

3j: Environment

Preamble

An overarching framework on climate change is needed to meaningfully address cross-cutting environmental issues which are inter-disciplinary and wide ranging, such as transparency, environmental and human rights impact assessments, sustainable development and natural resources.

I: Climate Change Action

Climate change needs to be addressed as a top priority issue in view of its impact on the economy and food security in particular. Public awareness must be raised on how climate change could affect different stakeholders, especially marginalised groups, and the urgent need to be prepared to deal with these impacts. We have already witnessed the consequences of extreme weather patterns that led to unusually heavy rainfall and unprecedented flooding in several states at the end of 2021 that caught us unprepared. The government, through effective policy making, needs to develop plans to mitigate and reduce greenhouse gas emissions while responding and adapting to climate change, such as enhancing flood mitigation systems and addressing coastal erosion due to rising sea levels, and making financial provisions for loss and damage suffered by communities.

1. Declare a national climate emergency and mainstream climate change in national development planning.

(Evelyn Teh, Jaringan Ekologi dan Iklim, Proposal 3J-1; Faris Ahmad Fadzil, Proposal 3J-2)

- i. Mainstream climate emergency in all policy, governance and institutional levels across agencies.
- ii. Formulate laws and regulations that impose low-carbon development and transportation, prevent further deforestation and ensure food security.
- iii. Ramp up national budget allocations for effective implementation and enforcement of climate-related actions.

- iv. Facilitate multi-stakeholder participation and representation, especially from the indigenous, vulnerable and marginalised communities, in an inclusive manner.
- v. Adopt a holistic approach towards raising public awareness, which includes having environmental education as a core component in the school curriculum and increasing coverage by mainstream media and through social media channels.

II: Transparency in Decision-Making Processes

An important principle of climate justice is that the voices of the most vulnerable must be heard and accounted for. This requires open and participatory decision-making processes, and accountability for decisions that are made, with emphasis given to the well-being of local communities and the environment. A clear example of opacity in the governmental decision-making process lies with the degazetting of forest lands for resource extraction or development. At present, this is frequently done by the state executive council, chaired by the Menteri Besar or Chief Minister, without transparency and proper oversight by the state legislative assembly, let alone the public.

2. Involve the public as decision makers in the development planning process.

(Siti Fatimah bt. Jafar, Environment Cluster (Treat Every Environment Special (TrEES)), CSO Platform for Reform, Proposal 3J-3)

- i. Provide complete information on development planning projects to members of the public so that they are fully informed and have a chance to review, express, propose and object to development plans.
- ii. Use leading social media platforms as publicity channels to announce development plans.
- iii. Distribute full documentation online free of charge instead of relying on printed documents.
- iv. Make the project developer responsible for all publicity and distribution costs related to public announcements as part of their corporate social responsibility.

- v. Encourage two-way communication which is safe, open and friendly at all levels ranging from interpersonal communication to mass communication.

3. Institutionalise the public involvement process and require state legislative assembly approval for degazetting of forest reserves.

(Dr. Lim Chee Han, Agora Society Malaysia, Proposal 3J-4)

- i. Make transparent the decision-making process for degazetting a forest reserve by keeping the public informed of impending plans and making it a requirement for project developers to first ensure that they have the majority support of the local public citizens to proceed with these plans, during public consultation sessions and through a local survey.
- ii. Require state executive councils to prepare a bill at the state legislative assembly prior to the state government making any decision on this. The state executive council should be able to satisfactorily justify, explain and defend their decision to degazette forest reserves to the state government.

III: Natural Resources Conservation

Green budgeting contributes to informed, evidence-based debate and discussion on sustainable growth. It uses the tools of budgetary policy-making to help achieve environmental and climate goals.

4. Incorporate green budgeting and planning.

(Dr. Lim Chee Han, Agora Society Malaysia, Proposal 3J-5)

- i. Have annual planning on the management of forests and natural resources.
- ii. Evaluate environmental impacts of budgetary and fiscal policies and assess their coherence towards the delivery of national and international environmental commitments.
- iii. Present green budgeting in the same session with the state budget for the approval of the state legislative assembly annually.
- iv. Set annual green targets such as treetop coverage, carbon dioxide emissions and pollution reduction.

- v. Conduct inventory checks and engage in advanced planning for utilisation of land and natural resources, which must be allocated, debated and approved.
- vi. Have state assembly persons (ADUNs) and the general public track, monitor and question the process and purpose of utilising these resources.

5. Protect water catchment forests.

(Rexy Prakash Chacko & Dr. Kam Suan Pheng, Penang Hills Watch, Proposal 3J-6)

- i. Gazette entire areas of natural water catchments within permanent forest reserves as water catchment forests under the National Forestry Act 1984 to protect them against logging and other unauthorised use.
- ii. Enact state by-laws to enable legal enforcement against unauthorised water extraction, logging and river contamination due to uncontrolled agrochemical use.

6. Increase forest connectivity in fragmented landscapes.

(Aisling Usun Bagly, Save Rivers, Environment Cluster, CSO Platform for Reform, Proposal 3J-7)

Connect forest reserves and national parks to increase the size of totally protected areas, while recognising the rights of local communities who depend on the forest for their livelihoods.

7. Redefine forest protection.

(Ken Lee, Agora Society Malaysia, Proposal 3J-8)

- i. Promote habitat conservation management as a high-income profession with generous remuneration.
- ii. Change the paradigm of conservation from conventional resource extraction to one that instead emphasises data extraction relating to biological species, habitat, water resources and emergence of diseases.
- iii. Encourage participation of rural residents, especially indigenous communities, to escape poverty through the transformation of livelihood practice, while forging a unique type of enterprise capital with their traditional forest knowledge.

