

*Powerful Persuasions: The Language of  
Property and Politics in Sabah, Malaysia  
(North Borneo), 1881–1996*

AMITY A. DOOLITTLE

*Yale School of Forestry and Environmental Studies, Yale University*

**Abstract**

In this article I examine the similarities between colonialism and postcolonialism in Sabah, Malaysia. I argue that the strategies of rule employed by the colonial and postcolonial states can be viewed as a sustained interaction in which the power of colonial discourses, institutions, and forms of rule still operate in postcolonial Sabah, particularly in terms of control over and access to natural resources. Drawing on archival and ethnographic data I present case studies from the colonial and postcolonial period that demonstrate that whether the focus of state rule is native land management systems and property rights or the conservation of biodiversity the result is the same: both states construct images of what types of agricultural practices and uses of forest resources are appropriate, what types of property regimes can persist, and how rural people should look and act in order to appear modern.

I conclude that the colonial and postcolonial states share the following characteristics: 1) they control access to resources through legal institutions that privilege private property law over customary practices; 2) they invent discourses that justify centralized rule while obfuscating the realities of those who live on

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the margins and whose lives depend directly on natural resources; 3) they utilize certain ideals of protection and/or commercialization of resources that privileges elite concerns over local concerns and subsistence uses; 4) they blame rural people for resource degradation while overlooking legal, political and economic structures that influence how rural people use resources; and 5) both the colonial and postcolonial states make it difficult for marginal people to define their own interests in their own terms.

## Introduction

In this article I explore the ways in which the strategies of rule<sup>1</sup> employed by both colonial and postcolonial states in Sabah, Malaysia can be viewed as a sustained interaction (Pigg 1992: 492).<sup>2</sup> I do not want to suggest that there was a coherent system of statements issued from state representatives, whether they are British or Malaysian

<sup>1</sup> Throughout this paper I use the terms 'strategies of rule' and 'technologies or techniques of rule' interchangeably. These terms refer to the administrative and discursive ways in which states dominate or rule their subject population. In the colonial period I am most interested in law as a technology of rule. Colonial law relied on several forms of knowledge that were produced by the colonial authorities. These included gathering information, such as the varying aspects of native customary law; classifying information, such as selecting aspects of native laws that were most compatible with Western legal principles; and then transforming that information into useable forms, through land codes, reports on land settlement, and the production of legal titles to land (see Cohn 1996 for a more detailed discussion on the invention of colonial knowledge). Consequently, colonial intervention into native land matters relied on the ability of colonial knowledge to re-inscribe the landscape through technologies of rule, such as creating administrative units, mapping and surveying the land, creating boundaries, writing land laws, delineating which areas could be used by whom, and creating land titles to legitimate peoples' use of the land (Vandergeest and Peluso 1995). This way of managing information epitomized the symbiosis of knowledge and power that was the basis for developing and ruling the territory through the colonial project.

During the postcolonial period I am interested in how development initiatives rely on the production of forms of knowledge that reinscribe reality into categories that make sense to planners, nutritionists, demographers, and economists (see Ferguson 1994; Pigg 1992). In this way people on the peripheries are placed into categories that define their problems and their treatment—the poor, the malnourished, the illiterate, pregnant women, the landless (Escobar 1995: 213). Thus, the creation of certain forms of knowledge about marginal communities is linked to the exercise of power—specifically state-sponsored interventions are aimed at 'correcting' the problems of marginal communities. Consequently, development becomes an instrument of state power, or a technology of rule, that allows the postcolonial state power over marginal populations by classifying problems, formulating policies, passing judgment on people, and visualizing their future—to produce, in short, a regime of truth and norms about development (Escobar 1995: 227–388).

<sup>2</sup> For other studies supporting this contention see, Comaroff 1985; Comaroff and Comaroff 1988; Ong 1987.

elites that are unchanging over time and comprise the basis for ideological domination. Instead I wish to emphasize the continuing power of colonial discourses, institutions, and forms of rule in contemporary, postcolonial Sabah.<sup>3</sup> I argue that despite the temporal break associated with Independence and decolonization we can still find structural continuities between the colonial period and present day Malaysia (Appell 1985). In other words, particular colonial dichotomies informed the construction of colonial institutions and practices and continue to operate in the present. The most notable of these dichotomies, and perhaps the most powerful, is the opposition between modernity and tradition (Pigg 1992; Gupta 1998). During the colonial period, this opposition was used to justify the imposition of Western forms of rule over the Third World. Progress, or modernity, was associated with the West, with science and technology, and with economic rationality. Tradition was associated with backwardness, stagnation, disorder and superstition (Gupta 1998). In the postcolonial period, this dichotomy has also been used to justify centralized control by national elites over the marginalized and rural populations. In the contemporary configuration of this dichotomy particular images of modernity, development, resource use and protection, and nationalism are associated with progress and global incorporation, while images of tradition are seen as representing under-development and backwardness.

It is my contention that there are similarities and continuities between colonialism and postcolonialism in terms of the technologies of rule employed and the ways in which discourses are used to obfuscate the intentions and actions of state representatives.<sup>4</sup> Building on post-structuralist concerns with discourse, power and knowledge, I argue that one of the major foundations of power is the invention and confirmation of knowledge. Thus, the production of forms of knowledge and the practices or technologies of rule that extend from that knowledge becomes a major legitimizing force of state power over society. In brief, the agents of British colonialism constructed Malaysia and its people as backward, primitive, and living in a state of anarchy

<sup>3</sup> Gupta (1998) makes a similar argument in reference to the continuity between colonialism and postcolonialism in Bengal.

<sup>4</sup> Other historians of Indonesia have made a similar claim, particularly illuminating 'the unbroken chain of evolution that runs from colony to independent state by focusing on institutional continuity' (Lev 1985: 570, see also Anderson 1990). I am focusing less on the institutional continuity and more on the continuity between forms of power, specifically the invention and confirmation of knowledge.

thereby authorizing and legitimating colonial rule over vast territories. Similarly, notions of economic growth, national development, and global incorporation are the primary mechanisms through which the Malaysian ruling class have authorized and legitimated centralized rule over natural resources and marginalized people in more recent decades.<sup>5</sup>

In the first part of this paper I examine colonial discourses of rule and colonial land laws, specifically focusing on how colonial administrators constructed images of Sabah's natives, their land use systems and property regimes. I show how the imposition of Western-based notions of scientific and rational commercialization of natural resources and the colonial land laws emphasizing private property served as two primary sources of colonial power and legitimization over local people and natural resources.

In the second section of the paper I explore contemporary Malaysian resource use policies and discourses. What emerges in this analysis is an understanding that postcolonial state officials in Sabah, like the colonial government that preceded it, construct particular images of rural people and their resource management regimes in order to legitimize state control over natural resources. This invention of knowledge about rural people places smallholder and subsistence agriculturalists in opposition to the national goals of modernity, resource use and conservation and economic development. I argue, following Gupta's analysis of the postcolonial condition in India, that the discourses of development and modernity in Sabah create a subject position that reinscribes the inequalities of colonial rule, even after the formal domination of the British in Sabah has ended. As stated by Gupta (1998: 11), 'if there is an enduring trope in development discourse, it is that it equates "development" with adulthood and "underdevelopment" with infancy and immaturity'.

