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CHAPTER 23

Environmental Governance: Constitutional gaps and the need for a Federal Constitution adapted to planetary crisis in the 21st century

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Abstract: Environmental governance is a complex framework, with a firm foundation established by international conventions, national legislations, and the agencies mandated to discharge their duties. Over the years, an increasing number of international conventions relating to the environment were adopted and implemented, in response to issues such as climate change, biodiversity loss, and pollution. Malaysia, being a Party to many of such international conventions, have undertaken the necessary actions to meet its obligations to the conventions, such as developing and implementing national strategic action plans. However, the fundamental constitutional gaps that persist could be an impediment to the successful implementation of the national strategic action plans. This Chapter elucidates the basis of this argument, linking the intertwined relationship of development needs with environmental governance and conservation, and the need for a review of the Federal Constitution, to prepare Malaysia for the planetary crisis in the 21st century.

INTRODUCTION

When the voices of nature begin to disappear, it signals that ecosystems are experiencing stress. In the years following World War II, the booming industries brought about numerous innovations. One of which was the widespread use of dichlorodiphenyltrichloroethane (DDT), a potent synthetic pesticide used to eradicate pests, especially in the United States (United States Environmental Protection Agency 2026). DDT is a persistent organic pollutant, where it can remain in the environment for prolonged periods, gradually accumulating in the fatty tissues of organisms and becoming increasingly concentrated as it moves up the food chain (van den Berg *et al.* 2025).

An adverse effect of DDT on bird population was the thinning of eggshells, causing the eggs to break prematurely as parent birds attempt to incubate them (Kolaja and Hinton 1977). The result was a silent spring—with the absence of birdsong and little to no juvenile birds in the wild. The prolific usage of DDT and its adverse impacts were captured by Rachel Carson's The Silent Spring, published in 1962 following four years of meticulous research and literature review. It took another 10 years before the domestic usage of DDT was outlawed in the United States. This represents just one example of the myriad stresses that the planet and the environment that home humanity have been experiencing over the past two centuries.

More than half a century after Carson's warning, humanity continues to confront a veritable range of environmental pressures. The continued reliance on and usage of fossil fuels, alongside unsustainable land-use practices, contribute significantly to climate change, which in turn alters weather patterns. In the tropics and temperate zones, the wet seasons are becoming wetter while dry seasons are becoming drier (Konapala *et al.* 2020); and in the polar zones, more ice melts during summer, and less ice is refrozen during winter. These changes carry profound implications for food security and livelihoods. The flowering and fruiting cycles of food crops shifted drastically as a result of changes in rainfall patterns and

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temperatures, negatively influencing the agricultural industry and food sovereignty as a whole (Hultgren *et al.* 2025). Accelerated weakening and glacial melt also increase risks of devastating glacier floods, as witnessed in Nepal in 2026. In vulnerable regions like Madagascar, recurrent droughts have further exposed the fragility of local communities' economy and resilience to extreme weather events (Ridgen *et al.* 2024). Malaysia is not spared from these environmental pressures, as we face more frequent floods and heatwaves. Along the coasts, rising sea level temperatures have devastated our fisheries stocks. These impacts are particularly concerning for local communities that depend directly on agriculture and fisheries.

SNAPSHOT OF MALAYSIA'S BIODIVERSITY IN THE PAST THREE DECADES

In 1992, Malaysia along with other heads of States and Governments around the world participated in the United Nations Conference on Rio Earth Summit. It was a momentous occasion, where the world collectively recognised and agreed that decades of human activity on Earth has adversely impacted our home planet. From this began a series of multilateral environmental agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC), followed by the Convention on Biological Diversity (CBD) that were signed at the Rio Summit in 1992. At the Rio Earth Summit, the Malaysian delegation led by the then Prime Minister, Tun Dr. Mahathir, pledged to keep at least 50% of Malaysia's land as forest and tree cover in perpetuity (Ministry of Science, Technology and the Environment, Malaysia 1992).

Due to the variety of habitats contained from its mountaintops to the deep oceans, high levels of insolation and productivity, and succession of evolutionary processes that took place for millions of years, Malaysia have magnificent biological diversity that has not been fully explored and inventoried even to this very day. The table below illustrates the growth and understanding of Malaysia's biological diversity between 1997 and 2019.

