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Factor Contributing to Unsuccessful Customary Land Development in Sabah: Lesson for Sustainable Solution.

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Abstract. Customary land is a valuable resource that holds significant importance for indigenous communities and society. Development of this land can play a significant role in promoting economic growth. Unfortunately, many of the development project planned on this region have fail to achieve sustainable development objective which led to rejection from the indigenous peoples. Therefore, this paper aims to identify the factors that contribute to the failure of development projects on customary land. This paper serves as a preliminary study on the village along the Ulu Papar River. A qualitative method of in-depth interview was carried out involving 50 respondents comprising the villagers. The results indicate that inadequate community consultation and limited local participation to be the main factor behind the issues. The results of this study showed that there are three possible reason i) the absence of cultural priority guidelines; ii) the absence of clear development procedures; iii) lack of opportunities and involvement of indigenous peoples in government development programs. By understanding these factors, valuable lessons can be learned to guide future endeavours and promote sustainable solutions. Ultimately, this research highlights the importance of understanding the unique cultural and social context of customary land to design effective sustainable development project.

1. Introduction

The rapid urbanization process that has taken place in major urban areas in Sabah throughout this year has had an impact on the development of rural area in the country [1,2]. Consequently, the accelerated of this development process driven by rapid urbanization, has led to a spillover of development to the surrounding regions especially toward the indigenous territory. From the implementation of the mega project of oil palm plantation to the development of the Pan Borneo Highways which known as the Trans Borneo Highway [3,4] follow by the new propose of mega infrastructure Hydroelectric Dam of Ulu Papar [5,6], this development-induced displacement occurs when people are forced to leave homes and lands due to the construction of this project [7–11].

It is estimated that human displacement caused in pursuit of economic development affects 15 million people annually[12,13]. This development induced displacement occurs when people are forced to leave homes and lands due to the construction of dams and irrigation; mining projects; commercial agricultural expansion; forestry and protected area establishment; construction of oil and gas pipelines; rail and road development; and other types of large- infrastructure projects[14–17]. The indigenous people of Sabah have long sought justice from the State Government regarding the land development issues concerning customary land. However, the ongoing dispute between both parties



persists due to the state government's ownership of these lands. As a result, a significant portion of the land claimed as customary land has undergone extensive development for public purposes.

Within the study area of Ulu Papar River, the indigenous population continues to uphold their traditional farming methods and relies on forest resources for their daily sustenance. They reside in proximity to untouched forests (Crocker Range) to conveniently access valuable forest products like rattan, herbs, and edible wildlife. If their customary lands were to be unlawfully taken over by individuals or organizations, the social and economic well-being of the indigenous people would be significantly compromised. Despite the indigenous peoples in the study area seeking legitimate ownership rights through customary law, the government maintains its insistence that they must adhere to the procedures established by the Sabah Land Ordinance (Sabah Cap. 68) of 1930.

2. Methodology

This study employed a qualitative method through in-depth interviews with people with knowledge concerning land issues among the indigenous people of Sabah. Two groups of key informants were selected. The first group comprised those selected from among the native communities (50 respondents), while the second group of people was from the local leader, especially Village Community Management Council (MPKK) that deal directly with the indigenous affairs (6 head villagers). The purpose of interviewing these key informants was to collect information related to their customary land development and cultural priority. Data gathered then was analysed using thematic analysis in an open-ended way, to determine the factors that contribute to unsuccessful customary land development.

3. Result and Discussion

The main purpose of this research was to provide a better understanding of the factor led to the failure of development initiative proposed by the local government from the indigenous peoples. Based on data obtained from the present study, it is found that the majority of respondents are male, that is 58 percent (42 percent are female). The respondents are mostly having level of education up until the bachelor's degree level. Specifically, 20 percent of respondents have no education, 36 percent are having primary and secondary level of education and 6 percent are having pre university level of education. Only 2 percent are at bachelor's degree levels and none of them are post graduate degree than this level. Majority of respondents are married (82 percent) and majority of them is self-employed as either a farmer or as housewife (94 percent) as of the job status. Among them, 4 percent are working in the government sector and 2 percent are currently continues their studies on pre university level (refer to Table 1).

Table 1. Distribution of Respondents by Gender, Education Level, Marital Status, and Occupation Status

		Frequency	Percent
Gender	Male	29	58.0%
	Female	21	42.0%
			100.0%
Education Level	No Education	10	20.0%
	Primary School	18	36.0%
	Secondary School	18	36.0%
	Pre-University/Diploma	3	6.0%
	Bachelor's degree	1	2.0%
	Post graduate Degree	0	0.0%

			100.0%
Marital Status	Single	9	18.0%
	Married	41	82.0%
	Divorced	0	0.0%
			100.0%
Occupation Status	Private Sector	0	0.0%
	Public Sector	2	4.0%
	Self-Employed	47	94.0%
	Student	1	2.0%
			100.0%

The results of this study showed that there are three possible reason i) the absence of cultural priority guidelines; ii) the absence of clear development procedures; iii) lack of opportunities and involvement of indigenous peoples in government development programs.

