

EcoLex Ecolawgy Bulletin

Better be Extra Than be Extinct



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Welcome to EcoLex

Welcome to the inaugural edition of EcoLex by Ecolawgy!

In recent years, the world has faced an increasing number of pressing environmental challenges, including climate change, deforestation, biodiversity loss, and pollution. These issues are not confined to any one country; their effects are felt globally, impacting ecosystems, economies, and communities everywhere. With its rich biodiversity, vital tropical forests, and unique ecosystems, Malaysia has to step up her efforts in pushing for stronger environmental governance and sustainability. However, rapid urbanization, industrialization, and climate vulnerabilities pose challenges that require urgent attention.

This bulletin seeks to impart vital information about all things environmental, covering current stories and issues from around the globe, local news, case commentaries on latest environmental cases, and articles written by our very own talented and passionate students about current environmental issues. The focus of the bulletin is nevertheless on Malaysia, in particular how Malaysia's environmental related laws, policies, enforcement mechanisms and extra-legal efforts are adapting to meet environmental challenges while aligning with global trends and commitments. By addressing environmental concerns proactively, Malaysia can safeguard its natural heritage, ensure sustainable development, and contribute meaningfully to the global fight against environmental degradation.

The environment needs all the help it can get, no matter how small. For this, I am extremely proud and grateful to the students of Ecolawgy for daring to take the bold step of spreading environmental awareness and education through the launch of Ecolex, which we hope to make a frequent and consistent affair.

Together, we can make a difference!
Sheila Ramalingam



LEGAL LENS, IN-DEPTH

MALAYSIA MUST EMBRACE CLIMATE LITIGATION LIKE THE REST OF THE WORLD TO DRIVE REAL CLIMATE ACTION



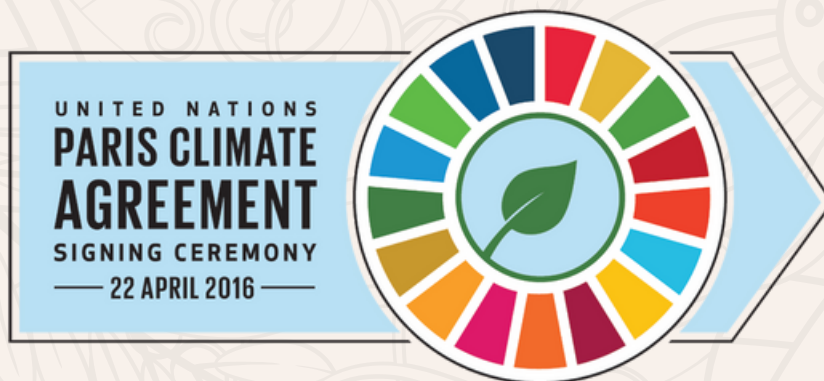
"Climate Change is already here. Whether you see it or not, people are suffering in the shadows," said president Mukhtar Babayev in his opening remarks in COP29. The term 'climate change' refers to significant, long-term alterations in Earth's weather patterns and climate systems, occurring at local, regional, and global levels. Since the mid-20th century, anthropocentric actions, especially burning fossil fuels, have drastically increased greenhouse gas (GHG) emissions, pushing global temperatures to alarming levels. Meanwhile, rapid population growth and the ever-expanding demand for agriculture, industry, and housing are decimating essential carbon sinks like forests, worsening the crisis.

The key impacts of climate change include global warming, extreme weather patterns, and rising sea levels. Malaysia, despite being one of the least contributors to global greenhouse gas emissions, has been increasingly burdened by the escalating impacts of climate change, a crisis that has significantly worsened in 2024. This is evident by some major events, for example in Taiping, the wettest town in Malaysia, faced an unprecedented three-week drought, driven by El Niño conditions and prolonged dry weather. Similarly, in Papar, over 150,000 residents endured severe water shortages due to El Nino despite being surrounded by rivers and the sea. What is more concerning is that Malaysia is expected to experience prolonged dry spells in the coming years, making it crucial to prioritize food security for the future. Meanwhile, heavy rainfall has triggered devastating floods, displacing 2,765 people in Terengganu and threatening nearly 20 villages near Sungai Golok. This intensifying climate volatility has heightened risks of life and property loss, displacements, heat-related illnesses and outbreaks of diseases like dengue and malaria. The marine ecosystem has not been spared either as coral bleaching has impacted more than half of Malaysia's coral reefs, jeopardizing marine biodiversity, fisheries, and tourism in areas such as Pulau Redang and Pulau Tioman.



