefits the hosting country.³ Others, however, emphasize the looming threat to small communities and the environment. Regardless of the focus of the debate, no detailed results of land acquisitions lifting small-scale farmers out of poverty have been reported. Nor are there any reports stating a large increase in agricultural productivity and food security. However, there have been various reports on how land acquisition deals have deprived local communities of vital resources, how they threaten food security for the poorest communities, and how they widen the gap of inequality (FIAN, 2010; Anseeuw, et al., 2012). It seems safe to say that the benefits of contemporary land acquisition deals do not outweigh the negative impact of human rights violations, and also that the risks of land acquisition leading to underdevelopment,

¹ Large companies and government institutions buy or lease tracts of land, mainly in developing countries, under the flag of so-called 'land deals', 'land acquisition', or, by those opposed, 'land-grabbing'. This thesis will use the term land acquisition deals; although they might all mean the same thing, the term is not as value driven as 'land-grab'.

² Investors can be categorized in governments, domestic companies, and transnational companies (see paragraph 3.1.1)

³ The country where these land acquisitions take place.

hunger, and conflict are to be taken very serious (Grain, 2011; Oxfam, 2011; Oxfam 2012a). The loss of control over land, a lack of compensation for this loss, forced relocation of indigenous communities, economic dependency, underdevelopment, and the corruption that goes with it are known to spark the fuse for conflict (Murshed, 2002; Marker, 2003; Pons-Vignon & Solignac Lecomte, 2004; Zeleza, 2008; Delmar, 2011; Magnarella, 2012). “*Controversial land acquisitions are a key factor in triggering the civil wars in Sudan, Liberia and Sierra Leone, and there is every reason to be concerned that conditions are ripe for new conflicts to occur in many other places,*” according to Jeffrey Hatcher, director of global programs for the Rights and Resources Initiative (Sirica & DiPaolo, 2012:1). A change in (inter)national policy⁴ and well-organized property rights are considered to be the best solution to prevent escalation between investors on the one side and those who fall victim to the negative effects of land acquisition deals on the other (Cotula et al., 2009; Odendaal, 2011; Committee on World Food Security, 2011).

Despite the media attention to land acquisition, there is little scientific research published on conflict related to these land deals. Therefore, the full impact of global land acquisition deals remains poorly understood. As a result, various different misleading definitions of what land acquisition really entails exist in media and science. For one, it is often claimed that land up for acquisition is often empty, unpopulated, unused, marginal, and unproductive. In their annual reports the World Bank (2008) has been declaring the existence of this ‘suitable land’, but in reality these lands are unlikely to be completely unused and unproductive. It is possible that there are pieces of unused land in the world, but it seems illogical that an investor would prefer unproductive land over fertile soil. Another often heard misconception is the idea that agriculture in developing countries needs foreign investment to succeed. If one was to assume that chronic poverty is based on a lack of investment, more investment would indeed be the answer to this problem. Land acquisition deals could then be seen as a solution to one of the greatest problems in the world. If there is a lack of funds in the country itself, it seems logical that investments from abroad would benefit the country. However, in various developing countries, investments in agriculture are undertaken by local farmers who produce for local communities. These actions are reported as being extremely useful, and show that not all developing countries fully depend

⁴ See paragraph 3.1.2 for the definition used in this thesis for the term ‘policy’.

on foreign investment (Committee on World Food Security, 2011). Third, some researchers claim that land acquisition deals are necessary in relation to energy scarcity and for securing the world's food supply. However, seeing land acquisition deals as the answer to these problems would oversimplify the complex reality as being merely a supply-side problem. The process of getting your food and energy from faraway places can be described as environmentally unfriendly. Additionally, the industry is not fully prepared for a transition to any new form of energy (NVDB, 2012). The argument of food-scarcity seems to forget that there are no problems with the amount of food in the world. A more even distribution of goods could be a more effective solution to this problem. Additionally, if food was not transported from one part of the world to the other, both the energy and the food security problem would be tackled at the same time.

Misconceptions like these result in land acquisition deals associated with terms such as: neo-colonialism, land rush, and land grabbing. These terms have become common in contemporary media, but are also used by scholars and academics. It is likely that such loaded terminology accelerated the debate on the matter, but it also framed it as being something bad. In 2013, it seems as if the framing of land acquisition deals as neo-colonialism and land grabbing has obscured the debate more than it helped to illuminate it. Therefore, this thesis will start by looking into the terminology, defining land acquisition and neo-colonialism.

- **Land acquisition**

In their 2009 report, Daniel & Mittal discuss the loaded terms used for land acquisition deals and conclude that the current debate on land acquisition fails to adequately examine the consequences of land acquisition deals. According to scholars such as Kugelman & Levenstein (2009), this problem is related to the fact that details of land acquisition deals are kept secret. However, there is some consensus on the impact of land acquisition being social, economic, and/or legal in nature (Kachika, 2011:31-38). This brings us to the central question of defining land acquisition: What is the process of land acquisition really about?

In its most basic form, land acquisition is about a piece of land leased or sold to either foreign or national investors.⁵ Daniel and Mittal use the following definition for land acquisition: “*the purchase or lease of vast tracts of land by wealthier, food-insecure nations and private investors from mostly poor, developing countries in order to produce crops for export*” (2009:1). But this says little about neo-colonialism, the impact of land acquisition, or about the size of the land acquisition schemes. In order to be able to thoroughly research land acquisition deals, its link with colonialism and its impact, all these factors need to be taken into account.

In contemporary media, land acquisition deals are portrayed as neo-colonialism as they are supposedly an unfair process with ill-informed land-users on the one hand and greed driven investors on the other (Alden Willy, 2012:751-752). This would mean that, once companies or governments uphold principles of transparency and offer enough compensation for all parties, most of the problems will be solved. This sounds highly improbable. In various other definitions of land acquisition deals the ownership of land is the main topic. It is defined as taking land from the other, with no regards to rights or compensation. Although this could indeed be the case, in various other cases the ownership of the land is in the hands of the national government, which often means there is no problem about compensation or violation of any rights towards the owner. It is also not uncommon for indigenous peoples to remain on the land after the land acquisition deal. The main problem in these cases is not the loss of land itself, but the loss of control over that land. Therefore, this thesis will link land acquisition with land control, self-reliance, and the question of who reaps the benefits of this control.

On the topic of scale, this thesis researches solely land acquisition deals in Malaysia, which concern land deals about at least 10,000 hectares on a long term basis of 30 to 99 years. In regard of control, scale, and impact, this thesis uses the following definition of land acquisition deals: An acquisition of the use of, or ownership rights to, areas of land by investors, directly affecting the ability of the hosting country and their inhabitants to control the land, influencing them in an economic, political, and/or socio-cultural manner.

- **Neo-colonialism**

⁵ More on the role of investors in paragraph 3.1.1

Shortly after ‘traditional colonialism’⁶ was disbanded, the term neo-colonialism came about (Nkrumah, 1965). The phenomenon of (neo-)colonialism means different things to different people, and, therefore, makes it difficult to define. One of the earliest writers on colonialism, Hobson, wrote in his 1902 work: “*colonialism, in its best sense, is a natural overflow of nationality; its test is the power of the colonists to transplant the civilization they represent to the new natural and social environment in which they found themselves.*” (Hobson, 1938:7). This defines colonialism as an interplay between cultures of which one tries to dominate the other. Later in history, colonialism became conceptualized as: “*the conquest and exercise of sovereignty over one political system by another without integrating the subjugated system and assimilating its people*” (Paki, 2011:277). This defined colonialism as being a very political phenomenon. The traditional colonialists were looking to expand their territory purely to seek profit. They did this because their economies needed new markets and a new supply of materials (Ibid.). The exact same reasons apply for contemporary land acquisitions: investors seek new and upcoming markets, new places to invest, and want to get access to new materials. In this sense, the background for taking over control of land, whether it is by lease, by purchase, or by force, is very similar.⁷

Both land acquisition as well as neo-colonialism are often linked to terms like ‘land grabbing’ in the media, as both imply the capturing of power to control land and its resources. In regard of definitions of colonialism, to validate land acquisition as neo-colonialism, the loss of control over land needs to be political, socio-cultural, and/or economic in nature (Kieh, 2012:167).⁸ The definition as given by the *Oxford English Dictionary* (2012) captures this perfectly by defining neo-colonialism as “*the use of economic, political, or cultural pressures to control or influence other countries, especially former dependencies*”. The elements mentioned in the definition of neo-colonialism show a direct overlap with the elements mentioned in the definition of land acquisition deals. Therefore, the usage of the term neo-colonialism to describe the impact of land acquisition deals is adopted, making it acceptable to use the framework of Neo-colonialism Theory to further research land acquisition deals.

1.1 The Research

⁶ From the 1500’s till the mid-19th century.

⁷ More on the differences and similarities between traditional colonialism and neo-colonialism in Chapter 3.

⁸ More on the political, socio-cultural, and economic elements of Neo-colonialism theory in Chapters 3 and 5.

The goal of this thesis is to better understand the phenomenon of land acquisition. In the previous paragraph we have discussed how land acquisition is about a loss of control and that it has an impact on a political, economic, and socio-cultural level. As the definition of neo-colonialism addresses these three elements, this research will use Neo-colonialism Theory to discuss land acquisition deals and its relation to conflict. As the media and scholars alike mention policy as a sound solution to most of the problems arising with land acquisition deals, this will also be thoroughly discussed in this research. This brings us to the four central elements researched in this thesis: Neo-colonial Theory, land acquisition, land-related conflict and policy (see model 1 in paragraph 3.1).

This thesis focuses on land acquisition deals in the Malaysian state of Sarawak.⁹ According to various reports, land acquisition deals have violated the rights of indigenous peoples in Malaysia (Delmar, 2011:3). In colonial and post-colonial times human rights violations connected with land deals have often led to conflict (Magnarella, 2012). However, this has not been the case in Sarawak. Although there are no reports of violent uprisings, research nevertheless shows that Sarawak people living on lands subject to acquisition often get very little compensation for profound changes in ownership and control of land, or even get evicted, to make room for (inter)national investment schemes (Ghatak, 2011:1-2). A lack of compensation for loss of land, the loss of control, inaccessibility of land, forced relocation of indigenous communities, in combination with the oppression of the dominant culture and the corruption that goes with it, are known to spark the fuse for conflict (Murshed, 2002; Marker, 2003; Pons-Vignon & Solignac Lecomte, 2004; Zeleza, 2008; Delmar, 2011; Magnarella, 2012). All these elements are interconnected and need to be researched thoroughly in order to understand the possibility of the far-reaching consequences of land acquisition.¹⁰

Neo-colonialism Theory sees the possibility of conflict in relation to land acquisition captured in a combination of Dependency Theory and Cultural Theory (Agbo, 2003:5; Kieh, 2012:167). These two theories compose the political, economic, and socio-cultural elements that need to be researched in order to fully understand the link between land acquisition, neo-colonialism, and conflict. The political part of Neo-colonialism Theory deals with a loss of self-reliance, a loss of

⁹ Sarawak is the largest state of Malaysia, located on the northern coast of Borneo.

¹⁰ This thesis sees conflict as the worst possible consequence of land acquisition. Conflict can be political, economic, and socio-cultural in nature. More on these three types of conflict in Chapter 3.1.4.

sovereignty and domination of one over the other (Young, 1972:55). The loss of self-reliance and sovereignty can be divided into state sovereignty on the one hand and personal sovereignty on the other. State sovereignty is about a country being independent without any foreign interference. An outside intervention not just affects the state but also its people. In the case of Sarawak, the personal sovereignty of various indigenous peoples¹¹ is affected. Personal sovereignty deals with the authority and power of a person over his or her own destiny, without any outside limitations (King, 1996). The loss of state and personal sovereignty are known factors to be related to conflict in parts of Africa (McCandless & Karbo:116-123). Second, land acquisition deals are known to have a direct impact on the economy of the occupied territory, causing the country to become more economically dependent, which may lead to underdevelopment (Murshed, 2002). It is also important to recognize the rarely adequate compensation people that live on the land get from land acquisition deals. Together with companies bringing in outside workers, this is also connected to the people becoming more dependent.

Apart from political and economic factors, Neo-colonialism Theory also discusses the socio-cultural impact on the culture of a hosting country. Douglas & Wildavsky (1982) claim Cultural Theory could be seen from a personal/individual perspective and from a societal perspective. Investors may bring their own culture and practices, and ignore the existing culture, especially in cases where investors bring in foreign workers to work and live on the land. Often, foreign intervention suppresses the culture present on the land, believing they have the right to do so as they see their own culture as superior (Stoler, 2009). Additionally, displacement and forced relocation of peoples are known to have a profound effect on communities. They are no longer able to live the life they have led for many years, as the land that had been a central part of their livelihood is now inaccessible. This might cause friction and grievances within the communities, which is a breeding ground for conflict.

⁹ This thesis uses the term 'indigenous people' in a broad sense as it is used in international law, to include peoples locally referred to in Malaysia as 'aboriginal', 'tribal', and 'native' still transferring and inheriting lands through the application of customary law. Indigenous people represent around 12% of the 29 million people in Malaysia. These indigenous people are called Orang Asli when they are from Peninsular Malaysia consisting of three distinct sub-groups: Negrito (Semang), Senoi, and Aboriginal-Malay. In Peninsular Malaysia indigenous groups are only 0.6% of the total population, whereas in Sabah and Sarawak it is over 50% (CIA Factbook, 2011). In Sarawak, the indigenous people are called Orang Ulu or Dayak (who consist of Iban, Bidayuh, Kenyah, Kayan, Kedayan, Murut, Punan, Bisayah, Kelabit, Berawan, and Penan).

Policy is often mentioned by media, politicians, and scholars to play a key role in the prevention and containment of conflict that might erupt from land acquisition (Cotula et al., 2009:59-78). Contemporary policy does not fully protect all parties indulged in land acquisition (Ibid.). In particular, indigenous peoples that are often ill-informed and unwillingly part of land deals. This research starts from the idea that the political, economic, and socio-cultural elements of Neo-colonialism Theory point towards a possibility of land acquisitions leading to conflict as long as policy changes do not take place. Land-related policies in Sarawak are over fifty years old,¹² and, as some claim, not sufficient enough to prevent land-related dilemmas. Various media, scholars, and other professionals have claimed that a change in policy, and more transparency, would tackle most of the problems related to land acquisition deals (Cotula et al., 2009; Odendaal. 2011; Committee on World Food Security, 2011; Oxfam, 2012b). This brings us to the central question of this Master's thesis:

Can newly formulated (international) policies and property rights prevent the occurrence of negative 'neo-colonialist consequences' (being political, economic, and/ or socio-cultural in nature) of contemporary land acquisition dilemmas in Sarawak?

In order to formulate an answer to the central question of this research, this research will answer the following sub-questions related to current land policies in Sarawak:

Q1: Is current land policy sufficient to prevent Sarawak's land-related tensions from turning into conflict?

Q2: Can Dependency Theory explain if current land acquisition deals in Sarawak will lead to a violent conflict between its indigenous groups and investors in land?

Q3: Can Cultural Theory explain if current land acquisition deals in Sarawak will lead to a violent conflict between its indigenous groups and investors in land?