Table 1. Species diversity of various taxonomical groups in Malaysia in 1997 and 2019.

Taxa	Number of species in 1997 (Ministry of Science, Technology and the Environment 1997)	Number of species in 2019 (Ministry of Energy and Natural Resource 2019)
Mammals	286	306
Avifauna	736	742
Reptiles	268	567
Amphibians	158	242
Marine Fishes	4,000	1,619
Freshwater Fishes	449	449
Invertebrates	Estimated 150,000	Estimated 150,000
Flowering Plants	Estimated 15,000	Estimated 15,000
Fungi	400 (PM), 300 (EM)	>4,000
Mosses	432 (PM), 400 (EM)	522

Note: PM = Peninsular Malaysia; EM= East Malaysia (Sabah and Sarawak)

Looking from the macro perspective, Malaysia's first *National Policy on Biological Diversity 1998* has stated that "Over the period 1970 to 1992, natural forest in the whole of Malaysia was reduced by 19.3 percent, mainly in conversion to the agricultural crops, oil palm and rubber." Comparing our first and sixth National Report of Malaysia to the CBD, submitted in the years of 1998 and 2019 respectively, the reports showed that (1) forest cover have decreased by about 600,000 hectares within this timeframe, and (2) monoculture

plantations (e.g., oil palm, rubber, and timber) have increased in area from 4.49 million hectares in 1997 to approximately 5.96 million hectares (0.109 million hectares of certified forest plantations and 5.85 million hectares of oil palm plantations)[a] in 2019.

The importance and contribution of extractive industries to Malaysia's development and growth cannot be denied. As Malaysia progresses from primarily agrarian and raw material exports to multi-sectoral manufacturing industries, there is a need for Malaysia to perceive its natural environment not just as a source of potential revenue, but recognised as a safe deposit for climate security and social wellbeing.[b]

DIVISION OF LEGISLATIVE POWERS IN ENVIRONMENTAL GOVERNANCE

Malaysia is a federation of 13 States and three Federal Territories. The supreme law is the Federal Constitution, where it *inter alia*, outlines the separation of powers (the Executive, Legislative, and Judiciary), State (the 13 States in Malaysia) sovereignty and constitutions, as well as the division of legislative powers between the Federal and State Governments. Specifically in the context of environmental governance, the Ninth Schedule outlines the subject matters, which the Federal and State Governments have the mandate to solely or jointly govern over (Table 2).

Table 2. Division of legislative powers between the Federal and State Governments.

Subject matter List	Party	Areas of jurisdiction
List I - Federal List	Federal Government	• External affairs, including implementation of treaties and conventions with other countries; • Trade, commerce and industry, including development of mineral resources, the sale, import, and export of minerals and mineral ores, and petroleum products. • Shipping, navigation and fisheries, including maritime and estuarine fishing and fisheries, excluding turtles. • Federal works and power, including water supplies, rivers and canals, except those wholly within one State or regulated by an agreement between all the States concerned. • Control of agricultural pests; protection against such pests; prevention of plant diseases. • Income Tax • Police
List II - State List	State Government	• Land including land tenure, colonization, land improvement and soil conservation, Malay reservations or in the States of Sabah and Sarawak, native reservations, mining leases and certificates, and easements. • Agriculture and forestry, including agriculture and forests. • State works and water, including rivers and canals but excluding water supplies and services, control of silt, and riparian rights. • Turtles and riverine fishing.

[a] The 6th National Report to the CBD did not disclose the hectareage of rubber plantations in Malaysia.

[b] Despite Malaysia's extensive environmental legislation and regulatory institutions, the Federal Constitution contains no environmental rights provision, and statutes like the Environmental Quality Act 1974 regulate pollution without framing environmental protection as a basic human right, i.e. right to a clean and healthy environment.

