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Political Structure and 'Dam' Conflicts: Comparing Cases in Southeast Asia

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Abstract

This paper argues that different political structures use different conflict management mechanisms to manage opposition to large hydro projects. Conflicts over the Pak Mun Dam, Thailand (a liberal democracy), and the Bakun Dam, Malaysia (a semi-authoritarian state), are the cases selected for comparison. The export oriented, fast industrialization process brought rapid development in these two countries. Large-scale water development projects, particularly big dams, have been constructed to meet an increasing demand for energy. However, these hydroelectric projects have been the source of conflict between the policy maker and the public. Though the countries face similar conflict situations, the regime's conflict management responses significantly differ from each other.

The paper finds that the political design of the liberal democratic country allows better public participation in the management of 'dam' conflicts. In contrast, the authoritarian regime reacts with a more oppressive approach to prevent escalation of the opposition against dam building. A non-democratic regime is thus more effective in the implementation of policy decisions to build big dams through its suppressive methods. Suppressive action may force reconciliation of the conflict at the surface level, but it neither addresses the root of the problem nor helps to secure benefits for the majority.

Keywords: Dam Conflicts; Southeast Asia, Liberal democracy; Semi-authoritarian, Pak Mun Dam, Thailand; Bakun Dam, Malaysia; Conflict Management.

1. Introduction

During the 1990s, the third wave of democratisation swept several countries of Southeast Asia (Crouch, 1993; Larry & Plattner, 1998; Stiglitz & Yusuf, 2001). This helped to bring new power elites to the fore, create a resurgence of civil-society and decentralize power. However, the democratising process was impeded by the economic crisis of 1997, which ended the miracle of the Newly Industrializing Countries (NICs) and their sustained economic growth and equitable income distribution (Haynes, 2001; Jomo, 2001). The economic crisis had a particularly adverse effect on the implementation of government policies. Previous latent problems in public policy implementation came to the surface and were highly criticised by the public during the economic down turn. Large-scale resource development undertakings, particularly hydroelectric projects, caused serious disputes within society. Incompatible perspectives and interests of the stakeholders involved brought them to confrontation.

Thailand and Malaysia are among the NIC countries that had experienced high industrialisation and economic growth since 1990. Both countries had planned and implemented a few hydroelectric power plant projects to meet their energy shortages. Due to the differing political structures of the two countries, different procedures were used to

manage conflicts over the hydroelectric projects. An attempt is made within this paper to study alternative conflict management approaches used by conflicting parties under two different political structures: a liberal democracy in Thailand, and a semi-authoritarian pseudo democracy in Malaysia. Conflicts are over two hydropower projects, the Pak Mun Dam in Thailand and the Bakun Dam in Malaysia. Both dam building projects were created as public policies to meet their respective nation's growing demands for energy. Both public policy projects also became conflicts on ecological, environmental, social and economic grounds.

2. Political Structure and Public Policy Conflicts

Public policy is a program or project that is planned, developed and executed by the state in order to supply facilities and the welfare needs of its citizens (Lewis, Gewirtz & Clarker, 2000; Curtain, 2000). Public policy is important in determining a nation's conduct and societal goals in a particular setting to create social harmony and peace. Carefully conceived, multi-faceted and interactive processes among the government and the public will ensure the effective implementation of public policy (Sisk et al., 2001; Titmuss, 1958). On the other hand, the allocation of resources, services, and opportunities can also be an instrument of social exclusion, discrimination and oppression (Placier & Hall, 2000). Public policies have a substantial impact on the stability of society.

The formulation and implementation of new development policy will introduce change in peoples practise and may involve a reconfiguration of social identities and roles of state policy making. This often contributes to tension in the community. Conflicts emerge when a feeling of scarcity and different interests predominate. Conflict involves the struggles of more than one party. Public policy conflicts involve two main parties, the policy makers and the public. These conflicts might vary in their dimension, level, and intensity. However, they have a significant potential to transform, becoming an important catalyst for positive social change. Nevertheless, public policy conflicts need to be properly managed (with suitable mechanisms), in order to overcome enormous practical barriers and contribute to positive social change (Buckles & Rusnak, 1999). Successful management of conflicts can help improve acceptance among the public to the state's public policy decisions; improve social integration and increase the efficiency and flexibility of state action.

Public policy conflict management often involves the interaction of the conflicting parties; it also entails analysis of the cultural and historical experiences that underlie the conflict. However, the management of public policy conflict depends very much on the political practice and structure, which constrain or facilitate policy implementation. The political structure of a state consists of local political culture, structure and institutional design, as well as the involvement and influences of civil society and public participation. Managing public policy conflicts in a democratic set-up differs from management within a non-democratic one. Yet the boundary between democratic and non-democratic structure is sometimes a blurred and imperfect one (Diamond, Linz & Lipset, 1989). Political structure as such can be further described as 'mixed' or 'ambiguous' along a scale, and varies from case to case. A regime having mixed characteristics can be responsive and repressive at the same time. They are significantly responsive to some pressures from society while repressing others (Crouch, 1996).

The identifying characteristics of public policy conflict are its short duration, low degree of organisation, and limited goals. The type of political system strongly affects the nature of this low intensity conflict. Democracies are more prone to the experience of opposition to their public policies compared to autocracies. The structure and ethos of a democratic state are such that it is adjusted to respond to limited challengers in a conciliatory way. On the other hand, authoritarian regimes generally suppress public opposition, relying on coercive control (Swain, 2002).

2.1. Public Policy Conflicts and Democracies

Undoubtedly, democracy provides a fertile setting, which permits a large number of public policy conflicts to merge and operate. Moreover, due to their values and dependence on popular support, democratic regimes more often respond favourably to public demand. One of the key characteristics of democracy is governmental responsiveness to citizens on a continuing basis. Robert Dahl (1971) believes that the key requisites for achieving this end are citizen's opportunity to signify their preferences to their fellow citizens and the government by individual and collective action and have those preferences weighted equally in the conduct of government. Due to the right to rule being derived from public support, governments in a democratic system should be responsive to bottom up pressure. Democracy, characterized by the presence of its institutions, may force governments to take serious consideration of the demands and interests of their citizens (Crouch, 1996).