1.2 The case: Malaysia – Sarawak

¹² For the case of Sarawak these are Native Customary Rights (NCR) to Land. More on this topic in Chapter 4

Large-scale land acquisition takes place on a global scale. The Land Matrix Beta (2012)¹³ registered 216 land deals, for over 17,340,903 hectares, in the last ten years in East Asia alone (Annex 1 & Annex 2). In Malaysia, which is one of the leading participators in land acquisition, over twenty land deals have been registered by the Land Matrix Beta (Annex 3 & Annex 4). According to The Land Matrix Beta these land deals cover over 4,800,000 hectares. Malaysia leases mostly in parts of Indonesia and Africa. However, Malaysian soil, all of which is located in Sarawak, is not just leased by outside investors. The following tables (Table 1 & Table 2) show that the Malaysian government also invests in land of its own. This is specifically the case in Sarawak, where land is gathered and prepared to be leased to foreign investors in a later stage, putting Malaysia in the unique situation to be both an investor country¹⁴ as well as a target country¹⁵.

Table 1. Top 10 investor countries Land Matrix Database 2000-2012*

Ranking	Investor Country*	Land Deals	Hectares [Ha]	Targeted Countries*	Investment Sector
1	India	120	6,331,016	India, Ethiopia, Madagascar	Agriculture (Jatropha, Corn, Oil Palm), Industry
2	Malaysia	27	5,698,590	Malaysia, Indonesia, Liberia	Agriculture (Oil Palm, Acacia), Forestry
3	Indonesia	10	5,487,902	Indonesia, Tanzania	Agriculture (Papaya, Oil Palm, Corn)
4	USA	36	2,737,356	Sudan, Indonesia, Brazil	Agriculture, Forestry, Mining
5	UK and Northern Ireland	39	2,352,104	Philippines, Madagascar, Liberia	Agriculture (Jatropha, Oil Palm)
6	United Arab Emirates	5	1,882,739	Sudan, Zambia, Pakistan	Tourism, Agriculture (Jatropha, Sugar)
7	China	46	1,742,824	China, Argentina, Zimbabwe	Agriculture, Forestry
8	South Africa	16	1,396,411	Benin, Congo, Angola	Agriculture (Oil Palm, Cereals)
9	Canada	22	1,248,697	Australia, Brazil, Kenya	Forestry, Mining, Agriculture (Jatropha)
10	Philippines	7	1,066,721	Philippines	Agriculture, Mining

Source: authors' calculations based on: Land Matrix 2013

*a complete overview is available at the Land Matrix database (Land Matrix 2013)

*data availability on 754 land deals (44,135,624 ha)

*top 3 most targeted countries

Table 2. Top 10 targeted countries Land Matrix Database 2000-2012*

Ranking	Target Country*	Land Deals	Hectares [Ha]	Investor Countries*	Investment Sector
1	Indonesia	23	7527760	Indonesia, Malaysia, Qatar	Agriculture (Oil Palm)
2	Malaysia	20	4819483	Malaysia, Singapore	Agriculture (Oil Palm, Acacia)
3	India	109	4616760	India, Australia	Agriculture (Jatropha), Industry
4	Brazil	61	3871824	USA, Canada, Brazil	Agriculture (sugar cane, Soya beans), Mining
5	Philippines	30	3191021	Philippines, UK, Saudi Arabia	Agriculture (Cassava, Jatropha), Mining
6	Sudan	17	3123430	United Arab Emirates, USA, Sudan	Tourism, Agriculture
7	Ethiopia	56	2412562	India, Germany, Ethiopia	Agriculture (Oil Palm, Jatropha)
8	Madagascar	36	2176241	India, UK, USA	Agriculture (Corn, Jatropha)
9	Mozambique	96	2017912	Sweden, Germany, India	Forestry, Agriculture, Livestock
10	Argentina	22	1505020	China, Argentina, US	Agriculture, Livestock, Tourism

Source: authors' calculations based on: Land Matrix 2013

*a complete overview is available at the Land Matrix database (Land Matrix, 2013)

*data availability on 924 land deals (48,829,193 ha)

*top 3 investment countries

¹³ “The Land Matrix is an online public database that permits all users to contribute to and improve data on land deals, and for this data to be visualized. The visualizations offer both overviews of the data and complete access to the public database down to the level of an individual deal” (Land Matrix Beta, 2012).

¹⁴ According to Land Matrix Beta; an investor country refers to: “the country from which the investor originates, which is the same as the target country if it is a domestic investor. Investors may be private actors, governments or government-backed private actors. Where they are private actors, governments may not influence their operations nor do they necessarily benefit from them.” (2012).

¹⁵ According to Land Matrix Beta (ibid.); a target country refers to: “the country in which land is acquired for investment/acquisition.”

A history of colonialism is known to play a role in the eruption of violent conflict (Marker, 2003; Zeleza, 2008). Malaysia has a history of colonialism, but, although Malaysia was under British rule for many years, it never came to a violent stance between Malaysians and the British. In its essence Sarawak was a likely case for land-related conflict, as there are many similarities to African countries that did see violent conflict related to their colonial past. However, although traditional colonialism did not lead to conflict; neo-colonialist factors can be a spark that fuses conflict in Malaysia. Researchers claim that policies can prevent neo-colonialist factors from turning into violent conflict. Therefore, this thesis researches the impact of current policies by Q1: Is current land policy enough to prevent Sarawak's land-related tensions from turning into conflict?. To be able to do answer this questions, , further research is needed on Neo-colonialism Theory, the history of colonialism in Sarawak, and the relation to contemporary land acquisition deals and its dilemmas.

To fully understand the current political situation in Sarawak, one must first know the implications a history of colonialism has left on politics and culture in the country (Milner, 1987:774). Therefore, this thesis will provide the reader with a short overview of the history of Sarawak, in particular the development of colonial land systems. In relation to land acquisition, this research conducts information on how land acquisition schemes in Sarawak have affected the position of indigenous peoples in Sarawak. These people, often ill-informed, were in some cases (forcefully) moved from their land with little or no compensation. In addition, the possibility to give or withhold consent for these land deals was also often violated.¹⁶

Land rights in Sarawak are protected by so-called Native Customary Rights (NCR). These are specific rights that can only be claimed by a 'native person'. But, although some rights are protected, "*they are often partially or fully neglected*", according to Elisabeth Bürgi Bonanomi (2010:1). The other side of the coin is that investors in Sarawak land have legitimate expectations once a deal is closed. These expectations are also protected by international laws and regulations. However, the rights of investors may conflict with the needs and rights of the local community inhabiting land. And, current policy in relation to land acquisition seems to protect the rights of the investors over the rights of other parties.

¹⁶ See paragraph 4.2

In relation to land acquisition related problems, the indigenous peoples who suffered from land rights and human rights violations are no longer passive or silent. The Human Rights Commission of Malaysia (SUHAKAM) received almost 2,000 cases regarding land-related problems (Land Matrix Beta, 2012). These complaints are a relatively new phenomenon, and only a very select few cases have been settled so far. This thesis captures the urgency of these 2,000 claims in three important cases: the trial of the three tribes (case 1), the Penan trial (case 2), and the Murum Dam trial (case 3).¹⁷ Between four to ten people (of a total of twenty-five interviewees) have been interviewed per case. And, largely based on these interviews, the overall opinion on land acquisition deals, relation to conflict, and importance of land-related policies in Sarawak will be discussed.¹⁸ Central to the interviews were the three sub-questions, as mentioned in paragraph 1.1. These sub-questions, as well as the central question of this research, will be answered in Chapters 4 through 6.

1.3 Relevance

Academic, political, and media attention on land acquisition is a relatively recent phenomenon. As a result, thorough research on the impact of land acquisition is limited. Therefore, this research related to land acquisition in Sarawak can have important implications and new insights for scholars. It seems that one can only find one-sided academic research, either pro-land acquisition deals, or, as it is the case in many papers, against the way contemporary land acquisition deals take place. As worldwide land acquisitions are known to have a direct link with global food prices, world hunger, and human rights issues, this research is socially relevant as well.

This research can be of importance for further research in the field of land rights, neo-colonialism, human rights, and international development. It will contribute to a better explanation and understanding of the impact of land acquisition deals, a topic mentioned in various international development aid programs, and has worldwide attention due to interest from organizations such as the United Nations (UN), Oxfam, and World Bank. By looking at the specific factors related to Neo-colonialism Theory new insights can be formed, because, although the term neo-colonialism is often mentioned, these factors have been rarely researched. This research is relevant for mapping the impact and consequences of land acquisition deals in Sarawak, Malaysia. It uses the framework of Neo-colonialism Theory to look at some of

¹⁷ See paragraph 4.2

¹⁸ See paragraph 4.3

the biggest dilemmas land acquisition deals bring about. The three central elements of Neo-colonialism Theory, being political, economic, and socio-cultural in nature, are believed to be strong enough to form a basis to answer the question if contemporary land acquisition deals may lead to conflict. If the neo-colonial factors related to land acquisition are important factors in land acquisition related conflict in Sarawak, it is important to test the elements of Neo-colonialism Theory elsewhere.

As mentioned in the first paragraph of this thesis, media and academic coverage on land acquisition deals are a relatively new phenomenon. Therefore, there is still much left undiscovered on the subject at hand. In the case of Sarawak, corruption and censorship play a central role in as of why there is little transparent information on land acquisition deals to be found. However, reports on the escalation of land acquisition deals are surfacing more and more. Scholars, experts, and various media claim that changes in policy could be the answer to further escalation of land-related conflict. That is why this research also discusses if changes in current land policy are needed to avoid land acquisition deals from escalating.

1.4 Course of this research

The following chapter (Chapter 2) will elaborate on the methodology and data gathering. Next, the theoretical framework, based on the Theory of Neo-colonialism, will be discussed in Chapter 3. This results in Model 1 (paragraph 3.1), which includes the central elements of Neo-colonialism Theory. These elements are captured in Dependency Theory and Cultural Theory. Additionally, the elements of land acquisition, different types of conflict, and the role of policy will be discussed in that chapter. In Chapter 4 the case of Sarawak is discussed. By looking at the past, present, and future factors associated with land acquisition and Neo-colonialism Theory in Sarawak, this thesis sketches the current situation. In this chapter, three cases are analysed, to gain insight in the problematic status of contemporary land acquisition deals in Sarawak. It discusses the general opinion in Sarawak on various land related issues based on twenty-five interviews with various experts, indigenous farmers, and government officials. The Theory of Neo-colonialism is tested in Chapter 5. It discusses the impact of political, economic, and socio-cultural factors as described in the Dependency Theory and Cultural Theory. In this chapter the research questions will be answered, as well as solution to further complications. This leads the

reader to concluding remarks on Neo-colonialism Theory and land acquisition in Sarawak, all of which are documented in Chapter 6.

Chapter 2. Methodology

This thesis has both its philosophical and theoretical backbone in the Neo-colonialism Theory, as its definition provides the perfect framework to discuss contemporary land acquisition schemes in Sarawak. However, given the specificity of the historical and geographical contexts in which land dilemmas unfold, trying to discuss all the links between land, neo-colonialism and conflict in Sarawak would take this thesis far beyond its scope. For this reason this research dropped the environmental impact of land deals. The environmental consequences¹⁹ of land acquisition deals are becoming a growing problem in today's world. Therefore, it is a player of great importance when it comes to researching the possibilities of conflict. However, this being a complex and specific research, the focus of this thesis will be purely on the political, economic and cultural elements captured in Neo-colonialism Theory. In Chapter 3, based on the conceptual model in Chapter 3.1, the theoretical framework of this thesis will be explained. There the Theory of Neo-colonialism, the different types of conflict, and the role of policy will be further discussed.

2.1 Data gathering

The first stage of data collection, archival research, took place in the Netherlands early 2012. Literature research was conducted and used to form a theoretical basis for this research. This theoretical basis was used to explain a connection between land rights and conflict, discussed through a looking glass based on the Theory of Neo-colonialism.

After leaving for my internship at the Kingdom of the Netherlands Embassy in Kuala Lumpur, I had the opportunity to examine some official documents covering land deal-related matters. Due to many connections with several different NGO's and state-related institutes, I was able to observe the Colonial Office papers and speak to various well-informed individuals. Some of these people lived through the colonial period, were pressured to leave their land, or were experts on the subject matter. The interviewees were drawn from various backgrounds, but specifically related to three cases: the trial of the three tribes, the Penan trial, and Murum Dam trial. Additionally, various state officials and land rights experts have been interviewed. To prevent this research from hearing one side of the story, two Malaysian government officials connected

¹⁹ Like air pollution and the need for clean drinking water.

to land acquisition deals were interviewed. However, both government officials were very clear about not having to respect any indigenous rights nor indigenous peoples in general. As a result, they saw no real complications related to land acquisition deals whatsoever. Unfortunately, no Sarawak state officials were willing to talk about land acquisition deals. Geographic considerations and accessibility played no significant role, due to the fact that I was able to travel Sarawak for over a month and went to all three regions for in-depth research. Traditional farmers that were interviewed were all indigenous men. It was mentioned to be uncommon to interview women. Some interviews were pre-arranged, but most came about through Chain Referral Sampling (Castillo, 2009). This means a snowball method was used where interviewees recommended other individuals. In total five Malaysian land rights experts, two officials of the Kingdom of the Netherlands Embassy, two Malaysian government officials, and sixteen indigenous farmers have been interviewed, capturing the different perspectives from political players, academics, farmers and citizens. The findings from the interviews were discussed and checked for content and validity by James Nayagam (Human Rights Watch), H.E. Paul Bekkers (Ambassador of the Kingdom of the Netherlands in Malaysia), and Peter John Jaban and Christina Suntai (Radio Free Sarawak).

This thesis uses research on land acquisition in Malaysia done by the Land Matrix Beta, an online database for land deals. Researchers connected to the Land Matrix Beta recorded the phenomenon of land acquisition worldwide from the year 2000 onwards. The records used by the database are derived from a variety of sources: media reports, reports by international and local organizations, NGO's, field-based research projects, company websites, and government records. They claim to only archive land deals that originate from reliable sources, considered on a case-by-case basis. Land deals need to be at least 200 hectares. They have multiple records of Malaysian involvement in land acquisition taking place both inside and outside Malaysia.

