

Exploring Key Themes & Guiding Questions for the Climate Change Bill



! This document & other related resources are also available on KAMY's website klimaactionmalaysia.org/RUUPIN

What is this sheet?

This sheet, developed by Klima Action Malaysia (KAMY), serves multiple purposes:

- it helps individuals **identify** key themes in climate legislations (including the RUUPIN)
- equips them to **formulate** pertinent questions for government officials and policymakers involved in drafting the climate change bill
- and helps **make the connection** between ongoing environmental challenges in Malaysia with the need for robust legislation

Why this matters now

- The RUUPIN consultation paper is open for public comment
- You have less than one month to contribute insights (until 4 November 2024)

How will this affect my life?

- This act could reshape our **energy landscape**, **job market**, and **local governance** - changes that will directly impact your daily life and future.
- It may bring both opportunities and challenges, from potential cost increases to shifts in carbon intensive industries.
- Your voice matters in shaping these changes. Ask yourself: How do you want climate action to look in your community? What opportunities or concerns do you see? Your input can help create a resilient Malaysia that works for everyone.

Glossary

RUUPIN	Rang Undang Undang Perubahan Iklim Negara (Climate Change Bill)	NC	National Communications
NBABHR	National Baseline Assessment on Business and Human Rights	NETR	National Energy Transition Roadmap
NDC	Nationally Determined Contributions	CCUS	Carbon Capture, Utilisation and Storage
UNFCCC	United Nations Framework Convention on Climate Change	NR-REE	Non-Radioactive Rare Earth Elements
BTR	Biennial Transparency Report		

Let's start with... PROCEDURAL RIGHTS

Procedural rights are a critical component of any effective Climate Change Act

Procedural rights are legal guarantees that ensure individuals and communities can actively engage in environmental decision-making processes, access relevant information, and seek justice in environmental matters. **These rights are like the essential ingredients in a climate action recipe - without them, you can't cook up transparent, inclusive, and accountable climate governance.**

PRINCIPLES		
1	ACCESS TO JUSTICE	The right of individuals and communities to seek legal remedies and challenge decisions related to climate and environmental issues. This includes the ability to access courts or tribunals, file complaints against government bodies or private entities, and hold decision-makers accountable for their actions or inactions regarding climate change.
2	ACCESS TO INCLUSIVE PARTICIPATION	The right of individuals and communities to be involved in climate-related decision-making processes. This includes the ability to voice concerns, provide input on policies and projects, and influence decisions that affect their environment and livelihoods.
3	ACCESS TO INFORMATION	The right to obtain timely, accurate, and comprehensive information (eg. climate change, its impacts, and proposed actions or policies). This enables informed participation in decision-making and helps hold authorities accountable for their climate commitments.
4	OVERSIGHT, ACCOUNTABILITY, AND ENFORCEMENT	We need institutional arrangement to ensure effective implementation and enforcement of the Climate Change Act. This includes creating a Climate Change Commission to monitor progress, ensure compliance, and enforce the Act's provisions, thereby strengthening accountability in climate governance.

Key Considerations	Key Questions	Notes
<p>INSTITUTIONAL ARRANGEMENT</p>	<p>How does the RUUPIN propose to establish and empower a Climate Change Commission, detailing its legal obligations, oversight powers, reporting requirements, and its relationship to the existing Malaysian Climate Change Action Council (MTPIN)?</p> <p>How is RUUPIN addressing institutional arrangement between state and federal government?</p>	<p>MTPIN, established by Cabinet decision on December 11, 2020, is Malaysia's highest platform for climate change policy, involving Federal and State Governments. Chaired by the Prime Minister, it's the sole oversight body, unlike the proposed Climate Change Commission. The mandate for the commission must be under the RUUPIN and should include diverse expertise, civil society participation, and public accessibility. Refer to NBABHR for recommendations on appointing the commission.</p>
<p>MONITORING, EVALUATION AND ACCOUNTABILITY</p>	<p>How does the proposed RUUPIN establish mechanisms for creating, monitoring, and evaluating climate action progress, particularly regarding:</p> <ul style="list-style-type: none"> Reporting on international obligations (e.g., NDCs, BTRs, NCs)? Ensuring transparency, public access to information, and meaningful stakeholder participation throughout these processes? Aligning national climate targets with international commitments? How can the National Integrated Climate Data Repository (NICDR) incorporate analysis on risk and vulnerability, including local traditional knowledge? We need to ensure that the repository captures comprehensive risk and vulnerability assessments, integrating scientific data with valuable local and traditional insights. 	<p>Malaysia is obligated to submit several key reports to the UNFCCC at designated intervals:</p> <ul style="list-style-type: none"> NDC : Every five years, with the next submission due by February 2025. NC : Every four years. BTR : Every two years. <p>The RUUPIN holds the potential to enhance the reporting process and ensure broader public participation in shaping and contributing to these reports.</p>
<p>GRIEVANCE AND REDRESS MECHANISM</p>	<p>How does the Malaysian government plan to incorporate provisions for accessible, safe, and effective grievance and redress mechanisms within the RUUPIN? These mechanisms should address disaster-related impacts, development projects regarding climate and energy transitions, and their human rights impacts, particularly for vulnerable and affected populations.</p> <p>Of particular concern are carbon projects and other transition initiatives. These mechanisms must ensure Free, Prior and Informed Consent (FPIC) and provide access to remedy. This is especially critical given the rapid development of carbon projects in Malaysia, which is occurring in a complex and evolving policy landscape. Additionally;</p> <ul style="list-style-type: none"> The national carbon policy is still under development There's an existing voluntary carbon market without a set price on carbon These issues haven't been fully resolved in UNFCCC negotiations, particularly in Article 6 	<p>Grievance mechanism are defined by the UN Guiding Principles on Business and Human Rights (UNGPs) as "any routinized, State-based or non-State-based, judicial or non-judicial process through which grievances concerning business-related human rights abuse can be raised and remedy can be sought."</p> <p>A redress mechanism refers specifically to the processes or systems established to provide remedies to individuals or groups who have suffered harm or injustice.</p>
<p>SOCIAL INCLUSION</p>	<p>Does the law establish mechanisms for inclusive engagement with the private sector, civil society, and the public in the formulation, implementation, and review of key policies and plans?</p> <p>Eg. Gender Question: How does the RUUPIN fulfill its UNFCCC obligation to elect a national gender and climate change focal point, while addressing CEDAW's call for collecting gender-disaggregated data and analyzing climate change impacts on vulnerable populations?</p>	<p>"Social" includes, but is not limited to, People with Disabilities, Orang Asal & Orang Asli (Indigenous Peoples), farmers, fisherfolk, women, youth, elderly, children, marginalised, and other vulnerable groups.</p> <p>Gender focal point - The National Gender and Climate Focal Point (NGCCFP) under the UNFCCC is a designated role within a country's climate governance framework aimed at integrating gender considerations into climate policies and decision-making.</p>
<p>CLIMATE FINANCE</p>	<p>How will the RUUPIN mandate comprehensive climate budget tagging across all government ministries and agencies, and require transparent public reporting of climate-related expenditures and financial allocations? This also includes international climate finance.</p> <p>How is climate financing for the just energy transition going to be reflected in the annual national budget allocation?</p>	<p>Climate budget tagging (CBT) is a tool that enables key stakeholders, including government and civil society, to assess and track financing for mitigation and adaptation actions more effectively. Refer to the NBABHR for MOF's response on CBT. The RUUPIN must also consider mechanism to incorporate due diligence processes aligned with the recommendations of the Task Force on Climate-related Financial Disclosures (TCFD)</p>

