



This submission is prepared by **Persatuan Kesedaran dan Keadilan Iklim (Klima Action Malaysia - KAMY)**, a climate justice and feminist organisation established in 2019. We advocate for Malaysia's declaration of a climate emergency and the recognition of environmental rights in the constitution through a human rights-based framework. Our work focuses on legal empowerment, amplifying the voices of vulnerable communities, including Orang Asli communities and women, and ensuring their meaningful participation in climate governance. We are committed to promoting inclusive, rights-based solutions to the climate crisis that prioritise the empowerment of marginalised groups disproportionately affected by its impacts.

If you have any questions or need more clarification about this submission, please contact us at inquiry@klimaactionmalaysia.org

Notes for the RUUPIN feedback submission:

1. The law must explicitly recognise and protect the fundamental **right to a safe, clean, healthy and sustainable environment**, aligned with Malaysia's support of the 2022 UN General Assembly resolution declaring access to a clean environment as a universal human right.
2. **The consultation paper's format and structure made it challenging for meaningful public participation.** The absence of the actual draft bill, lack of clearly articulated guiding principles, and technical language create barriers for the public to provide substantive input. For effective public consultation, documents should be more accessible and comprehensive.
3. The law needs a stronger emphasis on **institutional arrangements and clear accountability mechanisms**. Currently, the proposed framework concentrates decision-making power in ministerial discretion without adequate checks and balances or provisions for wider stakeholder participation in target-setting and implementation.
4. **A clear timeline with regular progress updates on the feedback submission process is imperative. Transparent communication is non-negotiable—updates on submission reviews, next steps, and anticipated milestones must be**

announced promptly. Civil society organisations (CSOs) are left in the dark, questioning the fate of their submissions, and this process cannot devolve into another hollow, box-ticking exercise. Any prolonged silence will severely undermine trust and deter meaningful public engagement in the development of RUUPIN, jeopardising its credibility and legitimacy.

Key considerations	Questions & Comments	Referring to section / part in the consultation paper
Overarching themes in climate governance		
<p>Institutional Arrangement</p>	<p>We call for the establishment of an independent Climate Change Commission as a non-judicial body to serve as the regulatory entity, with clear legal obligations, comprehensive oversight powers, and well-defined reporting requirements.</p> <p>We emphasise that this Commission must maintain a distinct and complementary relationship with the existing Malaysian Climate Change Action Council (MTPIN), while incorporating diverse expertise and ensuring meaningful civil society participation.</p> <p>We insist that this Commission must be publicly accessible and transparent in its operations, with statutory independence similar to other successful</p>	<p>Section C, Part 3 (Regulatory Entity)</p>

	<p>Malaysian commissions like SUHAKAM and MACC.</p> <p>The Commission must also operate on Ombudsman principles including:</p> <ol style="list-style-type: none">1. An ombudsman must operate without influence from the executive branch to maintain impartiality. The Venice Principles¹ emphasise that the ombudsman should not receive instructions from any authorities, ensuring autonomy in their functions.2. The ability to conduct thorough investigations is fundamental. The C4 Center's report on structuring the Malaysian Ombudsman Office highlights the necessity of granting broad investigative powers to enhance the ombudsman's effectiveness.3. Authority to Access Information and Documents: Unrestricted access to pertinent information is crucial for comprehensive investigations. The Venice Principles state that the ombudsman should have access to all necessary documents and information to perform their duties effectively.4. Effective Follow-Up Mechanisms for Ombudsman Recommendations:	
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¹ [The Venice Principles](#), formally adopted by the Venice Commission of the Council of Europe in March 2019, outline a set of standards for the protection and promotion of ombudsman institutions across Europe. It is the first comprehensive international standard for ombudsman institutions, promoting their independence and effectiveness in overseeing government actions and protecting citizens' rights.