2.2 Data gathering limitations

Besides limited resources in terms of finance and time, there were limitations in gathering quality information. For one, the Sarawak state government has little transparent economic data available, and most of the interviewees refused to go on the record with their statements. Unfortunately, no Sarawak government official was willing to elaborate on the state's perspective on land acquisition dilemmas in Sarawak. Also, various minor inconveniences occurred, such as the online register at the

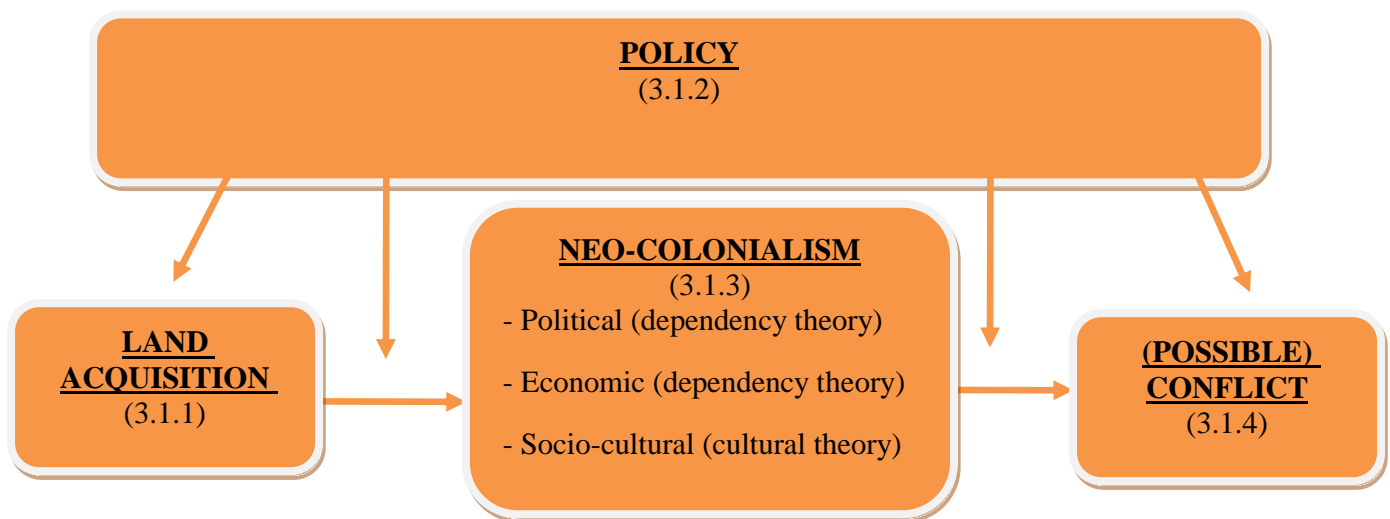
National Library of Malaysia that did not work properly. Many works were missing due to a policy to dispose of every book located in the general section published before 2000. It was believed that people no longer consult these old works, a frustrating factor for my research. Last, there is the question of reliability in regards to the inter-relationship between governmental power and the availability of information. Malaysia has little to no free mainstream press, as most media are state-owned. As human rights are a highly political subject, state censorship on the subject of land acquisition in Malaysia seems inevitable.

Chapter 3. The theoretical framework

In this chapter we will explore the Theory of Neo-colonialism, to build a framework for answering the research questions mentioned in paragraph 1.1. To be able to do so, we shall first discuss the model that underlies this research. The model is roughly based on works of Nkrumah (1966), Said (1978), Marker (2003), Phinney (2003), Kachika (2011), and Kieh (2012).

3.1 Research model (model 1)

This thesis considers the probability that land acquisition deals may lead to conflict, through factors related to Neo-colonialism Theory. These factors of Neo-colonialism Theory are political, economic, and socio-cultural in nature (Kachika, 2011; Marker, 2003; Kieh, 2012:167). In the process of connecting land acquisition to conflict, policy is both the starting point as well as intervening variable. It can also be of great importance in preventing or ending conflict. These four elements combined lead to the following model (model 1):



In the following paragraphs these four elements will be explained. Model 1 is the basic mechanism for this thesis to connect land acquisition to conflict.

3.1.1 Land acquisition

Land acquisition deals are about investors buying or leasing large pieces of land. This can be done by (local) governments, domestic companies and transnational companies. In their most

basic form, land deals involve two parties: one investing party that wants to acquire land, and one that offers this land. The land where these deals take place are called ‘host countries’. However, due the complexity entailed in land acquisition deals, the details are more difficult to explain (Hallam, 2009:2-4). In Chapter 1 we already defined land acquisition as: An acquisition of use, or ownership rights to, areas of land by investors, directly affecting the ability of the hosting country and their inhabitants to control the land, influencing them in an economic, political, and/or socio-cultural manner.

- **Drivers**

The FAO report by Cotula et al. (2009) elaborates on some of the key drivers of the recent wave of land acquisitions. Three key drivers are mentioned: food security, non-food commodities, and investors. The earth’s population is ever growing, and, with it, so is the need for food. This resulted in prices of wheat, grain, and maize almost doubling between 2003 and 2008 (von Braun, 2008; The Economist, 2009). Since large pieces of land are needed for food crops, the demand for buying or leasing land elsewhere has increased. Not all agricultural commodities are usable for food consumption. Also large-scale plantations full of rubber, wood, and/or cotton are being set up on lands once part of a land acquisition scheme. As the need for energy grows, biofuels have also become a key driver for land acquisition. All these commodities need large pieces of land to grow and become profitable (Actionaid, 2012). As worldwide consumption rises and the population increases, the possibility to use large pieces of land is considered a guaranteed market for decades to come. Research shows that food and energy are mostly government-supported agricultural investment, while the private sector seems mainly driven by expectations of competitive returns from land usage (Cotula et al., 2009:4-5). A third driver for land acquisition are the so-called investors. These investors can be categorized into two groups: governments and private investors. In the context of this research, the category ‘government’ refers to all institutions which represent a sovereign government such as ministries, and government backed agencies. Most of the government investors in land acquisition schemes are countries that rely on food imports or energy supplies to feed their population, or the ones providing/hosting the land up for acquisition. The category ‘private’ refers to private corporations. These corporations are mostly set up by private finance institutions, such as private equity funds, and individual investors.

3.1.2 Policy

Many political scientists argue that policy is best conceived in terms of a process (Rose, 1976; Jenkins, 1978; Anderson, 1978; Gilliat, 1984; Hill, 1993). This is because policy decisions are not “*something confined to one level of organization at the top, or at one stage at the outset, but rather something fluid and ever changing*” (Gilliat, 1984:345). That is why this thesis uses the definition of Hill (1993:40-41), stating that policy is “*the product of political influence, determining and setting limits to what the state does*”. International policy would not be limited to the actions of just one state, but is about the role of the international community. In this thesis about land rights, human rights, and land acquisition deals in Sarawak, the term policy will be defined as: all political influences by states, institutions, and/or international community on land rights, human rights, and land acquisition deals that affect the actors in land acquisition deals in Sarawak. This research uses the terms ‘current land-related policy’, ‘contemporary land policy’, and ‘(inter)national policy’, as umbrella terms for all policies concerning the actors in land acquisition deals that are active in Sarawak today.

Model 1 (paragraph 3.1) shows how policy intervenes with the process of land deals leading to conflict. It is, in a way, also the starting point of land deals, and directly influences possible conflict as rules and regulations affect those who take part in the conflict. All in all, policy is of great importance. However, research shows that problems with land acquisition are often not contained within (inter-)national policies (Cotula et al., 2009:68). An additional problem is that agreements and policies that do concern land acquisition are often outdated, not amended, or not complied to (Ibid.). As policy can be influential in every step of the process, and is considered as the mean solution to prevent land acquisition deals from escalating into conflict, this research discusses the role of policy extensively in Chapters 5 and 6.

3.1.3 (Neo-)colonialism

The term neo-colonialism came about in the 1960’s, after a period of decolonization (Nkrumah, 1965). As a consequence of the Second World War, Europe did not have the same amount of political and economic power. All European countries were busy trying to recover from the war, and were not able to give any proper attention to their colonies (Zartman, 1976:4). Therefore, for

a large part at least, decolonization took place in the 1950's and 1960's. With decolonization, the terms post-colonialism and neo-colonialism came about. Post-colonialism can be seen as a theoretical approach that focuses on the aftermaths of colonization. It applied to formerly colonized countries that gained (political) independence. Neo-colonialism shows a certain overlap with traditional colonialism, as both are about one actor dominating the other. Most colonized countries lacked economic funds and political strength during and after a period of colonialism. In return for ownership of land, these less wealthy countries relied on the colonizers regarding financial support and technological advances, which also had its repercussions on culture and made them more political and economically dependent. Neo-colonialism differs from the traditional domination of one nation by another in the sense that not all political and economic elements are dominated. Nor is neo-colonialism necessarily a relationship between two nations. The Theory of Neo-colonialism is connected to the idea that independent states can be (partially) under the control of an external force through economic or monetary means (Nkrumah, 1966:6). Neo-colonialism focuses on the domination and control of specific parts of land instead of an entire nation. According to Nkrumah, natural resources play a major part in this new form of colonialism, as he sees neo-colonialism as a continuation of the economic model of colonialism.

But the domination also takes place on a cultural level. Traditional colonizers saw their culture as being superior to that of the colonies. In modern day neo-colonialism practices, something similar happens when investors set new rules and regulations and bring outside workers to the land. But the negative impacts are similar as both can fuse political, economic, and socio-cultural friction (Fidelis & Samuel, 2011; Grebmer et al., 2011).

As Model 1 in chapter 3.1 shows, neo-colonialism has three central elements:

- Political (Dependency Theory)
- Economic (Dependency Theory)
- Cultural (Cultural Theory)

3.1.3.1 Dependency Theory

Dependency Theory can be defined as: “*an explanation of the development of a state in terms of the external influences- political, economic, and cultural- on national development policies*” (Sunkel, 1969:23). According to this definition, Dependency Theory looks at political, economic, and socio-cultural elements. As the socio-cultural elements are better explained within the concept of Cultural Theory, this will be discussed later on in this chapter.

- **Political**

As mentioned in the previous paragraph, this thesis will research state and personal sovereignty as a pillar for understanding the political aspect of Dependency Theory. To fully understand the concept of sovereignty, we need to go deeper into the subject and its impact. The concept of sovereignty was introduced by Jean Bodin (1577) and Thomas Hobbes (1651). In its essence, sovereignty is about a person or state having “*supreme authority*” (Dan Philpot, 2010). State sovereignty refers to the independent authority and power a state has to make its own decisions (Krasner, 1999). In this view a state is sovereign as long as there are self-made laws that are obeyed by the inhabitants of that specific state. As investors in land acquisition schemes are able to change rules and regulations of the leased/bought lands, state sovereignty can be effected.

Additional to states being sovereign or not, one can see sovereignty as something that is owned by a person. Personal sovereignty is a concept that deals with freedom and self-ownership (King, 1996). Having a high level of personal sovereignty is about an individual having authority and power over his or her own direction and destiny, without any strict limitations. Allina (2012) sees personal sovereignty as something that is layered. All individuals possess layers of sovereignty, the more layers the more sovereign you are. Meaning, the more layers, the more control one can exercise over the self. Situations of enslavement, colonialism, and oppression strip away layers of sovereignty, exposing an individual to possible violations of their rights.

Traditionally speaking, sovereignty is undividable and untradeable: it is either there or it is not (James, 1999:463). Without undividable sovereignty there would be chaos and disorder (Pogge, 1992:59). There is one institute, one state, and only that state has the final say about its own. There is, however, a different view on sovereignty. Scholars such as David Held (1995) claim systems have become too complex to claim sovereignty is undividable. He claims there are

multiple sovereigns, and that therefore sovereignty can be spread (p.229). Contemporary examples Held uses are institutions such as the European Union, the United Nations, and the International Criminal Court. This research, supported by Held's theory on sovereignty, considers sovereignty is dividable as a result of land acquisition. But, essential to upholding both types of sovereignties, a state should provide and protect the rights of its citizens. If a state does not fulfil its human rights related tasks, it will lose its legitimacy. The loss of legitimacy opens the door for conflict within a state.

- **Economic**

Memmi (1965) and Nkrumah (1965) claimed that economic gain was the driving force behind colonialism, which in turn explains the exploitation carried out by the colonizers. There is drainage of resources, businesses are being set up, there is investment in various projects, and an outside party plucks the financial benefits, leaving the host country underdeveloped and economically dependent. Modern day neo-colonialism shows similar activities with similar results. Parts of land are leased or bought, there is investment in that specific project, the resources of the land are used, and most of the profit flows out of the hosting country to the investors. Additionally, the investors bring in outside workers, resulting in more dependency and underdevelopment.

The economic dependency of a country can be measured by examining foreign direct investment (FDI) in relation to the gross domestic product (GDP). Foreign direct investment is about capital investment by institutions of one country into that of another country (Economy Watch, 2010). It has had an immense impact on the internationalization of business as it can provide new markets, cheaper production, and access to new technology and products. GDP is a method of measuring the size of the economy of a country (Ibid.). The more foreign investment in a country's GDP, the more economically dependent a nation is on foreign investment. But economic dependency is not solely a state-related concept. If there is not enough financial compensation for the people living on the land that is leased or bought by investors, land acquisition deals cause more economic dependency for them personally. A lack of independent finances can cause underdevelopment, and is considered a root cause for conflict (Murshed, 2002).

3.1.3.2 Cultural Theory

Cultural Theory has challenged the idea that colonization practices are purely economic and political processes, as it tries to conceptualize and understand the dynamics of culture within the neo-colonialist frame. Undoubtedly, colonialism has also had a major impact on the culture of the colonized (Phinney, 2003; Grebmer et al. 2011). The setting of new cultural standards, the implementation of new rules and regulations, accompanied by feelings of superiority of investors and the oppression of various cultural elements in hosting countries, brought cultural issues such as race and ethnicity to the forefront. Cultural issues are known to play an important role in various violent outbursts in Africa and South America (Solimano, 2004; Shah, 2010). Neo-colonialism practices have a similar impact on the culture of a hosting country. Cultural Theory can be discussed from a personal perspective and a societal perspective (Douglas & Wildavsky, 1982). The society as a whole sees very little direct cultural changes as a result of land acquisition deals as they take place to a confined area. The impact on individuals living on the land, however, is great. For one, investing parties can oppress the dominant culture by setting new rules and regulations. They can also bring in many outside workers that can further influence the culture of the host country. Eviction and relocation of people once living on the land has had a direct effect on its culture. Minority groups are known to become hostile once they consider themselves being victims of others, and, therefore, the impact of land acquisition deals on a nation's culture are extremely important to take into consideration (Irobi, 2005). As a result of the impact on individual groups, the entire Sarawak culture will eventually be affected by land acquisition deals.

3.1.4 Conflict

Bulcha (1988) claims that political, economic, and socio-cultural conflict are the most common forms of conflict in post-colonial societies. These forms of conflicts are in flux and can reshape in response to the situation at hand, become layered, or replace one another. Of these three, economic conflict is often the most clearly identifiable. Cultural conflict and political conflict are often underneath the surface (Lerche, 1998). Kristiina Rintakoski, executive Director of the Crisis Management Initiative, claims that key issues for violent uprisings in a country are social and economic inequality (2009). State fragility, she adds, is a source for instability, and,

therefore, has a direct effect on these issues. The more fragile a state is, the more likely it is social and economic inequality leads to conflict (Thought Economics, 2009). Research shows various land-related conflicts have become more violent once linked to processes of political exclusion, social discrimination, and economic marginalization (Pons-Vignon & Solignac Lecomte, 2004).

Economic conflict deals with conflict over resources. Although it is to be considered extremely important, it is not just the drainage of resources, the loss of control, or economic dependency that can have land acquisition deals lead to economic conflict. The main contributing factors causing economic conflict are: corruption, embezzlement, and inefficiency, as they lead to a lack of security (Ottunne, 1992:19). According to Nnoli (1978:69-70), culture and identities were highly influenced by intervention of the colonizers. He claims that this foreign intervention has a direct impact on socio-economic competition between social groups in the colony. This competition between groups can cause friction, resulting in violence amongst each other or against the colonizer (Humphreys, 2002:4). Nowadays, many of these groups still hold grievances against each other and/or the colonizer (Shivar, 2003:136). Political conflict within countries can be local or national, and contains social, ethnic, or cultural conflict. In principle, political conflict will usually be more intense in societies with declining economic resources and cultural conflicts in societies with large amounts of economic resources and political stability (Chazan, Lewis, Mortineer, Rothchild & Stedman, 1999:197-246).