One of the key elements for managing public policy conflict in a democracy is an interactive process among conflicting parties using a broadly inclusive, and consensus based decision-making approach. As Wade and Curry (1970) argue, it is an obligation for democratic political systems and institutions to permit the people to require that their government reorder its priorities whenever the existing pattern of benefits is found to be unacceptable to a majority of the population. In a mature democracy, the public are well represented, and have the right to measure the regime's legitimacy and the effectiveness in engaging, representing, serving, and protecting the public in a meaningful and effective way. This helps prevent feelings of alienation and frustration, consequently resolving public policy conflicts by creating opportunities for collaborative effort. According to the International Institute for Democracy and Electoral Assistance, Sweden studies on *Democracy at The Local Level*, with democracy as a set of institutions and practices for conflict management, public policy dispute can be processed, debated and reacted to. Democracy can be operated as a conflict management system without recourse to violence (Sisk et al, 2001).

Community participation is essential to decision-making on public policy. This strategy enhances stakeholders' participation in constructive conflict management processes and increases dual direction communication in order to achieve optimal management capacity (Goldberg, Green & Sander, 1985). Democracy facilitates enhanced community involvement in the dispute resolution process, which helps the parties to perceive the agreement as fair (Burton & Dukes, 1990). Dahl (1989) emphasizes the notion of 'effective participation' as the core meaning of democracy. The public in a democratic society have adequate opportunity to express their preferences, place questions on the agenda, and articulate reasons for endorsing one outcome over another.

Useful dialogue, debate and discussion in an effort to solve problems help close the gap between political elites and the populace. The idea of 'power sharing,' with the values of partnership and cooperation integrated into policy design and implementation can be a viable alternative to 'winner takes all' democracy. It can bring further legitimacy to decisions, produce more durable solutions and prevent the escalation of confrontation and violence (Mansbridge, 1983). By participation people express their view, they listen to others, they have a 'voice', and they are heard. Although they do not necessarily make the decision, they have the opportunity to influence other people as well as the decisions (Bunker, 2000). With the perceived opportunity to participate in shaping their future, people tend to give more support to a policy they helped create.

2.2. Public Policy Conflicts and Non-Democracies

An authoritarian state offers restricted freedom in favour of obedience to authority, and this authority itself exercised with few restrictions (Schapiro, 1972). The notion of authoritarian government is often used as a virtual synonym for non-democratic government (Brooker,

2000). According to Linz (1970), authoritarianism has four main elements: the presence of limited and non responsible political pluralism; absence of elaborate and guiding ideology and instead distinctive mentalities; absence of intensive or extensive political mobilization throughout most of the regime history; and a leader (or a small group) which exercises power within poorly defined formal limits but nonetheless quite predictable ones. Authoritarian regimes are less affected by factional divisions, and have greater capacity to carry out policy implementation and national development (Haggard & Kaufman, 1995). The charismatic ruler in the regime enjoys autonomous and absolutist power to indulge personal ideological prejudice and fantasies with regards to public policy making (Brooker, 2000)

According to Brooker (2000), some non-democratic regimes achieve legitimacy by using the state as the prime mover of economic and social development. These regimes also try to penetrate society to establish control over political actors and social units at the local level, and extract resources from a largely agrarian economy. The belief in the 'strong would survive and the stronger would have the authority' encourages the authoritarian policy makers to accumulate more power with the help of each decision they make. Devolution of power to various localities is rare, especially for the policy makers who see power as tool to secure their hegemony and to protect their own political interests.

According to Rummel (1976), in a modern state where the political system keeps and enforces the general structure of expectations, conflict is often between the political elite and those attacking their policies or the status quo. The more dominate the political system in social affairs, the more social conflict swirls around the extensions of government control. Conflict may be mutual, but not necessarily symmetric (Höglund & Ulrich, 1972). Power differences between conflicting parties can be enormous in the process of conflict management, especially when it involves asymmetric power relations between strong policy makers and weak local communities, a fairly common phenomenon in an authoritarian state.

Non-democratic regimes tend to use top down decision-making approaches to public policy making. The top down decision-making process often ignores popular consensus and participation. Participation of people is limited to a 'listens but not heard' level, and any opposition from the public is overlooked or suppressed. Propaganda exhorts the people to make 'sacrifices' for the larger interest. Policy makers tend to impose decisions on the local population in the name of modernity, economic growth, and national prestige (Sugden & Keogh, 1990). The state also controls social sectors by an 'encapsulation' process, which excludes and deactivates the unfriendly popular sector (O'Donnell, 1979). Coercive power is used to suppress protest movements at the grassroots levels, in the pretext of national security, national identity, and nation building, with the aim of asserting regime authority. Advocacy groups, NGOs, international networks, and academics, that is, those who extend their support to local communities, are regarded by the regime as an act of intervention and a threat (Tyler, 1999). The authoritarian state often argues that participatory policy-making is a utopian notion (Sisk et al., 2001). Complete consensus is not possible over the policies, particularly those that have high political and economic significance. Enhanced public participation may worsen the situation by raising the stakes of the issues and preventing an efficient and binding decision.

Public policy conflicts involve asymmetric power struggles between policy makers and the public over policy formulation and implementation. The purpose of conflict management of these public policy conflicts is to address the short-term problems and prepare a comprehensive plan for long-term benefits. However, the design of political structures often results in differing conflict management approaches for each specific country. Arguments favoring democracy suggest that its institutions, structure and participative features can be consolidated as alternative conflict management procedures in public policy conflicts. While authoritarian regimes claim that when power is broadly shared, it will be difficult or even impossible to make decisions.

3. Big Dam Projects in Southeast Asia as Public Policy Conflicts

The Southeast Asian region has witnessed the most dynamic and rapid economic growth in the post war era. As newly industrialised countries, Malaysia and Thailand's economies are considered as two of the eight high performing Asian economies (HPAEs) (World Bank, 1993; Jomo, 2001). The export-oriented manufacturing boom in Southeast Asia had increased the need for energy. Large-scale hydropower projects have become part of the public policy aims to meet the increasing scarcity. Economic growth and rapid industrialization have brought development, but at the same time, the list of problems that have arisen is countless (Wong & Mohan, 1999). Big projects such as the Pak Mun Dam and Bakun Dam while providing cities with electricity and water, have created other problems such as flooding, displaced villagers, disrupted fish stocks, and polluted air, water and soil. These devastations weigh heaviest on those who use these land, water and forest resources as the basis of their livelihood. These people then take up the struggle to defend themselves (Phongpaichit & Baker, 1998).