EXISTING LAWS AND POLICIES IN MALAYSIA AND ITS EFFECTIVENESS

In line with their commitment to the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement, many countries have enacted local legislation aimed specifically at reducing GHG emissions, thereby reducing the effects of climate change. For example, the United Kingdom has the Climate Change Act 2008. Despite ratifying the UNFCCC on July 13, 1994, and reaffirming its commitment under the Paris Agreement to reduce GHG emissions intensity per unit of GDP by 45% by 2030, relative to 2005 figures, as yet Malaysia has no specific legislations governing climate change. Malaysia has two primary climate change policies, the National Policy on Climate Change and the National Policy on Climate Change 2.0 which outlines important steps toward ensuring climate-resilient development and transitioning to a low-carbon economy. It is important to note that these policies are not legally binding nor compulsory to comply with.



The Malaysian Government has very recently introduced the **Climate Change Bill** for tabling in Parliament. The Bill emphasizes mitigation like carbon markets and economic mechanisms over adaptation measures, which is crucial for protecting vulnerable communities, especially in the face of energy transition projects that may have negative consequences. However, it also lacks provisions for regular climate risk assessments, which are essential for evaluating the social and environmental impacts of these projects on vulnerable communities. These legal gaps highlight the urgent need for climate litigation in Malaysia to protect the vulnerable communities, and enforce stringent environmental standards in addressing climate change.



Apart from this, Malaysia also has many other legislation and policies that indirectly deal with climate change. Some of these legislation and policies include the Renewable Energy Act 2011, the National Green Technology Policy, the Low Carbon Mobility Blueprint, the National Energy Transition Roadmap and the Malaysia Renewable Energy Roadmap. A deeper structural flaw also lies in the jurisdictional conflicts arising from the Ninth Schedule of the Federal Constitution, which creates a fragmented enforcement mechanism between the federal and state governments. A prime example is the Renewable Energy Act 2011, which applies only to Peninsular Malaysia and Sabah, but not to Sarawak, creating glaring gaps in enforcement and implementation.

AN OVERVIEW OF CLIMATE LITIGATION GLOBALLY



As of 2024, there were 2,666 climate litigation cases, with 70% of which were filed since the Paris Agreement in 2015. In 2019, the Supreme Court in ***Urgenda Foundation v The State of the Netherlands*** ruled that the government must take climate change mitigation measures due to the severe impacts and high risk of climate change, emphasizing its duty to protect citizens under Articles 2 and 8 of the ECHR. Another successful climate litigation case is ***Milieudefensie v Royal Dutch Shell District Court of The Hague***, which was heard by the District Court of The Hague in the Netherlands in 2021, where the court ordered Shell to reduce its CO₂ emissions by 45% by 2030 compared to 2019, in line with the targets of the Paris Agreement. The court ruled that Shell, as a major emitter, had a responsibility to take concrete actions to mitigate climate change, even though it was not bound by the legal standards of the Paris Agreement.

The Supreme Court of India in ***M.K Ranjitsinh v Union of India (2021)***, acknowledged the constitutional right to be free from the adverse effects of climate change. Moreover, a group of German youth in February 2020 challenged the Federal Climate Protection Act, claiming its target of a 55% reduction in greenhouse gas emissions by 2030 was inadequate and violated their constitutional rights to life and dignity. On April 29, 2021, the Federal Constitutional Court ruled that the Act was partly unconstitutional, and ordered clear reduction targets for 2031 onward by the end of 2022. In response, lawmakers passed a bill mandating at least a 65% reduction in GHGs from 1990 levels by 2030, which took effect on August 31, 2021.

In Daniel Billy et al. v Australia (Torres Strait Islanders Petition) (2022), the United Nations Human Rights Committee determined that the Australian government violated the human rights of Indigenous Torres Strait Islanders by not sufficiently protecting them from the severe effects of climate change. Following that, a landmark victory in climate change litigation was achieved in Held v Montana (2023), where the court ruled that provisions of the state's energy policy and the Montana Environmental Policy Act violated the constitutional right to a clean and healthful environment. This is the first U.S. case based on a constitutional right to a healthy environment, brought by 16 young plaintiffs.



