

**(Un)making Mulu:
Contested territories, frontier dynamics and
legalization in Sarawak, Malaysia**

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Abstract

Privileging the role of statutory institutions in transformations of land control patterns gets in the way of understanding the complexities of such changes. This thesis therefore unpacks the interplay of land control 'mechanisms' (i.e. *territorialization, frontier dynamics and legalization*) in a grounded case study and demonstrates that a variety of other actors are involved in 'making territory'. I trace in this regard the historical formation of land control patterns in Mulu, located in the Malaysian state of Sarawak on the island of Borneo, by looking at the emergence of new state spaces, resource frontiers and legislation. Customary land tenure of the local population is positioned centrally to show how land control mechanisms in Mulu have co-produced a certain spatial-territorial configuration over a period of roughly 40 years. By doing so I aim to illustrate how such processes materialized through accounts of the lived experiences of my interlocutors in the field. This thesis argues in this respect that territorialization is negotiated between state and non-state actors and complicates this further by highlighting that different territorial projects overlap and interact. Secondly, I show that the neoliberalization of the ecotourism and palm oil sectors intertwine with a neo-patrimonial rationality in Mulu to form a hybrid, neoliberal-influenced mode of governance of natural resources. Lastly, I contend that an understanding of legalization as a straightforward process obscures the variety of actors, interests and processes that shape the final product of legalization. By developing these three related arguments this thesis aims to contribute to scholarly debates about state formation and resource governance in Sarawak and beyond.

5 Conclusion

The preceding chapters have tried to disentangle the ‘complex cocktail’ of land control in Mulu by showing how over time frontier dynamics, territorializations and legalization have interacted through a variety of statutory and non-statutory actors across different scales. By introducing the Penan system of *molong* (resource tenure) and their relationship with the landscape this thesis began by illustrating how resource use has been shaped by frontier imaginations of Mulu as unexplored ‘wilderness’ and by the subsequent science and government driven establishment of a ‘political forest’ (Peluso and Vandergeest 2001) that territorialized forest resources and use patterns and imposed new species controls. The following chapter picked up after the Penan’s exclusion from their customary territory by showing how Mulu’s expanding frontier space and following territorializations for the development of tourism attracted a local workforce of Berawan and Tering from Long Terawan that settled near the entrance of the park. With the construction of houses for a new village, Kampung Sungai Melinau, and clearing land for farming plots the overlapping claims of Penan and Berawan/Tering to customary territory came into conflict as land was increasingly enclosed and became scarce in the park’s vicinity. However, the political project of ecotourism established a common ground between villagers from Batu Bungan and Kampung Sungai Melinau as well as a new set of institutions (changing over time) that governed accumulation in and outside the park’s boundaries. Since the early infrastructural developments of the 1990s Mulu was awarded the title ‘World Heritage Site’ and ecotourism took off in the totally protected area as a more flexible model for biodiversity conservation (Büscher and Fletcher 2015). Contrasting conservation in Mulu, the next chapter introduced the agro-industrial and export-oriented production of palm oil as a second political project (Pichler 2015). After describing Sarawak’s oil palm frontier and the sector’s neoliberal reform I have localized an emerging palm oil frontier space in Mulu in the national park’s immediate vicinity that has challenged local land control of Mulu’s villagers. I used this local contestation of state territorialization to highlight how villagers ‘made territory’ through an alliance of several actors across different scales initially countering state territorialization while later following a strategy of legal protest. This strategy however fed into the very process of state territorialization and continues to be shaped by the legal avenues drawn by powerful actors in Sarawak’s system of rule-by-law legalism (Hamilton-Hart 2017).

In my analysis of land control, i.e. of the “practices that fix or consolidate forms of access, claiming, and exclusions for some time” (Peluso and Lund 2011, 668), I have aimed to position centrally the marginalized role and lived experiences of my interlocutors. Tsing (1993) has described the paradoxical dilemma of being marginal as to be ‘outside the state’ while tying oneself at the same time to it. My thesis aims in that sense to illuminate the complex relations between marginalized ethnic minorities and statutory institutions. Due to the limitations of my field work described at the onset of this thesis I have fallen short of digging deep into the rich cultural dimension of how authority is produced on a micro-level. Nevertheless, my interviews with villagers, activists and a lawyer, observations and many conversations have allowed me to line the argument that territorialization – which I have used as a guiding concept in this thesis – is in fact not only a product of statutory institutions but is shaped and co-produced by a variety of non-statutory actors that ‘make territory’. This thesis thus aims to add to a growing literature of ‘territorialization from below’ (Peluso 2005, Roth 2008, Taylor 2008). Drawing on Lund (2016) and understanding political authority as fragmented and in the making I have traced the capacity of non-statutory actors to early boundary-making during the planning phase for the Gunung Mulu National Park. However, recently formed networks (against the dispossession of villagers by Radiant Lagoon) in which different ‘fragments of authority’ cohered, allowed villagers and NGOs to territorialize NCR land. Territorialization in Mulu also involved different scales (Brenner 1999) as multiple levels of government and different international organizations were involved in and influenced the conflict. Interestingly the incoherence of overlapping territorialized resource uses and

rights of park and plantation opened up room between both projects which villagers used to substantiate their claim to NCR in court (i.e. discussion over buffer zone and wildlife corridor). Territorialization is in this regard not only negotiated between a variety of statutory and non-statutory actors across scales but also *among* statutory actors that territorialize space under conflicting rationales. I suggest that territorialization from below needs to be understood in relation to the often-incomplete character of state territorialization projects as villagers may lay claim to land more effectively through internal inconsistencies of the latter (e.g. buffer as spatial technology). This thesis therefore aims to contribute to recent work on the fragmented production of territories⁹⁶.