3.1 The Pak Mun Dam in Thailand

Pak Mun Dam¹ is situated on the Mun River, 5.5 kilometres upstream from the Mekong River in Kong Jem District, Ubon Ratchathani Province, Northeast Thailand. It is a 17 metre high and 300 metre long 'run of the river'² project, to divert water from the Mun River to the Mekong River for power generation (World Bank Fact Sheet, 2000; Amornsakchai, et al., 2000). The Pak Mun Dam Project costs about 3.88 Billion Baht (155.2 million USD)³ and is estimated to generate 136 Megawatts (MW) of power (Amornsakchai, et al., 2000).

The dam also created a reservoir covering an area of 60 sq kilometers. In 1967, Thailand started planning this project on the Mun River. After more than 20 years of studies and reviews, the Thai cabinet finally approved the Pak Mun Dam proposal in May 1990. Ever since, the project has faced opposition from the local populace. More than 3080 families have been directly affected due to loss of houses, farmlands and fishing areas. Academics, NGOs, environmentalists, students, local politicians and lawyers have provided support to the affected villagers to oppose the implementation of the project.

The Pak Mun Dam conflict has become a dilemma for the Thai government in its effort to reconcile economic development and environmental protection policies. The Thai government prepared a package of economic and industrial development policies in the 1990s for the Northeast region of the country, stressing hydropower development as an essential infrastructure requirement to meet increasing energy demand. However, while formulating the policy to build the Pak Mun project, there was a clear absence of public participation. Escalation of opposition due to compensation and resettlement problems further complicated the situation. Since the Pak Mun Dam came into operation in 1994, issues such as the loss of heritage, rapids, forest, homes, fishing areas and farms, as well as a possible epidemic of blood fluke, and the negative social impact to local villagers have haunted the policy makers (Vatanasapt, 1999).

¹ 'Pak Mun' or 'Pak Moon' is used alternately in literature. In this paper, 'Pak Mun' is used for standardisation purposes to prevent unnecessary confusion.

² The 'run of the river' dam design can ensure that the water level does not rise above 106 MSL during the dry season and retains at a maximum level of 108 MSL for the rest of the year.

³ The exchange rate between the Thai Baht and the US Dollar here is 25 Baht to 1 USD. The Pak Mun Dam project was originally funded with 23 million USD from a World Bank loan and 157 million USD of EGAT funds and local borrowings. EGAT is the government agency responsible for planning, studying potential impacts, building, and managing the operation of the hydropower plants in Thailand. This project was a component of the Bank's Third Power System Development Project, which sought to help Thailand meet the growing demand for power required to sustain its economic growth.

3.1.1 Protest against the Pak Mun Dam

Although the affected villagers demanded a halt to the dam building at an early stage, the authorities did not take the public demand seriously. According to the WCD report, “the authorities of Thailand did not consult affected villagers in the early stages of the decision-making process, nor attempting to include them in the project conflict mitigation and preventive measurements” (Amornsakchai, et al., 2000). Lack of consensus building at the conflict avoidance stages is one of the major factors of the escalation of conflict.

Compensation for people affected by the Pak Mun Dam project did not come from a comprehensive initial assessment. The Association of the Poor (AOP),⁴ environmentalists and academics had protested against the Pak Mun Dam project by urging the government to form a committee to review and assess the costs and benefits, economic impacts and ecological changes. In May 1990, the Thai government set up a ‘Committee for the Compensation of Land Rights and Properties and a Committee for Resettlement.’⁵ The cash compensation of 24 million USD was paid for ‘loss and damage to properties’ (Suwanmontri, 1998). After six long years of protest, the affected fishing families received a one-time package of 3600 USD per family as compensation for ‘social costs’ and ‘job opportunity lost’ during the three years of construction (1992-1995) (Thabchumpon, 2002).

Both Banharn’s government (July 1995 - September 1996) and General Chawaliti’s government (November 1996 - November 1997) agreed to offer compensation to 3084 families who lost their livelihood due to the Pak Mun Dam. However, once Chuan Leekpai took over power (September 1997 - February 2001), he reversed this decision in April 1998. This uncertainty was compounded by inappropriate rehabilitation measures and policy implementation delays. It created a situation of general unrest among the public towards the policy makers. The affected villagers escalated their protests and demonstrations against the project (Amornsakchai et al., 2000).

The villagers were apprehensive that the dam would affect their livelihood and the well being of local fishermen. Furthermore, several species of fish in the Mun River would become extinct as a consequence of the interruption to the natural flow of water. The villagers, NGOs, student organisations, academics and environmentalists organised exhibitions and seminars to protest against the dam. They sent petitions to district, provincial and central governments with the aim of halting the project at the early stages (1989-1994), and to decommission the dam after its construction in 1994. The affected villagers also launched several protest demonstrations at the dam site and in front of the Government House since March 1993. The protesters claim that their livelihoods have been destroyed by the failed development policies of the government. Villagers could no longer survive on their land, as the Pak Mun Dam had blocked fish migrations from the Mekong River thereby causing a significant decline in fish catches, which had serious consequences for the people of this area. The villagers demanded the permanent opening of the Pak Mun Dam gates, to improve the standard of living of the villagers and to protect the environment. A non-violent “Let the Mun River Run Free” campaign was launched in February 1999 demanding the river’s rehabilitation. A demonstration village, with more than 1000 protesting villagers and environmentalists, was

⁴ The AOP is an umbrella group of six networks of organized villagers and factory workers who had been adversely affected by development policy during the last few decades. AOP has raised more than 200 problems, mainly concerning the impact of dam projects, forest and land conflicts, unhealthy working conditions-related sickness, and the rights of urban slum dwellers.

⁵ It was later replaced by the Committee for Assistance to Project Affected Persons in December 1993. The main function of the committee is to provide appropriate compensation to villagers who were affected by Pak Mun Dam. Villagers were divided into three main categories. Priority compensation was given to villagers who lost their land and houses due to flooding of the river water. In the second category were villagers who live near Pak Mun Dam and were affected indirectly by the project. Villagers who were not directly affected by the project were identified as the least priority regarding compensation distribution. The compensation scheme includes 241 resettled households, and 1378 partially affected households.

established near the power generation plant on the Pak Mun Dam site. Fifty fishing boats navigated through the Mun River below the dam and symbolically released a young Mekong giant catfish into the water as a part of the campaign to demand opening the dam sluice gates and restoring the Mun River.