*The **European Convention on Human Rights (ECHR)** in Verein KlimaSeniorinnen Schweiz v Switzerland (2024), ruled that the government's inability to address climate change is a breach of the European Convention on Human Rights. Similarly, in 2024, the Oslo District Court in Norway, in the case of Greenpeace Nordic and Nature & Youth v Ministry of Energy granted the injunction because the government failed to conduct an environmental impact assessment for combustion emissions in order to prevent infringement of the right to a healthy environment and any environmental harm as a precaution.*

4.0 CLIMATE LITIGATION IN MALAYSIA

The gaps in legislation, policies, and enforcement in Malaysia makes it crucial to introduce climate litigation, similar to the practices in countries like **India, the Netherlands, and France**, where the courts have been instrumental in holding governments and the private sector accountable for climate action and climate justice. Although Malaysia lacks a strong tradition of climate litigation like some other countries, emerging legal actions related to environmental issues present an opportunity for the development of climate litigation in the country. Malaysian courts have interpreted the right to life as including all facets integral to life itself and the quality of life, such as the right to live in a reasonably healthy and pollution-free environment, although it is a mere obiter and not binding. In **Ketua Pengarah Jabatan Alam Sekitar v Kajing Tubek (1997)**, the court emphasized the strict locus standi requirement, stating that the three respondents lacked standing unless they could demonstrate exceptional harm distinct from the 10,000 other affected indigenous people or represent all 10,000 in a class action. This limited access to environmental litigation against authorities for harming the environment. The Federal Court in **Malaysian Trade Union Congress v Menteri Tenaga, Air dan Komunikasi (2014)**, and recently in **Datuk Bandar Kuala Lumpur & Ors v Perbadanan Pengurusan Trellises & Ors (2023)**, adopted a broader ‘adversely affected’ test for **locus standi**, allowing public interest claims without the need for special damages. This shows that the courts have liberalised legal standing for the public to bring claims against authorities for their role in exacerbating climate change.

While climate litigation is gaining momentum globally, Malaysia remains significantly behind in this area, largely due to the absence of a litigious culture. This shortfall is compounded by systemic challenges, including judicial constraints, limited access to justice, insufficient public awareness, and the inadequate recognition of environmental and climate rights within the legal framework. The government’s brief one-month public consultation period for the Climate Change Act Bill undermines the pressing need to address the lack of public engagement and awareness. A deficiency in climate education and exposure to environmental issues may be at the root of this challenge.

To remedy this, it is imperative for the government and relevant stakeholders, including NGOs, to institutionalize climate education across all levels of education and implement comprehensive awareness campaigns to engage the broader community. Encouragingly, environmental activism is gaining traction in Malaysia, with youth-led initiatives and Non-Governmental Organisations such as **Klima Action, Youth United for Earth, and Sahabat Alam Malaysia** actively advocating for stronger climate action.

Malaysians must realize the importance of climate litigation, especially the youth who must realize that the right to a healthy environment and climate justice belongs to them, not just vulnerable communities. Youths worldwide, as seen in cases like Montana, have shown the power of standing up for their rights. It's time for Malaysian youth to demand accountability from authorities and support efforts for stronger climate action to protect their future.

As quoted by Barack Obama, **“We are the first generation to feel the effect of climate change and the last generation who can do something about it,”** it is our collective responsibility, as a society, to address the growing impacts of climate change before it's too late by advocating for meaningful change to secure a sustainable and livable future for generations to come because there is no planet B.



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LOCAL NEWS

NATIONAL CLIMATE CHANGE BILL TO BE TABLED IN 1Q25



The Malaysian National Climate Change Bill, set to be presented in Parliament in the first quarter of 2025, aims to enhance climate resilience governance and promote environmental sustainability while creating new business opportunities for Malaysian companies in markets prioritizing sustainable practices. Announced by Nik Nazmi Nik Ahmad, Minister of Natural Resources and Environmental Sustainability, the bill supports the government's goal of achieving net-zero carbon emissions by 2050, as reaffirmed by Prime Minister Datuk Seri Anwar Ibrahim during the National Climate Change Action Council meeting. Stakeholder engagement and public consultation on the draft papers ended on November 18, 2024. Additionally, plans are underway for the development of a Malaysia Biodiversity Centre (MBC) and a Natural History Museum with a proposed RM140 million budget, aimed at managing scientific collections, coordinating research, and showcasing Malaysia's biodiversity through public-private partnerships.

