



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

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Press Statement / Letter to the Editor

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Enact Federal Law for Water Resource Protection

Our rivers are dying due to human activities. Ten days ago there was water supply disruption to 463 areas in Selangor due to pollution in Sungai Semenyih. Water cuts have become endemic in Selangor despite millions of ringgit spent on reports by experts on improving water resource and water delivery services governance and management.

The government needs to implement the recommendations made in these reports to strengthen the legal and institutional framework, and law enforcement, relating to rivers and water bodies. Parliament must, without any delay, enact a federal law for water resource use, conservation and protection.

A recent study on the condition of rivers in Penang and Selangor highlights the need for effective action to preserve the integrity of our rivers. It revealed that reduced human activity during the Covid-19 pandemic period has led to improvement in the quality of the river water. It concluded that “the water quality of all the waterways in Malaysia can only be improved without spending a lot by reducing pollution from all members of the population”.

In the last few years alone, there have been several cases of serious pollution of rivers causing grave hardship to a large number of consumers. In 2019, toxic fumes from the polluted Kim Kim River in Pasir Gudang, Johor affected 6000 people with 2775 having to be hospitalised. Most of them were school children, and 110 schools had to be temporarily closed.

One year later, in September 2020, over a million consumers experienced water supply disruption resulting from illegal dumping of waste in the Kelang River. The problem also recurred one month later. It was a shame to see people queuing up with buckets to collect water from a water tanker in the capital city of a nation that was to have achieved developed country status by 2020. All these point to serious weaknesses in water resource governance – administrative structure, policy regime and legal framework - necessary to manage water as a resource.

Report on Water Resource Governance

A 2011 study report on our water resources and water resource management found our laws to be outdated. The sectoral approach to water sources has produced fragmented responsibility between different ministries/ public authorities resulting in duplication, waste and use of unsuitable systems with inadequate outcomes.

The report stated what is needed is the effective implementation of the Integrated Water Resource Management (IWRM) framework. IWRM promotes holistic and coordinated development and

management of water, land, forests and other resources. Its object is to maximize economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems.

The National Water Resources Council (NWRC) was established in 1998 to advise the government on matters related to water governance. The Ninth Malaysia Plan (2006 – 2010) adopted IWRM as a water policy tool. Water resources management and water delivery services management were separated and placed under different ministries. There is federal law for water services delivery applicable to all the states but no similar law has been enacted for water resource use, conservation and protection.

The report recommended the enactment of a national water resources law to support sustainable use and conservation of water resources through the introduction of IWRM principles, methodology and practices. It is to promote uniformity of laws and policies in the management of water resources throughout the country. Ten years later, we are still waiting for Parliament to enact the law. In the meantime, our rivers are being poisoned, aquatic life destroyed, ecological balance fractured, and water supply to millions of consumers disrupted.

The proposed law will give the NWRC legal status with its membership, roles, powers and functions clearly defined. It is the apex body for consideration and adoption of NWRP, monitoring its implementation and undertaking periodic review.

Its role is to provide an avenue for consultation and coordination among stake holders, particularly between federal and state governments. It will be empowered to consider, adopt and make recommendations on national policies, plans and programmes (PPP) and give direction to the NRE Ministry and other related bodies on matters pertaining to IWRM. The decision of the Council shall be implemented by all stakeholders.

The law would also provide for the establishment of the National Water Resources Department to provide advice and support to NWRC. Its primary role would be to formulate, assist, co-ordinate and ensure the implementation of NWRP; draw up and implement PPPs for the nation; and support NRE Ministry in formulation and implementation of national water resource policies. The present DID will assume the role and functions of the department with a name change and increased jurisdiction.

Integrated River Basin Management (IRBM) is an essential part of IWRM for coordinating conservation, management and development of water, land and related resources across sectors within a given river basin. Its object is to maximize the economic and social benefits from water resources equitably as well as restoring and preserving the ecosystems.

Our rivers are seriously degraded and, therefore, there should be strategic planning spanning over 20 years with stated targets to rehabilitate them. A series of 5-year plans for the river basin should be drawn up and implemented with civil society inputs. They will set out the tasks and the targets to be achieved, within the planning period, by different stakeholders.

The progress shall be monitored and a yearly report submitted to an independent body with powers to ensure that the restoration and preservation of the river basin continues to be achieved.

Parallel with institutional and law reform, there must be effective enforcement of laws against polluters. Law enforcement officers must undergo proper training and be equipped with the latest tools for investigating and prosecuting polluters. There must be no interference by politicians in the prosecution of offenders. Institutional safeguards must be put in place to prevent corruption and abuse of power.

There have been cases of unlicensed factories polluting rivers for years with no action taken until there is public outcry after water cuts. Such incidents should never happen. That is why we need an

independent body with civil society representation to monitor and oversee the performance of agencies and departments responsible for the management of water resources.

Consumers Association of Penang (CAP) calls on:

1. Parliament to enact a federal law for the restoration, protection and conservation of water resources in the country.
2. The Department of Irrigation and Drainage (DID) to implement the IRBM plans in cooperation with state governments.
3. The Federal Government to improve the law enforcement capacity of the agencies responsible for water resource management and protection.
4. The state governments to stop issuing licenses for logging in forest reserves, crack down on illegal logging, and replant logged forests.
5. The Anti-Corruption Commission should launch an investigation into the cases of dumping waste into our rivers and illegal logging and prosecute those involved in corrupt practices and abuse of power.

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