

URGENT ACTION

INDIGENOUS LAND RIGHTS AT RISK

More than 930 hectares of ancestral land customarily claimed by the largely Temuan Indigenous community in western Malaysia is at risk of having its status as a 'forest reserve' removed, resulting in some 1,000 Indigenous people being dispossessed of their land for development projects. The Selangor Forestry Department's failure to consult the relevant Indigenous communities demonstrates a blatant disregard for the principle of free, prior and informed consent, as well as their willingness to put corporate development ahead of the welfare of citizens.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Chief Minister of Selangor YAB Dato' Amirudin Shari
Pejabat Menteri Besar Selangor,
Tingkat 21,
Bangunan Sultan Salahuddin Abdul Aziz Shah,
Email: amirudinshari@selangor.gov.my

Dear Y.A.B Tuan Amirudin Shari,

I am writing to express my concern over the proposed degazetting of 930.93 hectares of Kuala Langat North Forest Reserve by the Selangor Forestry Department. The proposed area comprises 97% of the total forest reserve and is home to four Temuan Indigenous settlements. If this land is degazetted, more than 1,000 Indigenous people face dispossession of their lands and forced relocation.

Indigenous peoples in Malaysia have often faced encroachment on their land because of development projects, preventing them from benefiting from their traditional sources of livelihood and leaving them at risk of poverty and further marginalisation. In the worst cases, they have been summarily dispossessed of their lands, forced from their homes, and made to witness the depletion and degradation of natural resources they lay claim to.

According to the community, the state made no effort to inform them of the nature, extent, and social and environmental impacts of the degazetting, or discuss alternatives. In fact, they say the first time they heard about the proposed de-gazetting was when they read the notice in the newspaper.

I am gravely concerned at the possible violation of free, prior and informed consent principles in this process. Principles that the Malaysian government has confirmed their commitment to through voting in favour of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) in 2007 and the Outcome Document of the World Conference on Indigenous Peoples in 2014.

I urge your office to act swiftly to protect Indigenous land in Selangor. Specifically, I call on you to:

- **Immediately cease the order to degazette KLNFR as forest reserve;**
- **Work with the Department of Orang Asli Development and take immediate and concrete steps to ensure that KLNFR is gazetted as Orang Asli land by the end of the year; and**
- **Ensure the full participation of the Temuan Indigenous community and obtain their free, prior and informed consent in all plans around the compliance of the gazettement of KLNFR.**

Thank you for your kind attention.

Sincerely,

ADDITIONAL INFORMATION

On 5 February 2020, the Selangor Forestry Department placed the notice of the degazetting of Kuala Langat North Forest Reserve (KLNFR) in major newspaper dailies in Malaysia. The notice invited stakeholders in the district to voice their objections to the proposal within 30 days, in accordance with the Public Inquiry Selangor Rules 2014 as well as the National Forestry Act (Adoption) Enactment 1985. The proposed area comprises 97% of the total forest reserve and is home to four Temuan Indigenous settlements: Bukit Kecil, Bukit Cheeding, Busut Baru, and Pulau Kempas.

In Malaysia, the “gazetting” of a land as a forest reserve ensures that the land cannot be used for urban development, agriculture or any kind of activity that would require the forest to be cleared. De-gazetting a forest reserve removes this status of the land and opens it up to commercial activity and the displacement of communities residing there.

According to the community, the land has come under increasing threats from development and logging in the past years. In 2017, the Department of Orang Asli Development (JAKOA) applied for this area to be gazetted as Orang Asli land, which still awaits government action.

KLNFR is also a peat swamp forest that functions as an important ecosystem of climate control. According to the Global Environment Centre, the proposed de-gazettement of KLNFR is not in line with the Selangor State Government's plan in the 2035 State Structure Plan to maintain 32% of the forest area in the State of Selangor.

Across Malaysia, extensive land development is adversely affecting Indigenous peoples, posing a threat to ancestral lands, traditional ways of life and a wide spectrum of human rights. The Indigenous peoples of Malaysia comprise over 67 ethnic groups composing 14% of the country's population. They reside in almost every state and territory within the Federation and are afforded special recognition in the country's constitution. Despite this, they continue to suffer from disproportionate levels of poverty and ongoing social exclusion, in part due to an absence of formal recognition of their land as well as a lack of consultation and free, prior and informed consent on proposals to expropriate their land. This makes it difficult, if not impossible, for communities to oppose development once it has started. In their attempt to defend, protect and promote the land rights of Indigenous peoples, human rights defenders face harassment, intimidation, arrest, and even death.

The Malaysian government voted in favour of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) in 2007, which obligates it to respect the rights of Indigenous peoples to self-determination and the right to free, prior and informed consent. The Malaysian government also ratified the Convention on the Rights of the Child (CRC) in 1995. The UN Committee on the Rights of the Child that oversees the convention stated that “the use of traditional land is of significant importance to [Indigenous children's] development and enjoyment of culture”, and that states who have ratified the convention should “closely consider the cultural significance of traditional land and the quality of the natural environment.”

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Bahasa Malaysia

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 5 March 2020

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PREFERRED PRONOUN: Group (they/them)