MOTION SENSORS, WARNING LIGHTS PROPOSED FOR WILDLIFE ROADKILL HOTSPOTS

The Malaysian government is considering the installation of motion sensors and warning lights at wildlife roadkill hotspots, particularly in areas where critically endangered Malayan Tigers have been killed in collisions. Proposed by Public Works Minister Datuk Seri Alexander Nanta Linggi during the Third National Tiger Conservation Task Force Meeting, the initiative aims to use Internet of Things (IoT) technology and artificial intelligence to improve road safety for wildlife, potentially reducing the need for permanent streetlights by alerting drivers to nearby animals.



The meeting also addressed broader conservation efforts, including Malaysia's intention to join the International Big Cat Alliance (IBCA) to protect various big cat species, and discussed the Malayan Tiger Crisis Action Plan 2021-2030, which seeks to stabilize the tiger population at 400 individuals by 2023. While recent reports show a slight increase in the tiger population, comprehensive data will be released in 2025. The meeting also highlighted successful poaching enforcement efforts, with significant arrests and seizures, and emphasized the importance of continued collaboration between federal and state governments to protect the Malayan Tiger, a national symbol of Malaysia.

STATE BUDGET 2025: SARAWAK TO LAUNCH NET ZERO AND CARBON PLAN - ABANG JOHARI



Sarawak is making significant strides toward environmental sustainability with its Sarawak Net Zero and Carbon Plan, announced by Premier Tan Sri Abang Johari Tun Openg during the state assembly's budget presentation. The plan aims for the state to achieve net-zero emissions by 2050, backed by a RM11 million allocation in the 2025 budget for various initiatives, including the enforcement of the Environment (Reduction of Greenhouse Gases Emission) Ordinance, 2023. Abang Johari also highlighted Sarawak's leadership role in the hydrogen economy, with plans to develop a green hydrogen hub to attract investments in innovative technologies. Additionally, Sarawak is focusing on forest carbon projects, allocating RM1.5 million for efforts to reduce greenhouse gas emissions. The state has issued four forest carbon permits covering over 130,000 hectares, marking a milestone in sustainable forest management and generating revenue through carbon credit sales. The Forests (Forest Carbon Activity) Rules, 2022, provide a regulatory framework for these projects, ensuring clear guidelines for managing carbon credits and monitoring carbon sequestration.

NATURAL RESOURCES MINISTER: FINAL DRAFT OF HOUSEHOLD-GENERATED E-WASTE DISPOSAL REGULATIONS IS BEING SCRUTINISED



The Ministry of Natural Resources and Environmental Sustainability (NRES) is finalizing regulations for household e-waste disposal, aiming for enforcement next year. The regulations will establish a mechanism for managing e-waste from households and non-industrial sectors (commercial users, institutions), involving refineries, importers, users, and licensed collection/recycling centers. Natural Resources Minister Nik Nazmi Nik Ahmad stated the regulations emphasize "extended producer responsibility and shared responsibility" for six e-waste items: refrigerators, washing machines, mobile phones, computers, air conditioners, and televisions. Malaysia needs clear e-waste management guidelines to prevent hazardous material contamination. Currently, only industrial e-waste is systematically managed under existing regulations; household e-waste disposal is often improper or illegal.

INTERNATIONAL NEWS

UN CONVENTION ON BIOLOGICAL DIVERSITY COP 16: LANDMARK BIODIVERSITY AGREEMENTS ADOPTED

The UN Convention on Biological Diversity is aimed at promoting measures that lead to a sustainable future. The Convention's COP16 has concluded this weekend in Colombia, with several landmark decisions, including agreements on nature's genetic data and on recognising people of African descent and Indigenous Peoples as key stewards in conservation efforts by creating a subsidiary body for them under article 8J of the Convention. This new subsidiary body allows them to participate in decision making on biodiversity which also strengthens dialogue between countries and the people. In another first, COP 16 delegates decided to



create a global fund for collecting economic resources from the use of digital sequence information. Companies using this information to develop products will have to allocate part of their profits to what is being called the 'Cali Fund' from which resources will be allocated to Indigenous Peoples and local communities, directly or through governments. Benefit-sharing will also consider such criteria as national conservation needs and biodiversity richness. However, two issues remained unresolved, both instrumental for implementing the Kunming-Montreal Global Framework for Biodiversity, a global plan adopted during COP15 in Canada to halt and reverse biodiversity loss by 2030. One was the lack of a definition for a financing model to bring the biodiversity protection plan to reality. The other pending issue is a monitoring mechanism to measure the progress of countries in complying with the roadmap to protect biodiversity.

