

Transboundary water resources conservation: A note on Penang and Kedah





Development, economic or social, cannot bear fruit without the fullest guarantee of life and property.

In other words, however much the Government attempts to develop the country, whatever plan it might have conceived could not be successfully implemented without understanding, good will and cooperation of the people.

Y.A.M. Tunku Abdul Rahman Al-Haj

Lest We Forget: Further candid reminiscences, 1983

Water underpins human civilization and environmental integrity.

TRANSBOUNDARY WATER RESOURCES: A QUESTION OF INTERDEPENDENCE.

SEMANTICS

Surface or ground waters which **mark, cross or are located on boundaries** (for waters that flow to the sea, it ends at the straight line across the mouths between the points on the low water line of the river bank)



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TRANSBOUNDARY WATER RESOURCES: **CONSIDERATIONS.**

Responsibility:
scope & scale

Purpose, objective &
goal

Legal, political, economic
and social circumstances



Science: the art of
knowing and knowing
the art

Stress, Risks & Threats

Value & potential

Characteristics, environmental flow,
hydrogeological, hydrological and
environmental conditions

Mandates

Mechanisms & systems

Process & Procedure

Capacity

Capability

Priority

UTILISATION

HARM

BENEFIT
to; from; beyond



KEDAH & PENANG: SG. MUDA

BOUNDARY: Kedah and Penang (Alteration of Boundary) Act 1985
(Enactment No. 3 of 1985, Kedah; Enactment No. 1 of 1985, Penang)

*centre line of the river channel (section 2 *but need to confirm* the exclusion in Section 3).

CONSERVATION RELATED LEGAL INSTRUMENTS

FEDERAL

- Federal Constitution 1957: Articles 71, 73, 74, 75, 76, 77, 78, 80, 81, 92, 93, 94, 95
- National Land Code 1965: s5, 62
- Drainage Works Act 1954:s 11,12
- Environmental quality Act 1974
- Farmers' Organisation Act 1973
- Geological Survey Act 1974
- Irrigation Areas Act 1953 (revised 1989): s9, 10-24
- Land Conservation Act 1960
- Local Government Act 1976
- Pesticides Act 1974
- Poisons Act 1952 (Revised 1989)
- Street, Drainage and Building Act 1974
- Town and Country Planning Act 1976
- Waters Act 1920: s 4, 5, 7, 7A
- Northern Corridor Implementation Authority Act 2008

KEDAH

Kedah Water Resources Enactment 2008

S6. sustainable management of water resources and environments

S7. river basin plans, guidelines, standards, methods and procedures for management, utilisation and conservation

PENANG

Penang Water Supply Enactment 1998

Water Supply (Catchment Area) 2004 (permissible activities)

Water Supply (Catchment Area) (Amendment) Order 2009 (additional permissible activities)

WHAT NOW?



ENTITY	AND/OR	INSTRUMENT
COOPERATE	AND/OR	COLLABORATE

FOCUS

- CONSERVATION PLAN (UPSTREAM TO DOWNSTREAM) – USE, PREPAREDNESS (RISKS, HAZARDS AND DISASTERS), CONJUNCTIVE MANAGEMENT
- INVESTMENT AND SUPPORT – TO UPSTREAM PROVIDER
- ALLOCATION: DEMAND / SUPPLY MANAGEMENT
- ACCOUNTING, MONITORING AND REPORTING

PREREQUISITES

- Clarify mandates, responsibilities, roles and opportunities for partnerships
- Source funding and investment mechanisms
- Identify best option – cooperative framework and/or collaborative framework
- Identify key areas to be jointly looked at and addressed
- Identify key facilitating statutory instrument and leverage on existing regulatory framework with emphasis on planning and conservation
- Identify key plan areas for conservation, use and preparedness (contingency)
- Identify key partnership arrangements, i.e. mandated stakeholders and key supporters from all level of the community and design engagement platforms
- Institute uniformed processes and procedures



THANK YOU