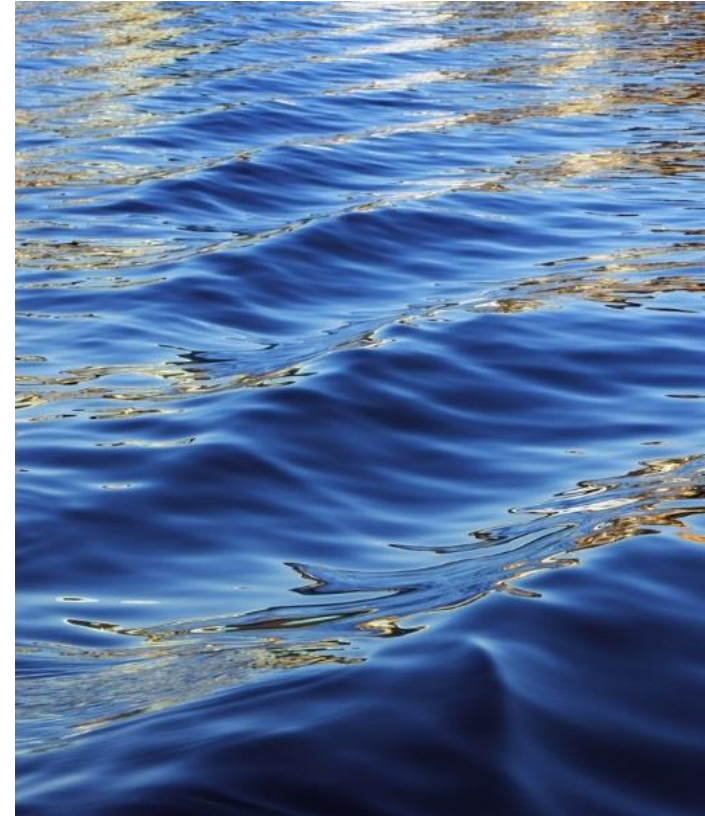




ENVIRONMENTAL LAW AWARENESS SEMINAR
"FOREST AT HEART" . 6 DECEMBER 2017. USIM

Forest Protection From Human Activities: The Do's And Don't Under Environmental Law In Malaysia

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Topics to be covered:

- Status of forest in Malaysia
- Impact of Forest Degradation: Case Study - IIUM
- Regulations pertaining to human activities
Impacting Forest



Malaysia's Tropical Rainforest

- Why rainforest thrives in Malaysia?
- Forest floor as an important feature of forest ecosystem.
- Rainforest in Malaysia is rich with natural resources.
- Malaysia's forests fulfill a combination of important functions: ecological, biodiverse, economic, scientific and recreational.



Status of Malaysia forest

- At one time Malaysia's land surface was entirely covered with forest.
- Deforestation as a major threat.
- From 1983 to 2003, there was a reduction of 4.9 million hectare of forest cover.
- At present, land under natural forest is about 54 % of the total land area.