	<p>While maintaining the Ombudsman's non-coercive approach, RUUPIN should require public authorities to provide detailed written responses on implementation of recommendations or reasons for non-implementation. This should be supported by powers to report to Parliament and publish findings for public accountability.</p> <p>5. Transparency in operations and findings builds public trust. The Venice Principles advocate for the ombudsman to publish periodic reports on their activities, including findings and recommendations, to inform the public and promote accountability.</p> <p>6. Safeguarding individuals who report misconduct encourages the disclosure of wrongdoing. The International Principles for Whistleblower Legislation emphasise the need for comprehensive protection mechanisms to shield whistleblowers from retaliation.</p> <p>7. Authority for Research and Data Analysis: The Ombudsman should have powers to identify data gaps, commission experts and studies to strengthen evidence-based recommendations. This enables systematic identification of governance issues and supports the office's mandate to improve public administration through informed oversight.</p>	
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	<p>9. Powers to Convene Expert Panels on Emerging Issues: Addressing new challenges requires the ability to gather expert insights. It should have the authority to convene expert panels to provide guidance on complex or emerging issues.</p> <p>These principles align with current legislative developments in Malaysia, particularly the upcoming Ombudsman Bill. We anticipate future iterations of both RUUPIN and the Ombudsman framework will strengthen this alignment to ensure consistent application of these principles across different oversight mechanisms.</p>	
<p>Legislative Scope and Framework</p>	<p>We request clarification on what it means for RUUPIN to be an 'umbrella legislation':</p> <ol style="list-style-type: none"> 1. Relationship with Existing Legislative Framework: <ol style="list-style-type: none"> a. How will RUUPIN harmonise with and strengthen key existing laws including: <ol style="list-style-type: none"> i. Environmental Quality Act 1974 (noting current gaps in addressing carbon as a pollutant) ii. Wildlife Conservation Act 2010 (Act 716) iii. National Forestry Act 1984 iv. Persons with Disabilities Act 2008 (Act 685) 	<p>Section B (Under Principles and High-Level Framework of the RUUPIN)</p>

	<ul style="list-style-type: none">v. Aboriginal Peoples Act 1954 (Act 134)vi. [and other relevant acts] <p>2. Operational Framework:</p> <ul style="list-style-type: none">a. Which law takes priority if there are conflicts?b. How will RUUPIN coordinate action across different ministries and states?c. How will it ensure everyone follows the same rules and procedures?d. How will it handle situations where different agencies have overlapping duties?e. How will it bring together federal and state efforts? <p>3. Legislative Gaps:</p> <ul style="list-style-type: none">a. How will RUUPIN address current gaps in existing legislation?b. What mechanisms will be introduced for new emerging issues like carbon taxation?c. How will it strengthen rather than weaken existing environmental and rights protections? <p>For RUUPIN to work well as an umbrella law, it needs clear rules about how</p>	
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	<p>it relates to these existing laws and how it will guide climate action across Malaysia</p> <hr/> <p>Additionally, on Part 9 (General Provisions), we recommend:</p> <ul style="list-style-type: none"> ● Removing provisions on legal protection and immunity, as these create unnecessary barriers to accountability ● Eliminating the requirement for public prosecutor involvement in the complaints process ● Instead, establishing direct pathways for the public to seek redress through the Commission <p>The Commission should serve as an accessible, first-point-of-contact for climate-related grievances. Creating additional procedural layers or legal immunities contradicts the fundamental purpose of having an independent commission that serves public interest.</p>	<p>Section C (Part 9 - General Provisions)</p>
<p>Monitoring, Evaluation, and Accountability</p>	<p>We strongly recommend establishing robust mechanisms for transparent reporting. While these international reporting obligations are already supported by existing protocols by UNFCCC standards, RUUPIN could</p>	<p>Section C</p>

enhance the quality and comprehensiveness of these reports through the proposed National Integrated Climate Data Repository (NICDR).