When looking at land acquisition deals and its link to conflict, the following elements need to be taken into account (Ibeanu, 2001; Kanbur, 2007; Thoms & Ron, 2007):

- An increase in economic and/or socio-cultural inequality raises the prospect of violent uprisings.
- Polarisation of society into groups raises the prospect of violent uprisings.
- A decline in national poverty can cause tensions if certain groups are left out or some do better than others in poverty reduction, and raises the prospect of violent uprisings.
- Abuses of personal integrity/ repression raises the prospect of violent uprisings.
- Denial of (political, economic, socio-cultural) participation raises the prospect of violent uprisings.

- State violence raises the prospect of violent uprisings by targeted groups.
- The more fragile a state government is, the less legitimate it is considered by its people, and the more likely it is that the above mentioned factors lead to conflict.

3.2 Concluding Chapter 3

In this chapter we have presented land acquisition as a form of neo-colonialism. History shows that colonialism can be a major source of conflict, especially when indigenous peoples and the colonial powers clash. Clearly there are parallels between traditional colonialism activities and elements of neo-colonialism that occur as a result of modern land acquisition deals in Sarawak. Besides the fact that both deal with a loss of control over land and its recourses, they both have very similar drivers and impacts. All in all, there is enough foundation to believe the similarities are strong enough to consider neo-colonialism can lead to similar problems as traditional colonialism did.

By using Model 1 (paragraph 3.1) as a starting point, this chapter has discussed the central elements of Neo-colonialism Theory to connect land acquisition with the possibility of conflict. Paragraph 3.1 discussed Dependency Theory and Cultural Theory, the two central elements of Neo-colonialism Theory, as key elements of the theoretical framework. To be able to research land acquisition within the framework of Neo-colonialism Theory, being political, economic, and cultural in nature, we need to explore the history of colonialism (Milner, 1987:774). This will be done in the following chapter. By looking at the colonial history of Sarawak, the central elements of Neo-colonialism Theory, and contemporary circumstances, the likelihood of land-related conflict in Sarawak will be further discussed. In addition, an in-depth analysis on the role of politics and policies will be given, as they are considered to be the answer to most of the problems related to contemporary land acquisitions (Cotula et al., 2009; Odendaal, 2011; Committee on World Food Security, 2011; Oxfam, 2012b). Also, the link between land acquisition deals in Sarawak and the possibility of conflict (as discussed in Chapter 3.1.4) will be analysed. By elaborating on three important trials, supported by various interviews on these trials and land acquisition in general, this thesis will get closer to understanding the full context and impact of land acquisition deals in Sarawak.

Chapter 4. The case study: Malaysia - Sarawak

In the previous chapters we have touched upon the subject of land acquisition, discussed the central elements of Neo-colonialism Theory, and elaborated on the role and importance of policy. In the following chapters, the Theory of Neo-colonialism will be put to practice. This thesis discusses the case of land acquisition deals in Sarawak, a province of Malaysia located on Borneo, and its unique relation to neo-colonialism. By looking into three important court cases and interviewing various experts, an in-depth portrait of land acquisition deals in Sarawak Malaysia can be constructed.

After a brief explanation of the choice for this case, this chapter will elaborate on the colonial history of Sarawak. This historical background is needed to gain a better understanding of how Sarawak has evolved on an economic, political, and cultural level throughout the years. After elaborating on the history of Sarawak, this thesis will provide a closer look into contemporary land-related politics. A special role is reserved for Native Customary Land Rights,²⁰ as these rights prove to be at the centre of many land-related trials in Sarawak. Three of these trials are discussed to gain further understanding of the gravity of the situation in Sarawak.

4.1 Sarawak – a short historical overview

During the colonial rule from the 1860s onwards, indigenous communities in Sarawak have noticed very little of foreign intervention (Doolittle, 2005:11). The colonizers in Sarawak were concentrated on trade, and left the indigenous communities as undisturbed as possible. Although the colonizers were there to trade and often just took Sarawak's resources, they were not there to take the land itself. As it was the Sarawak land that provided the indigenous people of their basic needs,²¹ there was little conflict between the indigenous people and the colonizers. As long as the

²⁰ According to the Supreme High Court Of Malaysia (2012), Native Customary Land (NCL) means: “1) Land in which native customary rights, whether communal or otherwise, have lawfully been created prior to the 1st day of January 1958 and still subsist as such; 2) Land from time to time comprised in a reserve; 3) and, Interior Area Land upon which native customary rights have been lawfully created pursuant to a permit.”

²¹ From housing, to food and clothing, the forests and rivers provided them in their basic needs.

indigenous people were able to live a self-sufficient and independent life based on ‘adat’ laws,²² there was no reason for any violent conflict (von Benda-Beckmann & Vermeulen, 2001).

The land of Sarawak was traditionally governed by local customary laws and practices before it was established as a loose state in 1861 by the British. In 1881 the colonial government of the North Borneo Chartered Company claimed ownership of all the land and resources in what is now known as Sarawak. As the colonial government was there for profit only, all native land rights needed to be settled as fast as possible so vacant lands could be identified. But, as soon became clear, native land rights turned out to be exceptionally difficult to settle. After the British left their colonies in North Borneo, the Federation of Malaya got “*a tangled legacy of unresolved native property rights*” (Doolittle, 2005:15). There were several communities all with an autonomous entity, not subject to the control of any other group. All people were expected to live according to the adat laws, but land disputes were just as common then as they are today. According to adat law, people could claim land rights by being the first to harvest or plant certain areas (Cramb & Wills, 1990). However, fertile soil was interesting for different parties and competing tribes often found themselves arguing over land. When someone was unable to cultivate his land due to illness, other workers within the community often helped out. If a certain area was unable to cope with the population pressure, the indigenous peoples would search for new land to cultivate and often start a new community. This could lead to conflict if the newly formed community was close to a territory of another tribe.

- **1881-1945**

Until World War II, land was worldwide considered to be the prime source of income and employment (Cleary & Eaton, 1996). In Sarawak, land property, and the individual ownership of it, changed once colonial rulers came to power. Without any negotiation, land-use was from that moment on based on European private ownership laws instead of the customary native land system that had been there for decades. Two central rules were created by the British rulers of Malaysia. The first claimed the state was owner of all land in its domain. And, second, that private ownership of land outweighed communal ownership (Ngidang, 2005:50). The idea of

²² Customary law of the indigenous people of Sarawak is mostly an unwritten code, governing all aspects of a person’s life (Hooker, 1972).

these regulations resulted in the Land Order of 1863 and its amendments in 1871, 1882, and 1899 (Ibid.:52).

However, these regulations offered little protection for indigenous peoples, as their rights and needs were not taken into consideration. The Land Settlement Order of 1933 made it even worse as it introduced leases for 99 years (Ibid.:57). The land rights as regulated by adat laws were not recognized. As a result, the indigenous people were restricted within their usage and movement of finding new land. By demarcation of land the indigenous people of Sarawak tried to secure their land as being their own (Ibid.:70). However, this was not seen as a legally binding process. In order to be sure they kept some rights to land, many indigenous people got together to claim a specific area. The colonial rulers were unwilling to consider the indigenous traditional land rights-system as a separate system, nor were they willing to merge it with the Western land-system. This resulted in conflict as the Western regulations were used by the colonizers to take lands that originally belonged to the indigenous people of Sarawak. As a result of traditional rules being replaced by new rules, the indigenous people had to adjust to the regulations to be able to claim land, which often did not happen due to a lack of information, resources, and possibilities (Ibid.:50). The weakening control of land had a direct effect on the social life, economic capacities, and cultural identity of the indigenous peoples, as they were often forced to leave their ancestral land.

- **Independence, 1963 and onwards**

Right after World War II, as colonizing countries were weakened by the war, the demand for self-determination among colonies in Asia, Africa, and the Middle East grew. As it also did in Sarawak, where the process of decolonization was the starting point of a new era of regaining state sovereignty (Strang, 1990:846). At that time, the British needed to rebuild their country, and, therefore, wanted to gain more from their colonial lands. Sarawak was known for its many resources, but the indigenous peoples were considered to be an obstacle. To ease the process of using Sarawak land and its resources, while restraining the indigenous peoples, the National Land Code (NLC) was set up by the British. From 1957 onwards, individual land rights now formed the basis for land development in Sarawak. This Western concept of land rights was very strict on the usage of (unregistered) state land, and made it simpler for the British to trade, but

caused various difficulties for indigenous peoples. They were no longer able to freely use parts of land, they were restricted in their movement, and, in some cases, were removed from the land.

In the United Nations General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples in 1960, the former colonizers agreed that they had violated human rights during their rulings, and “*colonialism in all its manifestations was an evil which should be brought to an end*” (Tarling, 1992:103). Sarawak became independent on 22 July 1963, and joined in the federation of Malaysia. In many of the former colonies the process of decolonization caused far-reaching conflict. This was not the case in Sarawak. The reasons for this can be traced back to the fact that the colonial rulers had tried to influence the country as little as possible. The colonial rulers were there for trade, and conflict was considered bad for trade.

After the colonial period, the National Land Code of 1957 remained in use, although the issue of land rights and land usage became increasingly important. The NLC provided native customary land to be held by individuals on lease regardless of any traditional authority. This opened the door for non-Malaysian investors to control (parcels of) Sarawak land, similar to what had happened during the colonial period. As plantations, especially oil palm, were a great source of income, the Sarawak government took large areas of the native land and converted it into plantations. As a result, many indigenous peoples had to resettle or work as labourers on plantations which now were state land. To protect the indigenous peoples of Sarawak there were Native Customary Rights (NCR), specific for the indigenous tribes, but these rights often clashed with the interests of the investor and were often swept aside. The indigenous peoples were unhappy with this situation, and the Sarawak government pronounced plans to give various indigenous groups more official land rights. However, the central government of Malaysia did not agree and delayed the process. After the Malaysian government helped the highly corrupt Abdul Taib Mahmud to become chief Minister of Sarawak in 1981, the whole concept was swept off the table, making outside land acquisition in Sarawak considerably easier, and the life of many indigenous peoples considerably more difficult.

4.2 Contemporary Sarawak - a closer look

There are three main areas of legislation/regulation of property in Sarawak. There is the National Land Code of 1957, which is connected to Native Customary Rights and individual ownership of land. This is the most significant legal regulation of land transactions in Sarawak today. Second, the Malaysian constitution gives the national government responsibility and rights in regulating property ownership. Third, Malaysia is subdivided into 14 states, each of which has its own rules and regulations (Realtor, 2000). Although elements of these laws and regulations should benefit the indigenous peoples of Sarawak, they are often ignored or not properly implemented.

Most of the power is in the hands of state government. Malaysia, and Sarawak in specific, is known for its arbitrary electoral practices which result in a significant distortion of voter preferences (Case, 2001:45). While elections are held regularly, losing votes or 'phantom'-voters are known to influence elections (Case, 2001:48). Additionally, as the Sarawak government owns almost all big media, they can directly influence people. As investors in land acquisition schemes bolster government coffers, the Sarawak government sides with the investors instead of being on the side of their people.

Land acquisition deals in Sarawak have become more and more violent throughout the years. It is believed that the Sarawak government uses violence against indigenous peoples, beating and arresting them, to keep them from going to the streets (Environment News Service, 2011). In 1999 four oil palm plantation employees, who lived close to the Iban villages Rumah Busang and Rumah Bali, were killed in a clash with indigenous peoples. Nineteen Iban villagers were charged with murder and received the death penalty (Thompson, 1999). In 2007, a Penan leader and spokesman for an indigenous protest group against land investors, was reported murdered (Bruno Manser Fund, 2008). In 2010, a timber company official almost beat a native protester to death (Mongabay, 2010). Two other indigenous protesters were almost beaten to death in 2011 (Stop Timber Corruption, 2011). Early 2013, another report of a land rights defender being beaten was published (Barubian, 2013). The Sarawak government tries to keep these violent incidents out of the media, as they benefit from keeping their actions silent. However, due to social media, reports of violence in Sarawak surface more and more.

The violence against indigenous peoples and corrupt situation in Sarawak has been getting little international attention. However, as international human rights laws are being violated, some

steps are being taken (Malaysia Today, 2012). A coalition of NGO's, led by the Swiss Bruno Manser Fund, criticized the Malaysian government's non-implementation of the UN Convention against Corruption (UNCAC), and the UN Convention against Transnational Organized Crime (UNTOC). Although the legitimacy of the Sarawak government has openly been criticized, as of now this has not led to any sanctions.

Almost every indigenous group in Sarawak has been affected by the loopholes in the NLC and corrupt practices of the Sarawak government. All groups have been confronted with police brutality, violence, and even deaths, as a result of land related conflict. Generations of inherited rights and laws have been dismissed by investors with official licenses. In the name of development, native rights eroded and indigenous traditions crumbled, and resulted in underdevelopment and suppressing. This thesis choose three cases to explicate the current land acquisition situation in Sarawak. It is a fairly new phenomenon for Sarawak to see land acquisition dilemmas make it to the courthouse. Government organised violence was able to keep the indigenous people of Sarawak relatively quiet. This was relatively easy, as indigenous groups in Sarawak have always been unorganized. But, due to these trials, indigenous groups have become more and more organized. The following cases were chosen based on size, importance, and on the impact a decision will make for further cases. Interviews have been carried out with parties related to these trials, resulting in a compilation of ten key statements, discussed in paragraph 4.3 and the concluding paragraph 4.4.

- **The Penan trial**

The Malaysian firm Shin Yang has been accused of clearing forest areas for planting oil palm. The area where this takes place is an area were a Sarawak tribe (the Penan) moved to after they were already once forced to resettle as a result of a previous land acquisition. Reasons for the Penan tribe to go to court were a loss of control over land, forced relocation, and a lack of compensation.

In July 2011, the Miri High Court ruled in favour of the Penan tribe (Bruno Manser Fund, 2011a). Besides not being informed about the land acquisition deals and not being compensated for the loss of control over land, the judge declared that the NLC was unlawfully implemented

on native land by the Sarawak state government. As a result, the land was returned to the indigenous group. Although this is case-specific, it can be an important claim for further lawsuits, as indigenous communities might even reclaim NCR on lands already owned by investors (Barubian, 2012). Survival's Director Stephen Corry called it: "*A great victory for the Penan. Planting oil palms in this area would have almost certainly resulted in the utter poverty and destitution of the tribe. The Malaysian government must continue to respect the Penan's right to their land so no companies in the future can cut down their trees without their permission*" (Survival International, 2011). However, the threat of losing this land is still looming, as Shin Yang appealed against it.

- **The trial of the three tribes**

In March 2011, for the first time in Sarawak history, three separate tribes²³ worked together in filing a complaint at the Miri High Court in Sarawak. These three tribes claimed Native Customary Rights over approximately 1,750 km² of tropical forest land, against the Sarawak state government and four Malaysian logging companies (Bruno Manser Fund, 2011b). The main reasons for these three tribes to go to court were a loss of control over land, forced relocation, and a lack of fair compensation.