In the concluding section I draw out the implications of understanding how regimes of power and knowledge are fundamental to state rule. I conclude that despite differences in the nature of the colonial and postcolonial states in Sabah and despite ideological differences between the two states, notable similarities are found when we look closely at the invention of knowledge about indigenous people and their land management regimes. I argue that by moving my analysis beyond the precise mechanism of state rule and by focusing

<sup>5</sup> Here I am building on Escobar's (1995) work regarding the power of development discourses in legitimizing state rule throughout the developing world.

on the invention of knowledge as an integral aspect of state rule we can come closer to a theoretical understanding of how rule is accomplished in various historical and geographic contexts. In other words, this analysis suggests that power can be developed through certain technologies of rule that are universal and not contingent on the nature of the state.

### **Colonialism in North Borneo (Sabah)**

#### *Colonial discourses of rule*

The production and circulation of discourse is an integral component of the exercise of power (Foucault 1981; Said 1979). In my examination of colonial discourses of rule I do not focus on the 'truth' or 'untruth' of specific discourses, but rather I am interested in how language is used to structure power relationships. Historians have shown us that colonial discourses are not a definitive set of texts, but are adapted to specific geographical locations and historical situations (see *inter alia*, Spurr 1993; Memmi 1991; Thomas 1994; Said 1979). Nevertheless, broad generalizations can be identified in the terrain of basic tropes, conceptual categories, and colonial discourses that emerge from the colonial experience.

Two specific modes of colonial discourse are relevant to this examination of colonial law and native customary access to natural resources in Sabah, Malaysia.<sup>6</sup> These are: the call to create order and civilization in territories that had been purportedly engulfed in anarchy and chaos for centuries; and the desire to make the riches of natural resources, supposedly lying wasted and unclaimed, available to the rest of the world. Colonial administrators repeatedly invoked these ideals or 'truths' to establish, legitimize and justify their authority over native people and the territory (Spurr 1993: 7–8).

Early journals and the reports of administrators and explorers in Sabah illustrate how specific discourses were employed to justify colonial control over the land and the people. For example, in 1885, Lord Walter Medhurst, one of the founders of the North

<sup>6</sup> Spurr (1993) devotes his book to 12 rhetorical modes, which he suggests should not be considered as definitive. Surveillance, aestheticization, classification, debasement, affirmation, naturalization, eroticization, and appropriation appear and reappear throughout the texts on the colonial experience. Both the modes I refer to above, Spurr groups together under the broad rubric of 'appropriation'.

Borneo Chartered Company (the colonial power in Sabah from 1881 until World War II), described the Company's objectives as '... the reclamation of a vast and fertile tract of country from a state of primeval savagery, and its utilisation as a source of commercial wealth and progress for the benefit of the world in general' (Medhurst 1885: 91).<sup>7</sup> In this brief sentence Medhurst wiped away all notions of local management of the land, and emphasized that by commercializing natural resources, the colonial rulers were providing a service for the good of all mankind. Thus, the colonial project appeared, at first glance, to be motivated by humanitarian goals as opposed to the commercial avarice of a select few.

Similarly, Lord Brassey, Director of the North Borneo Chartered Company, legitimized colonial rule through rhetoric that drew attention to the ability of colonial rulers to 'create order' in a 'savage' world through the international commodification of resources. Lord Brassey wrote in 1889:

Gradually, and by the most peaceful means, it [the North Borneo Chartered Company] is establishing order in a savage country. It is opening to the teeming multitudes of China a new field of labour. It is giving to the congested capital of Europe, without distinction of nationality, another outlet. Every flag is welcomed in its ports on equal terms. The property of a country thus administered is a benefit to mankind (Lord Brassey as cited in Anon. 1890: 167).

And in reference to the natural resources, the colonial rhetoric suggested that these resources belonged rightfully to the colonizers who would utilize them more 'profitably' and 'rationally' than the indigenous people who inhabited the land. This discourse was apparent in the *Handbook of North Borneo* (Anon. 1890: 103), which stated that:

Fruits occur in abundance in the forest; in a good fruit season it is astonishing what a lot of fruit trees are apparent; wild duriens, rambutans, pulusans, langsat, lychees, mata kuchings, &c. abound... fruits that fall to the ground

<sup>7</sup> One final example of how pervasive this rhetoric was can be found in the comments made by Lord Granville, Secretary of State for Foreign Affairs. Referring to North Borneo he said: 'The experience of three years shows that the peaceful and intelligent development of the great natural resources of the country is steadily increasing, and there is every reason to believe that a sound and liberal system of administration will be established by the Company, which will spread the benefits of civilisation among the native population and open up new and important field to British trade and enterprise, and to the commerce of all nations' (as cited in West 1897: 337).

yearly are more likely to continue to fatten orang-utans, monkeys, elephants, rhinoceroses, squirrels, and pigs, than to be turned to any more profitable account.

This colonizing trope of resource waste rested on the assumption that the land and its resources belonged to those who are best able to exploit them according to Western commercial principles, not to the original inhabitants of the territory (see Spurr 1993: 31).<sup>8</sup> This rhetoric also rested on the notion that the resources mobilized for 'benefit of mankind' were a superior good to local peoples' use of resources. This pattern of representation privileges European interests at the expense of natives' interests, and privileges the commercial exploitation of resources over local subsistence use of resources.<sup>9</sup> This colonial rhetoric was the foundation on which colonial control over natural resources was justified and the imposition of colonial land laws was legitimized.

*The discourses of appropriate land use: Pitting shifting cultivation against 'rotational' plantation agriculture*

In stark contrast to the treatment of native rights to land and natural resources, and in fact the motivation behind restricting native rights to land, was the Company's drive to identify, demarcate, and market land for sale to European investors (Cleary 1992). In an age when plantation agriculture was exploding in selected regions in Southeast Asia, the Company used liberal land leases and promises of large tracts of land to attract investors from other areas. In contrast with Deli (Sumatra), where tobacco planters were hampered by heavy taxation and a lack of suitable land, the Company established less restrictive regulations and easy terms to welcome prospective agriculturists to North Borneo (Anon. 1890: 91; John and Jackson 1973). The Company's discourse surrounding tobacco plantations as a highly scientific and economically rational land use provides additional insight into how they justified their treatment of native customary rights. In the following pages I provide a close examination of how

<sup>8</sup> This notion of linking property rights to the economic principles of a market economy and the formation of legal institutions to protect property rights can be traced back to John Locke (1963 [1690]).

<sup>9</sup> For a study of how contemporary representatives of the Indonesian state employ a similar rhetoric towards the end of increasing the power and authority of state plantations over native smallholders see Dove 1999.

European planters were viewed and treated by the Company during the same time period.