List III - Concurrent List	Federal and State Governments	• Protection of wild animals and wild birds; National Parks. • Town and country planning, except in the federal capital. • Drainage and irrigation. • Rehabilitation of mining land and land which has suffered soil erosion.
List IIIA - Supplement to Concurrent List for States of Sabah and Sarawak	Sabah and Sarawak State Governments	• Preservation of heritage. • Maritime and estuarine fishing and fisheries. • The production, distribution and supply of water power and of electricity generated by water power. • Agricultural and forestry research, control of agricultural pests, and protection against such pests; prevention of plant diseases.

According to Elagupillay (2004), the framers of the Malaysian Constitution considered traditional subject matters under State List because they have been long managed by the states, even before they were colonised. Therefore, only the State Governments have accorded jurisdiction over them. The Concurrent List includes matters such as wild animals and wild bird protection and national parks as both Federal and State Governments have been managing these matters prior to independence. Both Federal and State governments have passed legislation on some of these subject matters through their Parliament and State Assemblies to manage these resources. In 1980, the Federal Government passed the National Park Act with Penang National Park being the only protected area designated under this federal law. On the other hand several states, namely Sabah, Sarawak, Johor, Perak, Terengganu and Pahang have passed their own protected areas legislation to designate new national or state parks.

STRUCTURAL ISSUES COMPOUNDING ENVIRONMENTAL GOVERNANCE GAPS

Vertical fiscal imbalance

As seen in Table 2, the mandate to manage land, forests, and rivers is placed upon the State Governments and they are often vilified for their lack of or inadequacies in conserving natural resources within their state boundaries. However, the Ninth Schedule must be read alongside the Tenth Schedule, which outlines the grants and sources of revenue assigned to States. This includes, *inter alia*, capitation grant, state road grant, and revenue from lands, mines, and forests; whereas the States of Sabah and Sarawak receive special grants and additional sources of revenue such as from export duty on timber and other forest produce. The vertical fiscal imbalance may be depicted through the Federal Government's annual budget, as well as the State Government's annual budget for five highest GDP States in Malaysia (i.e., Selangor, Johor, Sarawak, Penang, and Sabah) for the year 2025 (Figure 1).

The State Governments' annual budgets are extremely underfunded due to their limited sources of revenue, with income tax coming under the jurisdiction of the Federal Government. Most states resorted to the extraction and exploitation of natural resources, including forest and land, found within their boundaries to fund their development needs. This was highlighted in a study by Maniam (2019) that examined Malaysia's federalism in the implementation of the Central Forest Spine (CFS). In an interview with a State's Forestry Department, an official explained that some States are extremely dependent on forestry revenue, and it even forms a part of the State Forestry Department's Key Performance Index (KPI). As a piece of forested land is leased out to logging concessionnaires, they are compelled to pay timber royalty, land premium, as well as other costs to the State Governments, which constitutes the state's forestry revenue (Law 2020).