Building on this argument I showed that palm oil production and ecotourism were reconciled by discursive-imaginative and territorial means. Thus following Fletcher (2013) this thesis has framed the two political projects which ostensibly appear as to be diametrically opposed as a Janus-faced strategy in the neoliberalization of environmental management. However, this strategy has been contested by villagers who countered government agencies' discourse of rural development by means of tapping into the same discursive and conceptual realm of (forest) administration to show on scientific grounds that the planned plantation was a threat to the park's biodiversity (e.g. habitat loss). Recent territorialization in Mulu spurred by market-based resource management is in this regard structured by other modes of governance that either intertwine through contestations of the process (e.g. command-and-control by international organizations) or by clientelist-patronage rule that generally underlies natural resource governance in Sarawak as shown throughout this thesis. The neoliberalization of both sectors in Sarawak's ecotourism-extraction nexus (Büscher and Davidov 2013) is in this regard still underpinned by and negotiated through neo-patrimonial structures (e.g. concessions only to clients) which have with more or less success shaped the process of neoliberalization for their benefit. Such convergences show that territorialization is in fact an important ground on which the contingent process of neoliberalization is negotiated between fragmented political projects and different rationalities of statutory and non-statutory actors across scales. Building on Corson (2011) I have shown that in Mulu too the neoliberalization of environmental governance has removed accountability of statutory institutions. However, I depart from Corson (2011) in that neoliberal conservation may also provide traction for local claims through transnational networks. Neoliberalization in this sense potentially enables the production of 'stateness' by such networks, to secure customary land rights, although with significant trade-offs for villagers through increased legibility and potentially increasing government control of resource use (Peluso 2005). By making this claim I do not wish to pronounce the benefits of market-based governance but rather aim to highlight the complexities of territorial configurations and the unexpected outcomes that may arise from convergences of a variety of processes. Rather than viewing neoliberalization as a linear process unfolding in Sarawak's environmental governance the presented case study shows that neoliberalization responds to a variety of interests that seek territorial control.

The reorganization of territorial boundaries in Mulu and the villagers' struggle to become visible furthermore created new political subjectivities. Contesting the process of state territorialization through legal protest has led to a revival of Sarawakian citizenship as protesters and their claim to NCR land became visible to statutory institutions⁹⁷ as rights bearing subjects. As another result, by mobilizing the scientific discourse of species loss in their legal protest villagers recognized and reinforced the political authority of the park's management and of dominant frontier imaginations of Mulu. Furthermore, although villagers and their network of supporters experienced a moment of 'stateness', efforts to territorialize their NCR land eventually fed into an overarching project of state territorialization through partly self-imposed legibility (Scott 1998) (i.e. through mapping and village

⁹⁶ See Lukas and Peluso (2019) for a review of the limited literature of this genre.

⁹⁷ By that I mean beyond the park management's partial and strategic recognition of Penan access and use rights.

genealogies) and through legalization. Regarding legalization, Sarawak's rule-by-law legalism (Hamilton-Hart 2017) has been a major obstacle as the state's legal system functions as an instrument for powerful interests. However, transnational actors such as IUCN and UNESCO play a major role in Mulu's conservation and influence government agencies' decisions pertaining to the management of the national park. Legalization is thus not a straightforward process of formalization but is rather contested by a variety of statutory and non-statutory actors and strategies that shape the final product of legalization.

Understanding the state as 'in the making' (Lund 2016) has allowed me to critically evaluate the three 'mechanisms' of land control which I have used as analytical instruments throughout this thesis. My three main arguments, presented above, deal with the complexities of Sarawak's process of state formation which is assembled by a variety of actors, interests and processes across different scales. Through my analysis of territorialization in Mulu I have aimed to contribute to the existing literature on internal territorialization in Sarawak which lacks grounded case studies and has not sufficiently discussed the role of 'non-state' actors especially not in regard to the negotiations between different territorial projects. A grounded analysis of the process of neoliberalization in Mulu has furthermore shown that neopatrimonialism is still pervasive as a mode of environmental governance. Sarawak's spatial-territorial configurations therefore form hybrids in the dynamic process of state formation – influenced by neoliberalism, a fragmented state system, patronage, "grounded natural histories and social-landscapes" (Barney 2012, 27). The face of state formation in Sarawak has in this regard changed since the early days of the modern state from state power being highly contested by local strongmen to today's system that has accommodated and entrenched strongmen politics however in constellations with a variety of new institutional actors and new rationalities that govern natural resources and therefore *produce* 'stateness' in such institutions (Lund 2016). According to scholars of Sarawak's political system (Kadam-Kiai and Hazis 2013), further change looms and may materialize with a regime change on the state level which could potentially result in a 'rupture' (Lund 2016) with profound consequences for trajectories of land control, the process of neoliberalization and Sarawak's jurisprudence. To study such change this thesis has aimed to, and urges to, unsettle views of conservation and palm oil production in Sarawak's environmental governance as separate state projects. This connection is especially important in regard to recent promises of no more oil palm plantations and increased conservation efforts of the Sarawak government to have the EU lift its ban on Malaysian palm oil scheduled for 2030. The potential result would be a further greening of neoliberal policy narratives and would hence add another layer to the smokescreen that masks Sarawak's unequal and predatory palm oil sector (McCarthy and Cramb 2009). I suggest that palm oil exports must in this sense be seen as a driver of future conservation efforts. So far, this dynamic remains unexplored and could generate fascinating insights for example in regard to the specific fixes that crop booms rely on for further accumulation. Thus linking booming resources to conservation may help to better understand how ecotourism for example influences the boom-bust cycles of resources (e.g. palm oil production). Such studies could augment understandings that conservation goals generally delegitimize crop booms (Hall 2011).