In the late 1880s, with enthusiastic encouragement from the Company, tobacco estates in North Borneo multiplied rapidly (John and Jackson 1973: 94). During this period the Company's policies toward land can only be characterized as *laissez-faire*. It was prepared to grant European planters concessions of up to 40,000 acres at an initial premium of Straits \$0.30 per acre,<sup>10</sup> free of quit rent, for 999 years. Export duty on estate tobacco was charged at a maximum of Straits \$0.01 per pound for a period of 20 years, computed from 5 years after the initial crop. These incentives proved to be so attractive that applications for land grants were received for 200,000 acres of land in 1887 alone, forcing the Company to adopt more conservative land policies. In 1888 the minimum premium was raised to Straits \$1 per acre and by 1890 it stood at Straits \$6 per acre (John and Jackson 1973: 93–4).

A booming market in land for tobacco plantations characterized the period of 1887–1890. The value of tobacco exports rose from Straits \$1,619 in 1885 to Straits \$396,314 five years later,<sup>11</sup> when the government began to charge a small export fee on tobacco. By 1895 the value of tobacco exports reached Straits \$1,176,000.<sup>12</sup> At the height of the boom in land grants the Company received over Straits \$200,000 in revenue from land leases for three years in a row, peaking at Straits \$256,183 in 1889.<sup>13</sup> With total revenue for 1889 standing at Straits \$507,785, land leases to Europeans alone were responsible for over 50% of the Company's yearly revenues.<sup>14</sup>

While the boom in land concessions to tobacco planters provided much needed revenue to the Company, it also caught the Land Department totally unprepared. In the rush to grant concessions, large areas of land later recognized to be under native ownership were leased to European planters. Daly, the Resident of the West Coast, reported in 1888:

I find that large blocks of land, enclosing native homesteads, villages and even rivers themselves, regardless of all Government reserves, have been

<sup>10</sup> In the colonial period Straits dollars were used. According to Kaur and Metcalfe (1999), the value of the Straits dollar fluctuated during the 19th century. In 1904 it was pegged to the sterling at a rate of S\$1.00 about US \$.40–.60.

<sup>11</sup> Comparative Statement of Trade, 1885–1890. CO 874/89.

<sup>12</sup> Comparative Statement of Trade, 1890–1895. CO 874/89.

<sup>13</sup> Comparative Statement of Trade, 1885–1890. CO 874/89.

<sup>14</sup> Comparative Statement of Trade, 1885–1890. CO 874/89.

alienated . . . and paid for at so much an acre by lessees, one of whom [an European] on the Bingkoka river actually claims the right of stopping all navigation in the river so far as it passes through his property, as he maintains that he has paid for that river as the area of its surface was computed in the 11,170 acres granted to him.<sup>15</sup>

At this point in time, the Company made no attempt to guarantee native claims to land before they made concessions to foreigners, and as a result by 1889 land disputes between natives and planters were on the rise. In response to these disputes, Governor Creagh issued Proclamation III, which defined native rights to land and the mechanisms by which native claims to land should be settled. According to the legislation, district officers, with the help of native chiefs were responsible for determining native claims to land in areas that were earmarked for foreign concessions. The legislation, however, was vague as to whether native rights should be settled before or after the concessions were granted to the European planters. The legislation only emphasized that natives must be compensated, either by having their claims excised from the foreign concession, by being resettled to land of equal size, or by cash payment. In practice native rights were often settled *after* European planters received their grants and began cultivating the land.

Given the vast amount of land in the territory, the small number of Company officers, and the contradictions within the Company's mandate, it is not surprising the district officers had significant latitude in how they negotiated land disputes, despite the regulations outlined in Proclamation III of 1889. The land dispute between Count Gelose d'Elsloo, a Dutch tobacco planter, and the Dusun natives on the Kudat Peninsula highlights the tensions between the paternalistic and economic motivations in the Company. It also clearly demonstrates that natives and their agricultural systems were seen as scientifically and economically inferior to European, which therefore justified Company restrictions on natives' access to land.

Count Gelose d'Elsloo consistently took a high-handed attitude with both the government and the natives (Black 1983: 111). By 1888 the Count owned 30 square miles along the southern end of Marudu Bay.<sup>16</sup> He wrote, the 'unexpected difficulty arising from native rights' on his

<sup>15</sup> Cited in Governor Creagh's report to the Chairman of the British North Borneo Chartered Company, August 4, 1888, p. 40. CO 874/246.

<sup>16</sup> Marudu Bay is on the North Coast of Borneo.

tobacco estate annoyed him.<sup>17</sup> G. Davies, the district officer in the Kudat district, was responsible for settling disputes between the Count and the local population. Regarding native claims to the land, Davies wrote to Count Gelose d'Elsloo in 1889 'there will be great difficulty in settling "Native Rights" . . . if we proceed on the plan of cutting out the land to which [native] people are entitled under Proclamation No. III of 1889'.<sup>18</sup> Davies continued by saying that if they did cut out all the land from the Count's estate that natives claimed rights to, then the best land in Marudu Bay would cease to be available for Count Gelose d'Elsloo's tobacco company.

To remedy the situation Davies came up with an alternative scheme that would allow the natives to remain on the land that had been sold by the government to the Count. It was proposed that the natives would:

...carry out their *little* planting operations as in the past, subject to the understanding that *they shall always give way to the tobacco planters*, when both want to use the same piece of land during the same season (emphasis mine).<sup>19</sup>

It was further suggested that natives be encouraged to plant on the land that had been previously used by the Count to grow tobacco, paying 10% of their crop to the European planter for the privilege of using the land. Additionally the natives were 'ordered before cutting any jungle to apply to the manager of the estate near where they lived . . . to find out whether the place they proposed to plant will be required by him [the estate manager] during the next two . . . seasons'.<sup>20</sup>

Count Gelose d'Elsloo was not satisfied with this arrangement and responded saying, 'I told you that the planting by natives on land where jungle is growing would certainly not enrich the land and also deprive us of the timber grown on it required for building . . .'.<sup>21</sup> To appease Count Gelose d'Elsloo on this point Davies suggested that the 'native shall not be allowed to cut down valuable timber suitable for posts of houses . . . so long as there is sufficient land cleared or land with small trees on it . . .'.<sup>22</sup> This concession seemed to satisfy the Count and

<sup>17</sup> Letter from Count Gelose d'Elsloo, July 9, 1889. CO 874/248.

<sup>18</sup> Letter from the Resident in Kudat to Count de Gelose, July 6, 1889. CO 874/248.

<sup>19</sup> Letter from the Resident in Kudat to Count de Gelose, July 6, 1889. CO 874/248.

<sup>20</sup> Letter from the Resident in Kudat to Count de Gelose, July 6, 1889. CO 874/248.

<sup>21</sup> Letter from Count Gelose d'Elsloo to Resident Davies, July 9, 1889. CO 874/248.

<sup>22</sup> Letter from Resident Davies to the Government Secretary July 9, 1889. CO 974/248.