JUDICIAL INSIGHTS

**DAMIEN THAMAN DIVEAN (MEWAKILI PERTUBUHAN PELINDUNG
KHAZANAH ALAM) & ANOR V MAJLIS EKSEKUTIF NEGERI SELANGOR
DARUL EHSAN (EXCO) & ORS [2023] MLJU 188**



**Court: High Court (Shah Alam)
Judge: Shahnaz Sulaiman J**

BACKGROUND FACTS AND ISSUES

On 20 November 2000, the Selangor State Authority decided to degazette the Bukit Cerakah Forest Reserve. In 2007, parts of the forest reserve were allocated to Sin Hiap Lee Sdn Bhd for residential development, resulting in the establishment of Alam Budiman. The Forestry Act (Adoption) (Amendment) Enactment 2011 introduced a requirement for public inquiries before degazettement decisions. On 5 May 2022, the decision to degazette was formalised through the publication of Gazette No. 1645, which retrospectively backdated the effective date to 20 November 2000.

The primary issues were whether the applicants, Pertubuhan Pelindung Khazanah Alam (PEKA) and Persatuan Rimba Komuniti Shah Alam (SACF), were adversely affected by the degazettement decision; whether the degazettement was procedurally improper, illegal, or ultra vires; whether the retrospective gazettement violated procedural requirements under the Selangor National Forestry Act (Adoption) Enactment 1985 (NFA 1985); and whether the judicial review application was filed within the permissible timeframe.



PARTIES' ARGUMENT

The applicants claimed that the degazettement deprived them of the benefits of the forest reserve. They argued that the gazettement was invalid as no public inquiry was held before the degazettement, contrary to Section 11 of the NFA 1985. They asserted that the retrospective gazettement was an attempt to rectify prior improper allocations of forest reserve land for development. Additionally, they contended that the relevant date for challenging the decision was 5 May 2022, when the gazettement was published.

On the other hand, the respondents argued that the applicants were not adversely affected as the decision to degazette was made in 2000, long before the applicants' organizations were established. They maintained that the application was filed outside the three-month limitation period under Order 53 rule 3(6) of the Rules of Court 2012. The respondents also contended that the requirement for a public inquiry did not apply, as the decision to degazette predated the 2011 amendments to the NFA 1985.

DECISION OF THE COURT

The court dismissed the application for leave to seek judicial review. It found no evidence that the applicants were adversely affected by the degazettement, noting that their organizations were established after the 2000 decision. The court held that the application was filed well beyond the three-month limitation period, as the effective decision date was 20 November 2000, not 5 May 2022, and no extension of time was sought. It ruled that the requirement for a public inquiry did not apply retroactively, as the decision to degazette was made in 2000, prior to the 2011 amendments to the NFA 1985. Lastly, the court found that the retrospective gazettement was valid under Section 20 of the Interpretation Acts 1948 and 1967.



COMMENTARY AND CASE ANALYSIS

The case highlights the importance of procedural compliance in environmental governance, particularly in degazettement decisions. The court's reliance on the timing of legislative amendments highlights the non-retroactive nature of procedural requirements unless explicitly stated.

Furthermore, the decision in this case reflects a strict interpretation of the Rules of Court 2012 regarding limitation periods for judicial review applications. The court's finding on adverse effect emphasizes the need for applicants to establish a direct and tangible connection to the impugned decision. The case illustrates the challenges of addressing long-standing environmental decisions when procedural requirements evolve over time.

CRITICISM AND FUTURE CONSIDERATIONS

The court's strict application of the limitation period may discourage public interest litigants from challenging environmental decisions, particularly where decisions are formalized long after they are made. By dismissing the application at the leave stage, the court did not engage with the substantive merits of the applicants' claims regarding procedural impropriety and illegality. The retrospective gazettelement raises concerns about the transparency and accountability of state authorities in managing forest reserves.



Looking forward, legislative amendments could clarify the applicability of procedural safeguards, such as public inquiries, to decisions made before their enactment. Courts may consider adopting a more flexible approach to limitation periods in public interest litigation, particularly for environmental cases with significant societal implications. Enhanced public awareness and engagement in forest conservation decisions could prevent similar disputes in the future.

