

# **Sarawak Energy's response to the report "No Consent to Proceed: Indigenous Peoples' Rights Violations at the Proposed Baram Dam in Sarawak"**

**7 September 2014**

*Business & Human Rights Resource Centre invited Sarawak Energy to respond to:*

- "New Report: Indigenous Rights Violations in Baram Dam Site in Sarawak", International Rivers, 17 August 2014 <http://www.internationalrivers.org/resources/8380>
- "Respect Indigenous Peoples' Right to Withhold Consent for Malaysian Dam, Says New Report", Bruno Manser Fund & International Rivers, 18 August 2014 <http://www.sarawakreport.org/campaign/respect-indigenous-peoples-right-to-withhold-consent-for-malaysian-dam-says-new-report/>

*Sarawak Energy responded with the following statement:*

Thank you for giving Sarawak Energy the opportunity to respond to the report "No Consent to Proceed: Indigenous People' Rights Violations at the Proposed Baram Dam in Sarawak" by SAVE Rivers.

Sarawak Energy rejects the main assertions of that Report.

Specifically, the report is an element of an integrated effort to discredit Sarawak Energy and the State Government's efforts to propel the State's development under the Sarawak Corridor of Renewable Energy (SCORE) development agenda.

Under the SCORE initiative, the Sarawak State Government is implementing a comprehensive plan to develop the economy by harnessing the State's competitive advantage in the generation of bulk renewable energy to attract investment and employment in energy intensive industries.

This will result directly in the people of Sarawak enjoying higher income and improved standard of living especially in the isolated rural interiors of the State. This approach is similar to development models that have been successful for developed countries throughout the world.

In bringing development to the people, Sarawak Energy is determined to learn from past experiences and has always been sensitive to the needs of the local communities; the need for better amenities and facilities, education, economic development, conservation of culture, heritage and environment to sustainably develop the State for future generations.

Links to articles describing Sarawak Energy's initiatives are pasted below:

<http://www.theborneopost.com/2013/01/26/literacy-programme-empowers-penans/>

<http://www.thestar.com.my/News/Community/2014/07/18/A-milestone-of-achievement-341-Penans-can-now-read-and-write-thanks-to-SEBs-programme/>

<http://www.sarawakenergynewsroom.com/2014/01/28/murum-penans-program-good-health-begins-home/>

<http://www.thestar.com.my/News/Community/2014/01/20/Sarawak-Energys-programme-aims-at-empowering-Murum-folk/>

<http://www.theborneopost.com/2014/03/08/seb-gives-school-aid-to-students-of-sk-tegulang/>

<http://www.thestar.com.my/News/Community/2014/07/21/More-Penan-kids-drawn-to-school-Enrolment-increases-as-Sarawak-Energy-plans-to-give-more-to-help-e/>

<http://www.thestar.com.my/News/Community/2014/08/01/Murum-Penan-handicraft-has-huge-potential/>

Sarawak Energy operates at the highest level of integrity and all our current and proposed projects are guided by the laws of Malaysia and Sarawak and international guidelines and safeguards, such as the Equator Principles, International Hydropower Association Sustainability Assessment Protocol and UNDRIP.

### ***THE REPORT***

SAVE Rivers most recent report is false.

SEIA and Proposed Baram HEP:

In terms of processes, Sarawak Energy would like to stress that all dam projects will only be constructed once the Social Environmental Impact Assessment (SEIA) are complete. Prior to the SEIAs, viability and feasibility studies and engagements with the potentially affected people are conducted, with absolute transparency.

It is notable that SAVE Rivers has worked to actively obstruct the consultation process.

If the SEIA identifies that the planned projects are feasible, then Sarawak Energy will work with the local communities to ensure the projects are met with community's approval and support. If this is not achieved, then alternatives are explored.

In the case of Baram, Sarawak Energy categorically denies that our appointed consultant had threatened any of the villagers in the area in the implementation of the SEIA study.

On the contrary, following instigation by certain parties, there have been occasions on which our consultant was aggressively chased away by a group of individuals even before they could explain on the purpose of the engagement. Fortunately, the great majority of the potentially affected community have welcomed the SEIA process, see:

<http://www.theborneopost.com/2013/07/14/allaying-fears-of-baram-folk-over-dam-surveys/>

Sarawak Energy also denies that any financial incentive has been offered to encourage participation in the study.

Finally, most of the people in the interiors of Sarawak understand the national language Bahasa Melayu. It is extremely condescending to say that they do not understand what was communicated to them. Furthermore, Sarawak Energy also employs local Community Relations Officers drawn from the potentially affected community to facilitate communication in the respective native dialects.

As such, the allegations of (i) Denial of Right to Information and Lack of Transparency, (ii) the Denial of the right to free, prior and informed consent, (iii) use of coercion, threats and intimidation and (iv) lack of access to remedies, are merely rhetorical tactics designed to attack the State Government.

In fact, this misinformation is part of a broader campaign. In the presence of the SAVE Rivers Chairman, a group of individuals destroyed the soil sample study conducted to look into the feasibility of the project last year which resulted to damages of up to a million ringgit.

<http://www.thestar.com.my/News/Community/2013/11/05/Strong-stand-against-culprits-SEB-to-lodge-more-reports-over-destruction-of-Baram-work-core-samples/>

The main point is that no decision has yet been taken to proceed with the project as the SEIA study is still being finalised for submission of approval to the State Government through the Natural Resources Environment Board.

***Other Allegations:***

On the allegations of (i) violation of right to participate in decision making through representatives of own choosing (ii) extinguishment of Customary Land Rights and Violation to the Right to Livelihood, it is not for Sarawak Energy to respond as it is beyond our jurisdiction.

Nevertheless, there are a lot of incorrect information in the report that showed the SAVE Rivers' malicious intention to discredit Sarawak Energy and the Government.

The report also talked about our Murum HEP having design flaws and Bakun Dam (which is developed and owned by Sarawak Hidro), not operating at full capacity because of insufficient demand for electricity. Again, these assertions are demonstrably false, as per the information set out in the links below.

<http://www.theborneopost.com/2014/07/05/murum-dam-safe-says-sarawak-energy-ceo/>

<http://www.sarawakenergynewsroom.com/2014/07/07/sarawak-dam-project-safe/>

<http://www.theborneopost.com/2014/08/29/baleh-dam-will-be-built-first-not-baram/>