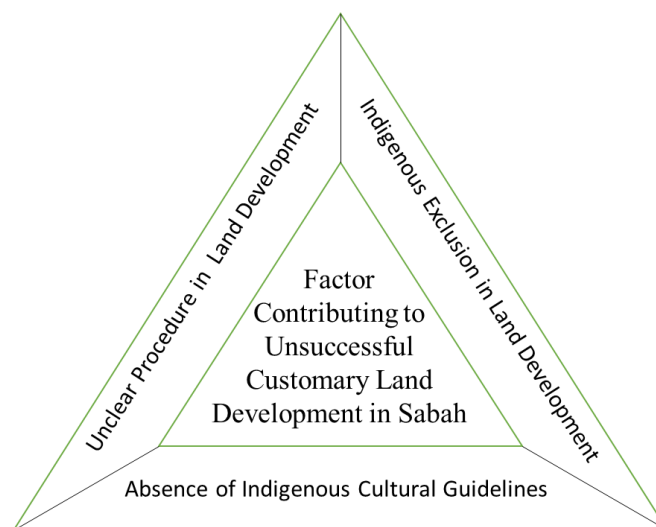


Figure 1. Main Factors that contribute to unsuccessful customary land development.

3.1. Absence of clear development procedure

Indigenous people who continue to reside on their land are only at the mercy of the local authorities and there is no guarantee of ownership over the land except under the provision section. 65 Sabah Land Ordinance Cap 68. Any native who holds his land under customary tenure without documentary title may be required to register his claim through an entry in the Native Title Register. Unfortunately, there is no clear procedure as to what will happen if the land is not registered after land development is approved. This is what causes the natives to reject any development that is introduced for them. Discussion with the community leader also indicated the absence of clear procedures related to land development for land under customary tenure are the main reason why their community cannot continue to cooperate with the government agency in development due to the fear of losing their customary land.

Community leader further explained from their experience that even after the development plan is approved, the status of the land will remain as state land, and any objection to the plan will not be entertained. However, the said land can be easily counter if the person can prove that the criteria stipulated in section 65, 66 of the Sabah Land Ordinance are met. Nevertheless, community leaders agreed that the lack of integration in the land development process with the application of customary land claims is one of the main factors why land development in customary land areas takes a long time to be implemented. As a result, indigenous communities tend not to have an easy access to information on matters such as the boundaries of their customary territories as unilaterally interpreted by the states.

Indigenous communities often face restricted access to vital information concerning development projects and their potential consequences. This limited access hinders their ability to make informed choices and voice their concerns effectively during consultation processes. The in-depth discussion with all the community leader across the 6 villages have also reveal the absence of Free, Prior, and Informed Consent (FPIC) is a significant concern as it is an essential international principle aimed at guaranteeing that development projects impacting the rights and territories of Indigenous People only proceed with their explicit and informed agreement. Unfortunately, in Sabah, FPIC implementation is frequently lacking, leading to projects moving forward without genuine consent from the affected communities. Therefore, when the FPIC is not utilized in development involving the indigenous peoples, their issues become significantly more critical and multifaceted.

3.2. Lack opportunity and Involvement.

Majority of the native communities especially for those who currently resided within the interior region are chronically poor, with few or no income-generating opportunities. The livelihoods of native communities are a mix of subsistence agriculture, small-scale livestock rearing, collection of forest products and, where accessible or possible, cash cropping. Livelihood strategies are very diverse, depending on many factors such as traditional and cultural values, access to markets and towns, availability of secure land tenure and opportunities for wage labour. The lack of available land is one of the greatest challenges facing communities, especially those with no legal claim to their customary land within forest reserves. These communities are restricted from clearing additional land for their own use or cash cropping, which effectively limits their livelihood options.

Land rights are critical for Indigenous People, as their cultural identity and traditional way of life are closely tied to their ancestral territories. However, the lack of formal recognition and protection of indigenous land rights often leaves them vulnerable to land grabbing, forced evictions, and resource exploitation by external actors. The average indigenous community who has been living along the Ulu Papar River stated that they wanted to work with the government to develop their customary land areas in the hope that the government would give them the opportunity to jointly plan and make decisions in the implementation of their customary land development. Doukim (Male, 59 years old from Longkogugan Village) suggest that:

“...we urge the government to send their representative to come to our village for consultation and discussion with the community related to appropriate development project. Upon discussion, the project should be re-evaluate considering the impact to our customary land and our identity...”