EMERGING VOICES

END THE CULLING: KOPI WASN'T THE FIRST, BUT SHE MUST BE THE LAST STRAY TO SUFFER

1.0 INTRODUCTION

On September 6 2024, a beloved stray dog named **Kopi** tragically lost its life after being brutally shot by the **Besut District Council**. This heartbreaking event incited significant public outrage, leading to the submission of three memorandums seeking to hold the council accountable for the death of Kopi. The first memorandum was presented by 13 NGOs to the **Department of Veterinary Services**, while a second memorandum was submitted by a collective of 300 individuals to the headquarters of the Department of Veterinary Services in **Putrajaya**. The final memorandum was delivered on November 12 2024 by a coalition of 34 animal welfare groups which gathered outside Parliament to hand it over to the ministers led by **Former Prime Minister Dato' Sri Ismail Sabri Yaakob**, who subsequently called for the review of the **Animal Welfare Act 2015 (AWA 2015)** in the Parliament. On October 15 2024



around 100 people gathered outside the **Sentul Police Headquarters** and filed a report against the council. Yet, The police have taken no discernible action, the Department of Veterinary Services has maintained conspicuous silence, and the government has not indicated any intention to review the AWA 2015 since then.

As December approaches, will this just be another stray story that gets buried over time?

Perhaps some people care so much about animal suffering because the government simply doesn't—and why would they? Animals don't vote. In Malaysia, justice for these innocent souls is as invisible as the animals themselves.

2.0 ANIMAL WELFARE LAWS IN MALAYSIA AND THEIR EFFECTIVENESS

Currently, there are two main laws governing animal welfare in Malaysia, which are the Penal Code and the Animal Welfare Act 2015 (AWA). **Section 428 of the Penal Code** criminalizes acts such as killing, poisoning, and maiming animals, with penalties of imprisonment for up to three years, a fine, or both. Meanwhile, **Section 29(1) of AWA 2015** consists of 21 distinct offences, a notable increase from the 7 offences delineated in the **Animal Act 1953**. The penalties have also been significantly augmented, with fines now ranging from RM20,000 to RM100,000 and imprisonment of up to three years, compared to the Animal Act 1953, which imposed fines of RM200 and a maximum of six months' imprisonment. Nonetheless, a troubling trend of abuse and neglect of stray animals by local councils persists, even with stringent punishments in place.



LAWS OF MALAYSIA

Act 772

ANIMAL WELFARE ACT 2015

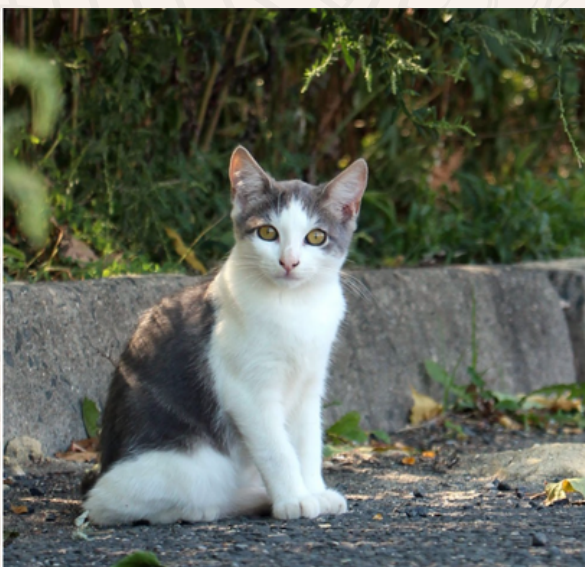
For instance, in 2019, a man was apprehended for imploring the MPSJ officers to stop their brutal method, where they allegedly used a steel loop and subsequently hurled the stray into a van after capturing it; however, he was subsequently detained under the Penal Code for obstructing the officers in the execution of their duties. Tan Sri Lee Lam They expressed his disappointment over this incident and insisted that the local councils must adhere to the Urban Wellbeing Division of the Ministry of Housing and Local Government SOP for catching stray dogs, and that it specifically prohibits the use of a noose to pull, drag, or lift dogs.

