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ON July 23, the International Court of Justice (ICJ) issued a landmark advisory opinion affirming that states have clear legal obligations under international law to address climate change.

These obligations include preventing significant environmental harm, cooperating internationally, and upholding fundamental human rights, including the right to life, health and a clean, healthy and sustainable environment not just for current but also for future generations.

This advisory opinion builds upon existing commitments under the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, making it clear that these are not just moral aspirations but legally binding standards that require states to act with due diligence and ambition.

The ICJ also noted that climate change disproportionately

affects the poor, indigenous communities, women and youth, and reaffirmed that states cannot ignore these risks without legal consequence.

In this context, Malaysia's efforts to date reflect progress but remain insufficient. While we have adopted policy-level frameworks such as the National Policy on Climate Change 2.0 (NPCC 2.0) and the National Energy Policy 2022-2040, these important documents do not carry legal force and lack binding targets or enforcement mechanisms. Their success ultimately depends on complementary legislation that ensures coherence, accountability and implementation across sectors.

Meanwhile, our existing environmental laws, such as the Environmental Quality Act 1974 and the Renewable Energy Act 2011, are outdated and insufficient, lacking any explicit integration of climate change mitigation or adaptation obligations.

There have been recent legislative developments worth noting. The Energy Efficiency and Conservation Act 2024 introduces important requirements for large energy consumers and the public sector to optimise energy use, while the proposed Carbon Capture, Utilisation and Storage (CCUS) Bill 2025 signals an encouraging step towards industrial decarbonisation. However, these laws are sector-specific and operate in silos.

The ICJ has made it clear that states must take domestic action sufficient to realise their Nationally Determined Contributions (NDCs) under the Paris Agreement, and do so with transparency, urgency and long-term planning.

At present, Malaysia has no legal mechanism to monitor, verify or enforce its NDCs. Without such a mechanism, we risk falling short of our international obligations and delaying the structural transformations

urgently needed.

That said, Malaysia has the policy foundation, technical expertise and institutional capacity to lead. The next logical and necessary step is to translate this intent into enforceable law.

A comprehensive Climate Change Act would not only enhance policy coherence and accountability but also reinforce investor confidence, enable just transitions, and protect vulnerable communities from the adverse impacts of climate change.

In this regard, there was a proposed framework for a Climate Change Act. However, there is limited public information about its scope, timeline or current status. In light of the ICJ's advisory opinion, it is imperative that this proposal be reviewed, finalised and prioritised.

What is urgently needed is an overarching Climate Change Act, a legislative framework that integrates adaptation and miti-

gation strategies, mandates periodic carbon budgeting, ensures independent oversight and holds all sectors to account for emission reduction goals through climate accountability mechanisms. Such an Act would harmonise Malaysia's international commitments with domestic action, in line with global best practices and recent judicial pronouncements.

A strong, science-based and legally enforceable framework is not just timely but necessary to ensure Malaysia's compliance with its duties under international law and to avoid future liability.

The government is respectfully urged to prioritise this critical legislation. Climate action is now a matter of legal obligation and Malaysia cannot afford to wait.

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