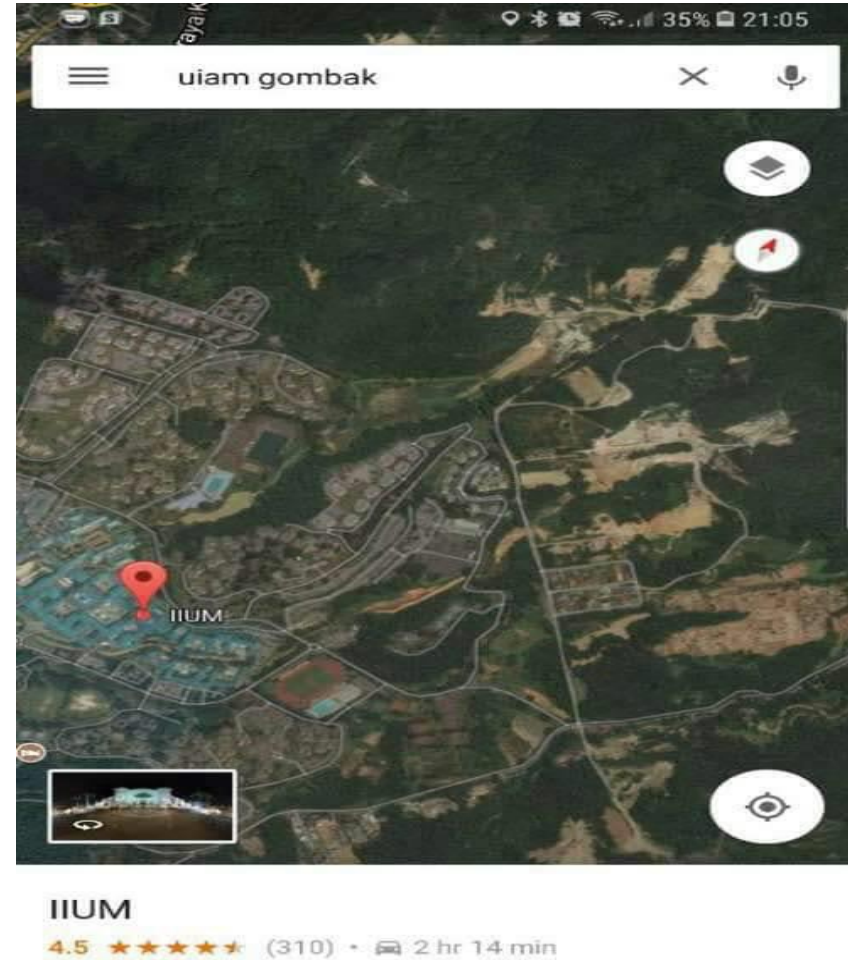
CASE STUDY: IIUM FLOOD INCIDENTS



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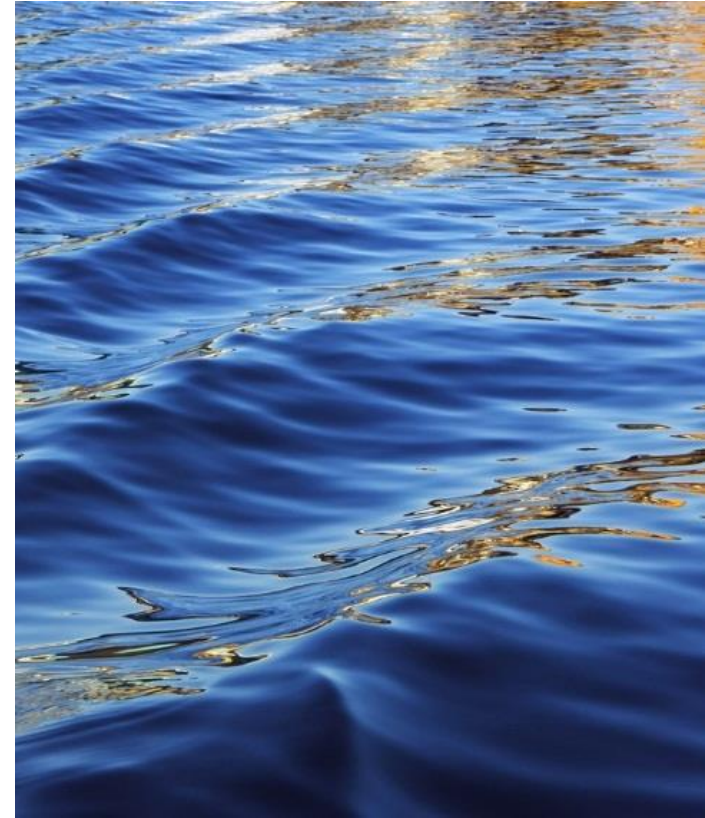


IIUM FLOOD INCIDENTS: RESULT OF INVESTIGATION BY ENVIRONMENTAL LAW STUDENTS



IMPORTANCE OF FOREST

- Contains rich resources of flora and fauna,
- Maintains biodiversity,
- Absorbs GHG emission and mitigate climatic change,
- Forest as carbon storage,
- Protects watersheds and reduce erosion that reach waterways,
- Serves as a buffer in natural disasters like flood and rainfalls,
- Provides habitat to more than half of animal species.



REGULATING HUMAN ACTIVITIES AFFECTING FOREST



NATIONAL FORESTRY ACT 1984

- The concept of permanent reserved forest
- Classification of PRF

- (a) timber production forest under sustained yield;
- (b) soil protection forest;
- (c) soil reclamation forest;
- (d) flood control forest;
- (e) water catchment forest;
- (f) forest sanctuary for wild life;
- (g) virgin jungle reserved forest;
- (h) amenity forest;
- (i) education forest;
- (j) research forest;
- (k) forest for federal purposes.