Again, in 2022, a video surfaced on the internet showing **Klang Municipal Council (MPK)** restraining a stray dog, which was bleeding from its snout due to the harsh method used during its capture. Subsequently, in 2023, **Kuala Langat Municipal Council (MPKL)** faced criticism for the maltreatment of dogs, as numerous canines were observed in emaciated conditions and living in unsanitary circumstances at the council's pound, indicative of systematic starvation. Two puppies, also neglected in the same animal pound, succumbed to ant infestations after prolonged abandonment and eventually died. When the rescuer asked why these puppies were not given immediate care or taken to a veterinarian, the council showed no concern or remorse. The same year, another council was also found to be mistreating a dog by hoisting it by its neck over a gate and ensnaring it with a slip noose. Another rescuer described a disturbing scene she witnessed at a different animal pound, where dogs again found emaciated, with carcasses of dead dogs in the enclosures. Also, the workers at the same pound used a high-powered water jet to clean away the dog feces, leaving the dogs and puppies shivering in the cold. These incidents came to light because some of these animal pounds allowed visitors, while many others in Malaysia restrict visitors from entering their facilities.



Moreover, local councils have historically invoked **Section 30 of AWA 2015** to justify their actions concerning the culling of strays for the purpose of disease and population control. According to **Section 30(1)** of the act, the use of firearms for killing dogs is prohibited unless it is for disease control or in emergencies, and only with the authorization of a veterinary authority. **Section 30(2)(e)** allows for the killing of animals for population control by an authorized authority. Nevertheless, population control cannot be achieved through shooting, as this would contravene Section 30(1) under the concept of '**lex specialis derogat legi generali.**'

Despite ongoing cruelty, **Shah Alam City Council (MBSA)** has publicly announced its plan to capture 500 stray dogs between April 22 to 24, and these dogs once caught, will be '**disposed**' of with no option for retrieval. Following the intense public opposition, MBSA decided to postpone the operation, after Tengku Permaisuri Selangor herself stated her firm opposition to this practice. It is pertinent to note that it's just a mere postponement not a cancellation. MBSA further released a statement clarifying that the dogs caught in this operation will be temporarily sheltered before being handed over to **Paws Animal Welfare Society (PAWS)**—a non-profit animal shelter in Petaling Jaya, but PAWS denied this and stated that they were neither consulted nor informed about the operation. This shows a clear lack of transparency, proper planning and compassion. Further, the use of the term "disposal," is inhumane as strays are living, sentient beings, not some mere objects to be discarded.



3.0 SUSTAINABLE SOLUTIONS FOR STRAY ANIMAL MANAGEMENT IN MALAYSIA

Several Malaysian states have effectively managed populations of stray animals and are also working to curb the transmission of diseases without resorting to culling practices. For instance, Penang instituted a Trap-Neuter-Release (TNR) program in 2017, successfully neutering over 6,000 stray dogs and thereby ceasing the practice of culling on the island. Similarly, Negeri Sembilan adopted a "no-kill" policy and implemented TNR, becoming the second state to do so. To mitigate disease transmission, Sarawak has recently launched statewide vaccination initiatives, along with a focus on education and awareness programs aimed at preventing zoonotic diseases. Other states are encouraged to adopt these exemplary practices for the sustainable and humane management of stray populations and disease control. Local councils should closely collaborate with animal welfare organizations to implement the TNR method, alongside offering free TNR and vaccination programs as a standard protocol.



Another method may involve the judicial interpretation of **Article 75 of the Federal Constitution**, which stipulates that federal law takes precedence over state law. This could potentially render inconsistent by-laws void. However, to effectuate this, the matter must be presented before the courts for adjudication. Consequently, the most effective course of action would be to advocate for a nationwide transition towards a more uniform and comprehensive legal framework. This could be accomplished by amending the **Ninth Schedule of the Federal Constitution** to transfer the jurisdiction for preventing cruelty to animals from the Concurrent List to the Federal List.

Currently, the AWA 2015 does not extend to Sabah and Sarawak, which have enacted their own animal welfare laws. Similarly, other states enacted their own by-laws and regulations for managing stray populations, resulting in inconsistencies and disparities in animal welfare practices throughout the nation. Furthermore, many of these laws are outdated and archaic, failing to address current challenges in animal welfare effectively. Should the Ninth Schedule be amended, the federal government would possess exclusive authority to enact uniform animal welfare legislation, thereby ensuring consistent standards and stronger enforcement nationwide.



