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Resolving water disputes

By Abdul Razak Ahmad

KEDAH and Penang share Sungai Muda, but a dispute is shaping up over the rights to its water. ABDUL RAZAK AHMAD examines Kedah's claim in asking Penang to pay for the water it takes from the river.

A NICE thing about life in the neighbouring northern States of Kedah and Penang is that you can spend a whole day dousing strangers with water and get away with it. Once a year, during the Songkran water festival, Malaysians of all races arm themselves to the teeth with water pistols, buckets and hoses. They then proceed to drench everyone in sight in a veritable "water-battle".

It's all good fun. Songkran marks the beginning of the Siamese new year, and it's celebrated widely in the northern States including Perlis due to the sizeable Malaysian Siamese community there.

Ironically, the Kedah and Penang governments too are engaged in a "water-battle", an altogether more serious one. The two are stuck in a long-standing debate over who owns the water in a river that flows through both States. Their disagreement highlights potential water disputes latent in other neighbouring States that share rivers, and emphasises the need for a centralised water management system.

The Kedah-Penang "dispute" is centred on Sungai Muda which starts in northeast Kedah and flows west to the sea. The final stretch of the river demarcates the border between Kedah and Seberang Prai, Penang.

Kedah wants Penang to pay for the raw water collected from Sungai Muda, because most of the river lies in Kedah territory. But Penang taps Sungai Muda from within its own borders, so it feels no need to pay anyone.

It is a minor disagreement between two very close neighbours, but in this case the water has been running under the bridge for a very long time. Even the ghosts of treaties long forgotten have been invoked, and experts are scrambling for maps.

Former Prime Minister Tun Dr Mahathir Mohamad last week called for an upward review of the RM10,000 annual honorarium paid for the acquisition of Penang island and Seberang Prai.

The honorarium was in return for Sultan Abdullah of Kedah ceding Penang in 1796 and Seberang Prai in 1800 to Captain Francis Light, who represented Britain's East India Company, for protecting Kedah from Siamese attacks.

But when Dr Mahathir also asked Kedah to consider seeking payment from Penang for water, which the latter has so far been receiving free, he raised the question of whether Kedah had a case.

Datuk Syed Muhammad Shahabudin, president of the Malaysian Water Association - which brings together individuals and corporations involved in water and wastewater industries - explains the issue by sketching a rough map of Kedah and Penang. He then draws in the main rivers, dams, canals and water treatment plants.

Pointing to the map, Syed Muhammad says there will be no problems for Penang if the level in Sungai Muda is normal, but supply will dry up if there is a drought. And the river level is regulated by ensuring that an adequate number of dams is built upstream in Kedah.

The water in the dams is released during periods of drought to ensure that supply in both Kedah and Penang remains adequate. Although the four dams in Kedah - Pedu, Ahning, Muda and the upcoming Beris dam - have been built by the Federal Government, Kedah provided the land required and

ensures that the catchment areas are protected.

This land happens to be prime for logging. As Kedah is by its own account a relatively poor State, timber concessions would mean much-needed revenue.

"There should therefore be some contribution by Penang for compensation towards Kedah's efforts in making sure there's enough water, that the catchment areas are preserved, and that land was allocated for the building of dams," says Syed Muhammad.

Penang Chief Minister Tan Sri Dr Koh Tsu Koon, responding to Dr Mahathir's call, was reported to have said that it was inappropriate to ask Penang to pay for the water because Kedah does not incur any cost from the treatment and distribution of the raw water, which Penang undertakes on its own. Koh also said Penang was making its own contribution by pumping the excess water from the river during times of flooding.

It's a tough call to make, but even if Penang agreed to pay, the problem of inter-State water disputes may not end, because there are others down the line waiting to be resolved.

Kedah is also seeking payment from Perlis for water supplied to the State. On the other hand, the water supplied to Langkawi, an island in Kedah territory, originates from rivers in Kedah's mainland, but it is channelled through canals to Perlis from where it is pumped to the island. And although Malacca pays Johor for water drawn from Sungai Muar, the river itself originates not in Johor, but in Negri Sembilan.

What's really needed to prevent future problems is an effective long-term forum where potential inter-State water disputes can be settled. It's actually in the pipeline, a Federal Government-proposed body known as the National Water Commission (NWC).

The NWC will implement policies on water and supervise the management of the resource in the States. The commission will have representatives from the various ministries that deal with water, as well as the representatives of Menteris Besar and Chief Ministers, the Chambers of Commerce and Industry and the Federation of Malaysian Consumers Association.

The idea of centralised management of water is not new. Dr Mahathir voiced it back in 1991. One reason why the move has been progressing at snail's pace is because it is a very sensitive issue.

Water lies under the authority of the respective States and the Malay Rulers. One needs to tread very delicately, something best exemplified when a statement by Works Minister Datuk Seri S Samy Vellu regarding the water issue last year landed him in hot water with the Sultan of Selangor.

Samy Vellu was reported to have said that the Selangor Government refused to hand over the management of water supply to the Federal Government. The Selangor State Secretary responded by saying that the Sultan had already given consent to the State Government to surrender water management to the Federal Government, and that the Sultan was "angry and shocked" at Samy Vellu's statement.

The biggest benefit for the States under a centralised management system is that it will allow neighbours to plan for future requirements together, on a regional basis.

Because water is a State subject, the current strategy sees each State searching for sources within its boundaries until they are exhausted, before moving on to source for water elsewhere.

Planning on a regional basis means a single potential source of water in the region can be developed together by neighbouring States.

When the Malaysia-Singapore water dispute was making headlines, there were jokes circulating in Alor Star about how the State should consider taking newspaper advertisements requesting Penang to pay for water.

The ads, went the joke's punch line, should run alongside the ones taken by the Government to explain the facts about the water dispute with Singapore, and begin with: "And by the way, will Penang also please consider paying Kedah for the water it's getting?"

Countries have gone to war over precious natural resources, leading to a famous quote attributed to Mark Twain that "whiskey is for drinking, water is for fighting over".

In the case of the neighbouring States in Malaysia, perhaps a more apt saying to bear in mind is the one about the inherent strength of family bonds: Air dicincang takkan putus.

Loosely translated, it means that a flow of water that's chopped up will never be disrupted. But then again, even that saying won't work if the tap runs dry.

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