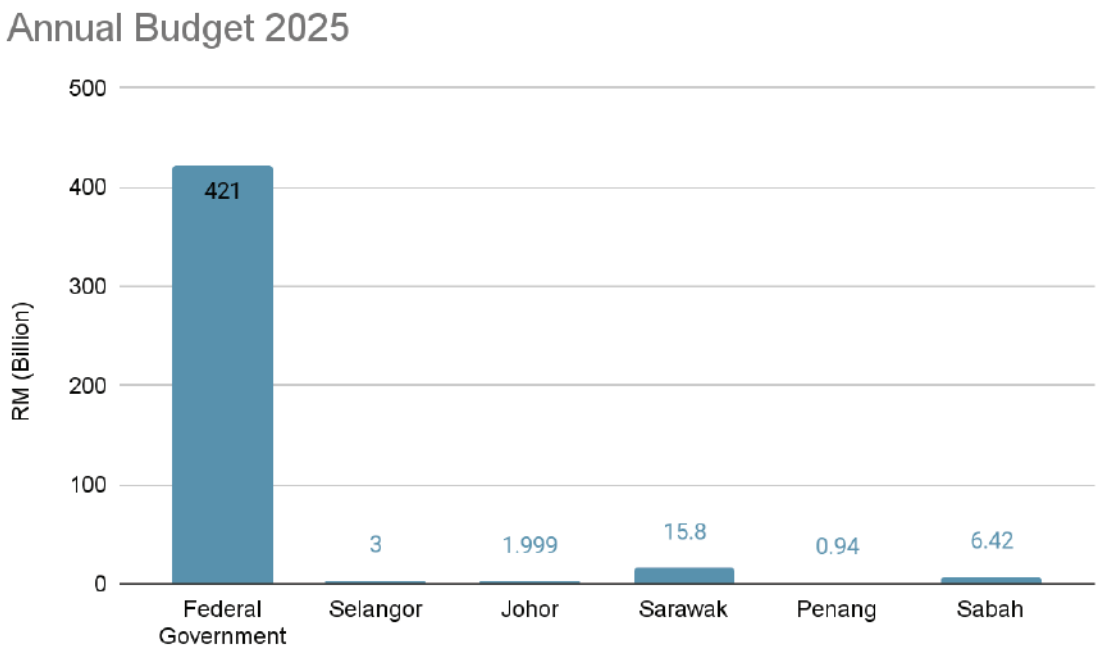

Figure 1. Comparison of annual budgets between the Federal Government and selected State Governments. (Source: Aqil 2024; Ling 2024; Miwil 2024; Nambiar 2024; The Malaysian Reserve 2024; The Sun 2024)

In the past, forestry was an integral component of a state's economic portfolio. However, the State Governments have diversified its uses for forested areas over the decades. Other than selective logging, forests may now be clearfelled before it is converted into monoculture plantation of rubber, timber species, or oil palm; alternatively the land is mined for gold, bauxite, or rare earth elements. When the land is no longer suitable for agricultural or extractive activities, it may be repurposed for residential or commercial developments.

For the cash-strapped State Governments, it is far more lucrative to carry out clearfelling before converting it into a monoculture plantation or mine, as opposed to waiting 20 – 30 years after selective logging for the forests to regenerate. However, it is a negative sum game in the long-term; clearfelling renders the environment inhabitable for the majority of forest-specialised fauna; the lack of mature mother trees within a landscape hinders natural regeneration, and in extreme cases creates opening for non-native species to colonise the open area (Padmanaba and Sheil 2014); intensive cultivation of agrocommodities such as oil palm quickly degrades soil (Guillaume *et al.* 2016), adding to maintenance costs; open/strip mining entirely removes the topsoil layer and deposits nutrient-poor overburden onto the surface, which is not suitable for planting. This is to say nothing of the mitigation of climate crises, droughts and floods, water security, and other ecosystem services that our forests provide.

Land-use and conversion

One crucial and at times overlooked link in this conversation is land-use and land-use conversion. Land-use is simply the assigned function to a particular plot of land at a particular time, and the owner of that land parcel must develop/utilise the land according to its assigned function, in order to secure the required licenses/permits to develop/utilise said land parcel. The authority to manage and plan land-use is vested in descending order to

these agencies—the Federal Department of Town and Country Planning, the State Department of Town and Country Planning, and the local governments/municipal councils, which produces the National Physical Plan, *Rancangan Struktur Negeri*, and *Rancangan Tempatan Daerah*, respectively. In rare cases, the authorities that hold the power to make developmental decisions may go against land-use planning documents listed above, or carry out subterfuge to change the land-use of, or legitimise the proposed development on a particular plot of land (Box 1).

Box 1. The fate of Taman Rimba Kiara, as decided in the Federal Court case of *Datuk Bandar Kuala Lumpur* v *Perbadanan Pengurusan Trellises & Ors* (2023)

Taman Rimba Kiara is a public green space adjacent to Bukit Kiara to its north, located in Taman Tun Dr. Ismail (TTDI). With the increasing scarcity of available land for development in the Greater Klang Valley, new developments began to gradually chip away and encroach into the remaining green spaces.

In the Kuala Lumpur Structure Plan 2004, Taman Rimba Kiara was zoned as a green open space. It was similarly zoned as a public park and a green open space when the draft Kuala Lumpur Local Plan was presented for public feedback in May 2008. However, when the finalised Kuala Lumpur Local Plan was gazetted in 2018, the land-use of Taman Rimba Kiara was changed to "mixed development".

