

# Facing Environmental Challenges - The response of the Malaysian Bar

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# **Introduction to the Malaysian Bar**

- Created under the Legal Profession Act 1976.
- Aim: upholding the rule of law and justice and protecting the interests of the legal profession as well as the public.
- All lawyers with practising certificates are automatically members of the Malaysian Bar.
- Approximately 12,000 members.

## The purpose of the Malaysian Bar:

- To uphold the cause of justice without regard to its own interests or that of its members, uninfluenced by fear or favour
- To protect and assist the public in all matters touching ancillary or incidental to the law
- To maintain and improve the standards of conduct and learning of the legal profession

# Introduction to the Bar Council

- The council that manages the Malaysian Bar
- Consists of:
  - Immediate past President of the Malaysian Bar
  - Chairman of each State Bar Committee and the members elected to represent each State Bar Committee
  - Elected members
- Bar Council consists of 36 members, elected annually.
- Council members are active practitioners who serve on a voluntary basis.
- The Bar Council delegates its power and functions to committees:
  - State Committees
  - Committees appointed within the Bar Council

# “It's everybody's problem.”

- The Bar Council realises that the challenges facing our environment and climate change are not just a problem for environmentalists. It is everyone's problem. Everyone is part of the problem.
- We want to be part of the solution.
- We established the Bar Council Environment & Climate Change Committee in 2011.

# **Introduction to the BCECCC**

- Committee members consist of lawyers as well as non-lawyers.
- Non-lawyer members comprise environmental consultants, green activists, youth leaders, policy technocrats and other civil society members.
- Approximately 40 members

*“But what does it have to do with  
lawyers?”*

What DO lawyers do?

What is the link?

# The work of the BCECCC

- Raising awareness among lawyers
- Responding to environmental cases or issues raised to us by the public or other civil societies
- Examples:
  - Participating in seminars, symposiums and talks relating to environmental challenges, sustainable development, nuclear energy discussions, etc.
  - Lynas Advanced Material Plant, assisting the residents of Gebeng, Pahang
  - Bukit Koman goldmine issue
  - Environmental Courts, providing our feedback to the Judiciary



# Environmental Courts

- Initiative of our Judiciary following the ASEAN Chief Justices' Roundtable on Environment in Jakarta, Indonesia in December 2011.
- “Environmental Courts” implemented in September 2012.
- Important step towards improving the implementation and enforcement of environmental laws.

## *What it is and what it's not*

- There are no new courts established.
- Designation of existing courts to handle environment-related offences.
- Only criminal cases – 38 environment-related Acts and 17 regulations.
- “Environmental Courts” is a misnomer.
- The whole ecosystem of the administration of justice must be improved together: judges, prosecution officers, enforcement officers.

# Thank you

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