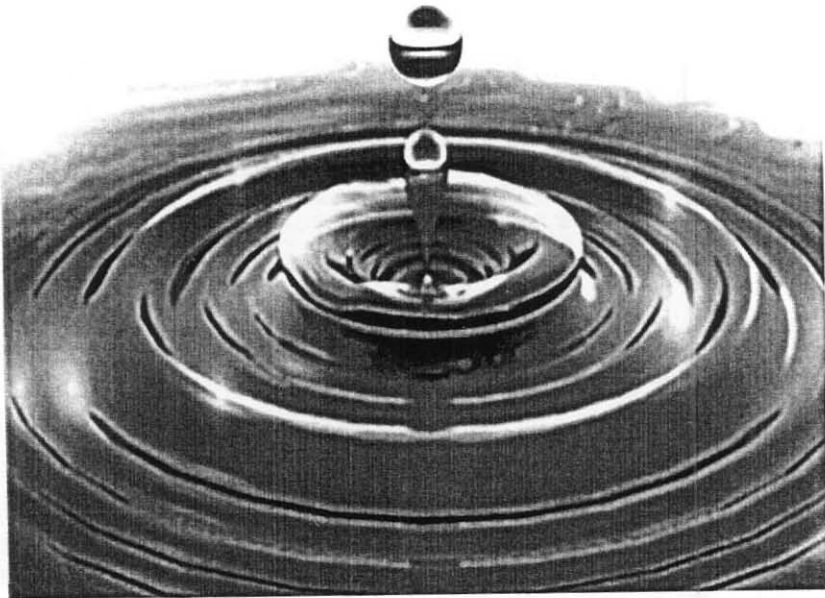


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MANAGEMENT IN MALAYSIA :
EXPERIENCES AND PRACTICES**

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CLEAN WATER: RIGHTS AND REMEDIES UNDER ENVIRONMENTAL LAW IN MALAYSIA

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This paper arises out of concern over the growing threat of fresh water shortages in Malaysia due to environmental pollution, and the pressing needs of ensuring that public rights to clean water are safeguarded and remedies be made available and accessible to them. Legal instrument has been known to be an important tool in providing the public a platform for environmental justice. In Malaysia, there already exists a large number of legislations that deal with environmental matters, including that of water, notably the Environmental Quality Act 1974. For this purpose, this paper seeks to examine the various legal resources in Malaysia in order to identify existing avenues for water rights and remedies available. This paper also seeks to find out whether existing mechanism is insufficient in relation to such rights and remedies thus necessitating its changes, what roles the judiciary can play in promoting and securing these rights, and whether the recognition and implementation of water rights have their place towards promoting good water governance in Malaysia. These are some of the issues to be addressed in this paper.

1.0 INTRODUCTION

It is the contention of this paper that what is considered as 'effective' legal mechanism in controlling water pollution in Malaysia should be appraised not only against its practices in environmental management and enforcement, and the actual state of the environment, but also against social and ethical values. What is meant here are values that are applicable and important to environmental governance and local good practice, such as the way in which individuals and society can contribute to the resolution of environmental problems and the protection of environmental quality. In the event of environmental harm, such as the pollution of water resources, it is usually the public that will be mostly affected by such harm. Thus, it is just consequential that their rights to claim for damages in environmental, and rights to a clean environment are safeguarded. Indeed, there are many areas of law where such rights and remedies can be found and applied for the intended effect. In what follows, this paper will identify legal measures available pertaining to rights to clean water and award of remedies, and how these measures, if applied effectively, can help towards the protection of water resources and good water governance.