



Sahabat Alam Malaysia
Friends of the Earth Malaysia
For Environmental Justice

1, Jalan Joki, 11400 Penang, Malaysia
Tel No: +604 827 6930
Fax No: +604 827 6932
Email: foemalaysia@gmail.com
<https://www.foe-malaysia.org>

Press Statement

7 March 2022

SAM welcomes amendments to the National Forestry Act '84

Sahabat Alam Malaysia (SAM) welcomes the amendments proposed to the National Forestry Act '84 which were tabled in Parliament last week. We call on Parliament to expedite the process to pass these changes quickly, so that they become legally effective.

This must be followed by all State Governments adopting these amendments soon after, so that they are given legal effect and are enforced properly.

Several of these amendments are what NGOs like SAM have been calling for since many years now. Among the most significant changes proposed which we most welcome are the following:

- The introduction of a new section 11, replacing the old in relation to the excision of land from the status of permanent reserved forests (PRF).

The new amendment allows such excision to take place subject to two conditions which are significant.

The first condition is that prior to the excision of any PRF, the State Authority is required to conduct a public inquiry (*siasatan awam*), in accordance with the rules which are to be drawn up subsequently by the State.

This is a very important provision, which currently exists only in the Selangor Forestry Enactment. Such a provision for a public inquiry prior to any degazetting of PRF ensures transparency, and accountability on the part of the States and is important for ensuring good governance. Without this transparency, decision-making over the degazetting of PRF is shrouded in secrecy, giving rise to concerns including the likelihood of conflicts of interests. So, this is a most welcome move.

What is critical however is to make sure that this public inquiry process is taken seriously by the States and is not a token mechanism, but one which is meaningful and effective, for the sake of good governance.

The second condition is that if the State Authority intends to excise land from PRF status, they must identify and constitute another area of land which is similar in size or is larger to replace the PRF which is to be excised. This is a major improvement over the current law, which gives too much discretion to the States as to whether to provide a replacement area or not.

- We also welcome the amendment to sub-section 10(1) to include 'state park forest' (*hutan taman negeri*) as an additional category in the classification of what are PRFs.

In this regard, SAM has been calling on States to gazette more of their forests as totally protected forests, which cannot be converted for other uses or disturbed by destructive activities such as logging. This should especially be the case in relation to the Central Forest Spine (CFS) and the Heart of Borneo ecological corridors, which

must be gazetted as totally protected forests without delay.

- We also welcome the move to increase penalties for offences under the Act. These are vital to ensure that there is sufficient deterrence to stop prospective violators.

These amendments should not be delayed, and come into force as soon as possible, so that our forests are protected effectively, for the sake of all the multiple ecosystem functions they perform, including in flood and soil protection, sustainability of our water resources and in the protection of our biodiversity.

Meenakshi Raman
President
Sahabat Alam Malaysia