Governor Creagh supported Davies' settlement of the native claims to land on Count Gelose d'Elsloo tobacco estate.<sup>23</sup>

This exchange of letters between Davies, the Count and the Governor took place only five months after Governor Creagh issued Proclamation III of 1889, detailing native rights to land. Yet the native claims to the land on the tobacco concession were not settled according to the Proclamation III of 1889. Native claims to the land were not surveyed and set aside for native ownership, nor did the natives receive any cash settlement. Instead natives were required to pay a tax to the estate holder for the use of the land and they were confined to using land that had previously been used by the estate. Furthermore, they had to always apply to the estate manager for use of land and had to cultivate the land according to the needs of the estate, not according to their own land claims. None of these restrictions were part of the land laws. Despite Proclamation III of 1889, native claims to land were not recognized when they interfered with income-producing plantation schemes. In practice, plantations, equated with economic progress and growth, were given precedence over native needs because the Company needed revenue. As seen before non-natives became the right-bearing citizens under Company rule, while natives were denied equal rights in practice, even if a token attention had been paid to those rights in legal documents.

Throughout Company rule in North Borneo, administrators continuously expressed their disapproval of the wasteful native practice of shifting cultivation. In his description of Labuan, an island off the shores of Brunei, Governor Treacher reported in 1890 that valuable timber trees had been destroyed.

... chiefly by the destructive mode of cultivation practiced by the Kadyans and other squatters from Borneo, who were allowed to destroy the forest for a crop or two of rice, the soil... not being rich enough to carry more than one or two such harvests under such primitive methods of agriculture as only known to natives (Treacher 1890: 43).

Despite the Company's alarm at the native practice of shifting cultivation, they recognized the similarities between tobacco plantations and rice swiddens, and made no effort to try and conceal these similarities. District officer Davies, mentioned above, reported that the native 'people of Marudu Bay *like the tobacco planters*, use the

<sup>23</sup> Letter from the Government Secretary to Resident Davies, July 25, 1889. CO 874/248.

land and then leave it for ten years before returning to it again' (emphasis added).<sup>24</sup> Treacher confirms this in another region of North Borneo, stating, 'so long as there remains any untouched land on his estate, the [European] planter rarely makes use of land off which a crop has been taken' (Treacher 1890: 81).

But perhaps the most telling comment was made by Treacher, who, in a letter to the Chairman of the Company stated: 'Fears have been expressed as to the bad effects tobacco planting would have in using up the country, *as only one crop is taken from the land, and fresh land is therefore opened every year*' (emphasis added).<sup>25</sup> The Company, however, did not view tobacco plantations as a commercial variant on shifting cultivation, but instead as a distinctive type of plantation agriculture (John and Jackson 1973: 88), for tobacco planters paid land taxes and contributed to state revenue through export taxes. Furthermore, plantations were based on European principles of ownership, labor, and production of a commodity for export. Native shifting cultivation was viewed as the quintessential opposite of European plantation cultivation, and therefore unimportant to protect or even encourage.

In 1913 the Company introduced legislation known as the *Ladang* Ordinance.<sup>26</sup> The primary aim of the ordinance 'was to restrict the destruction of forests by felling them for temporary cultivation only'.<sup>27</sup> But the ordinance was aimed at controlling only native forms of shifting cultivation, not European shifting cultivation. In the ordinance, *ladang* cultivation was defined as 'the successive occupation of different pieces of land in such a manner that any one piece is not cultivated for more than two consecutive years and is then abandoned'. Realizing that this definition would include estate tobacco, the ordinance specifically provides, 'that the use of land for the cultivation of "Wrapper Leaf" tobacco shall not be deemed to be *ladang* cultivation...'.<sup>28</sup>

The Company obviously recognized the similarities between the methods of land use of the tobacco plantations and shifting cultivation and even recognized that tobacco estates would exhaust land as quickly as native shifting cultivation. Both methods required regular, cyclical clearing the forests, but the Company chose to target native shifting

<sup>24</sup> Letter from Resident Davies to the Government Secretary July 9, 1889. CO 974/248.

<sup>25</sup> Letter from Governor Treacher to Chairman, January 18, 1883. CO 874/233.

<sup>26</sup> *Ladang* is the Malay word for dry field agriculture.

<sup>27</sup> Circular 95, August 14, 1914. NBCA# 284.

<sup>28</sup> *The Ordinances and Rules of the State of North Borneo 1881-1936*. p. 74.

cultivators as the scapegoat of forest destruction. Tobacco plantations were fostered and protected since they created a significant source of revenue and were considered to be ‘... undoubtedly the most scientific form of planting in the East...’ (Rutter 1922: 251).

In Company ideology,<sup>29</sup> the destruction of forests for commercial agriculture was glorified, while the destruction of forest by natives for subsistence agriculture was vilified. In 1913, a memo on shifting cultivation stated ‘The Forestry Department<sup>30</sup> here, as everywhere, *rightly hate* shifting cultivation and continuously storm about it, but they offer no suggestion for a remedy... other than one *akin to murder* (emphasis added)’.<sup>31</sup> In 1914 another report stated the following in reference to native shifting cultivation:

The practice of shifting cultivation... is the origin of the greatest annual loss to the timber supply. It is the greatest evil with which a forest officer has to contend, and the less civilized and developed the country is, the harder it becomes to keep the annual destruction within bounds... The property is ruined by shifting cultivation, inasmuch as the land is almost invariably subjected to fire which extends beyond the area designed for cultivation, and effectively kills all seeds and seedlings which may be in its range. When cultivation is abandoned ‘alang’ or swordgrass appears and the land is practically valueless.<sup>32</sup>

But in Owen Rutter’s<sup>33</sup> description of a European planter clearing the jungle, the planter and fire are depicted as heroes of progress. In

<sup>29</sup> I use ‘ideology’ to denote the deeply embedded cultural values, conceptions of the world, and symbol systems that a ruling group uses to legitimize their ideas of how the world should look.

<sup>30</sup> The Forestry Department was established in 1915 to manage the timber supply for commercial exploitation. Prior to this the administration of the forests in the hands of the Land Office, which lacked staff trained in the scientific elements of forest management, concessions to timber rights had been granted on the basis of the financial ability of the applicants to enter the timber trade rather than on their ability to appropriately exploit the resource (Annual Report of the Forestry Department, 1915, C.O. 874/712). The establishment of the forestry department grew out of an active desire of the government in placing timber on the world market (John 1974: 62).

<sup>31</sup> Memo on Shifting Cultivation, nd (1913), NBCA# 284.

<sup>32</sup> A.C. Pearson, ‘Memorandum on Forestry in the Philippines, 1914’ CO 874/711, pp. 21–2. This memo was written prior to the establishment of the Forestry Department in North Borneo. Governor Pearson of North Borneo traveled to the Philippines to study their Forestry Department, and consider the best way to form a Forestry Department in North Borneo. The paragraph on shifting cultivation is referring to Borneo.

<sup>33</sup> Rutter was both a district officer and a plantation owner, which provided him with the interesting perspective that would come from being both a landowner and a state administrator.