THEMATIC AREAS

Key themes and sectoral elements to be discussed at the roundtable are outlined below. This non-exhaustive list includes interdependent and intersecting topics, each with various subtopics. The following represents a select few of these elements:

Key Considerations	Key Questions	Notes
<p>JUST ENERGY TRANSITION</p>	<ul style="list-style-type: none"> • How does RUUPIN define and operationalise '<i>just transition</i>' in the Malaysian context? • How does RUUPIN align with international just transition frameworks, such as the International Labour Organisation's (ILO) Guidelines for a Just Transition? • How does RUUPIN address potential conflicts between rapid decarbonisation goals and the need for a gradual and responsible, just transition? • What mechanisms are in place for workers or affected communities to seek redress if they are unfairly impacted by the transition? 	<p>The ILO's Guidelines for a Just Transition towards Environmentally Sustainable Economies and Societies for All provide a framework for addressing the employment and social dimensions of climate change.</p> <p>The NETR is a comprehensive plan aimed at guiding Malaysia's transition from a fossil fuel-dependent energy system to a more sustainable and renewable energy framework, with the goal of reducing carbon emissions and promoting green energy solutions.</p>
<p>MITIGATION AND ADAPTATION</p>	<ul style="list-style-type: none"> • How does the RUUPIN establish targets for Malaysia's net zero goal and is it legally binding? • What legal safeguards are in place to avoid greenwashing in sectors like rare earth mining, carbon markets, megadams, and CCUS projects? • In what ways can RUUPIN strengthen the future National Adaptation Plan (MyNAP)? • What measures are in place to guarantee that adaptation and mitigation strategies receive equal priority and adequate funding? 	<p>The Malaysian Government is actively working on its National Adaptation Plan as part of its commitment to the UNFCCC.</p>
<p>ECOSYSTEMS</p>	<p>How are biodiversity considerations following Wildlife Conservation Act 2010 and National Policy on Biological Diversity (NPBD) 2022-2030 intergrated and harmonised across various sectors and considered in RUUPIN?</p>	<p>The Wildlife Conservation Act 2010 (Act 716) is a Malaysian law aimed at the protection and conservation of wildlife and their habitats</p> <p>The National Policy on Biological Diversity (NPBD) 2022-2030 outlines Malaysia's commitment to conserving biological diversity while promoting sustainable development.</p>
<p>CRITICAL MINERALS</p>	<p>How will the RUUPIN ensure robust protection for environmental and human rights defenders (EHRDs) who face retaliation, including Strategic Lawsuits Against Public Participation (SLAPPs), when advocating against unsustainable or rights-violating mining practices?</p> <p>It's important to note that while we've highlighted this issue under critical minerals, these protections should apply across all sectors.</p>	<p>Malaysia is examining the Mineral Development Act for the NR-REE industry and developing a new National Mineral Policy 3 (NMP3).</p>
<p>LOSS & DAMAGE</p>	<p>Loss and damage refers to the impacts of climate change that go beyond what people can adapt to. In COP negotiations, they use the terms economical and non economical losses.</p> <p>For example, the permanent loss of coastal land due to sea level rise.</p> <p>We need to consider Malaysia's stance on Loss and Damage within RUUPIN. How does Malaysia plan to access the international Loss and Damage Fund and enhance its chances of securing international climate financing.</p>	<p>The Loss and Damage Fund is a financial mechanism established under UNFCCC. It is designed to provide crucial support to vulnerable nations facing the brunt of climate-related challenges.</p>