

Need for a specialist court in M'sia to handle environmental cases, says lawyer

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KUALA LUMPUR: It's high time for Malaysia to set up a specialist court to preside over environmental disputes and crimes in the country, said a lawyer specialising in environmental law, policy and renewable energy.

Deputy Co-Chair of the Environmental and Climate Change Committee of the Malaysian Bar Council, Saha Deva Arunasalam, said specialist judges appointed to handle environmental issues will ensure that key laws protecting the environment are upheld.

He said currently, Malaysia has specialist courts for Intellectual Property and construction-related cases.

"Malaysia could perhaps look into the Swedish model of the legal system for environmental protection which allows for the setting up of land and environment court to hear environmental-related disputes.

"We need a court which is conscious and aware about environmental principles and application of environmental laws," he told Bernama after attending as a panellist for a seminar entitled 'The Importance of Environmental Justice in Achieving the Sustainable Development Goals' organised by the Embassy of Sweden in Malaysia and the Environment and Climate Change Committee of the Malaysian Bar Council, here, last Friday (March 13).

Also present was Ambassador of Sweden to Malaysia, Dag Juhlin-Dannfelt.

Saha, who is also vice-president of the Association for the Protection of Natural Heritage of Malaysia (Peka), noted that courts in Malaysia that hear environmental offences are not specialist courts as it only streamlines environmental-related cases.

“There is also a need for laws to be enacted to ensure better protection of the environment and for better access to justice,” he said.

Meanwhile, commenting on the specialist court in Sweden, Dr Christina Olsen Lundh, a judge at the District Court of Vanersborg, the Land and Environment Court in Sweden, said Sweden adopts a unique system where the court rule on the cases with one legally trained judge presiding over the case and a technically trained judge providing the special competence often needed due to the distinctive nature of the matters.

“In environmental cases, the Land and Environment Court has full responsibility to investigate.

“Thus, the Court has an obligation to, through active directions of proceedings, make sure that the investigation gets the direction and scope required,” said the judge who has personally presided over some 71 environmental-related cases in 2019.

For matters pertaining to environmental law as well as matters of property registration, planning and building, Sweden has developed a unique system of special courts where the system consists of five land and environment courts, the Land and Environment Court of Appeal, and the Supreme Court.

Meanwhile, Theiva Lingam, a public interest lawyer and legal advisor to Sahabat Alam Malaysia, said it is good for the judges in Malaysia to learn the Swedish legal system model to see how judges go through specific training process before hearing a case.

“It is good for judges (in Malaysia) to be environmentally aware and to know all the different environmental legislation and policies and treaties that we have signed,” she said. - Bernama