The case is being represented by native rights lawyer Baru Bian, head of the Sarawak branch of the oppositional Justice Party (PKR). In addition to financial compensation the tribes claim the rights over the total amount of land leased. In front of the Miri High Court building protesters have hung a banner saying: "*Indigenous people taking action for change to save the last remaining Sarawak rainforest*" (Ibid.). It is a sign that more and more people are willing to take an active stance against how current land acquisition deals in Sarawak are taking place. The importance of this trial is not just connected with the fact that indigenous peoples assembled to reclaim what they believe is theirs, but that also the public is getting involved. During various interviews, many claimed this trial is likely to be won by the indigenous peoples, as they were ill-informed and got very little compensation for the loss of control over the land. However, all interviewees were highly sceptic about the magnitude of any compensation.

²³ Kelabit, Penan, and Lun Bawang

- **Murum Dam trial**

The largest on-going trial on land acquisition rights in Sarawak history is related to the building of the Murum Dam, the major hydropower project in Sarawak owned by utility firm Sarawak Energy Bhd. Without any discussion or information the local government brought in investors to lease the land and build the dam. Almost half of the Murum Dam is built, but construction has been delayed (Sarawak Energy, 2012). At first, the contract for placing this dam went to the Chinese state-owned China Three Gorges Project Corporation that used solely Chinese engineers and workers. Large parts of land got blasted with dynamite to create room, and six Penan villages were forced to move (Survival International, 2012). The relocation of these villages was in the hands of the Sarawak government, but the Penan people did not move. They did not bring the case to court, but complained to the local authorities about the damages done to the land, the immigrant workers, and how they were neither informed nor compensated. As a result, local government officials had to open a dialogue and negotiate with the Penan. During these negotiations, the government accepted a deal stating that the Penan did not have to leave. As a result the China Three Gorges Project Corporation and their workers withdrew from the scene. Shortly after that, the Sarawak government leased the exact same area to Malaysian company Shin Yang. Again, this deal came about without consulting the Penan. Shin Yang started where China Three Gorges Project Corporation had left off. They kept on clearing the forest for oil palms, and tried to get the Penan to leave the land by force. The Penan rose to arms as they did not want to move. It came to various clashes between the Penan and the police, but still the Penan refused to move.

After various skirmishes the highly explosive situation was brought to court. During the trials, protesters have made it clear they are ready to fight, if necessary. Protestors supporting the Penan were very clear not to scare away from using actual violence. They want compensation and demand that Shin Yang leaves the land immediately. If this does not happen peacefully, they claim to be willing to do it by force.

4.3 Present situation and future prospects

In relation to these three trials, sixteen interviews with indigenous farmers have been held. There have also been interviews with five land rights experts, two officials of the Kingdom of the Netherlands Embassy, and two Sarawak government officials. Unfortunately, none of the indigenous farmers nor any Sarawak officials were willing to fill in questionnaires, have their interviews recorded, or have their statements written down, making the information derived from these interviews scientifically speaking less reliable. Additionally, all interviews were either non-scripted or partially scripted, due to various interviews coming about last-minute and to give the speaker room to elaborate on what he or she thought was most important. However, this researcher believes that the information that came from various interviews is still of great value and complementary to this research. But, as this aspect of the research done in Sarawak cannot be exactly reconstructed, this information cannot be considered of the same value as that of which was derived from reported sources. Despite that, this researcher believes that the information derived from the interviews sketch a trustworthy replica of how various actors in Sarawak land acquisition schemes look at land dilemmas in Sarawak.

- **Neo-colonialism**

When asked if current land acquisition deals affected the state sovereignty, personal sovereignty, financial situation, and culture of Sarawak people, all indigenous farmers answered that they were more affected by current land acquisition deals than during colonial times. One government official even claimed colonialism has had a positive impact on the economy and culture of Sarawak. He was very negative about indigenous peoples in general. However, he did claim that indigenous peoples were affected by contemporary land acquisition deals. None of the interviewed people claimed to have any grievances towards the British, which could be related to the fact that it was fifty years ago. However, it is not uncommon for people to hold grudges towards their colonizers.

- **Dependency Theory**

All interviewees agreed that land acquisition deals in Sarawak have a strong negative impact for the majority of indigenous peoples in Sarawak. The loss of land directly influences their personal sovereignty and economic position. The information conducted from the interviews for this research shows that it was not just the personal sovereignty of indigenous peoples that was

influenced by contemporary land deals, but also that of the Sarawak people in general. Some felt as if foreign companies were getting bigger, while the country was held down. Forced relocation, often through violence, of indigenous peoples due to land acquisition has had great social and economic consequences for them. The Sarawak government is being held responsible by those who feel negatively affected by land deals, and indigenous peoples had little to no respect nor feelings of legitimacy for the Sarawak government.

For some of the indigenous peoples of Sarawak the loss of land has been disastrous. Many claimed to have no real income whatsoever, hardly any food, and felt robbed and abandoned. Taking away their land is as taking away their livelihood. Although in some cases they are able to keep working on the land, this is not always the case. The ones that also dealt with (forced) relocation and very little compensation came across extremely irritated and upset. Some even got verbally violent, and were still very upset as a result of the threats and violence used against them. They once felt as if they did own the land and felt proud. Now they have no possibilities to develop their position in society. Government officials, however, were very open about how little interest they had in the position of indigenous peoples of Sarawak.

- **Cultural Theory**

Apart from Sarawak state officials, all interviewees strongly agreed that land deals have had a negative impact on the culture of Sarawak. State government, outside investors, and immigrant workers are of direct influence on the culture of indigenous peoples. Land acquisition deals are the main cause for the relocation of indigenous peoples in Sarawak. By doing so, the sense of community has increasingly become obsolete resulting in a feeling of inferiority by the indigenous peoples. Additionally, investors often set new rules and regulation which in turn further impact the once dominant culture of the land that is leased. The Sarawak government is known to have very little respect for its indigenous tribes (Borneo Project, 2012), openly calling them “*squatters living on state land*” (Malaysiabkini, 2013:1). During the interviews, the government officials were very patronizing about the indigenous cultures in Sarawak. Indigenous cultures are considered odd and foolish by the elites of Sarawak. That is why there is a lack of respect for indigenous cultures by investors and government bodies. That is why setting new rules and regulations, implementing the cultures of migrant works, and a total disregard of indigenous culture in general is not considered a problem. On the other hand, this patronizing

view on indigenous culture is the main reason why indigenous peoples carry grudges towards investors and migrant workers. The indigenous peoples of Sarawak are a proud people, and believe the government is trying to dominate them. But, due to what happened to their land, they have become highly sceptical about any foreign intervention in their land. Be it through some sort of force or by policy.

- **Land related policies**

The NLC system of 1957 is still the main policy mechanism for land acquisition in Sarawak. In the late 1950s it was thought to benefit the modernization of Sarawak and help indigenous communities. However, once the rise in land acquisition deals came about, the rules and rights were largely unknown to the indigenous peoples of Sarawak, and, in many cases, badly implemented. All indigenous people complained about unfair compensation and a lack of information. The experts that took part in this research supported this finding, claiming that it was a task of local government bodies and investors to inform and compensate for the loss of land usage. Additionally, land acquisition agreements were seldom accompanied by specifications on land use or other contractual obligations for people who live on these grounds. As a result indigenous groups often did not understand the magnitude of the changes taking place, and were surprised that they needed to relocate.

As a result of their current situation, indigenous peoples consider current policies insufficient for protecting their rights. They believe the Sarawak government does not uphold any laws that provide them any form of land rights. Not having any formal property rights over land is considered by various experts to be a major problem. Many of the interviewees seemed disillusioned about what the government and international community has done for them so far. That is why they were all highly sceptical about policies. They know very little about them, but believe there are policies that protect their rights. Their rights are just not being taken into account. Ownership and usage of land is claimed to be a central part of the culture of indigenous peoples of Sarawak. It is their main source of income, connected to their identity, and they want as little interference as possible. A vast majority sees a change in the current political situation as the only true solution to the problem.

Corruption is the key problem for any policy changes in Sarawak. As long as Minister Taib Mahmud is in power it seems unlikely that new rules and regulations will be implemented. The

other question is who is going to uphold these rules? As the Sarawak government is pointed out as the main reason for intimidation and violence, the indigenous peoples of Sarawak have become highly sceptical about the use of policy and regulations.

- **State corruption**

All interviewees, apart from those who work for the Sarawak government, claim state corruption under Chief Minister Taib Mahmud to be the main driver of conflicts and problems in Sarawak. It is mentioned as the main reason to why there is little to no compensation for (resettling) indigenous groups. It is mentioned as the main reason as to why many people are ill-informed about land acquisition deals in general. It is also seen as the key reason as to why the state government does not protect the interests of indigenous groups. It was often connected with the possibility of investors to introduce new rules and policies for the land leased, and as for why many foreign workers are brought to Sarawak to work on plantations. And, the Sarawak government is mentioned as key actor that intimidates, threatens, and even murders indigenous people that do not cooperate with land acquisition deals.

Almost all of the media in Sarawak is state-owned. The Sarawak Government has always been cautious about any public expression of discontent, and is known not to shy away from the use of violence. As a result the activities of the Sarawak government are rarely found in any media, nor openly criticized in a public debate. Research by the Bruno Manser Fund (2011a) claims the Taib family holds business interests in more than 400 companies in 25 countries and offshore finance centres. Many of these companies are said to be related to money-laundering and other illegal activities (Bruno Manser Fund, 2011b). This same research also claims Malaysian authorities are deliberately protecting Taib from any criminal prosecution, and even granting him legal and political protection. The fact that the governmental umbrella of the Malaysian government does not take action against Sarawak has everything to do with votes. Sarawak supports the current Malaysian prime-minister Najib, in return they want as little interference as possible for the overarching Malaysian government. All this caused the legitimacy of the Sarawak government to crumble, as people have become highly sceptical about any good intentions coming from a governmental level. This case-study research showed that drivers of land acquisition are not big global actors like multinationals and foreign governments, but, in these cases, local government.

- **Violent uprisings**

All indigenous peoples claim they were threatened during and after land acquisition deals took place. Some reported physical violence. None of the indigenous peoples claimed to be informed beforehand on the land acquisition deals that were about to take place. One of the government officials claimed the indigenous peoples were often well-informed, but perhaps did not understand. However, in practice, financially it is likely to be more profitable for investors to keep people as uninformed and uncompensated as possible.

There were many complaints by indigenous farmers about outside investors setting new rules and regulations, and about immigrant groups working in Sarawak. There have already been reports of violent attacks against immigrant workers (see paragraph 4.2), but due to the violent counterattack from the Sarawak government, and the fact that these attacks are kept out of the media as much as possible, this is not known to be a very common thing.

There were many complaints about the Sarawak and Malaysian government and other investors. As the Sarawak government is known to use violence, there have been little violent outbursts against them. The indigenous peoples of Sarawak, known to be unorganised, are afraid of the Sarawak government and are kept quiet through intimidation and the use of violence. Current trials have caused indigenous groups to work together and become more organised. As a result, their problems have gained more interest from the general public, and it seems as if the indigenous farmers feel as if they have become more empowered to speak up against the Sarawak government and unfair land acquisition schemes. They demand fair compensation and penalties for those who wronged them.

Once questions about the possibility of violent conflict came about, all interviewees mentioned a violent uprising as a possible option in the near future. Especially the indigenous peoples that seemed depressed and angry about their current situation were often highly aggressive. Tensions due to foreign intervention, aggressive force against police that are implementing and upholding agreements considering land acquisition deals, and hatred towards immigrant workers seems to be fuelling the possibility of conflict in Sarawak. Indigenous peoples seemed fed up with police brutality and murders that have occurred in the last 10 to 15 years. They claim the Sarawak government has no respect for their rights and demand justice. None of the interviewees believed this could be accomplished through current land-related policies, and most of them did not believe additional policies would make any difference either.

Large-scale protests against corrupt government practices was mentioned as something that needs to take place in the future. If so, it is not unlikely Minister Taib Mahmud will strike back with extreme violence, as he has a reputation of keeping people down by using violent measures (see paragraph 4.2). It is unexpected by all interviewees that as long as Minister Taib is in power, anything will change for the better.

4.4 Concluding chapter 4

This chapter sketched the historical and theoretical backdrop for better understanding contemporary land-related conflicts in Sarawak. Land-related conflict is by no means a new phenomenon, although there is no record of conflict during the British colonization of Sarawak. Apart from the installation of the NCL system in 1957, the indigenous peoples were fairly able to keep on living on the lands they had been doing for decades.

As discussed in Chapter 4.2, Sarawak has seen various forms of violence related to land acquisition. Most of them can be traced back to the Sarawak government. This thesis looks into three specific cases in Sarawak. The three trials show direct similarities with one another in how land acquisition deals come about in Sarawak. Key findings in the interviews were:

- There are little to no grievances towards the British colonial ruling. Grievances and grudges are aimed towards the Sarawak government, the Malaysian government, outside investors, and immigrant workers.
- Land acquisition deals lack transparency. Indigenous groups are often ill-informed. In many cases the indigenous people do not understand the magnitude and consequences of the land acquisition deal that is taking place. As a result they are surprised to be relocated to another region and barely compensated for their loss of control over land.
- Indigenous peoples claim that the loss of control over land has been of huge financial and cultural impact. They feel cheated, and demand compensation for being held back in their development.
- Indigenous peoples are portrayed and treated as lesser beings. This is causing friction and fuelling hatred towards the Sarawak government throughout the indigenous community.

- Throughout the years, land acquisition deals seem to go hand in hand with the use of violence against indigenous peoples. Intimidation, threats, and even killings are no exception in today's land acquisition schemes in Sarawak.
- The corrupt Sarawak government tries to benefit as much as possible from land acquisition deals. They do this by siding with investing parties, keeping any problems out of the media, and use violence when they see necessary.
- Drivers of land acquisition in Sarawak are not solely big global actors like multinationals and foreign governments, but, in many cases in Sarawak, the main actor is the (local) government.
- Indigenous peoples consider current land-related policies unable to fully protect their rights. Most of them do not believe changes in land policies will bring the justice they are looking for.
- During the interviews, state corruption and a disregard of personal rights were mentioned as key elements as for why land-related dilemmas occur in Sarawak.
- In their hunger for justice, as a result of what they see as unfair land acquisition schemes, indigenous peoples claim to be willing to use violence. Some claim it is the only way to get justice. Most agree that as long as Minister Taib is in power, the chances for justice, respect, and equality are slim.
- All indigenous peoples in Sarawak are extremely skeptical of any policy changes as a solution to their problems of unfair compensation, loss of control over land, forced relation, oppression of their indigenous cultures, loss of work, and violent threats.

Whereas traditional colonialism hardly involved the indigenous peoples of Sarawak, this new form of colonialism (neo-colonialism) seems forced down the throats of indigenous peoples. As a result there is far more friction about land-related dilemmas in Sarawak than during colonial times. Especially the situation concerning the Murum Dam trial seems gloomy, as protestors and tribesmen made it clear that actual violence is not just an option, it is the (only) answer. The fact that Sarawak has little history of extensive violence as a result of land-related dilemmas is no reason to underestimate this situation. The corruption in Sarawak plays a great role of importance in why this situation is so highly explosive. Weak governance and corruption are known to play a

key role in land-related dilemmas leading to violent conflict. It was somewhat surprising to see that most interviewees saw no solution in international intervention and policy changes. Most of them believed there were already enough policies, but that they were just badly implemented. Especially the role of the government was questioned.