From 2016 to 2017, residents of TTDI became aware of attempts to clear Taman Rimba Kiara, through the erection of development notice signage (for the development of condominiums) by Dewan Bandaraya Kuala Lumpur, as well as public hearings, and land survey works by the proposed developer. In response, residents of TTDI filed for a judicial review of the Development Order issued by Dewan Bandaraya Kuala Lumpur for development on Taman Rimba Kiara. While the High Court ruled that the Development Order was legally issued and denied the TTDI residents' application to quash the Development Order in 2018, the TTDI residents filed for appeal with the Court of Appeal to contest the ruling made by the High Court. After multiple rounds of hearing throughout 2020, the Court of Appeal unanimously quashed the Development Order, thereby halting the proposed development in Taman Rimba Kiara. While Dewan Bandaraya Kuala Lumpur *et al.* appealed this ruling, the Federal Court in 2023 upheld the decision by the Court of Appeal in quashing the Development Order, closing the chapter on attempts to develop Taman Rimba Kiara into condominiums, for now.

Source: *Datuk Bandar Kuala Lumpur* v *Perbadanan Pengurusan Trellises & Ors* (2023)

Land-use planning documents are valid for a range of years, ranging between 10 to 20 years, before they are revised and gazetted for a new timeframe. During the revision period, draft land-use planning documents are open for public viewing and feedback, as local residents may wish to object to proposed land-use changes in their vicinity. This is important as protected areas, i.e. forest reserves form integral components of land-use planning, and its land-use function can be changed, with endorsement from the State Government entities such as its Department of Town and Country Planning, local governments, as well as the Forestry Department. The forest reserve must be excised/degazetted by the State Forestry Department; the land-use zoning of the land must be converted from forest into agriculture, mining, infrastructure, and others. along with the permissible activities to be carried out within it by the Department of Town and Country Planning and/or local government, the Environmentally Sensitive Area (ESA) categorisation must be removed, if any, are examples of bureaucratic steps to be taken for development to take place in forest reserves.

In certain cases over the years, the norm was not followed. Instead, deliberate subterfuge was undertaken to legitimise development within forest reserves and forested areas. Cases that make for further reading include the recently concluded Bukit Cherakah Forest Reserve case (Ho 2026), Kuala Langat North Forest Reserve public campaign that spanned two years (Free Malaysia Today 2023), Bukit Ibam conversion (Law 2022a, 2022b), as well as the degazettement of Jemaluang and Tenggaroh Forest Reserves (Lee 2021). These cases highlight the legal backbending undertaken by the State Government and State-level agencies, at times with pressure from the State Royalty, pertaining to forest clearing, conversion, and development.

In the light of consistent habitat fragmentation and degradation in the terrestrial and marine realms, the Federal Government began drafting policies with the intent to resolve this (i.e., *Pelan Induk Rangkaian Ekologi Central Forest Spine*, *National Policy on Biological Diversity 2022-2030*, *Malaysia Policy on Forestry*, and the upcoming *Dasar Mineral Negara 3*). These policies rightly highlight the importance of conservation and sustainability, optimising yields and reducing adverse environmental impacts through best available technologies, and provide a pathway for the industries to pivot towards a more sustainable path.

This reflects the Federal Government of Malaysia, as Malaysia's representative in the international arena, attempting to fulfill its commitment to multilateral environmental agreements, as the following Section shall elaborate. However, without addressing the gap of revenue sources (that is workable land, the resources contained therein, and the potential tax/premium/royalty that can be derived from it) for the State Governments that is currently limited by the Federal Constitution; to garner the support, buy-in, and implementation by the State Governments will likely remain unsatisfactory.

INTERNATIONAL RESPONSES TO PLANETARY CRISIS

Environmental governance at the international and national levels employs a mix of precautionary/proactive and reactive approaches. As humankind continues to consume natural resources and produce waste and by-products, new stresses and adverse impacts upon the environment becomes apparent, new governance mechanisms are mooted, or existing mechanisms are amended to address the emergent stresses and impacts. It is a matter of back and forth, as humankind living on a planet with finite resources, attempt to balance its appetite for growth and utilisation of resources, with its capacity to mitigate and adapt to the effects of its actions, vis-à-vis the planetary crisis of climate change, biodiversity loss, and pollution.