The Government blamed the opposition parties for supporting the anti-dam protests. It alleged that the ultimate aim of the opposition was to bring down the government. In spite of EGAT's (the government agency responsible for the dam construction and compensation in Thailand) request to take action against the demonstrators for unauthorised access to the dam site, the local officials pleaded that they were unable to address the problem (World Rainforest Movement, 1999a). Police forces guarding the site remained at a distance and observed the protest activities without trying to foil them with the use of force (World Rainforest Movement, 2000).

3.1.2. State Response to People's Protest in Thailand

EGAT has spent a large amount of its resources on a media campaign regarding the alleged benefits of the dam (Tantiwitthayaphithak, 2001). On the compensation and rehabilitation front, it claims to have spent almost 8 million USD to build roads, schools, temples, and a hospital; and provides training in agriculture, and supported occupation rehabilitation on sewing cloth and fishing for the affected villagers. In April 2002, it announced the completion of the compensation programme.¹ EGAT believes that they have tried their best at rehabilitation, and see the villagers as merely trying to get as much compensation as possible.²

To the demand of permanently opening the gates of the dam, the response of the state has been a mixed one. At one point during the climax of the confrontation between protesters and the state in the Thai capital in 2000, riot police acted against the demonstrators when some of them tried to brake into the Government House. The police fired tear gas and wielded batons at the protesters to control the situation. Protestors were injured, arrested, and charged with trespassing and illegal assembly. Prime Minister Chuan Leekpai defended police action, saying that although the protestors have the right to demonstrate outside the Government House, they have no right to breach the compound wall. However, the police action against protesters was criticised by more than thirty groups representing academics, human rights and democracy activists, and politicians (Economic Justice News Online, 2000).

Thailand enacted its new Constitution in 1997. For the first time in Thailand, the Constitution included elements that are essential for maintaining a sustainable society: transparency, accountability, public participation, and decentralisation. It brought greater opportunities for civil society in Thailand to coordinate. The affected villagers, with the help and support of local academics, NGOs and international NGOs, have gathered their power under AOP and formed a very strong protest network in Thailand to demand their rights.

When Thaksin Shinawatra³ came to power in 2001, he promised 'good governance' by implementing the elements of public participation and transparency in public policy making. In comparison to its predecessors, Thaksin's government was forced to be more democratic in its decision-making under the new Constitution. On the 17 April 2001, Thaksin's government

¹ EGAT's decision to finish the compensation program in 2002 was believe to be largely due to pressure from the World Bank. Back in June 1998, the World Bank's Operations Evaluation Department released a report stating that the Pak Mun Dam's resettlement program was "exceedingly generous" and is considered to be in 'a class of its own.'

² Ang Ming Chee's interviews with Suwit Phumiwiengsri, EGAT Senior Engineer (Level 11), official in charge for Pak Mun Dam and North-eastern Region Hydro Plant, on 15 May 2002 at Ubolratana Dam, Khon Kaen, Thailand.

³ Mr. Thaksin Shinawatra has led the 54th Thai government since 9 February 2001.

ordered EGAT to temporarily open the gates of the Pak Mun Dam for four months to conduct studies on the impacts of the dam on fisheries, social life and electricity supply. On 11 December 2001 the Cabinet agreed to the proposal by the office of the Prime Minister, to increase the period of the opened gates to one year (The Nation, 12 December 2001). The Thai government decided to take this decision due to continuous pressure from the affected population, which had been expanded into a nation wide campaign.

The opening of the Pak Mun Dam gates enabled the government constituted, URU Pak Mun Dam Research Team, to conduct the "Project to Study Approaches to Restoration of the Ecology, Livelihood, and Communities Receiving Impacts from Construction of the Pak Mun Dam". This research project focused on social, environmental, and economic impacts. The study was conducted between June 2001 and July 2002.⁴ Meanwhile, a parallel track two research project, Ngarn Wijai Taiban (Grassroots People's Research), was taken up by the Chiang Mai based NGO, Southeast Asia Rivers Network (SEARIN) (Villagers Affected by Pak Mun Dam, 2002).

Although the URU research on Pak Mun Dam concludes clearly that opening the sluice gates all year would enhance and restore a healthy ecology and livelihood to the villagers,⁵ the cabinet panel led by former Deputy Prime Minister Pongpol Adireksan decided that the gates would be open for four months per year (from July-October), covering the flooding period for restoration purposes (Bangkok Post, 25 September 2002). This decision was followed by the cabinet's order to immediately close the Pak Mun Dam gate door from 1 November 2002 onwards, to enable Pak Mun Dam re-operation, and continued generation of electricity. Many affected villagers and supporting groups criticized the government decision to close the dam gate. The decision to close the gate door for eight months in a year has brought protesters back to the streets of Bangkok. The campaign is gaining momentum against the restrictions imposed on the opening the Pak Mun Dam sluice gates. Facing these new developments, particularly in the face of the coming 2005 general election, the Thaksin government has started searching for an improved conflict management mechanism for the Pak Mun Dam situation.

3.2. The Bakun Dam in Malaysia

The Bakun Dam⁶ is situated on the Bakun Rapids at the confluence of the Rajang⁷ and Balui Rivers, in Sarawak, East Peninsular Malaysia. This dam is estimated to produce 2400 MWs of hydropower and would cost 13.5 billion Ringgits (3.6 billion USD).⁸ The project included a plan for 650 kilometres of undersea electricity transmission lines to transmit electricity from Sarawak to Peninsular Malaysia, and some related infrastructure such as roads, a new township and an airport. The Bakun Dam project contains a 210 metre high concrete dam, which will create a catchments area of 14,750 sq kilometres, and floods a tract of 69,640 hectares of Sarawak's primary rainforest, roughly the size of Singapore. It will be the biggest of its kind in Southeast Asia once construction is completed. The project was first proposed in 1986, approved by the cabinet in 1994, and shelved in 1997 during the Asian economic crisis. This project was revived in 1999 in a scaled-back version with 500 MW capacities, but

⁴ Ang Ming Chee's interview with Dr Kanokman Manorom, The Project Coordinator for Pak Mun Dam Research Project, URU, Ubon Ratchathani on 14 May 2002.