This brings us to the first sub-question of this research (Q1): “Is current land policy sufficient to prevent Sarawak’s land-related tensions from turning into conflict?”. As several interviewees claimed, current policies are not sufficient for protecting the rights of indigenous peoples. Meaning, it would be unadvisable to consider the current situation and policies to be sufficient. However, the Sarawak people are highly sceptical about policies and regulations in general. The implementation of policy changes, be it in international or national policy, in a corrupt state as Sarawak is considered difficult, as many interviewees believe that the Sarawak government will not apply or uphold them. Indigenous peoples seem uninterested and see more benefit in protests. This research emphasizes the seriousness of contemporary land acquisition deals in Sarawak, and claims that current policies are insufficient and the status quo is unacceptable. Sub-question Q1 is answered with a ‘no’; current land policy will not be sufficient to prevent Sarawak’s land-related tensions from turning into conflict. Current policies might protect the rights of indigenous peoples, but as long as they are not correctly implemented by the state government, they are not considered useful from the perspective of the indigenous peoples of Sarawak. Their rights are currently being violated, and they do not feel protected in any way. They want justice for their loss of control over land, the lack of compensation, the impact of forced relocation, the threats they have experienced, and for the impact on their culture. Additionally, they want penalties for those who wronged them. The total lack of trust in rules and regulation bringing this justice is disturbing, as indigenous peoples have claimed they are willing to take action if seen necessary. Therefore, the trials are of great importance. The outcome of certain trials, resulting in penalties and compensation, might bring new hope for non-violent solutions.

This brings us back to the central questions of this work: “Can newly formulated (international) policies and property rights prevent the occurrence of negative ‘neo-colonialist consequences’ (being political, economic, and/ or socio-cultural in nature) of contemporary land acquisition dilemmas in Sarawak?”. This question will be answered in the following chapters, where the research done in this chapter will be combined with the theoretical framework of Neo-colonialism Theory as discussed in Chapter 3.

Chapter 5. Neo-colonialism in Sarawak

The previous chapter started with a historical overview of colonialism and land rights in Sarawak in order to gain a better understanding of how contemporary Sarawak has developed over the years. Three important cases (trials) have been discussed, and twenty-five interviews have been combined in ten key statements. This chapter will elaborate on the elements of Neo-colonialism Theory in Sarawak. As discussed in Chapter 2, neo-colonialism can be researched by looking at the elements contained in Dependency Theory and Cultural Theory. Meaning, this thesis will look at the political and economic elements of Dependency Theory, and the cultural impact as captured by Cultural Theory by discussing state and personal sovereignty, foreign investment, and cultural changes in Sarawak. After these elements of neo-colonialism have been researched, this thesis will connect these findings with the possibility of escalation and prevention of conflict in which the role of policy will be addressed specifically. During this process the central research questions of this thesis will be answered.

5.1 Dependency Theory

As discussed in the previous chapters, this thesis discusses the political part of Dependency Theory by looking at both state sovereignty as well as personal sovereignty. Economic growth and foreign investment is analysed to measure economic dependency.

- **Sovereignty**

State sovereignty is directly affected the moment an actor, not being the national government or its inhabitants, uses its influence and control over a piece of land. During colonial times it were the British that directly influenced the state sovereignty in Sarawak. The British used their political power to form new rules and regulations, but tried to interfere as little as possible with the Sarawak people. Although the Sarawak people were not involved in the process of making policy changes, they were hardly affected by their consequences. This means that state sovereignty was indeed very much influenced during the colonial era, but the personal sovereignty of various indigenous groups was not so much affected by it. The fact that the vast majority of interviewees agreed on the fact that they saw little changes during the colonial

period, strengthens the idea that the personal sovereignty of the indigenous peoples in Sarawak was hardly under threat.

Contemporary land acquisition deals do not concern the whole country. As a result the state sovereignty is only partially affected. But, the indigenous peoples of Sarawak feel as if their personal sovereignty is being affected much more by contemporary land acquisition deals than it was during traditional colonial times. Contemporary land related dilemmas have become more violent throughout the years, and the indigenous peoples feel as if they have less rights and control over land. Also, the fact that investors can decide to bring in foreign workers and pressure indigenous groups to relocate is a direct attack on personal sovereignty. Allina (2012) would say contemporary land acquisition deals causes indigenous peoples in Sarawak to have less layers of personal sovereignty, making them more dependent on what the investors say and do. Take for instance the situation with the Murum Dam. The Chinese investors implemented new rules on the territory and brought in many Chinese workers, which had a direct impact on the Penan tribe living in that region. Just like various other cases, the indigenous peoples were forced to relocate. Although in in this case the Penan did not move, in many other cases the indigenous peoples did move. Regardless of relocating or not, in such a situation it can be considered one of the tasks of a legitimate state government to uphold the rights and interests of these people. However, the corrupt government of Sarawak is known to be an active actor that causes problems for indigenous peoples, rather than being proactive in solving problems or protecting its inhabitants. In fact, the Sarawak government is known to support or even engage violence against indigenous peoples. As a direct result, the legitimacy of the Sarawak government continues to cave in, making it more and more plausible that escalation will occur.

- **Economic**

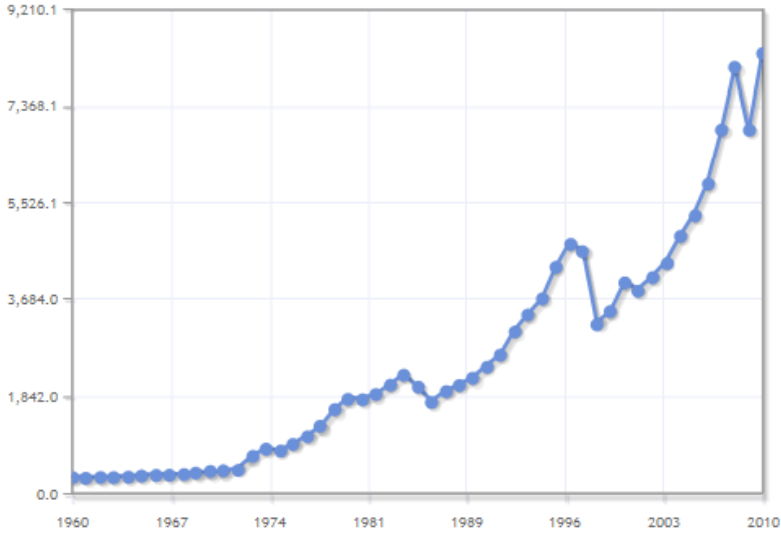
Land-related income has become very important for the Sarawak economy.²⁴ Foreign direct investment (FDI) plays an important role in this, because it can provide new markets, cheaper production, and access to new technology and products. During the colonial days foreign investment concentrated on the agricultural sector. Following Malaysia's independence from

²⁴ See annex 7.

British rule, the manufacturing sector gained more importance, but natural resources such as timber and rubber are amongst the country’s biggest assets.²⁵

Although reliable long-term foreign investment figures of the total amount of foreign direct investment in Sarawak and the GDP of Sarawak are unavailable, Sarawak can be considered interesting for investors as its GDP has been showing a climbing trend since the 1960’s (see Table 3). Foreign investment has played a significant role in the transformation of Sarawak’s economy. The latest figures claim 78 per cent of all investment in Sarawak came from foreign investment, and the majority of that 78 per cent is related to land deals (Sarawak Gov, 2012). This partly reflects in figures of GDP, as the Sarawak economy is linked with that of the European, Chinese and US market. “Unfortunately, economic figures on foreign investment in Sarawak are either unreliable or impossible to get” (Nayagam, 2012). However, available trade figures of Malaysia show Sarawak to be a highly trade-dependent economy (US Department of State, 2012).

Table 3: Average Annual GDP. Sarawak. 1960-2010



Source(s): *Second Malaysia Plan 1971-1975*:19; *Yearbook of Statistics, Sarawak (various issues)*; *Yearbook of Statistics Malaysia 2010*.

Sarawak is currently one of the world’s largest exporters of tropical timber, and one of the main contributors of the global oil palm supply. The state is also rich in both metallic and non-metallic

²⁵ See annex 8.

mineral resources (State Planning Unit, 2012). Besides that, Sarawak is a potential market for investment in petroleum, petrochemical, and biotechnology (Sarawak Government, 2012). When several forms of industry were introduced into the economy of Sarawak, during the latter half of the 1970s, it was all thanks to an inflow of foreign investment. Local involvement in planning and implementation was kept to a bare minimum. By the end of the 1970s, Sarawak became more active on the international economic market, although it was directed by foreign investors. Throughout the years, the build-up of innovation within many sectors of the Sarawak economy remained mainly foreign-owned, and, therefore, depends almost exclusively on external investment. The trial of the Durum Dam shows that land deals may lead to foreign workers taking away job opportunities for Sarawak people. Accompanied by unfair compensation for land and relocation, the economic dependency grows further and further in Sarawak, and, with it, underdevelopment and friction grows as well.

5.1.1 Dependency Theory and conflict

As stated in paragraph 3.1.4, there is a direct link between economic factors and conflict. Combined with the research done in this thesis we find that:

- There is an increase in economic and political inequality in Sarawak and, therefore, the possibility of violent uprisings raises.

Indigenous groups lose control over their land, which has been their main source of income for many years. Due to a lack of information, a lack of understanding the contract, and a general lack of willingness and respect of the investors, indigenous peoples in Sarawak often get very little financial compensation. As a result, they have no finances and little to no political power to change anything about it.

- There is a great deal of polarisation amongst wealthy elites, working middle-class, and indigenous groups in Sarawak. Rules and regulation set by the Sarawak government seems to have a total disregard for the rights of indigenous peoples.

As the indigenous peoples are kept away from any economic or political power, the prospect of violent uprisings raises. The indigenous peoples spoke about a need for what they claim to be a

long overdue justice. They have been intimidated, threatened, and left out. They claim to have come to a point that they are willing to fight for what they believe is fair.

- There is a decline in the level of poverty in Sarawak, but the indigenous peoples are being left out. This can cause tensions and raises the prospect of violent uprisings in Sarawak.

Indigenous groups are unable to participate on an economic or political level, and hardly benefit from land acquisition deals. In fact, their position in society has become weaker and weaker due to land acquisition deals. The loss of land feels as if the little power they had left is taken away from them. They seem to be becoming more desperate, and violence could be an outlet of this desperation.

- The Sarawak state government is known to be corrupt; making it is more likely that these economic and political factors lead to conflict.

Indigenous peoples in Sarawak do not trust their own government. Additionally, there is little trust in the international community, nor do they believe policy changes are the ideal way to change their economic and/or political position.

5.1.2 Concluding: Dependency Theory

The Theory of Neo-colonialism has a political, economic, and cultural element. This thesis uses Dependency Theory to explore the role of economics and politics (sovereignty) in land acquisition practices in Sarawak in relation to conflict. Based on literary research and interviews, this thesis claims that both the state of Sarawak as well as its people can be considered politically and economically dependent due to the role of investors in land deal schemes. Besides investors and indigenous peoples, the central actors in land acquisition deals are the Malaysian and Sarawak government themselves.

The colonial history of Sarawak has resulted in drainage of many of Sarawak's resources. Due to a period of British rule, and an overarching Malaysian Government after that, it was impossible for Sarawak to become a politically and economically independent state. Due to how

contemporary land deals are constructed, opaque and without fair compensation for the peoples living on these lands, it seems unlikely to change. As this research shows, some of the indigenous peoples of Sarawak see more negative effects of foreign intervention than during the British colonial age. These effects are similar to the effects connected with traditional colonialism. The loss of state sovereignty in Sarawak had little impact during the colonial rule of the British, as they left most of the people to do their own bidding. This can be seen as a reason as for why Sarawak has not seen any violent conflict related to colonialism in the past, as opposed to various countries in Africa and Latin America that rebelled against its colonial rulers due to a loss of political and economic power. However, current land acquisition causes indigenous peoples to lose both political and economic power over their land resulting in underdevelopment. Additionally, the indigenous society has seen various cases of violence throughout the years. Although the Sarawak government is known to strike back with great force, the indigenous people are standing up for their rights through court cases, organized protests, and even use violence if seen necessary. They are fed up with be relocated by force, getting little compensation for their loss, and have become unwilling to adjust to the will of the new buyers/leasers. The new owners of Sarawak land often import Chinese workers, as they are known for their hard work and cheap labour (Freedom House, 2012). This has a direct effect on the income and livelihood of the Sarawak people.

This brings us to the second sub-question (Q2): “Can Dependency Theory explain if current land acquisition deals in Sarawak will lead to a violent conflict between its indigenous groups and investors in land?”. As the state-sovereignty of Sarawak and the personal sovereignty of its citizens are undoubtedly affected by current land acquisitions schemes, we need to consider the political part of Dependency Theory as a way to explain if current land acquisition deals in Sarawak will lead to conflict. It is essential to both types of sovereignty that the state should provide and protect the rights of its citizens. If a state does not fulfil its human rights related tasks it will lose its legitimacy, a well-known cause for conflict (Bedi, 2012:5). For instance in Sierra Leone, where President Stevens (1968–1985) systematically maximized his own personal gain without regard of the rights of its citizens. Institutions of government were corrupted and the legitimacy of the government crumbled resulting in civil wars. Similar things happened in Zaire, where Mobutu grabbed power. Also the wars in Afghanistan, Sudan, Angola, Burundi, and

Liberia are interlinked with weak and corrupt governance (Rotberg, 2003). Additionally, there is a certain economic dependency between Sarawak and foreign investment (see statements 5, 6, 7 in paragraph 4.3). Without the income from abroad, the Sarawak government cannot fulfil its political and economic agenda. As the ones in power hunger for more control, the position of indigenous peoples seems to crumble further. The more the indigenous groups of Sarawak get pushed, the bigger the chances of them pushing back. Currently, this is done by court hearings, but a more violent approach is certainly not to be ruled out (see statement 10).

5.2 Cultural Theory

Cultural Theory can be used to connect contemporary land acquisition in Sarawak to the possibility of conflict by looking at society and the grievances related to these land acquisition deals. Although at first glance it is mainly the cultures of individual groups of indigenous peoples that are effected by land acquisition deals, it is likely it will eventually influence the entire Sarawak society. After all, the oppression of their culture by the state, the intimidation, the killings, and total disregard of their rights does not make them less a part of Sarawak society. And, once the indigenous peoples take their problems to the streets and fight back, the whole state can be affected. Also, international NGO's or government bodies can start interfering in land related dilemmas in Sarawak.

The current situation of Sarawak is characterized by large-scale violation of rights, oppression of indigenous cultures, and population displacements due to indigenous peoples being forced to move from the lands that are leased. Oppression of indigenous cultures is not considered as a problem as their culture is described as odd and ridiculous by investors, state government, and elites (Borneo Project, 2012). As indigenous cultures are seen as foolish and odd, the cultural impact of forced relocation, cultural oppression, displacement of people, the setting of new rules and regulations, the bringing in of foreign workers, and unfair compensation for the loss of control on indigenous groups is considered negligible. However, in practice, these actions are creating a great deal of tension within the indigenous communities. Not being able to provide for their families, accompanied by cultural oppression by investors and immigrant workers, has a direct impact on the culture of indigenous groups in Sarawak. The immigrant workers set new rules that overrule any indigenous culture, as they are considered meaningless. Statements 1, 2, 6

and 10 (in paragraph 4.3) show that the sentiment against outside intervention in the livelihood of indigenous peoples is growing and taking concerning measures. The indigenous groups demand respect, not just through financial compensation, but respect for what and who they are. The oppression of their indigenous culture has pushed them in such a manner that they are becoming more willing to push back. Regardless of the consequences.