Moreover, it is essential to amend Section 30 of the AWA 2015 to prohibit inhumane methods of killing, even in instances of disease control, emergency situations, or population control. Instead, humane methods, such as tranquilization followed by euthanasia, should be endorsed under the auspices of veterinary authorities. This will minimize unnecessary suffering of strays and promote a more compassionate response. Local councils should also refrain from employing euthanasia as a population control measure unless absolutely necessary—such as in cases where an animal is severely ill or suffering, as euthanasia is deemed the most humane option. Should local councils persist in committing such egregious acts of cruelty, they must be held accountable under the law. Section 29 of the AWA 2015 must be enforced without bias, ensuring that no individual, whether a private citizen or a government official, is above the law.

Furthermore, the government must allocate funding to all states to support TNR and vaccination programs, the management of animal shelters, and other initiatives. This should also include enhancing CCTV monitoring to deter abusive behaviors and ensure that perpetrators are held accountable, as well as establishing emergency hotlines to provide immediate assistance for reporting incidents of animal cruelty, ensuring a prompt and coordinated response.

Education and awareness campaigns are also equally crucial for transforming societal perceptions and dismantling stereotypes on strays. They also promote adoption and prevent animal abandonment in our country. By fostering an understanding that these animals are sentient beings deserving of care and respect, we begin to break the cycle of cruelty and neglect. Given that animal shelters, both NGO and state-run, frequently struggle to accommodate large populations of strays, promoting adoption is essential to create capacity for additional rescues. Furthermore, animal feeders must be strictly obligated to neuter and vaccinate the strays they care for. To facilitate these efforts, the government must allocate funding not only for TNR and vaccination programs but also for education and awareness campaigns that aim to shift public attitudes towards responsible pet ownership and the ethical treatment of animals.

4.0 CONCLUSION

“The more helpless a creature is, the more entitled it is to protection from the cruelty of man.” It is therefore our responsibility to ensure that strays are treated with compassion and care, not cruelty. Strays are often subjected to mistreatment and abuse by humans. They do not have adequate shelter, consistent access to food, and are often forced to scavenge through the rubbish for sustenance. These animals are already struggling to survive in a hostile environment, therefore, the very people who should be protecting them must not resort to culling. Every life deserves to be valued and respected; anything less only deepens their suffering. Therefore, animal cruelty is a serious affront to our humanity and must never be condoned or tolerated in any form.



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HEART OF THE WILD

AUSTRALIA'S CUTEST MARSUPIAL FINDS HOME SWEET HOME

In a heartwarming win for conservation, an endangered greater glider, one of Australia's most adorable marsupials, has been spotted emerging from its new, high-tech nest box! The nest box is part of a project in southeast Queensland aimed at providing safe homes for these fluffy creatures, whose population has drastically declined due to habitat loss. Conservationists were thrilled to capture photos of the glider exploring its new digs, proving that these specially designed nest boxes are a successful way to help these vulnerable animals. This is a significant step in protecting greater gliders and ensuring their survival for generations to come.



TINY FROG, BIG DISCOVERIES IN THE AMAZON

A newly discovered frog species in the Amazon rainforest isn't just a cute addition to the amphibian world – it's helping scientists unlock geological secrets! This tiny, colorful frog, found in a remote region of the Amazon, has a unique genetic makeup that suggests its population has been isolated for millions of years. This isolation, likely caused by ancient geological events like the rise of mountain ranges or changes in river courses, has allowed the frog to evolve independently. By studying the frog's genetics and comparing it to other species, researchers can learn more about the Amazon's dynamic past and how its landscape has changed over vast stretches of time. This discovery highlights how biodiversity can be a powerful tool for understanding Earth's history.



GIANT CORAL DISCOVERY IN THE SOLOMON ISLANDS

Marine scientists have made a remarkable discovery in the remote waters of the Solomon Islands: a massive, previously unknown coral reef! This "mega coral," as it's being called, is not only huge but also appears to be thriving in an area where many other reefs are struggling due to climate change. Researchers are excited about this find, as it suggests that some reefs may be more resilient than previously thought. The mega coral could hold vital clues to how corals can adapt to warmer ocean temperatures and could be a crucial source for repopulating damaged reefs elsewhere. This discovery offers a glimmer of hope for the future of coral reefs and underscores the importance of continued exploration and conservation efforts in our oceans.



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