Rutter's words:

In North Borneo new cessions are either under virgin jungle or secondary jungle and the preliminary work of clearing the land is usually given out to the native contractors who thoroughly understand it. There is only one sight more inspiring than a great jungle giant crashing to the ground, and that is a block of jungle burning when it has been felled and stacked. The day for the fire is a most momentous question, for a good clean burn will save the planter thousands and a bad one will leave the estate strewn with useless timber. A burn on a fine day is well worth waiting for. The coolies are in the highest spirits, whooping with glee as they see the long tongues of fire leaping up, crimson as tulips; soon the whole hill-side is ablaze, rising and falling, a sea of flame. The smoke curling heaven-high, veils the rising sun and makes it glow a rich dull red as in London on a foggy November morning . . . When it is over . . . [t]he planter surveys the scene and feels content, for all has gone according to plan; *he has tamed the untamable* (Rutter 1922: 246, emphasis added).

The notion that native shifting cultivation was destroying the territory's forests was in fact not documented in any scientific or systematic fashion by the Company. And the district officers voiced disagreement over the extent of damage caused by shifting cultivation. In 1930, Mr. Keith, the Conservator of Forests who was charged with finding areas to be designated as forest reserves, undertook an exploratory trip across North Borneo from Sandakan to Keningau via the Kinabatangan River. It was reported, 'Mr. Keith found that . . . the stand of timber in the region traversed was very poor, and confirmed his opinion that the timber supplies of the Territory have been greatly overestimated. He regards the "inexhaustible supplies of the interior" as non-existent owing to damage caused by shifting cultivation.'<sup>34</sup> In response to this report Mr. Smith, the Resident of the Interior wrote:

The Conservator of Forests states that 'considerable tracts of valuable forest are annually being destroyed' . . . but no indication is given as to where these 'considerable tracts' are situated. Possibly these 'tracts' are situated on the East Coast, but it is difficult to visualize heavy destruction by the scanty population there. My experience is that very little damage is now being done to virgin forest by shifting cultivation in this country.<sup>35</sup>

The discrepancy between the Mr. Keith's account of destruction of the forest at the hands of the natives, and Mr. Smith's account

<sup>34</sup> Governor's Dispatch No. 194 on the Annual Report on the Forestry Department for 1930, p. 1. CO 874/722.

<sup>35</sup> Letter from Smith to General Secretary, April 12, 1931. NBCA #284.

demonstrates disagreements within Company administration. District officers and the Conservator of the Forest saw their mandates in sharp contrast. The Conservator of the Forest was most concerned with the state of the forest, while the district officers came to the defense of the local people. Moreover, the Conservator of the Forest was no longer concerned with revenue production from timber (as was the earlier role of the forestry department) but now was solely responsible for the management of timber reserves for forest protection.<sup>36</sup> Trained in the ethic of preserving forest for the permanent supply of timber, not 'merely as area of forest set aside until the timber it contains can be conveniently used prior to giving up the land for other purposes,'<sup>37</sup> Keith waged a constant battle over the protection of forests.

It was not until after World War II, however, that the effects of native shifting cultivation in North Borneo were examined in any systematic manner. In 1948 the Committee on Shifting Cultivation, determined that '... 25,000 natives practice shifting cultivation and from air photos it was estimated that not more than 0.315% of the colony was under shifting cultivation. It was agreed that the primary forest destroyed was relatively small.'<sup>38</sup>

Unfortunately it is not possible to get adequate figures on the extent of shifting cultivation during the height of the boom in land grants for tobacco estates, in the late 1880s. But by comparing the amount of land estimated to be under shifting cultivation in 1948 with that alienated for tobacco plantations by 1889, we can get a sense of the scale of forest clearance. According to the Forestry Department figure for 1948, native shifting cultivation was responsible for the clearing of 0.315%, or 40,320 acres of forest out of a total acreage of 12,800,000 in North Borneo. By the mid 1889, 557,080 acres of land, 4.4% of the territory, was alienated for tobacco estates alone (see Table 1). Clearly there is no comparison between the extent of forest clearance caused

<sup>36</sup> In 1920 the Company gave the British Borneo Timber Company exclusive rights over to timber on all unalienated state land (John 1974).

<sup>37</sup> A.J. Keith, Explanatory Notes and Discussion of the Plan of Proposed Operations to be in Forest Reserves, NBCA #143:5.

<sup>38</sup> Annual Report of Forestry Department Annual Report (1951: 13). The report is unclear whether they are referring to current swiddens or the overall swidden cycle. I believe, due to the nature of aerial photography they are discussing current swiddens only. However, it does not matter. If we wanted to include all land used for swidden, including the fallows, we could multiply the number found by the forestry department by ten or twelve, for the average rotation cycle. But we could also do the same for tobacco plantations since they have a similar rotation cycle.

TABLE 1.  
*North Borneo: Distribution of Land Alienated for Tobacco Cultivation, Mid 1889*

Province	Number of Areas Alienated	Total Acreage Alienated	Location
Alcock Province	2	14,969	Banggi Island
	3	23,170	Benkoka River
	4	38,844	Marudu Bay
	subtotal	76,983	
Dewhurst Province	7	79,000	Sugut River
Martin Province	4	80,000	Labuk River
	3	20,000	Lokan River
	1	15,000	Tungud River
	1	8,000	Lamag/Segama River
subtotal	123,000		
Myburgh Province	2	34,000	Sandakan Bay
	2	19,878	Segaliud River
	1	14,451	Suanlamba River
	17	152,000	Kinabatangan River
	1	10,000	Segama River
	1	3,768	Sepagaya River
subtotal	234,097		
Mayne Province	3	33,000	Segama River
	4	9,000	Darvel Bay
	subtotal	42,000	
Total North Borneo	56	557,080	

Source: 'Memorandum in Tobacco Planting,' Anonymous, *The Handbook of the State of North Borneo*, London, 1890. (Also cited in D. John and J. Jackson, 'The Tobacco Industry of North Borneo: A Distinctive Form of Plantation Agriculture,' *Journal of Southeast Asian Studies* 4: 88-106, 1973).

by native agriculture and that caused by European tobacco plantation agriculture, even without considering the impact of rubber, coffee and tea plantations.

But empirical evidence was not necessary to validate continued growth of the European plantation system since colonial ideology was so firmly entrenched that few colonialists doubted that the plantation system was inherently more scientific than native cultivation practices, that economic rationality was a far superior logic than other forms of production, and that there was an inherent moral weakness and ecological ignorance that kept indigenous people from advancing (Rajan 1998). Colonial notions of plantation agriculture as an intrinsically more scientific proposition than shifting cultivation can be traced directly to England where increasing emphasis was placed on using science to both explore the geography and natural resources of

the colonies and to direct the most rational methods of exploiting these resources (Worboys 1990: 168). In particular the main work of the British Department of Scientific and Technical Research in the 19th century was in natural products and tropical agriculture (Worboys 1990). Elsewhere in South and Southeast Asia it has been shown that one of the dominant myths about shifting cultivation, held by both colonial and postcolonial states, is that it is destructive and wasteful of forests (Pouchepadaas 1995; Dove 1983; Bryant 1997; Jewitt 1995; Chandran 1998). Implicit in the state's criticism of shifting cultivation is the contention that other uses of the forest, either for timber or plantation cultivation are less wasteful (Rajan 1998; Dove 1983). Furthermore, other uses of the land and forest are more desirable than shifting cultivation because they yield more revenue for the state and are touted as being more 'scientific' in their systematic and ordered control over natural resources (Rajan 1998). Often these claims are made despite the fact that there was no empirical evidence that shifting cultivation was any more wasteful or destructive of forest than other potential usages of the land (Dove 1983).