Again, all respondents have agreed that a change in cultural identity is needed to enable them to move forward into more well balance lifestyle. The view toward cultural heritage is only an expression way of living developed by previous community, as time goes by much of the characteristic is no longer relevant to be continuously practice. For example, exposure to new technologies and media can lead to changes in traditional practices and beliefs, and migration to urban areas can result in the adoption of new customs and lifestyles.

“We will have discussions between our communities to discuss how for a development to be done and then separate any land that needs to be reserved or is very important for our community with land that can be developed”.

Despite these challenges, many indigenous peoples remain committed to preserving and adapting their cultural traditions and practices for future generations. By continuing to evolve and adapt their

cultures, indigenous peoples can help to ensure that their tradition and knowledge remain relevant and valuable in a changing world.

3.3. *Absence of Indigenous Cultural Priority Guidelines*

The absence of indigenous cultural priority is certainly one of the issues that can arise when implementing land development projects in indigenous territories. The discussion with the community leader reveals that indigenous communities often have strong cultural ties to their land, and their traditional knowledge and practices are closely linked to the local ecology and environment. When land development projects are implemented without considering these cultural priorities, they can cause harm to the environment and the community's way of life. In many cases, indigenous communities have a deep knowledge of their local environment and have developed sustainable land use practices over generations. By prioritizing indigenous cultural values and knowledge in land development projects, governments and corporations can help to ensure that development is sustainable and respectful of local cultures. Unfortunately, the cultural prioritizing element is not yet to be develop according to the discussion made with the village local leader. This can be explained where the local leader reveal that cultural preference which consider the highest cultural priority have not yet been assigned (refer to figure 2). As more of the modern development trying to be implement within their region, the indigenous do realize that by categories their cultural characteristic into priority as shown in figure 2 could benefits them in term of making ways for more sustainable development to be implement within their region.

The absence of priority guidelines that specifically address indigenous cultural concerns may lead to a lack of specific focus, attention and support for the preservation and promotion of indigenous culture. Community leader further explained that without these guidelines, there may be limited recognition and understanding of the unique cultural heritage, traditions, and practices of indigenous peoples. This can result in cultural erosion, marginalization, and the loss of valuable knowledge and diversity. Having clear guidelines that prioritize indigenous cultural concerns is essential to ensure their preservation, promote cultural identity, and enable sustainable land development planning.

While it is true that not all indigenous cultural elements may be considered important for preserving indigenous peoples' identity in the future, it is still important to recognize the value and significance of these elements to indigenous communities. Indigenous cultures are often complex and diverse, with various cultural elements that reflect the unique histories, beliefs, and practices of different communities. While some cultural elements may be more prominent or widely recognized, others may be less well-known or considered less significant by outsiders.

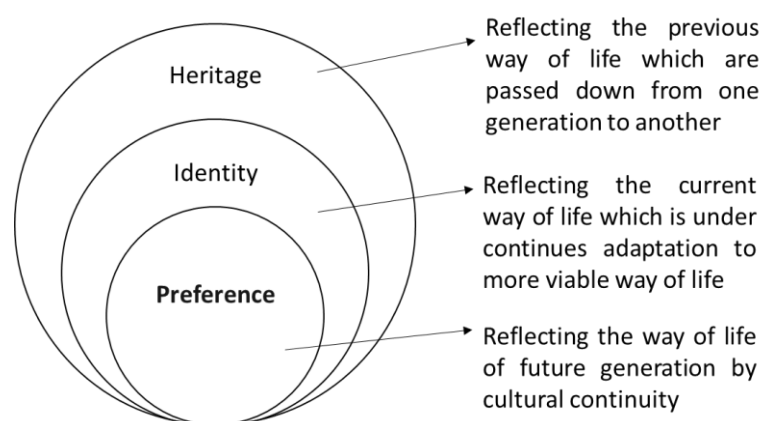


Figure 2. Dynamic of Native People Culture

4. Conclusion

In conclusion, the factors that contribute to unsuccessful customary land development in Sabah shed light on the daunting challenges faced by indigenous communities in their quest for sustainable solutions. These challenges encompass unclear procedures in land development, exclusion of indigenous perspectives and voices in decision-making, and the absence of indigenous cultural guidelines in shaping development initiatives. The lack of transparent and well-defined procedures in land development gives rise to uncertainties and disputes over land rights, undermining the potential for sustainable and inclusive projects. Consequently, land grabbing and forced displacement of indigenous communities persist, perpetuating historical injustices and widening socio-economic disparities.