5.2.1 Cultural Theory and conflict

As stated in paragraph 3.1.4, there is a direct link between socio-cultural factors and conflict. Combined with the research done in this thesis we find that:

- There is an increase in socio-cultural inequality in Sarawak and, therefore, the possibility of violent uprisings raises.

Indigenous peoples lose control over land, they lose their way of life. As investors set new rules and regulations, and immigrant workers are being welcomed on the lands once occupied by indigenous groups, the indigenous cultures in Sarawak are being suppressed. The Sarawak government has openly admitted to have no respect for indigenous cultures, and sides with investors that want to get rid of indigenous traditions and customs that might affect their profit.

- There is polarisation along cultural lines, which raises the prospect of violent uprisings.

Investors, elites, and government officials see indigenous groups as troublemakers. Their beliefs, traditions, and customs are considered odd and ridiculous. The people are considered dumb and clueless. There is a certain denial by the Sarawak government that withholds indigenous groups from participating in society, which raises the prospect of violent uprisings.

- The indigenous cultures of Sarawak are being oppressed by state government, outside investors and immigrant workers. This can cause tensions and raises the prospects of violent uprisings in Sarawak.

Abuses of personal integrity and repression by investors, policy, and Sarawak government raises the prospect of violent uprisings. Indigenous cultures are being treated as inferior compared to what is considered more civilised.

- State violence raises the prospect of violent uprisings by targeted groups.

The indigenous groups in Sarawak are not just considered second-class citizens, they are often treated like dirt. Protests of indigenous groups are known to be beaten down (see paragraph 4.2).

- The Sarawak state government is known to be corrupt; making it is more likely that the cultural factors lead to conflict.

Indigenous peoples are intimidated, threatened, and violated by the Sarawak government. As a result, they do not trust their own government. Additionally, there is little trust in the international community, nor do they believe policy changes are the ideal way to change their position within the Sarawak society.

5.2.2 Concluding: Cultural Theory

This thesis uses Cultural Theory to explore the role of culture in land acquisition practices in Sarawak in relation to conflict. By looking at the impact of land acquisition deals on a personal/individual level and its impact on society as a whole. Contemporary land acquisition deals in Sarawak, through the loss of control over land, show a direct impact on the culture of Sarawak. Not just that of indigenous cultures, but the culture of Sarawak society as a whole. By interviewing both experts on land acquisition as well as indigenous peoples affected by land acquisition deals in Sarawak, statements have been formed about the current state of affairs, showing that the sentiment against foreign intervention is growing in Sarawak (see statements 3, 6, 7 and 10 in paragraph 4.3).

This brings us to Q3: “Can Cultural Theory explain if current land acquisition deals in Sarawak will lead to a violent conflict between its indigenous groups and investors in land?”. As the culture of indigenous groups, as well as Sarawak as a whole, is threatened and the situation is getting grimmer, the possibility of a violent uprising grows. Indigenous cultures are suppressed and ridiculed by various actors active in land acquisition deals. Therefore, their cultural rights are neglected. The culture of immigrants and investing parties is seen as superior to that of indigenous groups, and, therefore, the indigenous culture is swept aside.

During this research many indigenous peoples were extremely angry about how their cultural being was treated. Their culture makes them who they are, it is an essential part of their being. But the Sarawak governments portraits them as lesser beings, with less rights. That is why the relocation of indigenous groups, the implementing of new rules and regulation, and the use of excessive force is not considered a problem by the Sarawak government. The Sarawak government is taking sides with the investors that want to make as much profit as possible. As the corrupt government of Sarawak loses more and more of its legitimacy, the chances of land acquisition deals turning into violent conflict grows. Therefore, this thesis considers Cultural Theory at least a partial explanation if current land acquisition dilemmas become more and more violent.

5.3 Concluding chapter 5

Dependency Theory and Cultural Theory are complementary when it comes to explaining the Sarawak case regarding land acquisition deals. By exploring traditional colonialism as well as the Theory of Neo-colonialism this research discussed reasons as for why Sarawak has not seen violent conflict during and after their colonial period. Additionally, this research discussed the central elements of Neo-colonial Theory to look at the possibility of violent conflict in the future. This thesis claims that, based on its research on Dependency Theory and Cultural Theory, an eruption of violent conflict due to corruption and human rights violations in the near future is plausible. The central question we need to ask ourselves is: “what can be done to prevent this from happening?”. It is clear the current status quo in relation to land acquisition deals in Sarawak is undesirable, and action needs to be undertaken.

The indigenous peoples of Sarawak want justice for their loss of control over land, the lack of compensation, the impact of forced relocation, the threats they have experienced, and for the impact on their culture. Additionally, they want penalties for those who wronged them. Due to a total lack of trust in their government and its rules and regulations, the indigenous peoples see little use of policies and are becoming more and more willing to protest. As a change in (international) policy is put forward by various scholars and media as a solution to land-related problems, this brings us to the central question of this research: “Can newly formulated (international) policies and property rights prevent the occurrence of negative ‘neo-colonialist

consequences' (being political, economic, and/ or socio-cultural in nature) of contemporary land acquisition dilemmas in Sarawak?". This is by no means a simple 'yes or no' question. Yes, this researcher believes it is essential that changes are made in policies and the application of property rights to be able to prevent contemporary land acquisition dilemmas in Sarawak from further escalation. However, the indigenous peoples of Sarawak were clear that they did not believe current policies protect them and are very sceptical about newly formed policies. A solution to their scepticism lies within the current trials. The moment these trials result in compensation for indigenous peoples and penalties for those who did not respect human rights or land rights, a renewed trust in policies could be encouraged amongst the indigenous peoples of Sarawak. One of the first tasks is to make land acquisition deals more transparent for all parties involved. This should be initiated by the Sarawak government, as they play a central role in it all. That same government, accompanied by the international community, should put extra effort into monitoring and protecting the (property) rights of indigenous peoples. The compensation for loss of land is often unfair or non-existing. It is hard to define what is fair in terms of compensation, but it easy to define what is unfair. I suggest that international policymakers should set the bar for financial compensation per hectare of land and an amount for the relocation of people. Additionally, they should focus on providing humanitarian assistance for indigenous peoples affected by land acquisition. It is only logical that there are no more forced evictions, no more exclusions, no more violence, and no more oppression of indigenous cultures. And, in regard of justice, penalties for those who threatened, mistreated, and/or violated the human rights and land rights of indigenous peoples in Sarawak. The hunger for justice is great amongst the indigenous peoples of Sarawak. Responding to cry for justice is an essential step for preventing future conflict from happening.

To accomplish this, the international community, Sarawak government, all investing parties, as well as the indigenous groups themselves need to work together in making systemic changes to end some of the most severe negative aspects of land acquisition deals. Herein lies the problem. Even if perfect policy changes are defined, they do not self-interpret nor self-implement. It is not just the need that comes from the social communities, but it is the Sarawak government accompanied by institutions that can demand accountability. The weak state of Sarawak has no capability or legitimacy to do things. It has never wanted to make land acquisition deals

transparent, and has no benefit if it does so now. The weak and corrupt state government is one of the main reasons why indigenous people feel very little for policy changes. This is why the answer to the main research question is, at least partially, 'no'. As long as the Sarawak people do not believe in outside help and do not want more rules and regulations, there is no need to force that upon them. Especially, if the Sarawak government does not want to cooperate. Additionally, property rights also concern the investors who also have certain rights to take into account. Policy changes, unlike various media believe, are not such a simple explanation for preventing conflict related to neocolonialist factors that come into play during land acquisition deals.

This being said, this researcher does believe that well-organized property rights and policies are a useful tool in fighting contemporary land acquisition problems. Not having any formal property rights over land is a major problem for indigenous peoples. Policy changes might not prevent land acquisition deals from taking place, but they may help indigenous peoples get compensation for their losses, set rules about migrant workers, and help with relocation. The might should also fine those who do not respect the rights of indigenous peoples. Once these problem areas are taken care of, additional steps in preventing further escalation can be taken. This research shows that time is of the essence, because the situation concerning land acquisition dilemmas in Sarawak related to corruption and human rights violations is getting grimmer by the day.

Chapter 6. Concluding remarks

By looking at the past, present, and future, this thesis discusses the possibility of contemporary land acquisitions deals in Sarawak as a legitimate reason to believe in a violent uprising as a direct result of these deals. The violence seen against indigenous peoples, protesters, and human rights activists (as seen in 3.1.4), accompanied by the current violent stance of indigenous peoples, give reason to believe that a clash is certainly a possibility. This research has looked at the link between land acquisition deals and conflict in Sarawak from a neo-colonial perspective. Meaning: the political, economic and cultural impact of land acquisition in Sarawak has been researched. Additionally, this work gave the reader insight on the role of policy, corruption, and conflict in and outside of Sarawak throughout history. The stain of colonialism is ever present in contemporary Sarawak. It is visible in the traditional systems of Western-inspired justice and land rights, as the still active National Land Code of 1957, which are unable to serve the indigenous peoples of Sarawak in an adequate way.

The goal of this thesis was twofold: to better understand the phenomenon of land acquisition and its relation to conflict, and to gain insight on the role of policy in it all. In search for answers the central question of this thesis was: “Can newly formulated (international) policies and property rights prevent the occurrence of negative ‘neo-colonialist consequences’ (being political, economic, and/ or socio-cultural in nature) of contemporary land acquisition dilemmas in Sarawak?”. By using Dependency Theory and Cultural Theory, the two main components of Neo-colonialism Theory, this thesis has shown contemporary land acquisition deals in Sarawak nurtures underdevelopment, pressures indigenous cultures, encourages a culture of dependency, and is to be considered a serious cause for further violent escalation. As a result, this thesis claims the political and economic risks of land acquisition in Sarawak outweigh any gains. Firstly, the rights of indigenous people are in danger during unequal negotiations. Foreign investors have more resources to influence, or buy off, local and government elites. This is a breeding ground for conflict. Often, indigenous people have had little formal education and do not understand the full implications of the situation at hand. In addition to this, the UN and other agencies acknowledge that indigenous people do not have any formal rights to the land they may have lived on for years and years. This makes the difficult situation even more complex. Secondly, the legal mechanisms and procedures are infected with corruption. Combined with a

lack of transparency, and no system of checks and balances, land deals often take place behind closed doors. Manipulation of the hectares of land, possible compensation, and the value of the land seems a small step.

Although the outcome of the trials of the three tribes (case1), and the Penan trial (case 2) seem positive related for indigenous peoples who lost control of their land, the blockade at the Murum Dam (case 3) is still in full force and starting to escalate further. It is unclear what the consequences of escalation will be, but protesters have said to take a more violent stand if seen needed. Together with the corrupt Sarawak government, native Sarawak land issues are likely to continue to be a heated subject in the future. The recognition of the importance of neo-colonial factors, being political, economic, and cultural in nature, should inform researchers and policy makers to recognize the explosive nature of the current land acquisition-status in Sarawak. Neo-colonialism related problems are at least partial explanatory for why the indigenous peoples of Sarawak are raising their voice. The key drivers in contemporary land acquisition deals in Sarawak can all be traced back to (foreign) investors, the national institutions and elites, and (inter)national policy. All these factors are active in finding a solution to prevent violent escalation from taking place in Sarawak. As the overarching Malaysian government and the local power of Chief Minister Taib are considered corrupt and mistrusted by the inhabitants of Sarawak, policy changes alone are not considered an answer to the problems for those that have been confronted with the negative sides of land acquisition deals in Sarawak. The current land-related trials in Sarawak might bring hope for a non-violent solution, as it can bring a sense of justice to the people. They do not see much use of policies now, but the expected usefulness of policies and regulations is likely to increase amongst indigenous peoples once they benefit from it. That is why this researcher believes that additional policy can prevent escalation in Sarawak, but not without providing the indigenous peoples of Sarawak with a sense of justice for perceived wrongs.

6.1 Shortcomings, further research, and other suggestions

Although this research is based a great amount of academic literature, various interviews, and some unique contacts that were able to give me a look behind the scenes of land acquisition deals in Sarawak, one can always use more data, do more interviews, and read more literature.

But such critique can be applied to nearly all research done, as every research is restrained by funds and time. More specific for this research is the fact that many lawsuits on land acquisition deals in Sarawak are still undecided. This means the body of evidence on specific cases, as well as further information on land deals in general, is still growing. A new court ruling might shed new light on policies and actors in land acquisition deals in Sarawak. Additionally, indigenous peoples might be able to speak more freely about land acquisition deals in the future once more court rulings decide in their favour. As many were still very afraid of violent repercussions by the Sarawak government, none of the indigenous interviewees were willing to be recorded. To be able to do more quantitative research on this subject, a dataset based on questionnaires could be a possibility.

Secondly, more theoretical, land acquisition problems in Sarawak do not solely relate to (neo-)colonialism issues. Due to its concentration on neo-colonialism, this research on land acquisition in Sarawak has left various intervening variables untouched. For instance, the impact on the environment and animals have been neglected. To be able to generalise this research on global land acquisition deals, it will be of great importance to look further than Sarawak. However, there is no 'one-size-fits-all' solution that fits all global land acquisition dilemmas, as actors and solutions are very context-specific. I suggest further research on neo-colonialism and land acquisition should first start with other Asian countries as they are likely to show more similarities to Sarawak than countries in continents. Specific situations will cause for specific measures, however, this research on Sarawak can be used as a starting point.

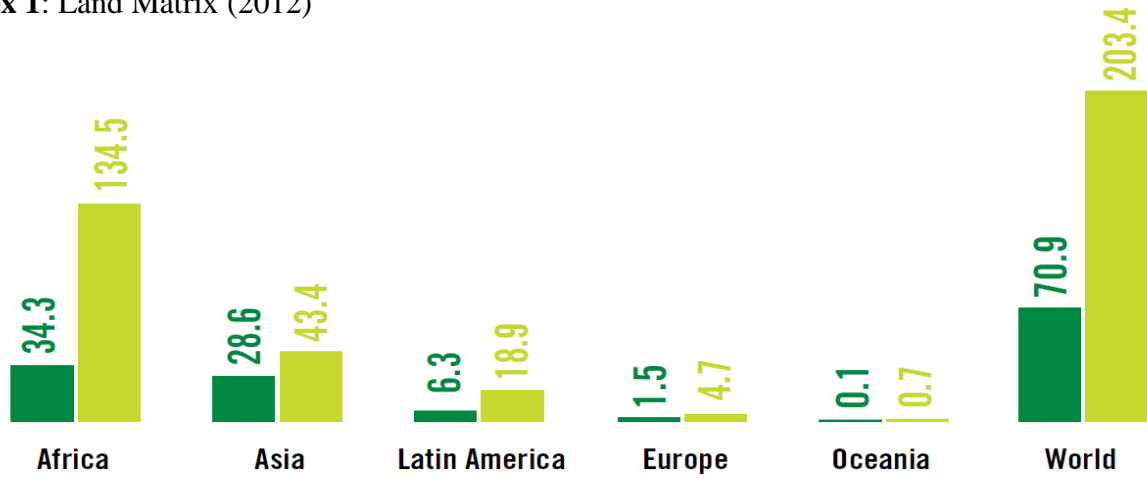
This thesis elaborated on the importance of neo-colonial factors of political, economic, and cultural nature, captured in Dependency Theory and Cultural Theory. Although it has provided a decent framework to look at the cases at hand, Dependency Theory has two major weaknesses. First, it offers little explanation of how countries initiate and sustain development. Second, it says little about the positive economic, cultural, and political injection investors might have had in Sarawak. Nevertheless, dependency theory is very useful for those who look at the implications of land acquisition. Like most theories, Cultural Theory is also not without its flaws, as it is a broad and vague terminology. Depending on how it is used, it can refer to many things and is therefore very difficult to define. As culture,

like many elements, is always in flux and changing it makes it even more difficult to say something about the future.