In the final analysis it is undeniable that the Company in North Borneo was privileging Western use of the land over the native systems, even when both systems had similar impacts on forest resources. While the different viewpoints towards natives and their rights found within Company administration may have tempered the impact of the colonial state-making project on the native people and the landscape, ultimately the general trend was toward the control over local people, particularly in respect to their land rights and access to natural resources. From the colonial viewpoint, law, order, and scientific knowledge were considered key to the production of sound and progressive colonial policy within the paradigm of capitalism and the expansion of the British empire (Bonneuil 2000: 259).

This strategy of rule, the invention of forms of knowledge regarding local people, their land use strategies and property regimes, served as a critical way to produce and legitimize colonial rule in North Borneo. Once the states of Malaya, Sarawak, and North Borneo achieved Independence from Britain, the opportunity for dismantling these forms of knowledge existed. But, as the following section demonstrates, the ruling elite in postcolonial Malaysia, have in some cases reinscribed the inequalities of colonial rule, in a modified form. Instead of emphasizing the importance of Western institutions of private property law and market-based economics, and constructing local people as failing to fit these categories as the colonial rulers did,

the postcolonial administrators in Sabah invent forms of knowledge about the economics of development and categories of resource use that define a global condition of modernity. And like the ruling elite in the colonial period, the contemporary ruling elite depicts rural agriculturalists in Sabah as failing to meet state defined categories of modern resource use and economic development, thereby justifying state appropriation of natural resources.

In the following section I describe the rhetoric of conservation and its role in the modernizing mission of the postcolonial state in Sabah. The emphasis of state intervention into the management of natural resources has shifted from economic commercialization during the colonial period to the conservation of biodiversity in the postcolonial period, following international concerns with the loss of tropical resources. Yet the parallels between the colonial discourses surrounding shifting cultivation and the postcolonial discourses of conservation are striking.

### **Contemporary Sabah**

#### *A walk through the forest*

One afternoon toward the end of my fieldwork, I went on a hike through the Similiu Forest Reserve with two regional forest officers, Salim and Rahim, and their 'native guide', Ansaw. When looking for a conversational gambit, I inquired about the scientific names of the trees we were walking past; Salim and Rahim informed me that they really did not know them. As forest officers they were trained to recognize only the commercial trees that dominated the Sandakan District;<sup>39</sup> highland, non-commercial trees in the Ranau District were not familiar to them. As we walked along a ridge, Salim and Rahim explained why Ansaw's help was necessary—it had been eight years since they had visited the reserve (even though it is less than 30 km from the Ranau headquarters), and they were afraid of getting lost. I listened to the traffic from the road below us (although out of sight) and wondered how we could possibly get lost. Ansaw was as amused as I was. Later in the day, when Rahim and Salim fell farther and farther behind us due to fatigue, Ansaw told me that he had never been to this particular reserve before either, nor was he from the

<sup>39</sup> The headquarters of the Sabah Forestry Department is in Sandakan and the Sandakan District has historically been the center of Sabah's timber industry.

area. The extent of his 'nativeness' seemed to lie in the fact that he was better dressed for a hike and more competent in the forest. He wore tennis shoes and work clothes and carried a machete. The forest officers wore leather dress shoes and office clothes and carried sugar candies in their pockets. 'Native' can thus mean trained in 'traditional', forest-based skills as opposed to modern, office-based skills. Rahim and Salim, like many 'modern' Malaysians signal their distance from the nation's 'primitive' or 'backward' history through both their education and their lack of skills in the forest. They are not ashamed of their incompetence; rather it is a source of pride that they have removed themselves so far from the forest lifestyle that it seems foreign to them.

As we continued on our walk the forest officers tried to impress several points on me. First, while they did not know what species of trees grew in the area, they knew that this patch of forest had 'one of the world's highest rates of biodiversity of plants'. Many of these plants, they said, had local medicinal values. Therefore, the area would be invaluable for pharmaceutical research. They hoped that a \$M 1,000,000 grant would come from the federal government for developing the forest reserve as a research site. Embedded in their rhetoric is the notion that local use of medical plants is not noteworthy until their medicinal properties are recognized by the international pharmaceutical industry. Local (e.g. native) needs and uses of the forest do not make the Similiu Forest Reserve special and worthy of protection; only when local uses become global uses is an area assigned conservation value, as international and scientific (e.g. modern) potential raises its status. Ironically, while one needs to be a native to understand the forest, to know it well, to negotiate the landscape and recognize the trees and plants, native uses of the forest are not acknowledged by the forest officers as valuable in the modern world of conservation and commercialization of resources.<sup>40</sup> This contradictory rhetoric is used to push local people further to the political and economic peripheries as the elite in Malaysia endeavor to make the nation more 'modern'.

The second point that Salim and Rahim emphasized during our walk was that local hunters used the area heavily. They picked up a

<sup>40</sup> Many pharmaceutical companies do rely on ethnobotanical knowledge to identify plants for potential use in drugs, yet the forest officers that I met did not seem to recognize this. Thus, they had only partially appropriated the discourse of the international pharmaceutical industry to their advantage.

stray gun cartridge as evidence; they claimed to smell recent cigarette smoke from an unseen hunter. The forest officers shook their heads at these illegal uses, claiming that they were incapable of keeping the 'backward' local people out, powerless to stop the degradation of the forest. They described how they had tried to survey and mark the boundaries so that local people would know where village land ends and where the state forest reserve begins, but they had been chased away by local people wielding *parangs* (machetes) before they could complete their work. In short they lacked both the manpower to monitor the area and the force to ensure local compliance with the statutory laws.

As we walked along the worn hunting path, Salim periodically stopped and surveyed the area, looking for a spot to build a rest house for the forestry department. He explained that a retreat was needed for the forest officers, and they were hoping to find a site with a view of Mount Kinabalu and a natural spring to supply water. 'The cool mountain climate is good for relaxation,' Salim told me and with excitement he recounted his plan to introduce rabbits into the forest reserve so that the forest officers could hunt while on retreat. How could such sport hunting be justified while local subsistence hunting was illegal? Were they unaware of the ecological consequences of introducing exotic rabbits into a tropical ecosystem?

This walk through the Similiu Forest Reserve brings into sharp contrast both the interconnectedness and ambiguity of the terms 'native', 'traditional', and 'local'. It seemed important to the forest officers that they appear non-native or non-indigenous, set off as an educated class of modern Malaysians. Modern Malaysians, even forest officers, get lost in the forest; natives do not. Natives use medicinal plants on a daily basis; modern scientists research medicinal plants for international use and global commercialization. Natives degrade the forest by hunting wild animals for subsistence; modern Malaysians hunt rabbits for sport while on retreat in the mountains. Natives live in the forest; modern Malaysians go there for relaxation. Natives use the forests in unsustainable ways; modern Malaysians protect the resources for conservation and international research.