Furthermore, the exclusion of indigenous communities from decision-making processes concerning land development deprives them of meaningful participation in shaping their own future. The failure to engage with indigenous stakeholders disregards valuable traditional knowledge, cultural practices, and ecological wisdom, all of which are essential for fostering sustainability and cultural sensitivity in development projects.

Moreover, the absence of indigenous cultural guidelines in development planning dismisses the distinctive values, beliefs, and spiritual connections that indigenous communities hold with their lands. Integrating these cultural guidelines could lead to more respectful and harmonious development practices, safeguarding biodiversity, preserving cultural heritage, and promoting community well-being.

To overcome these challenges and attain successful customary land development, prioritizing the recognition of indigenous land rights is crucial. Additionally, incorporating clear and inclusive procedures for land development and involving indigenous communities in decision-making processes are essential steps. Upholding the principle of free, prior, and informed consent (FPIC) and embracing indigenous cultural guidelines can pave the way for a more sustainable, equitable, and harmonious development approach in Sabah. Collaborative efforts among all stakeholders will forge a path towards a future where development not only brings economic prosperity but also upholds social justice and environmental responsibility for the benefit of all residents.

References

- [1] Fang Y X, Gill S S, Kunasekaran P, Rosnon M R, Talib A T And Abd Aziz A 2022 *Digital Divide: An Inquiry on The Native Communities of Sabah Societies* **12**
- [2] Oneh C O And Samsu S H 2022 *A Living Wage for Households: Analysis of Urban Households in Kota Kinabalu, Sabah* International Journal of Academic Research in Business and Social Sciences **12**
- [3] Jeffrey S 2023 *5 Pan Borneo Packages Making Progress: Dcm*
- [4] Vanar M 2023 *Shahelmey_ Sabah's Remaining 20 Pan Borneo Packages to Take Off by Year End _ The Star*
- [5] Mivil O 2021 *Sabah Govt Urged to Rethink Proposed Penampang Dam*
- [6] Fong D R 2023 *Controversial Papar Dam Needed to Address Water Woes, Says Saban Dcm _ The Star*
- [7] Cooke F M 2013 *Constructing Rights: Indigenous Peoples at The Public Hearings of The National Inquiry into Customary Rights to Land in Sabah, Malaysia* Sojourn: Journal of Social Issues in Southeast Asia **28** 512–49
- [8] Celesistinus K And Zakaria S R A 2021 *An Overview of The Land Development Issues Related to Indigenous Peoples in Malaysia* Journal of Tourism, Hospitality and Environment Management **6** 111–20
- [9] Abram N K, Lim H Y, Ng C K C, Yorath S, Razi M H M, Ong C G S, Chen K O And Wilson K B 2022 *The Socio-Economic and Cultural Impacts of The Pan Borneo Highway on Indigenous and Local Communities in Sabah, Malaysian Borneo* Plos One **17**

- [10] Ng J S C, Chervier C, Ancrenaz M, Naito D And Karsenty A 2022 *Recent Forest and Land-Use Policy Changes in Sabah, Malaysian Borneo: Are They Truly Transformational?* Land Use Policy **121**
- [11] Payus C, Huey L A, Adnan F, Rimba A B, Mohan G, Chapagain S K, Roder G, Gasparatos A And Fukushi K 2020 *Impact of Extreme Drought Climate on Water Security in North Borneo: Case Study of Sabah Water (Switzerland)* **12**
- [12] Cao Y, Hwang S S And Xi J 2012 Project-Induced Displacement, Secondary Stressors, And Health *Soc Sci Med* **74** 1130–8
- [13] The World Bank 2022 *Social Cohesion and Forced Displacement: A Synthesis of New Research*
- [14] Sikka G And Carol Y O L 2022 *Dam-Induced Displacement and Resettlement and Masculinities: The Case of India and Malaysia* Gender, Place and Culture **29** 1353–75
- [15] Ahsan R, Reazul Ahsan by And Hamdan Bin Haji Ahmad Professor M 2016 *Mega-Infrastructure Development– Induced Displacement in East Malaysia: A Study of Social Sustainability*
- [16] Aiken S R And Leigh C H 2015 *Dams and Indigenous Peoples in Malaysia Dams and Indigenous Peoples in Malaysia: Development, Displacement and Resettlement*
- [17] Randell H 2016 *The Short-Term Impacts of Development-Induced Displacement on Wealth and Subjective Well-Being in The Brazilian Amazon* World Dev **87** 385–400