Since the 1972 United Nations Conference on the Human Environment (also known as the 1972 Stockholm Convention), multilateral environment agreements (MEAs) have become important international tools of cooperation and accountability to conserve our planet. MEAs are legally/non-legally binding agreements painstakingly negotiated and crafted by nations over a number of years, before it is finalised and becomes open for country signatories [c] and ratification [d] or accession. Examples of MEAs that Malaysia is a Party to are the United Nations Framework Convention on Climate Change (UNFCCC), Convention on Biological Diversity (CBD), Convention on Fishing and Conservation of the Living Resources of the High Seas, among others.

[c] By becoming a signatory, a nation hereby confirms its intent to be bound by the terms of the MEA.

[d] When a nation ratifies a MEA, it amends or gazettes a new legislation for the terms of the MEA to take effect domestically. When this occurs, the nation becomes a Party to the MEA that it has ratified.

MEAs organise Conference of the Parties (COP) on an annual/biennial basis, where Parties will meet to discuss, negotiate, and chart ways forward relevant to the particular MEA. Significant outcomes from COPs include the Paris Agreement for UNFCCC and the Kunming-Montreal Global Biodiversity Framework for CBD. The key component of many, if not all MEAs is achieving consensus, as the potency of MEAs hinges on the support and buy-in of nations to implement it domestically. It may also work against it, as nations of certain interests and lobbyists may alter the substance of the negotiation, refuse to adopt stronger actions, or lead negotiations in circles until the COP concludes, with minimal results to show.

Due to the level of uncertainty and slow pace associated with MEAs, certain private sector industries have banded together and provided solutions for addressing environmental degradation, through market-based voluntary certification. Examples of voluntary certification schemes include Forest Stewardship Council (FSC) certification, Roundtable on Sustainable Palm Oil (RSPO), and EU Ecolabel. With the wide range of voluntary certification schemes presently in the market, it is inevitable for prospective certificate holders to window shop for schemes that fit their business model and willingness to pay for environmentally friendly practices. This leads to accusations and allegations of greenwashing and whitewashing, inability to address environmental and/or social issues, and drive the abandonment of certificate holders to the voluntary certification scheme. It would seem that market forces remain a dominant driver in influencing international, national, and even industry-driven conservation initiatives. Economic and developmental interests (where present in dominant numbers) will always trump environmental interests.

Over the past five years, fossil fuel-producing nations have successfully weakened resolutions of several COPs of the UNFCCC (Lakhani 2023), and stalled ongoing negotiations for the Global Plastics Treaty (Dauvergne *et al*. 2025). The ambitious European Union Deforestation Regulation (EUDR) aims to eliminate deforestation in the supply chain of commodities entering the EU market was adopted by the EU Commission in 2023, was slated to enter into force by the end of 2024, have been delayed twice, and tentatively will enter into force by 2027 (European Commission n.d.).

At the same time, the relentless pursuit of optimising the utilisation of natural resources and nature-derived products has not resulted in meaningful conservation outcomes; instead it may have caused the opposite as lowered costs of production has made goods cheaper and more accessible to the masses, thereby driving consumption and by extension, environmental degradation (Sears *et al.* 2018). This is coupled with the usage of economic and demographic statistics as measurements of growth, which do not factor in the costs of environmental degradation to humankind and to the environment itself.

While there are ongoing international dialogue regarding circularity, the degrowth movement, measurement indexes beyond Gross Domestic Product (GDP), these are long term discussions that are currently being stoked by the intensifying planetary crisis. Malaysia will undoubtedly play a role in such dialogues, but local conservation actions must, and are already being implemented nationally.