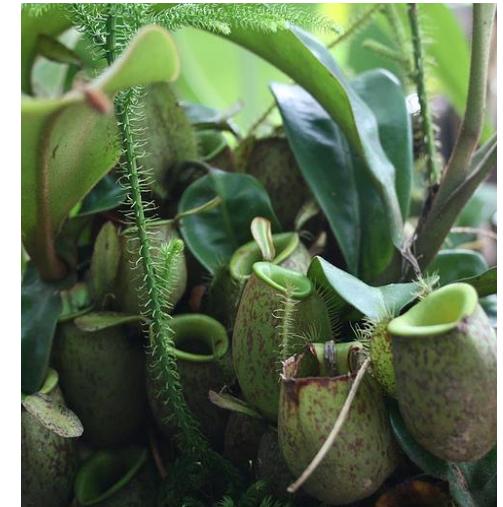
What We Can & Cannot Do within a PRF or State Land

- What is forest produce?
- Who owns forest produce?



Forest Produce

- (a) guano, peat, rock, sea-sand, river-sand, sea-shells, shell-sand and surface soil;
- (b) (i) trees and all parts of trees;
- (ii) plants including climbers, creepers and grasses, and all parts of such plants;
- (iii) silk, cocoons, honey and wax and edible bird's nests;
- (c) timber, fuelwood, charcoal, getah, getah taban leaves, wood oil, bark, extracts of bark, damar and atap.



Regulations of Forest Produce

- Section 15, any person is prohibited from taking forest produce from PRF or state land.
- The use of PRF or state land or its produce is subject to:
 - licence
 - minor licence
 - Use permit
 - Removal licence
- Exception: forest produce removed by any aborigine for:
 - (i) construction and repair of temporary huts on land lawfully occupied by aborigine;
 - (ii) maintenance of his fishing stakes and landing places;
 - (iii) fuelwood or other domestic purposes; or
 - (iv) the construction or maintenance of any work for the common benefit of the aborigines.



Other Restrictions on PRF

- **To** permit cattle to graze;
- fell, cut, ring, mark, lop or tap any tree; or injure by fire, or otherwise, or remove any tree or timber;
- To cause any damage in felling any tree or cutting or dragging any timber;
- To collect or remove any forest produce or minerals;
- To clear or break up any land for cultivation or any other purpose;
- To use poisonous substance, or dynamite or other explosives on rivers or lakes for the purpose of fishing; or set traps or snares;

- To cause offensive littering;
- A person commits offensive littering in a permanent reserved forest if he creates an objectionable stench or degrades the by:
- intentionally discarding or depositing any rubbish, trash, garbage, debris or other refuse;
- draining mining sludge, industrial effluent, sewage or the drainage from a cesspool, septic tank, recreational or camping vehicle waste holding tank or other contaminated source; or
- permitting any rubbish, trash, garbage, debris or other refuse to be thrown from a vehicle.

Regulations Relating to Forest Burning

- 1960s –economic development policy
- Changes in land-use from forest to other uses
- Clearing of vast areas of forests
- Not all forest clearing are for commercial reasons
- Some forests are cleared by traditional farmers for livelihood

Regulations Relating to Forest Burning

- Various methods used to clear forest for agriculture and farming.
- Using fire is popular.
- Uncontrolled burning of forest can result in the destruction of wildlife habitat and other consequences.
- When open burning is carried out during the dry months, it can result in the emission of large quantities of smoke into the air.



Should law totally prohibit open burning activities including farming?

- In Malaysia, forest protection and air pollution control are complex & overlapping issues.
- National Forestry Act:
- Section 82: “no person shall kindle, keep or carry any fire, or leave any fire burning, within a permanent reserved forest in such a manner as to endanger such reserved forest”.
- Section 29A of the EQA: Any person is strictly prohibited from causing open burning on any premises, and land.
- One of the major impacts of section 29A is the total prohibition of forest burning by large plantation companies.

Exceptions of Forest Burning

- Some types of farmers and farming activities exempted from the open burning prohibition:
- shifting cultivators,
- subsistence farmers, and
- smallholders.
- Any kind of open burning is not allowed on peat soil.

Conditions on Open Burning of Forest

- The burning of plant from a land clearing for the cultivation of food crops or cash crops for the purposes of shifting cultivation



- (i) which shall be felled and is dry prior to burning;
- (ii) during dry weather between the hours of 8.00 a.m. and 6.00 p.m.;
- (iii) which is closely monitored and controlled until completely burned;
- (iv) of which the Penghulu or Village Headman has been informed prior to the burning; and
- (v) which is not carried out at any peat soil area.



THANK YOU FOR LISTENING
&
WISHING YOU THE BEST IN YOUR
ENVIRONMENTAL ENDEAVOUR

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