To close off, there are thus many possibilities to conduct further interesting research in response to this thesis. For now, insight has been provided by this thesis on the development, history, and impact of land acquisition deals in Sarawak by using a model of neo-colonialism. As a result, we have seen that conflict related to contemporary land acquisition deals is not unlikely. Especially, if no extensive changes are made in policy. However, policy changes alone are not the answer.

I hope this research will generate broader interest in the subject of land acquisition in Sarawak, and, on a larger scale, the world. And, eventually, lead to a comprehensive scientific evaluation of theories to capture the magnitude of global large-scale land acquisition.

Annex 1: Land Matrix (2012)

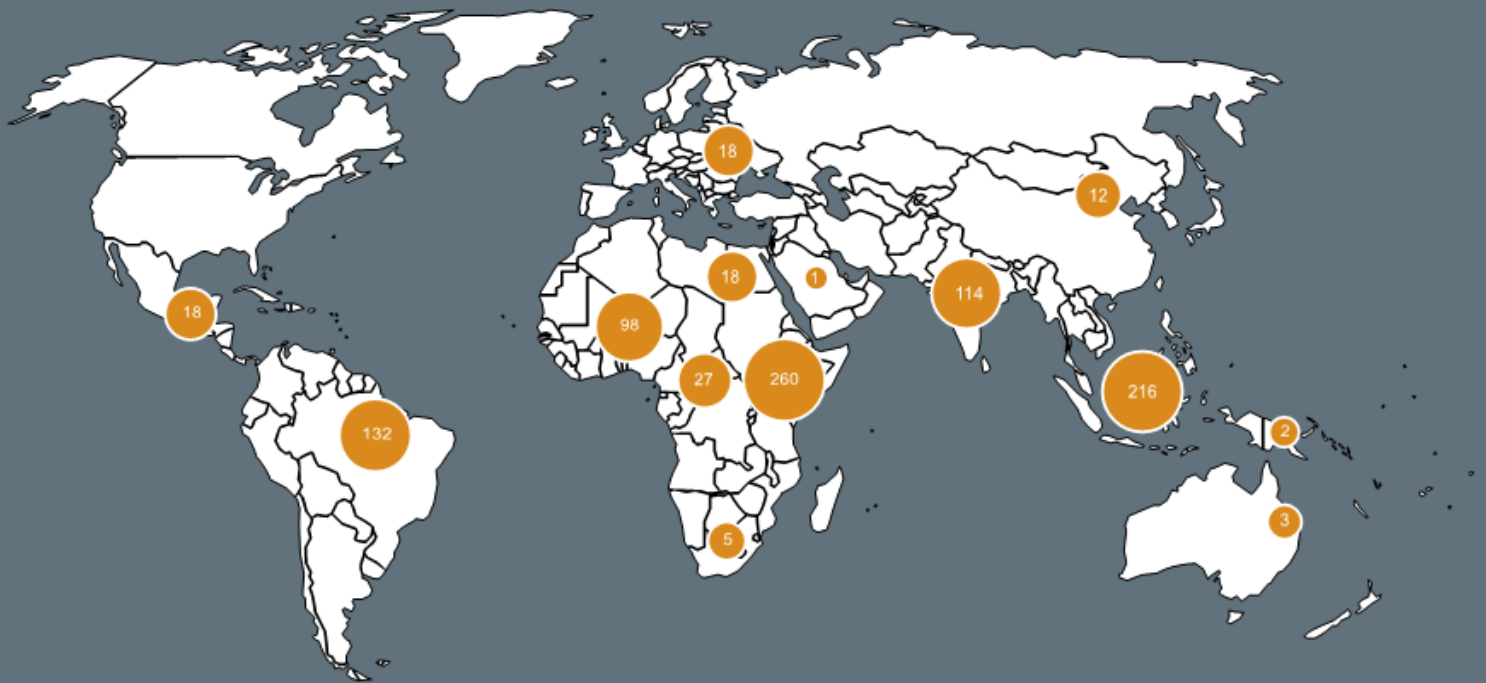


■ Number of hectares (millions) cross-referenced
■ Number of hectares (millions) reported

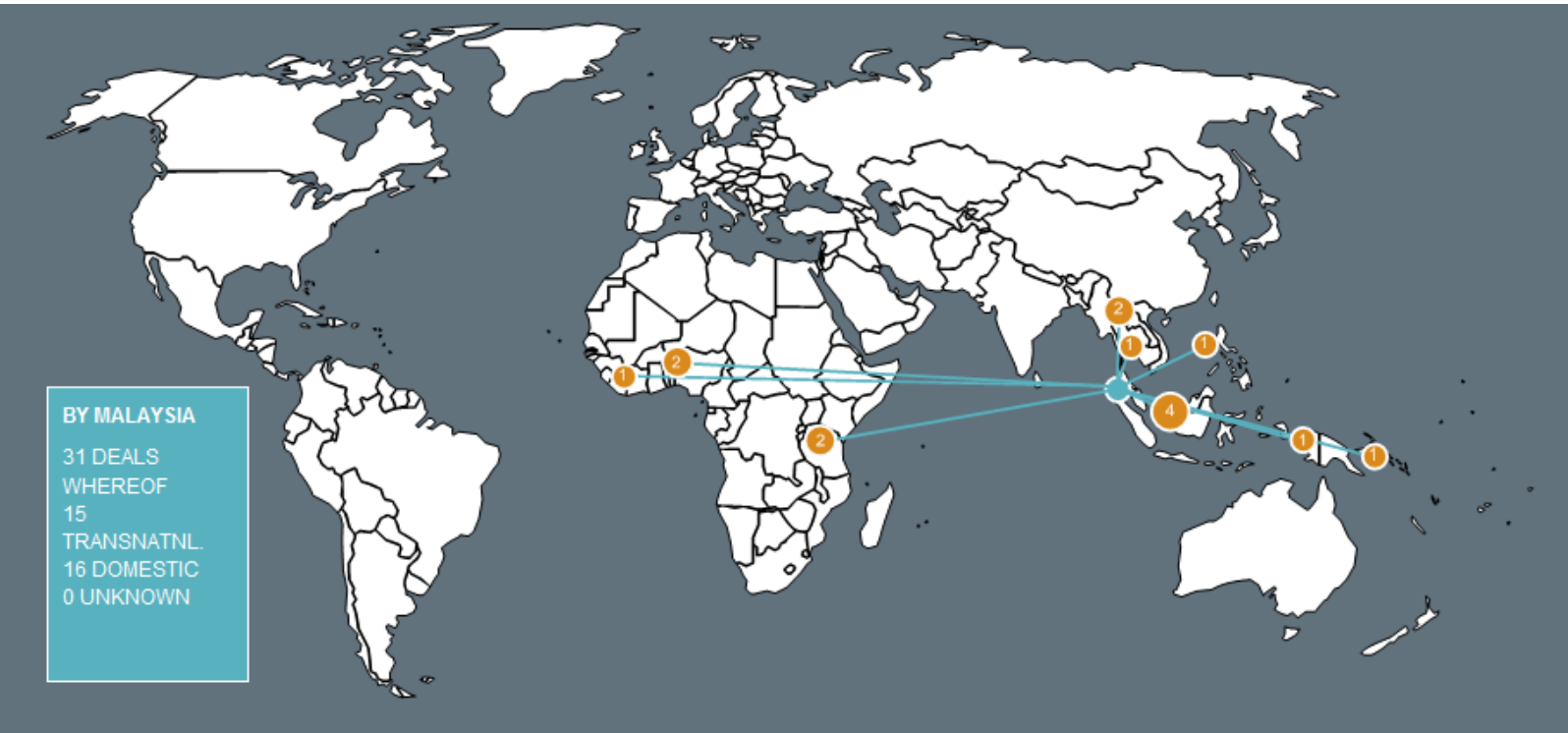
SOURCES: Land Matrix, in the International Land Coalition's 2012 report "Land Rights and the Rush for Land: Findings of the Global Commercial Pressures on Land Research Project"

Annex 2: Land Matrix (2012)

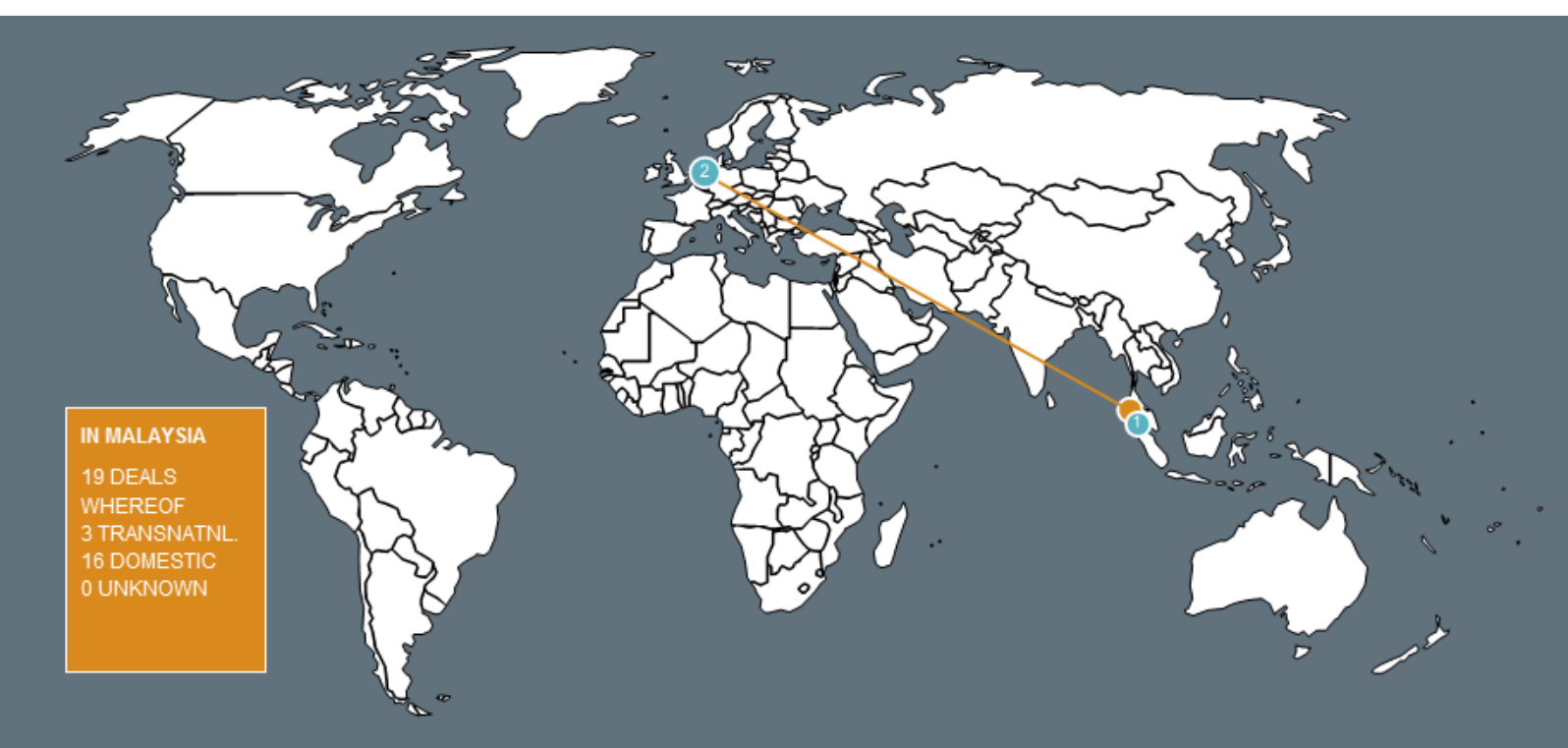
SUMMARY OF TOTAL LAND DEALS BY REGION



Annex 3: Land Matrix (2012).



Annex 4: Land Matrix



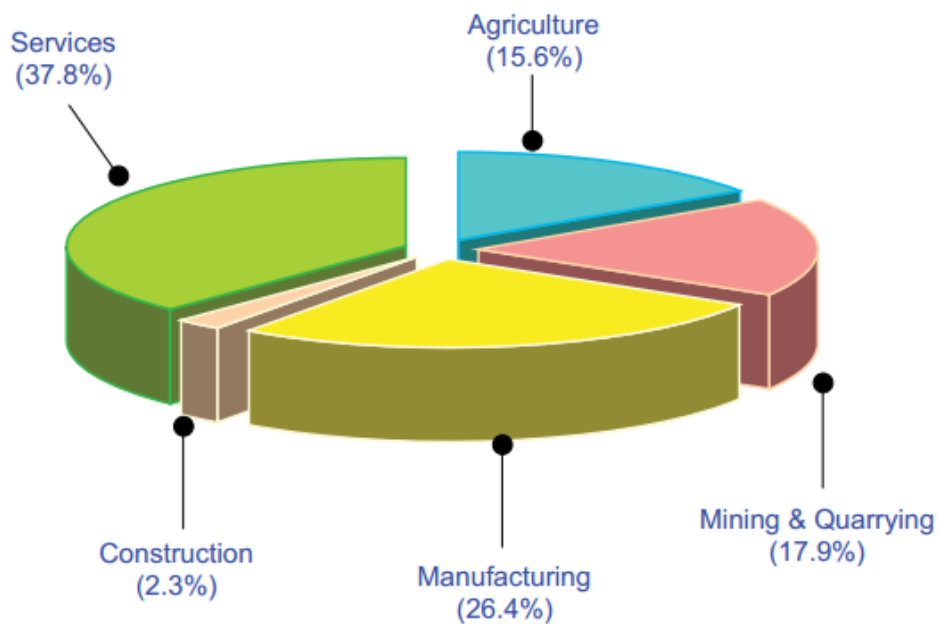
Annex 7: Sarawak, Facts and Figures (2011: p.22)

SARAWAK : CAPITAL INVESTMENT IN MANUFACTURING PROJECTS

Manufacturing Projects	2007	2008	2009	2010
<i>(RM Million)</i>				
DOMESTIC	1,456	3,402	1,598	4,046
FOREIGN	96	22,946	9,936	6,139
TOTAL	1,552	26,349	11,534	10,185

Annex 8: Sarawak, Facts and Figures (2011: p.17)

Sarawak : GDP Share (%) by Sector, 2011



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