⁵ Ang Ming Chee's interview with Dr Kanokman Manorom, The Project Coordinator for Pak Mun Dam Research Project, URU, Ubon Ratchathani on 22 April 2002.

⁶ 'Bakun Hydro Electric Project' is the official term for the dam used by the Malaysian Government. To avoid confusion, the term 'Bakun Dam' will be used for standardization purposes.

⁷ 'Rajang' or 'Rejang' River is the longest river in Malaysia, with a length of 565 km.

⁸ The exchange rate between Ringgit Malaysia (RM) and the US Dollar (\$) used here is RM 3.75 to \$1. Some international financiers state that the cost is as much as 7 billion USD at the original planning stage of the project. However, the Malaysian government claims that the cost of the Bakun project has been cut to 2.4 billion USD after being revised in 1997. Here, the official figure given by the Malaysian Government press statement at the announcement of the Bakun Dam project has been used.

the decision was revised again in 2001 to revert to its original 2400 MW scale, though without the installation of the 600 kilometres of undersea cable. Bakun Dam is currently under construction and is expected to start its operations in 2007.⁹

Malaysian government national policy (Vision 2020), aims to achieve a fully industrialized nation by the year 2020. Large-scale projects are the key to achieving this. The Bakun Dam is expected to be the main powerhouse to meet the nation's increasing demand for energy. It will also aid economic growth and industrialisation in the Sarawak region. The Malaysian government, with the help of the Bakun Dam, also aims to develop and modernise the indigenous people of the area. Thus, the regime favours the Bakun Dam project without any reservations.¹⁰

3.2.1. Protest against the Bakun Dam

The Bakun Dam threatens the region's forests, rivers, soils and traditional economy. Activities such as logging, habitat destruction and reservoir flooding are expected to have a serious impact on the rainforest, resulting in severe ecological problems. These are the main concerns of the local population and activists, which lead to their open opposition of the Bakun Dam project. The lack of consultation with the affected indigenous people, and no public participation in the EIA process has been criticised by various parties. Environmentalists, NGOs and indigenous peoples' organizations in Sarawak argue that there is no need in the region for such a large power generation project (Bocking, 2003; Thompson & Hui, 2001). Kua Kia Soong, director of Malaysian Suara Rakyat Malaysia-SUARAM (The Voices of Malaysian People) alleges: "The manner in which the Bakun Dam has been justified, from the original 2400 MW with submarine cable to West Malaysia, to a downscaled 500 MW dam, now back to 2400 MW without submarine cable, smacks of very irresponsible policy making...Almost certainly, no serious attempt has been made to justify the project in terms of energy needs and supply" (Thompson & Hui, 2001).

More than 10,000 indigenous people from 15 communities used to live along the Rajang and Balui River. They have been forcibly displaced and relocated to the government-sponsored resettlement area located at Kampung Sungai Asap (Asap River Village) and Kampung Sungai Koyan (Koyan River Village). The Coalition of Concerned NGOs on Bakun (Gabungan), the Bakun Region People's Committee (BRPC), Sahabat Alam Malaysia-SAM (Friends of the Earth) and other members of Malaysian civil society are providing support to the affected indigenous people in their fight against the Bakun Dam project. These groups believe that the only real solution is shelving the project. They address the growing crisis faced by people displaced by the project, and advocate a more realistic, sustainable, transparent and democratic approach to the issue of energy needs and supply in Malaysia. However, policy makers do not provide any information to the Bakun residents nor arrange any dialogue and consultation with the different tribal groups regarding the details of compensation or resettlement schemes.

⁹ The Bakun Dam is fully funded by the Malaysian Federal government led by the Barisan Nasional (BN) cabinet. The Federal government had invited the State Government of Sarawak, Tenaga Nasional Berhad (TNB), Sarawak Electricity Supply Corporation (SESCO), Malaysia Mining Corporation Bhd (MMC) and others to participate in this joint-venture company, the Bakun Hydroelectric Corporation Berhad (BHC). Major construction contracts for the Bakun Dam project were given to Asea Brown Boveri (ABB), Comphania Brasileira de Projetos e Obras (CBPO) and Dong-Ah of South Korea. However, after the 1997 economic crisis hit Malaysia, these private companies received 250 million USD as compensation when the Malaysian Ministry of Finance decided to take over the project from BHC. The revived Bakun HEP was taken over by Sarawak Hidro Sdn. Bhd (SHSB) and its main contractor is Malaysia-China Joint Venture (MCH JV) for the civil works portion.

¹⁰ The Bakun Dam project will have adverse impacts on water levels and salt-water intrusion in the river downstream, causing fish habitat degradation and loss of fisheries resources. At the same time it will also destroy 93 species of protected wildlife, and 1230 species of flora and fauna.

In 1999, the authorities carried out the codenamed 'Operation Exodus' resettlement exercises, which provided limited information to the affected villagers. The only information imparted was that the 70 per cent balance of their cash compensation (for the 'loss of property and goods' from their previous homes in Bakun) could only be given within two weeks of their arrival at the government-planned Asap Resettlement village. The state government also warned the villagers that compensation payments would be withheld from those who refuse to move out. Moreover, army and police forces would be used to remove protesting villagers. The fear of losing their compensation money and the worries of the armed forces action were the main reasons that drove the people to move into the resettlement area.

At the resettlement area, people are suffering from poverty, malnutrition, unemployment and adverse socio-economic conditions. There are claims that the house units at the Asap Resettlement Scheme were not in accordance with that promised in the relocation plan (World Rainforest Movement, 1999b). The land given to each family was limited to food growing but not adequate for farming activities. Without expertise in market investment, the underpaid compensation money was insufficient for the villagers and their families. These unsustainable dilemmas continue to escalate and create greater conflicts (Thompson, Harlan & Hui, 2001). Villagers from the dam site and those who lived downstream of the Balui River have petitioned to the government, demanding work on the dam be halted until compensations disputes, land rights issues, and water pollution problems have been adequately addressed (World Commission on Dams, 2001). Deteriorating conditions have forced some families to move from the resettlement area and return to their original homes in the inundation zone (Gabungan, 2001). They look up to the hundreds of families who have refused to move to the Asap Resettlement village. They have successfully established new villages on their ancestral lands near the dam. There they have enough fish, land for cultivation and forest for hunting. However, their statuses remain vulnerable, as their land is not legally recognized by the state.