Paradoxical to this opposition of nativeness versus modernity is the fact that the bumiputra population, literally the 'sons of the soil', is the right-bearing group within the current postcolonial government in Malaysia. But this right-bearing class does not include all of the 'sons of the soil'. Other natives only have access to the privileges assigned to 'soils of the soil' if they are willing to forgo their traditional lifestyle

and convert to Islam (Ong 1999). In this context the label of native has helped a certain group of people advance in status. While these privileged Muslim 'sons of the soil' feel entitled to ownership and control of the land, they also desire to be distanced from working the land. And not surprisingly, intimate local knowledge of the land and its resources is spurned. Why is practical, local (native) knowledge and ways of interacting with natural resources so scorned by scientists, politicians, and the elite? As James Scott (1998: 305) so aptly tells us, one reason is the

... simple reflex of high modernism, namely a contempt for history and past knowledge. As the scientist is always associated with the modern and the indigenous cultivator with the past that modernism will banish, the scientist feels that he or she has little to learn from that quarter.

This reflexive contempt for indigenous knowledge and ways of interacting with the natural world have even permeated some of the publications of the Institute of Development Studies (IDS) in Sabah, an organization which presumably would have some understanding of local social institutions and resources use practices. A 1992 IDS report on community forestry in Sabah stated: 'the Forestry Department claims that shifting cultivation has been a contributing factor in the vast degradation of the state's forest reserves as a substantial volume of commercial timber is destroyed by such practices' (IDS 1992: 9). How can this sustained critique of shifting cultivation continue in the light of current land use statistics in Malaysia? Between 1975 and 1995 2.8 million hectares of forests in Sabah were logged for commercial timber (Manan and Awang 1997: 2) and nearly 1 million hectares were planted in oil palm plantations in 2000.<sup>41</sup> By way of comparison, agricultural statistics estimate that 46,815 hectares are planted in rice (wet and dry) in 2000. The moonscape of row after row of oil palm and areas of clear-cut forests does more harm to an ecosystem than any forest-field mosaic that a shifting cultivator can create with an ax, but the state rhetoric never brings this conflict into focus.

Every action of the state associated with land and natural resources, from the colonial and throughout the postcolonial period, has taken rights away from the native population in Sabah. In the current Land Acquisition Ordinance there are fourteen different enactments

<sup>41</sup> Statistics on agricultural economic indicators are from the Institute of Development Studies website <http://www.ids.org.my/indicators/>

that provide for compulsory acquisition of land by the government. Compulsory acquisition of native lands can occur under the forest department, tourism bureau, energy authority, water authority, sports and cultural board, housing development, credit corporation, land development board, forest development board, rubber board, national parks, village development corporation, and the fishing authority. None of these enactments provide for a pre-acquisition hearing, so owners are deprived of their land with no fair hearing as to why the land is being taken from them (IDS 1991: 30). It is not surprising that many natives who have native title to their land do not feel that their title is secure, given that their lands are not exempted from compulsory acquisition by the state for any number of large-scale projects (IDS 1991: 85). Transparency, democracy and accountability are completely lacking from these governmental policies.

Furthermore, some of these enactments have provisions that grant 'native' status to corporations, so they can enter the land register as preserving the status of native lands. This is one of the few instances in Sabah's land laws where it appears to be beneficial to be labeled as native. This provision is certainly a breach in the land laws that were designed to preserve native lands for the native people who live and work on those lands, not for corporations clothed in native status as an agent for its members (IDS 1991: 39). It appears that corporations are granted native status for the sole purpose of acquiring native lands, even though these large-scale developments do not directly benefit the community. And while natives have waited decades to get legal title to their land, private companies and government agencies seem to obtain temporary occupation licenses and are able to evict natives quite easily (IDS 1991: 96).

Policies which allow the easy acquisition of native lands by government agencies or private companies have created a political environment where farmers who have lived and worked on the land for generations can be labeled as squatters overnight. For instance, in an article titled 'When the Poor Become Landless' (Sawatan 2002) we discover that farmers from 30 remote villages in the Kota Marudu District were told that several private companies participating in the state forest plantation program (designed to ease pressure on the forest reserves) now owned the land that the farmers were working and to which they had submitted applications for native titles. Advising the people from these 30 remote villages, the assemblyman who represents this region said, 'I hope the villagers can be calm about it while we sort out this matter. Perhaps in the next three months we

will see something come up.’ These types of policies and *laissez-faire* official attitude in postcolonial Malaysia that emphasize large-scale land development over subsistence uses of the land, just as the colonial government did before it, draw attention to the notion that certain forms of state rule share similarities that are not contingent on the particularities of the state’s ideological platform. In Malaysia, the invention and confirmation of knowledge—about the perceived inadequacies of native people to manage natural resources and the perceived ability of the state to manage resources for the greater good of all mankind (in the case of the colonial state) or for the greater good of Malaysian nationalism (in the case of the postcolonial state)—has emerged as one of the most basic forms of state power, just as similar knowledge made the justification for colonial rule.

Parallels between the British colonialists justifying European-owned tobacco plantations while making native shifting cultivation illegal and the discourses of these forest officers and other postcolonial officials are worth highlighting. In both their discourses and their practices these forest officers constructed a power imbalance between the ‘modern’ ruling elite and the ‘backward’ rural farmers. Specifically, the forest officers defined what uses of the forest were considered normal in a modern, developed nation (e.g. scientific research, relaxation, sport hunting, and conservation of biodiversity). Simultaneously, indigenous knowledge about the value of plants, and subsistence hunting and gathering, were defined as practices and knowledge systems which fell outside the modern system as deviant, and therefore in need of normalization. Just as the colonial officers focused their attention on native shifting cultivators as the primary source of forest destruction, postcolonial forest officers target local subsistence hunting and gathering as more destructive of forest resources than the proposed pharmaceutical development, rabbit hunting, and forest department retreat. In both cases local uses of the forest resources were in fact not more, and potentially even less destructive of the forest resources and the landscape than the state-sponsored systems. As in the colonial period, the invention of knowledge by the forest officers and other members of the ruling class in contemporary Sabah serve as a technology of rule that legitimizes state control over rural people and natural resources. In short, by constructing the local uses of the forest as incompatible with global and modern definitions of appropriate uses of tropical forests the alienation of the local people from Similiu Forest Reserve was justified and centralized state control was implemented, despite the fact that the proposed modern uses

of the forest were very similar to the supposedly 'backward' local uses.

### **The Unseen, Unheard, and Misunderstood: What can we learn from a social history of property relations?**

I will close this analysis with one final narrative illustrating my central argument: the notion that in both colonial and postcolonial Sabah, the production of knowledge about rural people systematically portrays local needs for natural resources as unacceptable and in need of state intervention, while extra-local uses and abuses of natural resources have been protected.

