

PRESS STATEMENT 10 OCTOBER 2020

Kuala Langat North Forest Reserve (KLNFR) De-gazettement Inconsistent with Malaysia's International Environmental and Human Rights Obligations

We, representatives from various civil-society organisations, are writing to raise serious concerns related to the proposed development and de-gazettement of the Kuala Langat North Forest Reserve (KLFNR). Our organisations are extremely disappointed with the Selangor State government for the manner in which they handled the Town Hall Meeting that took place on the 29th of September 2020 in Pulau Carey to discuss this issue.

Town hall meetings are important for public participation in policymaking and they must be not be merely cosmetic. The manner in which they are held is of utmost significance. Originally limited only to invited participants and held at a location and time that severely constrains participation, the town hall organised by the Selangor state government can hardly be held up as an example of good governance. The fact that the Menteri Besar Incorporated applied for this degazettement, while the Menteri Besar himself sits on the decision-making committee, throws in another element of poor governance - conflict of interest.

A major concern made evident during the meeting was the failure of the authorities to clearly explain the critical need for the proposed development that will remove 931 hectares of swamp forest reserve from the protected list. The peatland forest, estimated to be around 8,000 years old, was gazetted as a forest reserve in 1927 and was said to have covered almost 7,247 hectares at the time. The de-gazettement will also critically endanger species such as the Malayan Sun Bear, Selangor Pygmy Flying Squirrel and, Langat Red Fighting Fish at a time of worsening climate change. Even Jabatan Perhutanan Semenanjung Malaysia is against the degazettement.

The lack of transparency surrounding the degazettement of the KLNFR is very worrying, particularly in view of its status as an Environmentally Sensitive Area to be protected under the Third National Physical Plan (RFN-3), the Selangor State Structure Plan 2035, and the Kuala Langat Local Plan 2030. What is the purpose of gazetting these plans if they can be easily changed? Until today the Selangor government has not provided valid and scientifically backed justifications on why they wish to degazette the forest, nor have they outlined the benefits that the degazettement will bring to the people of Kuala Langat.

KLNFR is a peat swamp forest, the most efficient natural carbon sink on the planet. With another two massive paper recycling plants on the verge being approved and expanded in the vicinity of KLNFR (on top of one existing plant), both with on-site waste incinerators close to residential areas, there is dire need for the forest to store carbon dioxide and other harmful air pollutants. Forests have the capacity to impact air, water, and nutrient cycles, and upsetting this balance could severely impact climate change.

The development of KLNFR will release 5.5 million tonnes of carbon dioxide (CO₂), unaligned with Malaysia's Paris Agreement (PA) commitment to a reduction of greenhouse gases by 45% by 2030. The degazettement also goes against the Selangor State Structure Plan 2035 to maintain 32% of the forest area in Selangor as well as not aligned to the National Action Plan for Peatlands (2011-2020) and Act 313, National Forestry Act 1984 as well as other international conventions we are part of. Since its gazettement in the 1920s, KLNFR has lost 90% of its original size, and the decision to destroy what is left of the unique habitat transgresses KLNFR's status as an Environmental Sensitive Area (ESA/KSAS) - Level 1 under Selangor State Plan 2035 which prohibit any development in the area as they will lead to detrimental environmental, economic and social impacts not only to the 2000 Temuans that have a holistic connection to the forest but also to minimize flood risk for the people living in the district.

Further, members of the public, including representatives from the Indigenous Peoples of Malaysia (Orang Asli) were vocal in their objection and displeasure of the proposed step to degazette this land. Reports indicate that almost 2000 Temuans would be displaced from their ancestral land by this proposal by the Selangor State government. More than 45,000 objection letters were sent by members of public earlier this year to object the degazettement proposal.

Malaysia is a signatory to the United National Declaration on the Rights of Indigenous Peoples (UNDRIP) which clearly outlines that indigenous peoples shall not be forcibly removed from their lands or territories, without the free, prior and, informed consent of the indigenous peoples.

Further, in November 2018, during Malaysia's human rights review at the UN Human Rights Council the Malaysian government was urged to ensure the rights of indigenous peoples in law and in practice, in particular regarding their right to traditional lands, territories and resources; strengthen policies and measures for the well-being of the indigenous peoples in Malaysia to uplift their economic and social status and benefit from the country's economic development and strengthen the rights of indigenous peoples through the incorporation of the principles of the UNDRIP in judicial and administrative procedures.

This whole issue highlights the urgent need for the government to institute a culture of openness. Transparency, accountability, freedom of information, and public participation are crucial to prevent corruption, protect human rights and the environment, cultivate public trust in the government, and promote good governance. The people of Kuala Langat especially the Orang Asli communities have a right to know who is behind degazettement, what the plans for the land are, and how they will benefit. And if they are not convinced, the state government must listen to them.

The concerned groups had a meeting on 7/10/2020 and decided to move on with the struggle to stop the degazetting of NKLFR. The Public Hearing on 29/9/2020 was not the final point of participation. The room for democratic involvement to stop the degazetting is still wide open and we urge other concerned groups and individuals to join force on this issue.

Therefore, we urge the Selangor government to:

- 1** Honour the promises made to the people of Selangor during the previous elections that it will always act in the best interest of the people and the environment.
- 2** Clearly explain the need for proposed development that will come at this high cost and at a time when environmental and climate crises are major concerns globally.
- 3** Ensure all development projects undergo rigorous reviews before being approved and implemented, especially when this means the de-gazettement of forest reserves and displacement of communities from their homes and livelihoods.
- 4** Provide leadership towards the creation of a new green deal for the country, where jobs, industries, and economic development do not come at the expense of the environment and the most vulnerable communities.

Signatories:

- 1. SUARAM (Suara Rakyat Malaysia)**
- 2. Persatuan Tindakan Alam Sekitar Kuala Langat**
- 3. Persatuan Kesedaran dan Keadilan Iklim Malaysia (Klima Action Malaysia - KAMY)**
- 4. Pertubuhan Pelindung Khazanah Alam (PEKA)**
- 5. EMPOWER Malaysia**
- 6. Greenpeace Malaysia**
- 7. Gerimis Art Project**
- 8. Five Arts Centre**
- 9. Persatuan Aktivis Sahabat Alam (KUASA)**
- 10. Center to Combat Corruption and Cronyism (C4 Center)**
- 11. Parti Sosialis Malaysia (PSM)**