NATIONAL INITIATIVES

In the Rio Earth Summit of 1992, the principle of *Common But Differentiated Responsibilities and Respective Capabilities* (CBDR-RC) was formalised as a part of the UNFCCC. The CBDR-RC was mentioned as follows:

> "*The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.*"
>
> Article 3, Principle 1
> UNFCCC Convention Text

Without delving too deeply into the historical greenhouse gas emissions of various countries, ranging from the Industrial Revolution until today, CBDR-RC acknowledges that all countries are responsible for contributing to climate change, and needs to address it. However, CBDR-RC also recognises that not all countries are equally responsible for climate change. As such, Parties to the UNFCCC shall contribute towards addressing climate change within their means and capacity, with assistance from wealthier countries, where available. In essence, CBDR-RC espouses equity and justice in addressing global issues.

CBDR-RC is an important approach in recognising and resolving environmental issues in Malaysia. Lofty policies and goals should not be drafted by the Federal Government and imposed upon State Governments, without consideration of their needs; likewise, State Governments should not forcibly convert and/or evict Indigenous Peoples and Local Communities (IPLCs) from their ancestral territories without their Free, Prior, and Informed Consent (FPIC) in order to generate revenue for the State in the form of timber sales or carbon projects [e]. Similarly, the public and local communities should have a greater voice and a perpetual seat at the table with regards to environmental decision-making, such as the degazettement of forest reserves, public feedback to environmental impact assessments, and public consultation for land-use and town planning processes.

Over the past decade, the Malaysian government has been developing and implementing the National Policy on Biological Diversity (NPBD 2016-2025 and 2022-2030 variants). The NPBD outlines key metrics, pathways, and indicators towards conserving and sustainably managing Malaysia's biodiversity, through several principles such as Shared Responsibility, Participatory (approach), Good Governance, among others. More effort and greater political will is required for the mainstreaming of biodiversity and nature conservation into the rest of the government at various levels.

Examples of innovative, albeit interim approaches to address environmental degradation and biodiversity loss in Malaysia include the Ecological Fiscal Transfer (EFT), where the Federal Government disburses funds to the State Governments as incentive for conserving protected areas); the Biodiversity Protection and Patrolling Programme (BP3) which involves community rangers comprising of military and police veterans, as well as the Indigenous Peoples in carrying out monitoring and enforcement patrols in protected

[e] At the time of writing, Free, Prior, and Informed Consent is not recognised in Malaysia at all. In some instances, Prior and Informed Consent may be required but it is not equivalent to the internationally recognised Free, Prior, and Informed Consent outlined in the United Nations Declaration on the Rights of Indigenous People and Indigenous and Tribal Peoples Convention 1989.

areas; the establishment of the Malaysian Forest Fund as a means to channel external funding towards forest conservation; and the establishment of the voluntary carbon market under the Bursa Carbon Exchange for the trading of carbon markets.There was a push from the legal fraternity and civil space to push for the right to a clean, healthy, and sustainable environment as a fundamental right of all Malaysians.

Malaysia's commitment to CBD and various multilateral conventions, as well as its placement as a developing country made the Malaysian Government eligible for foreign assistance funding towards environmental management and conservation. Denmark was one of the first foreign countries to allocate substantial funding between 1995 and 2010. Among them include developing a Master Plan for Protected Areas for Peninsular Malaysia. Subsequently several protected areas, including the Endau Rompin National Park, Tengku Hassanal Wildlife Reserve (formerly the Krau Wildlife Reserve), and Maliau Basin Conservation Area received significant funding that led to enhanced management practices (Danish Cooperation for Environment and Development 2001).

At the same time, non-government organisations, civil society organisations, community-based organisations, and others. have been receiving funding and support from local and international grants to conserve and advocate for the sustainable management of biodiversity and the natural environment.

WAY FORWARD

The cumulative effects of unabated extraction and exploitation of the natural environment has come to a head in Malaysia, the current practise of administering short-term, piecemeal solutions by Ministries/Agencies working in isolation, where its source of power (*punca kuasa*), being the Federal Constitution of Malaysia and its subsidiary legislations, are not equipped for sustainable environmental governance in the 21st century.

There is a need for an honest review of how Malaysia should prepare itself and chart a path forward in this century of climate crisis. This process can no longer be top-down driven, outsourced to consultants, resulting in a process that neglects the voice of IPLCs, the marginalised, the third sector, universities and research institutions. The viability and longevity of Malaysia's natural environment needs to have a place of importance in the highest law of the land.

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