In 1990 a prominent politician from Sabah, Malaysia announced at an international conference on conservation and biodiversity that he intended to expand the boundaries of Kinabalu Park<sup>42</sup> to include an area, locally known as Bukit Hempuen (Hempuen Hill), which supported species-rich tropical forests.<sup>43</sup> Shortly after this announcement, two-thirds of Bukit Hempuen was burned to the ground, allegedly by local people. Prominent biologists and politicians were furious that local people could act so destructively. The plans to include the once-valuable forests in Kinabalu Park were dropped.

Both politicians and biologists were unable to comprehend why local people burned the area, in part because they did not give sufficient consideration to the social history of resource use and customary rights of access to Bukit Hempuen. The government never openly acknowledged the fact that, prior to the formation of the Kinabalu Park in 1963, local people hunted and collected forest products in the area for generations. This is not to suggest that policy makers were *unaware* of the local uses of the area. In 1962 the following was written about the southern boundary of the then proposed park, which

<sup>42</sup> Mount Kinabalu is the highest peak in Southeast Asia and supports a rich and unique botanical community (See Beaman and Beaman 1990; Davis, Heywood, and Hamilton 1995). It is also one of the primary tourist destinations in Malaysia. In 1995 there were over 146,000 visitors to Kinabalu Park.

<sup>43</sup> In a 1984 unpublished report on 'Bukit Hempuen and its Botanical Significance,' Dr. John Beaman (a prominent botanist who has made the study of the botany of Mount Kinabalu part of his life's work) wrote about the many rare and endemic species found on Bukit Hempuen. He believes that this report may have been a significant part of the motivation to include Bukit Hempuen in Kinabalu Park (Dr. John Beaman, personal communication, March 8, 1997).

bordered the town of Kundasang:

It is uninhabited . . . though there is a Dusun path called Jalan Dili<sup>44</sup> . . . [The area is a] rich breeding ground for animals. Jalan Dili is used by hunters, collectors of damar (gum of *Agathis*) and collectors of rattan. Pigs, barking deer, and sumbar<sup>45</sup> were conspicuous. It is considered to be the chief breeding ground for large mammals around Kinabalu . . . The question on hunting rights may be difficult. It may be necessary along the southern boundary to establish a buffer zone where pig and deer can be shot and where timber may be extracted for house building. At Kundasang there were signs of agitation among villagers, and new 'rentis' (path) had been cut in the forest clearly as an endeavor to strike out claims before it might be too late . . .<sup>46</sup>

But during the formation of the park these customary rights were disregarded, the necessary buffer zone was never established, and all collection of timber, forest products and hunting was strictly prohibited in the park regulations. Practices of resource use that local people had enjoyed for centuries became criminal acts under the new park regulations.

Present day policymakers and government officials also ignored the fact that Bukit Hempuen had once been *included* in Kinabalu Park in 1963 when the boundaries were originally drawn. They overlooked the fact that in 1984 Bukit Hempuen had been *removed* from the park so that individuals close to the chief minister could log the forest for valuable *Agathis* trees. After the valuable logs were removed and politicians abandoned the land, local villagers reclaimed sections of this region, as they slowly 'encroached' on the boundaries of Kinabalu Park for shifting cultivation. And when the politicians wanted to take the land back again in 1990, people were angry. This entire history of informal and formal changes in the property rights and means of access to Bukit Hempuen was ignored when the politician made what he considered a generous gesture indicating his dedication to the conservation of biodiversity.

For the people in this area, this gesture was the last straw. They had given up the land to the Kinabalu Park in 1963. No one had publicly contested its removal from Kinabalu Park in 1984 for the benefit of political elites. None of the politicians had asked whether the local

<sup>44</sup> *Jalan* is the Malay word for path or road.

<sup>45</sup> The Malay word, *sumbar* or *sambar* refers to a large deer (*Cervis unicolor*).

<sup>46</sup> 'The Royal Society of North Borneo Expedition Committee, September 1962, Report to the H.E. Governor of North Borneo on the proposed National Park of Kinabalu.' Draft of an unpublished manuscript, no page numbers.

people needed the land more than the already wealthy politicians. And no one dared suggest that the rural population might need the land more than the rare tropical plants did. But when the government threatened to unilaterally take away land that local people needed and had reclaimed, they acted. Burning the remaining forest seemed to be the only way that they could maintain control over the land. Ironically, it was the state's very project of resource and landscape protection that resulted in the burning of Bukit Hempuen.

This story illustrates the potentially destructive power of state discourses about local people and natural resources use regimes in terms of both local livelihoods and the protection of natural resources. After generations of having local land use strategies and customary property regimes marginalized and even criminalized by first the colonial state and now the postcolonial state, it is not surprising to keen observers of history and society that the local people in this region reacted so strongly to the government controls over natural resources. From the local viewpoint state actions surrounding Bukit Hempuen demonstrated that the greed and power of politicians can be wrapped in the guise of protection of biodiversity, while local uses are cloaked as destructive of the same resources.

### **Conclusions**

Taken as a whole, this analysis of a century of the construction of knowledge by state officials and the practices that are justified by these discourses draws to our attention the need to critically examine whose interests are best served by particular forms of knowledge and whose interests are subverted by those knowledge systems. In doing so many contemporary policies and dogmas surrounding natural resources use worldwide can be brought into question and the broader historical, social and political-economic circumstances that influence current land use strategies and property regimes are revealed.

It is my contention that in both the colonial and postcolonial eras in Sabah access to resources was and continues to be articulated through discourses that keep local society in marginal positions while elevating the ruling elite into positions of privilege. In both periods the invention of knowledge regarding local people, their land use strategies, and their property regimes, serves as a critical way to produce and legitimize state power and to justify the actions of the elites in their own eyes. Furthermore, the construction of knowledge defines what types of state interventions into local village life are

necessary, and justifies these interventions in terms of the broader state ideological platforms. I am not suggesting that the imperatives of the colonial and postcolonial state are identical. Instead, I want to draw attention to the important characteristics that the colonial and postcolonial states share: 1) they control the access to and allocation of resources through legal institutions that recognize the primacy of Western property law over local customary practices and customary laws; 2) they utilize certain ideals of commodification, protection and/or commercialization of resources that privilege elite concerns over local concerns and subsistence uses; 3) they utilize certain ideals of protection and/or commercialization of resources that privilege elite concerns over local concerns and subsistence uses; 4) they invent discourses and ideologies that justify centralized rule while obfuscating the realities of those who live on the margins and whose lives depend directly on natural resources; 5) they blame the rural people, who live in close proximity to the forest, for resource degradation while overlooking legal, political and economic structures that influence the ways in which rural people use resources; and 5) they make it difficult for marginal people to define their own interests in their own terms. Essentially, then, the construction of knowledge is a technology of rule that defines the parameters of state actions in ways that privilege the desires of ruling elite at the expense of local concerns and needs.

When the forms of rule employed by colonial state and postcolonial state are viewed from the same perspective, interesting continuities are revealed. Thus, the present makes sense when viewed in light of the past, and the past makes sense when viewed in light of the present. In other words I have simultaneously denaturalized the colonial project as a unique moment in the history of state–society relationships in Sabah and denaturalized the postcolonial project as a significant break with the colonial past.

### Abbreviations

NBCA	North Borneo Chartered Company Archive
CO	Colonial Office

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