The NICDR would serve as a centralised database, allowing for streamlined data collection and better coordination across sectors and states, ensuring consistency and clarity in Malaysia's international submissions.

To strengthen this framework further, we suggest incorporating comprehensive systems for public access to information and meaningful stakeholder participation throughout monitoring and evaluation processes.

The NICDR could be enhanced by incorporating thorough risk and vulnerability assessments, including the valuable integration of local and traditional knowledge. This would not only improve the robustness of our international reporting but also ensure that our national climate targets and actions remain well-aligned with our international commitments, particularly for NDCs, BTRs, and NCs submissions.

We call for the establishment of comprehensive **public communication**

	<p>protocols for international climate negotiations, including:</p> <ul style="list-style-type: none">● Mandatory pre-COP position papers outlining Malaysia's stance on key negotiation points. This is not a new practice, drawing from examples from the Women & Gender Constituency (WGC), which shares detailed position papers advocating for gender-responsive climate policies, and the International Indigenous Peoples' Forum on Climate Change (IIPFCC), which publishes position statements emphasising the rights and perspectives of Indigenous peoples in climate negotiations.● Regular public consultations to gather input on negotiation positions● Daily updates during COP sessions● Detailed Post-COP Reports Explaining Outcomes and National Implications: Malaysia's COP28 report² fell short of showcasing the nation's stance on critical issues like gender and just transitions, as well as outlining its participation in gender-focused negotiations. A post-COP report must transparently address negotiation outcomes, participation in key streams, and implications for national policies, ensuring the public can hold stakeholders accountable● Accessible formats for diverse audiences	
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² <https://malaysiapavilion-cop.com/static/documents/malaysias-participation-in-cop28-report-v18-fa-web.pdf>

	<p>These requirements should be legally mandated, with clear timelines and responsible parties identified.</p>	
<p>Grievance and Redress Mechanism</p>	<p>We urge the establishment of accessible, safe, and effective grievance mechanisms that address disaster-related impacts, climate and energy transition projects, and human rights impacts on vulnerable populations, in alignment with the United Nations Guiding Principles on Business and Human Rights (UNGPs), which emphasise the need for legitimate and accessible grievance mechanisms to address rights violations (Principle 31).</p> <p>We insist on the incorporation of Free, Prior and Informed Consent (FPIC) mechanisms for all carbon projects and transition initiatives, a right enshrined in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), which requires FPIC for activities affecting Indigenous lands and resources (Article 32).</p> <p>We call for clear provisions ensuring access to remedy for affected communities, particularly Indigenous peoples and vulnerable groups, as reinforced by the Aarhus Convention, which provides legally binding obligations for access to information, public participation, and justice in environmental matters (Articles 6-9).</p>	<p>Section B Section C</p>

Social Inclusion	<p>We advocate for comprehensive mechanisms enabling inclusive engagement. For instance, permanent multi-stakeholder advisory committees should be established at both federal and state levels, comprising representatives from vulnerable communities, civil society organisations, academic experts, and the private sector, with dedicated support mechanisms such as travel compensation and technical assistance to ensure meaningful participation.</p> <p>These mechanisms should extend to all stakeholders, including the private sector, civil society, and the public, with particular emphasis on vulnerable groups such as indigenous peoples, farmers, fisherfolk, youth, elderly, children, and marginalised communities.</p> <hr/> <p>We strongly recommend institutionalising indigenous peoples' participation as a fundamental component of climate governance, ensuring their involvement from the earliest stages of policy development rather than as a last-minute consideration.</p>	Section B
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The engagement process should be designed to accommodate diverse groups with different capacities, including providing adequate time for consultation, translation services, and culturally appropriate communication methods.