- iv. Amend the Federal Constitution to solve problems related to forestry policy and land law, which currently fall under the absolute control of state governments.
- v. Raise public awareness on the importance of conserving forests.
- vi. Invite different social groups to participate in decision making to enhance ecosystem protection.
- vii. Limit timber production to areas outside forests and observe strict demarcation between plantation estates and forestland.

8. Enable sustainable forest conservation.

(Faris Ahmad Fadzil, Proposal 3J-9; Muhammad Sha'ani b. Abdullah, Environment Cluster, CSO Platform for Reform, Proposal 3J-10)

- i. Classify forests according to their environmental functions in the National Forestry Act to determine the best management practice for each composition.
- ii. Amend the National Land Code to strengthen governance of all land management and land use by state authorities by incorporating meaningful public consultation procedures.
- iii. Amend relevant laws to make the degazetting of permanent forest and wildlife reserves the purview of state legislative assemblies.

IV: Environmental Impact Assessment

Gaps and weaknesses in the Environmental Impact Assessment (EIA) regulations prevent the adoption of a holistic and comprehensive approach when assessing proposed projects. There is a need to give weightage to social impacts and human rights components, proper stakeholder consultation, access to information and the independent appointment of consultants.

Additionally, the practice of the project proponent appointing the EIA consultant leads to a conflict of interest which tends to favour the developer. There is often a lack of project oversight, monitoring of compliance and mitigation measures, as well as follow-up after the EIA report is approved. It is worse in Sarawak where an EIA is not required for the logging of virgin or primary forests, thus leaving primary rainforests exposed to unethical and destructive logging methods without regulation.

9. Review the approval and evaluation processes for the EIA.

(Ng Yap Hwa, Teoh Beng Hock Trust for Democracy, Proposal 3J-11; Celine Lim, Save Rivers, Environment Cluster, CSO Platform for Reform, Proposal 3J-12; Dr. Lim Chee Han, Agora Society Malaysia, Proposal 3J-13)

- i. Provide the public and other stakeholders with free and easy access to all documents produced including the EIA and social impact assessment on any planned development.
- ii. Enable the public and other stakeholders to present their views and inputs before a decision is made to approve the project.
- iii. Ensure the authorities or developers respond to objections or feedback within a stated time and before the project is approved.
- iv. Restrict the minister's power to "prescribe any activity" that requires EIA study by re-formulating transparent and clear criteria for an EIA study.
- v. Require project proponents to set aside and contribute a certain amount of funds for EIA purposes to a central consolidated account, for the Department of Environment to act on behalf of the project proponent and hire the most suitable candidate as the independent EIA consultant, with the EIA report used as a key reference source for project evaluation.
- vi. Revise EIA procedures and requirements to follow international standards of logging and forest management. This should be enacted across Malaysia to promote uniform standards of logging and ensure sustainable practices and better management of the country's rainforests. Enlist the help of national, regional, and international civil society organisations as a committee to produce solutions to mitigate loopholes and grey areas.

10. Revise Sarawak's EIA logging standards.

(Zarris, Environment Cluster (TrEES), CSO Platform for Reform, Proposal 3J-14)

- i. Amend the Natural Resources and Environment Ordinance 1958 to stipulate strict and clear EIA logging requirements for primary and secondary forests of a reasonable size.
- ii. Increase emphasis on conservation and careful management requirements of forest resources.

- iii. Legislate national laws to regularise implementation within state jurisdictions.

11. Replace the EIA with an environment and human rights impact assessment system.

(Ng Yap Hwa, Teoh Beng Hock Trust for Democracy, Proposal 3J-11)

Revamp the Environmental Quality Act 1974 to make human rights impact assessment enforceable.

V: Sustainable Development

As the Malaysian population grows, human demands for social, cultural, economic and environmental resources increase, which can affect the quality of life. A green approach involving solid waste management, limiting urban sprawl and conserving public green spaces, among others, is needed.

12. Improve solid waste management.

(Aisling Usun Bagly, Save Rivers, Environment Cluster, CSO Platform for Reform, Proposal 3J-15)

- i. Raise public awareness on the need to make solid waste management a lifestyle practice, such as to ‘go green’ and be ‘zero-waste-friendly’.
- ii. Educate packaging companies, supermarkets, restaurants and food vendors to roll out programmes to encourage zero waste.
- iii. Develop proper waste management systems, especially for communities in rural areas.

13. Inhibit urban sprawl to protect forests.

(Wong Tsu Soon, Agora Society Malaysia, Proposal 3J-16)

- i. Set urban growth boundaries in local plans.
- ii. Relax zoning restrictions in the cities to encourage mixed development; introduce policies that treat such zones as residential, e.g. by applying residential rates to utility bills and relevant taxes, and rehabilitating shophouses as residential housing.

- iii. Provide housing rental and purchasing subsidies that encourage people to live within a closer radius to the workplace, instead of living further and having to commute long distances to work, which in turn contributes to urban sprawl.

14. Increase infrastructure for pedestrian walkways and efforts to conserve public green open spaces.

(Siti Fatimah bt. Jafar, Environment Cluster (TrEES), CSO Platform for Reform, Proposal 3J-17)

- i. Develop pedestrian walkways which are integrated with green infrastructure within and among cities or towns.
- ii. Encourage public participation from local communities and local business owners, within local authority jurisdictions, to contribute and achieve neighbourhoods which are resilient and sustainable.