The affected communities have organized several lobbying trips to the capital of Sarawak and other major cities in Peninsular Malaysia. However, it is not yet part of the political culture in Malaysia to meet with grassroots representatives directly. The government has actively discouraged public debate and prohibited local media reporting on the adverse effects of the Bakun Dam since the beginning of construction (Gabungan, 2001). The mainstream media in Malaysia is used to support the government's policy. The dissenting voices of more than 10,000 indigenous people who have been resettled have never been adequately represented. In December 1996, a group of indigenous people arrived at the dam site's airport with the banners saying, "Do not invest in this project" and "This project will destroy our culture" just as a planeload of prospective British investors arrived. Nevertheless, such opposition to the project was never reported in the national media. Furthermore, common people and journalists are prohibited from entering the construction area, as it has been classified as a restricted security zone. This is just one of the government efforts to avoid negative reports and public criticism of the project (Schultz, 1997).

The planning and implementation of the Bakun project lacks transparency, and suffers from usual Malaysian cronyism. The feasibility studies and EIA of the project was never brought to light, despite being required under federal law. In 1995, The Sarawak Chief Minister, who was alleged to have direct financial interest¹¹ in the project was appointed to head the Sarawak Natural Resources and Environment Board (SNREB). Since the Sarawak EIA Guidelines do not allow public participation in the EIA process (unless the project proponents desire), there was no public input in the seventeen EIA studies¹² commissioned for the Bakun

¹¹ The two sons of Sarawak's Chief Minister used to hold more than four million shares in the dam construction company, Ekran Berhad, as well as 17 % of the shares of Pacific Chemicals, which has the contract for the current Stage I catchment logging, valued at 62 million USD.

¹² The research companies included Universiti Sarawak (UNIMAS), SAMA consortium, Swed Power, Snowy

Dam. Indeed, the report on the EIA finding has been classified as a confidential document under the Official Secrets Act (OSA) and therefore it is not available for public distribution (International River Network, 2002). Malaysian activist groups, which include the World Wildlife Fund for Nature (WWF) Malaysia, opposition Democratic Action Party (DAP) and the Environmental Protection Society of Malaysia (EPSM) have called on the government to release all studies on the Bakun Dam. However, the government reacted only by giving verbal assurances that the EIA of the project 'had already been done' and 'the project was safe and environmentally friendly' (Gabungan, 2001; Asia Pacific Solidarity-Sarawak, 1993). The Malaysian opposition leader, DAP chairman Lim Kit Siang alleges that the Barisan Nasional-BN (ruling National Front Alliances) revived the project in 2001 in order to influence the Sarawak state general election, hoping to win votes by promising mega development projects. Some claim that the dam construction only benefits a certain section of powerful individuals, and not the local community. The Bakun Dam project construction was granted to Ekran Berhad without proper public tender. Ekran Berhad is a private company with close links to the ruling government. When Ekran abandoned the Bakun Dam project after the 1997 economic downturn, a compensation of 253.3 million USD was given to Ekran by the government as payment for 'work already done'. Moreover, companies close to the ruling alliance, such as Shin Yang, Sam Ling and Ekran, have reserved usable land around the resettlement area for palm oil plantation.

The local population of the Bakun project area brought legal proceedings against the Bakun Dam project. They filed a lawsuit against Ekran Berhad and the Malaysian government for failing to include the public participation principle in Bakun Dam project. The Malaysian High Court handed down a judgement on 19 June 1996, declaring the project invalid and illegal because it did not comply with federal environment law, which requires some form of public participation in the EIA study (Gabungan, 1999). However, the Malaysian Government and Ekran Berhad later brought the decision to the Malaysian Court of Appeal. The Appeal Court's ruling overturned the High Court decision on 17 February 1997, and removed the legal obstacles to the construction of the Bakun Dam and exempted the Bakun Dam from complying with the federal Environmental Quality Act of 1974. The lack of judicial independence in Malaysia has made it difficult for the people affected by the dam to fight for their rights (Gabungan, 1999).

3.2.2. State Response to People's Protest in Malaysia

The political authority in Malaysia has used all its power to suppress open opposition to the Bakun Dam project. Police and armed forces have been used to apply coercive power in the name of maintaining public order. In April 1996, protestors gathered at the Ekran Berhad office in Kuala Lumpur to deliver a memorandum condemning the Bakun project. Police used tear gas and batons to disperse the crowd. Police forces also used highhanded tactics to foil protest at the dam site (Schultz, 1997). The government has regularly denounced the opponents of the project as unpatriotic and irresponsible, and even 'extremists' (World Rainforest Movement, 1999b).

The government-controlled media has come up with stories regarding several local activist groups, which campaigned against the Bakun Dam project, claiming that they are in the pockets of overseas NGOs. The government then denounced them as 'foreign agents', acting against national development policies (D'Cruz, 2002). The then Malaysian Prime Minister, Dr. Mahathir, issued a clear and unambiguous warning: "Malaysia wants to develop, and I say to the so-called environmentalists 'Mind your own business'" (Schultz, 1997). The government also publicly threatened that it would monitor the activities of those who campaign against the project and might use the Internal Security Act (ISA) against them (Muslimedia, 1996). Moreover, several anti-dam activists have been denied entry into the

Mountains, Engineering Corporation, Lahmeyer and others.

Sarawak region. In short, the government of Malaysia has not only overlooked, but even suppressed popular opposition to the Bakun Dam project, and is determined to construct this massive dam.

4. Similar Conflicts but Different Conflict Management Approaches

Pak Mun Dam and Bakun Dam have both caused similar types of low intensity conflict between policy makers and the public over these huge hydropower projects. The policy makers from both countries have decided to construct the big dam projects, providing very little information and acting without consultation with the affected local people at the planning stages. This has led to organised opposition by the local people and their supporters against the projects construction and operation. Conflict prevention has failed at the early decision making process due to insufficient communication and interaction between the two conflicting parties.

Although both the 'dam' conflicts have similar causes, they are different in the way in which they have been managed. People who were affected by the dam projects have difficulty in finding proactive institutional support or even well defined complaint procedures to express their opposition. Moreover, both states have failed to minimize community suffering and combat the negative social impacts of the massive hydropower projects. Desperation has led the people to publicly protest in an organised manner for changes to the projects, which affect their life and environment.

