



KELANTAN GOVERNMENT SHOULD RESPECT INDIGENOUS PEOPLES LAND RIGHTS

The Kelantan State Authorities has been approving logging activities, monoculture plantation projects, land-use conversion to agriculture and mining in the Permanent Reserved Forests (PRF) in the east coast state of Kelantan in Peninsular Malaysia without respecting the customary rights of indigenous peoples (Orang Asli).

The land conversion in PRF does not only destroy the original forest cover (natural forest) through the clear-felling harvesting method, affecting forest biodiversity, it also affected the rights and lives of the Orang Asli in particular.

Since 15 February 2018, the Orang Asli community from the Temiar tribe had set up several blockades in Cawas, Simpor, Kampung Kuala Wok in Gua Musang District, Ulu Kelantan, to prevent logging, mining and large-scale plantations in the PRF.

Sahabat Alam Malaysia (SAM) is disappointed with the Kelantan state authorities which did not consider the recommendations that SAM and the Orang Asli community had submitted in the past.

During SAM's meeting with the Deputy Chief Minister of Kelantan, YB Dato' Haji Mohd Amar Nik Abdullah on 1 November 2016, SAM submitted a memorandum titled "Proposed Improvement of Forest Management in Kelantan" to the State Authority.

Among the main points in the memorandum are our concerns over the increasing implementation of monoculture plantation projects which covered 162,485 hectares or 26% of the total area of 623,849 hectares of PRF in the state of Kelantan in 2013.

An Orang Asli community representative who accompanied SAM also explained to Dato' Haji Mohd Amar on issues faced by the community as a result of forest harvesting activity (especially logging) for the purpose of developing monoculture plantations. We also submitted our recommendations in a memorandum on that occasion.

Prior to that, on March 25, 2015, SAM had submitted a letter to the Kelantan Menteri Besar, YAB Dato' Haji Ahmad Yakob through the Senior Private Secretary to the Chief Minister on matters pertaining to forest management in the State of Kelantan.

During a discussion session held on 26 May 2017 between the Director General of Forestry, Peninsular Malaysia and environmental NGOs, SAM submitted recommendations in writing.

One of the recommendations is that all State Forestry Departments should stop the implementation of monoculture plantation projects and other activities such as mining and quarrying in the PRF.

To date all documents submitted by SAM has yet to receive any feedback from the Kelantan State Government or the Forestry Department of Peninsular Malaysia.

On the contrary, the Kelantan State Government is still pursuing the implementation of large-scale monoculture plantation projects in the PRF area.

The lives of local communities, especially Orang Asli communities, arise from the disturbance to their water sheds, settlements, cemeteries and collection of forest produce which are destroyed by companies that were given licence to take forest produce and/or undertake monoculture plantation projects in Kelantan.

While in Kelantan recently to monitor the blockade of Orang Asli communities, SAM staff met up with Mustafa Along, the Chairperson of the Kelantan Orang Asli Village Network who expressed his concern and demands to the State Authority. SAM produced a short video interview with Mustafa where his concerns and demands have been captured. Apart from demanding that logging, mining and large scale plantation activities should stop on the customary lands belonging to these indigenous communities, Mustafa wants everyone to know of their plight and struggle and raise the awareness of ordinary people to the forest destruction and the impacts on not just indigenous communities but the world over.

Therefore, SAM urges the State Authority to implement the following recommendations:

1. Stop the conversion of PRF to monoculture plantations and mining operations.
2. Comply with the National Physical Plan (RPN) in relation to Environmentally Sensitive Areas (ESA) and the Central Forest Spine (CFS).
3. Do not allow logging in forested area above 1,000m. These areas are already categorised as ESA Rank 1.
4. Ensure that indigenous customary land rights are respected and taken into account in forestry and land management, including:
 - a) Stop the issuance of logging operation licences, plantation development, mining, and taking of natural resources in indigenous peoples' land.
 - b) Ensure that the procedure of Free Prior Informed Consent from the Orang Asli community is fully applied in all processes during the gazetting of land and forest as well as any proposed land-use conversion of PRF in Kelantan.
 - c) Introduce the process of mapping and marking of boundaries together with the territories of the Orang Asli customary land based on the area agreed upon by members of the Orang Asli community for the purpose of gazetting these territories and accompanied by the granting of communal grants.

SAM is concerned that if the above-mentioned recommendations are not implemented, more serious environmental impacts such as floods, sedimentation and pollution of river pollution, loss of biodiversity, flora and wildlife will occur. The lives and livelihoods of these indigenous people who depend on natural resources will be further marginalised.

Text by
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