

Amend the S'wak Natural Resources & Environment Ordinance
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Sarawak Conservation Alliance for Natural Environment (SCANE) calls upon the Sarawak state government to amend the existing Sarawak Natural Resources and Environment Ordinance 1994 (NREO 1994) relating to the Environmental Impact Assessment (EIA) process and allow for public participation prior to the approval of the EIA in the state.

SCANE opines that it is time for the state government to review and amend the NREO 1994 to provide transparency in the EIA processes that requires public participation and scrutiny prior to EIA approval as well as strengthening environmental measures by incorporating the Social and Environmental Impact Assessment (SEIA), the Equator Principle and the United Nations Declaration on the Rights of the Indigenous Peoples.

As it is now, the authority of the EIA approval for certain projects in Sarawak is the Natural Resources and Environment Board (NREB) which is subject to the NREO 1994.

Unlike the Federal Environmental Quality Act 1974 (EQA), the NREO 1994 excludes public participation in the EIA process, unless the project proponent so desires. The nature of the EIA process in Sarawak is non-transparent and contrary to good governance, as there is no right given to the public to scrutinize and give feedback prior to EIA approvals. As a result of this exclusion, there were several shortcomings in the EIA approvals in Sarawak.

SCANE has found several shortcomings and flaws in the EIA processes and reports since the NREO 1994 came into force in 1995. There had been numerous of development projects related to forestry, plantations and dams where EIA have being conducted were approved without the knowledge of the public. The public at large is still in the dark as to how the EIA reports of these projects were approved in the first place. Even the approval of EIA for highly controversial projects such as hydro-power dams remain shrouded in mystery, despite of public outcry.

SCANE has also noticed that certain development projects that involve government-link corporations and certain private companies have started their activities ahead of the approval of the EIAs. In the case of the Murum hydropower dam project, the works have started about 10 months prior to EIA approval.

SCANE is also extremely shocked to learn that the Social and Environmental Impact Assessment (SIEA) studies for Murum hydropower dam has yet to be completed and approved by the NREB.

The EIA process and practices are clearly a mockery of the NREO, since they are approved despite suffering from serious flaws. As a result, public perception of the NREO is that its job is none other than to legalise stitched up jobs and the collusion of project proponents and the appointed EIA consultants in order to get the EIA approval of out of the way.

SCANE has also noticed that the EIA process under the NREO 1994 is only procedural and meant to pave the ways for the implementation of development projects. In most cases, it seems to serve merely to comply the requirements of the project proponents and their financiers.

SCANE therefore calls for the Sarawak government to amend the NREO 1994 for the sake of

transparency and pave the way for free, prior and informed consent in the exercise and enforcement of the laws pertaining to the conservation and management of the environment in the state.

SCANE trusts that amending the NREO 1994 is the only way forward if the Sarawak government is serious about achieving sustainable development and putting in place sound environmental management policy to deal with our sensitive ecosystems.

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