

URGENT ACTION

INDIGENOUS PEOPLES FACE DISPOSSESSION

The Selangor Forestry Department has not responded to the more than 45,000 objections from Indigenous peoples, Malaysian citizens and local representatives to the proposed removal of “forest reserve” status of over 930 hectares of ancestral land customarily owned by the largely Temuan Indigenous people. Instead, the Selangor Forestry Department is likely to proceed with the degazetting, disregarding the principle of free, prior and informed consent of indigenous peoples and putting 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,
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Dear YAB Tuan Amirudin Shari,

I am writing to strongly object to the proposed degazetting of 930.93 hectares of Kuala Langat North Forest Reserve by the Selangor Forestry Department in order to make way for a mixed development. The proposed area is home to four Temuan Indigenous settlements and, if this land is degazetted, more than 1,000 Indigenous people will be displaced and forced to relocate.

I am gravely concerned that this degazetting of land disregards the rights of Indigenous peoples in Malaysia who have often faced encroachment on their land because of development projects, and have been summarily dispossessed of their lands, forced from their homes, and made to witness the depletion and degradation of natural resources they customarily own. It is further distressing to learn that the clearing and development of the land is estimated to result in the release of 5.5 million tons of carbon dioxide, contributing to global warming and climate change.

The proposal has received over 45,000 objections by concerned Malaysian citizens, protests from affected communities, a unanimous decision to protect the forest in the Selangor state legislative assembly, and the attention of international organisations. Concerns have also been raised regarding the arrangements of the September 2020 public town hall on this issue, which was held on short notice and at a place over an hour away from the affected communities, posing barriers to access.

I am further concerned that the consultation process violates free, prior and informed consent rights, which the Malaysian government committed to when it voted 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 people and their 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’; and**
- **Ensure the full consultation of the Temuan Indigenous community and obtain their free, prior and informed consent in all plans around the compliance of the gazetting of KLNFR.**

Thank you for your attention.

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.

Since February 2020, civil society, the public, and Amnesty International members have mobilised against the decision, sending over 45,000 letters to the office of the Chief Minister of Selangor and the Selangor State Forestry Department. In November 2020, a unanimous decision was made in the Selangor state legislative assembly to protect the forest. According to local NGOs, the Chief Minister will decide in late April about the status of the land.

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 whose land it is.

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—an award-winning environmental organisation based in Malaysia—the proposed de-gazetting 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. Indigenous peoples in Malaysia comprise over 67 ethnic groups or about 14% of the country's total 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 commits 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: 30 June 2021

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)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/asa28/1835/2020/en/>

And copies to:

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