We call for strengthening existing consultation mechanisms by:

- Clarifying and expanding the role of the NRES Consultative Panel on Climate Change
- Establishing clear protocols for emergency meetings and rapid response
- Defining specific roles and responsibilities of panel members
- Creating formal feedback loops between the panel and policymakers
- Setting minimum requirements for meaningful consultation including adequate notice, accessibility provisions, and documentation of outcomes

Social inclusion must be operationalised through specific provisions for capacity building, resource allocation, and decision-making power for vulnerable and marginalised communities, with clear protocols for early

	and continuous engagement throughout the policy cycle.	
Gender Mainstreaming	<p>We call for the fulfilment of UNFCCC obligations regarding gender considerations, including the appointment of a National Gender and Climate Change Focal Point, systematic collection of gender-disaggregated data, and thorough analysis of climate change impacts on vulnerable populations.</p> <p>We emphasise that gender equality must be a fundamental principle throughout all climate action planning and implementation, not an afterthought.</p> <p>We demand the development of gender-responsive policies and programs that address the differentiated impacts of climate change on women and girls, particularly those from marginalised communities. We stress the importance of ensuring women's meaningful participation in climate decision-making processes at all levels, from local to national. We call for specific provisions to enhance women's access to climate finance, capacity building, and technology transfer opportunities.</p>	Section C
Climate Finance	We demand the implementation of comprehensive climate budget tagging across all government ministries and agencies, with mandatory public reporting of climate-related expenditures and international climate finance	Section C

	flows. We call for transparent allocation and tracking of climate financing for just energy transition, ensuring it is clearly reflected in annual national budget allocations. We emphasise the need for accessible funding mechanisms for affected communities and clear accountability frameworks for all climate finance initiatives.	
Specific thematic areas		
Just Energy Transition (JET)	We call for a clear definition and operationalization of 'just transition' in the Malaysian context, aligned with international frameworks such as the ILO Guidelines for a Just Transition. We demand explicit mechanisms to balance rapid decarbonization goals with the need for a gradual and responsible transition that protects workers and affected communities. We insist on establishing robust redress mechanisms for workers and communities unfairly impacted by the transition process. We emphasize the need for comprehensive integration with the National Energy Transition Roadmap (NETR) framework, ensuring coordinated and equitable implementation.	Section C
Critical Minerals	We demand robust protection mechanisms for environmental and human rights defenders (EHRDs) who face retaliation, including protection against Strategic Lawsuits Against Public Participation (SLAPPs), when advocating against unsustainable or rights-violating mining practices. We insist on	Section C Slapps not just in critical minerals, everywhere

	transparent and accountable governance frameworks for critical mineral development, with particular attention to environmental and social impact assessments.	
Mitigation & Adaptation	We demand legally binding targets for Malaysia's net zero goal with clear enforcement mechanisms. We call for stringent legal safeguards against greenwashing in critical sectors including rare earth mining, carbon markets, mega dams, and CCUS projects. We emphasise the need for strengthening the forthcoming National Adaptation Plan (MyNAP) through clear legal provisions. We insist on equal prioritisation and adequate funding for both adaptation and mitigation strategies, with specific allocation mechanisms clearly outlined in the law.	Section C
Ecosystems & Biodiversity	<p>We call for robust integration of biodiversity considerations following the Wildlife Conservation Act 2010 and National Policy on Biological Diversity (NPBD) 2022-2030 across various sectors.</p> <p>We call for the harmonisation of these considerations within RUUPIN to ensure comprehensive ecosystem protection. We emphasise the need for specific provisions protecting critical ecosystems and biodiversity hotspots, with clear enforcement mechanisms and penalties for violations.</p>	<p>Section C</p> <p>Integrate with EQA</p>
Loss & Damage	We call for clear provisions establishing Malaysia's position on Loss and	Section C

	<p>Damage within RUUPIN, including mechanisms to access international Loss and Damage funding. We demand specific provisions for addressing non-economic losses and permanent damage due to climate impacts. We emphasize the need for enhanced frameworks to secure international climate financing, with particular attention to compensating communities experiencing irreversible losses from climate change impacts.</p>	
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