Between the two countries, Thailand has a more liberal democratic structure that allows its society to enjoy greater political rights and access to a broader social movement. People in Thailand enjoy more freedom to gather and disseminate information as well as to have their input in government policy making. In the Pak Mun Dam project, conflict escalated with the absence of effective public participation processes at the preliminary stage.¹³ As the living conditions on the Pak Mun River declined, people affected by the Pak Mun Dam project gathered more support from other villagers (who were suffering from other development projects) under AOP.¹⁴ The anti Pak Mun Dam movement has, since 1990, seen the affected villagers launching various protests and demonstrations. Opposition to Pak Mun Dam was transformed from small gatherings of a few villagers protesting at a local district office in the early 1990s to the recent organised, large-scale national demonstration in Bangkok, which last for months. The villagers have been using novel demonstration methods to gain support from the public and to put pressure on the authorities. The marathon demonstration in Bangkok, a large-scale nationwide protest that marched all the way from Ubon Ratchathani to Bangkok, and the establishment of the Mai Mun Man Yuen demonstration village are parts of a series of social actions against the government's Pak Mun Dam project.

Though the affected indigenous population in Bakun and their NGO supporters are in complete disagreement with the Bakun project implementation, their organised opposition has been weak and relatively unsuccessful. Civil society in Malaysia, unlike Thailand, is constrained by the strong and predatory state. Grass-roots opposition is very limited due to highly suppressive action and a narrow degree of openness under the Malaysian semi-democratic political system. The Bakun Dam affected villagers try to influence the government decision in regular ways. They send petitions and memorandums to the government and construction companies, as well as attempts at public protest on a smaller scale (compare to Thailand). The indigenous people, using their unique cultural identity,

¹³ People participation in the national development agenda was practically absent until after the violent student riots that took place in 1973 and 1976. It was only after the end of 1970's that the Thai policy makers, the technocrats and the bureaucrats began to realise that there is a need to tailor national policy to serve the need of the people.

¹⁴ Ang Ming Chee's interview with Dr Suwit Laohasirivong, Director of IDR, KKU on the 21 May 2002 at Khon Kaen, Thailand.

perform blockades, rituals, community meetings and networking, as well as passive actions (such as refusing to move out of the dam affected area) to challenge the state power.¹⁵

The indigenous people's effort has received support from other activists and NGOs in Malaysia. NGOs, who are often at odds with the government, have been particularly helpful in launching more efficient campaigns using universal norms and the rule of law to demand fair and just rights regarding national development decision-making (Saravanamuttu, 1987). Some activists in Malaysia also seek collaboration with members of the government, using divisions between bureaucrats, and by forging closer relations with officials (especially in development agencies) to influence policy implementation (Eccleston, 1996). However, these efforts are relatively insignificant and have not changed the basic principles of policy making and its implementations. The villagers' success in winning the court case temporarily halted dam constructions for months. However, this decision was overturned in 1997, and villagers' actions, in the eyes of the regime, delayed the construction project, wasted government money and increased the cost of the construction.

5. Political Structure and Conflict Management

Through democratisation, the principles and processes of democracy are built and strengthened within the democratic institutions. Practices and beliefs are built by fostering the participation of citizens in the democratic process. Different institutions and practises have varied influence over conflict management processes. They may intensify, escalate or diffuse the conflict situation. Democratisation tends to mobilise counter forces, as democratic states are more likely to be accountable and responsive to demand from the public. Authoritarian states are less likely to react to people's demands, requiring the public to compromise and sacrifice in the name of development.

In the case of the Pak Mun Dam, though both parties are in serious dispute, the government has made several concessions to public demand. EGAT's willingness to conduct extended studies and investigations on the adverse effects of the Pak Mun Dam, and the formation of a compensation committee to look into the possibility of providing support for the loss of fisheries incomes show that the policy makers are willing to compromise in the face of public demand. Although on many occasions EGAT have openly defended and debated with the villagers regarding details of compensation, the Thai government has chosen in several cases to compromise with the people's demand. After Thaksin came to power in 2001, the opening of the dam gate for one year, allowing the academics to conduct their study and research, and the cabinet resolution on 17 April 2001 to create several committees, sub-committees and working groups to address the problems, alleviated conflict conditions. However, the people are not satisfied with these concessions and ask for the permanent opening of the dam gate (Tantiwitthayaphithak, 2001).

Policy makers' conflict management approach in Malaysia is different from their Thai counterparts. The Malaysian authority shows no intention of resolving the dam related conflicts. Their aim is to suppress conflict instead of resolving them. Furthermore, the regime does not compromise with any public opposition, instead viewing the action as a challenge to its authority that needs to be suppressed. In the Bakun Dam conflict, the government applies coercive measures to force the affected community to accept the terms and conditions designed by the authority, particularly with respect to compensation and resettlement arrangement. Indigenous tribal leaders are being threatened with replacement if they refuse to cooperate. Furthermore, the regime in Malaysia uses its state power to negate the influence of local NGOs and other opponents who campaign on behalf of the powerless (Eccleston, 1996). The powerful semi-democratic regime also denies opportunities for

¹⁵ Personal communication with Wong Meng Chuo, activist from IDEAL, Malaysia (Institute for Development of Alternative Living) from 29 March-6 May 2003, Sibul, Malaysia.

dialogue with opponents. NGOs and activists who intervene are condemned as 'troublemakers'. NGOs who receive support from their international network, are also publicly accused of being foreign 'puppets' (Milne & Mauzy, 1999).

In Thailand's democratic system, the fierce competition among political parties in gaining electoral support forced the government to be more accountable to public demands. The reflection and recognition of the public to government's performance can be seen as one of the measurements of power continuity. The villagers that often are the direct casualty from large-scale public policy implementation are important voters of Thailand's political leaders.

Under the new Constitution of 1997,¹⁶ the state has to decentralize its powers, delegating from the capital to the region and then to local areas. The new constitution brought substantial reforms to the Thai political process and expanded the rights and civil liberties of Thai citizens creating a more transparent and open government. The Constitution encourages the practice of good governance to create a better political and legal environment. One of the major components is the charter that entitles and empowers people to participate in local administration and management of natural resources and the environment in their communities (Suwanmontri, 1998). The increase in people's participation in policy formulation, national development decision making processes and the national project development agenda in economic, social and political activities, is particularly evident in the Pak Mun Dam conflict after 1997 (Poapongsakorn, NaRanong & Na Ayudhaya, 1999).

Thailand has gradually strengthened the capacities of local authorities, especially in natural resource and environmental management although the public administration systems are still highly centralized (Uhlin, 2002). Despite the frequent changes in government, it has not affected the country's overall stability as the policy is designed and executed by a competent professional bureaucracy that works within democratic principles. The policy and planning of Thailand's development has become the combination of top-down and bottom up approaches (U.S. Commercial Service, 2002).

In the Malaysian political structure, the degree of democracy varies over time, yet the regime has been quite stable. Unlike Thailand, political continuity in Malaysia has been more pronounced and facilitates more ambitious public policy. Malaysia inherited basic democratic institutions from the British political tradition 40 years ago. The colonial system was highly authoritarian and the democratic institutions left behind remain until now with relatively few modifications. Although Malaysia is a federal parliamentary republic with formal democratic institutions and elections, the opposition has never had a realistic chance of defeating the ruling national front. The design of the first past the post electoral system is heavily weighted in favour of the government, with no reasonable chance of the opposition winning (Uhlin, 2001). Since independence, Malaysia's ruling multiparty and multiethnic coalition BN (Barisan Nasional), has enjoyed unchallenged pre-eminence with control of both the legislative and executive pillar of government institutions. They have won every single parliamentary election with more than a two-third majority since independence. Barisan Nasional, under the leadership of the United Malays National Organization (UMNO), remains the most vital and powerful political outfit in Malaysia. Leaders of parties allied to UMNO in the ruling Barisan Nasional coalition use non-democratic methods to maximize their bargaining power within the coalition (Means, 1998).

Popular participation by the majority of the people in state decision making arenas is rare apart from the power exercised by voting in periodic elections (Callahan, 1996). The

¹⁶ The 1997 Constitutions were drafted with extensive involvement of people throughout the country. The process of constitution drafting in 1996-97 was not limited to parliamentary sessions, but involved an exceptionally high level of public participation. Academics, NGOs, business associations, the mass media and individual citizens throughout the country had the opportunity to participate in the process. Public hearings, meetings, and representations were carried out in every province to hear people's opinion of the new constitution.

opposition parties in Malaysia cooperate on a limited level, and are therefore unable to form an effective counter alliance, particularly as they are heavily ethnically and community dependent (Crouch, 1996). The power of the opposition is too weak to influence or make significant changes to public policy decision-making (Milne & Mauzy, 1999). The lack of proportioned power to counter balance government actions has further contributed to the ongoing suppressive strategy of the ruling regime. For the government, the suppressive action works well, as it sees power sharing as a threat (Coleman, 2000). The heavy-handed measures of development-proponents, by containing the people's grievances using the state machinery rather than acknowledging the need to address them, end in most cases with untold suffering by the affected people (Gabungan, 1999).

The long period of domination enables the Barisan Nasional government to bring the judiciary system under the control of the executive power. The recent successful repeal of the Bakun Dam court suit has shown the control of the regime over the Malaysian judiciary. Moreover, the civil servants who are responsible for carrying out public policy have very close ties with the ruling political coalition. In practice, the government encourages government employees to join the dominant party. The civil servants have been 'brain washed' to serve for the party and not the public (Crouch, 1996). They have to support and defend government policies, and are not to sympathise with those who act against national policy (Gomez, 1994; Gomez, 1994; Gomez, 2001).

6. Concluding Observation

In a democratic system, a high proportion of government decisions receive input from a substantial number of citizens. In a non-democratic political structure, fewer citizens make or influence a smaller number of decisions (Milne & Mauzy, 1999). Thailand comparatively has more liberal democratic characteristics than Malaysia. Still, the root of public policy conflicts over the Pak Mun Dam in Thailand lies with the traditional domination of the top-down "Decide, Announce, and Defend (DAD)" decision-making approach to national planning policy in the region. Adherence to this policy at the beginning of project construction has created a convoluted situation for the policy makers. It bypassed public participation and underestimated the need for sufficient ecological information and proper EIA before implementing the project. However, Thailand's democratic political structure provides possibilities to counter the non-consultative policies of the state. Affected people and their supporters have organized large-scale demonstrations and a highly motivated social action. Democratic culture and constitutional restrictions ensure a more accountable, responsible, and transparent regime.

Malaysia under the rule of the irreplaceable BN coalition promoted the concept of 'Asian Democracy' (Chan, 1993; Francis Loh & Khoo, 2002). which advocates economic dynamism, political stability, social discipline and cultural conservation (Rodan, 1999; Francis Loh & Khoo, 2002). Thus, the Malaysian semi-authoritarian 'modified democracy' (Crouch, 1993) and 'representative regime' (Crouch, 1996) subsequently do not act democratically especially in its public policy conflict management approach. Although the policymaking process hides behind a 'democratic procedure' smokescreen, the regime tends to use coercive practices to sustain the notion of 'less democracy, more stability, more development' (Gomez, 1994). The Bakun Dam case study has shown that the Malaysian regime sets very narrow parameters for negotiating settlements. The public has limited ability to launch counter challenges and change policy principles.

The soft authoritarian Malaysian regime is more effective in the implementation of policy decision through its dominating and suppressive methods that constrain any manifest conflict escalation. However, the suppressive action may reconcile surface conflicts but never remove the root of the problem, nor ensure secure benefits for the majority. On the other hand, Thailand, which is a more democratic country, is facing greater difficulties in solving

their public policy conflicts. The goal seeking competition through the democratic process involves complicated procedures, which may take a longer period of time to achieve mutual consensus. Nevertheless, this process is more beneficial for the nation, society and the government in the long term, particularly the growth of a healthy democratic state, where poor and marginal section of the society has the possibility to protect its interest. No particular political structure is the perfect design to prevent public policy conflicts. However, when conflicts emerge, a better-designed democratic political structure helps the parties to manage the conflict in a more just and fair manner.

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Appendix 1: Location of Pak Mun Dam, Thailand



Sources: The World Commission on Dams, http://www.dams.org/images/maps/map_mekong_bw.htm

Appendix 2: Location of Bakun Dam, Malaysia



Source: International Rivers Network, <http://www.irn.org/programs/bakun/map.html>