

**RESPONSES SUBMITTED BY THE GOVERNMENT OF INDONESIA  
QUESTIONNAIRE ON THE RIGHT TO SAFE DRINKING WATER AND SANITATION**

**Introduction**

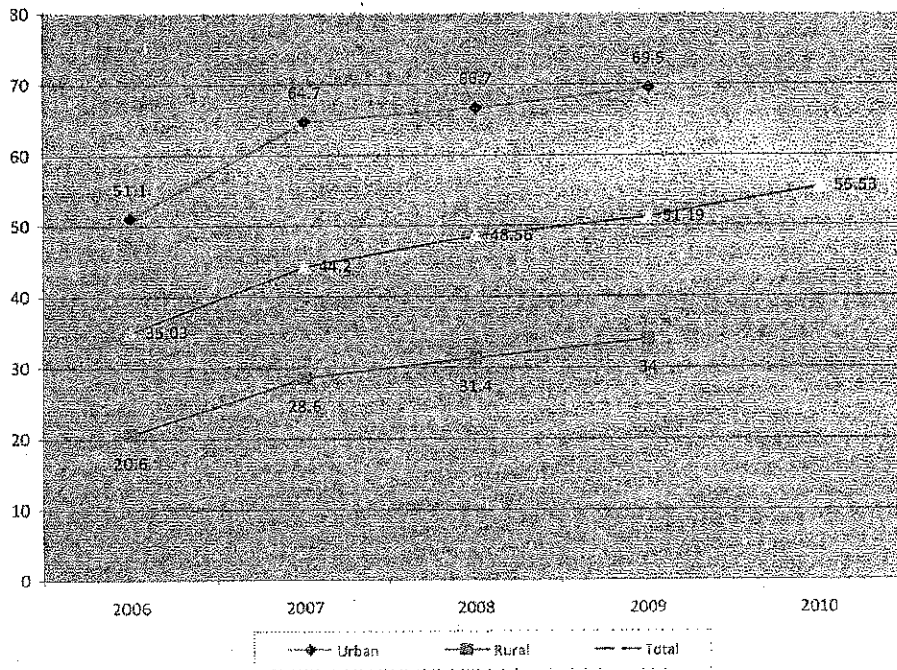
- Indonesia agrees that as part of its human rights commitments it is primarily the responsibility of the State to ensure the promotion of the rights to water and sanitation that upholds gender equality, vulnerable groups and anti-discrimination.
- The Government of Indonesia has recognized the right to water as part of Indonesian social welfare and wellbeing, an essential part of human rights, as mandated by Indonesian Constitution in Article 33 paragraph 3 which states that "The land and the waters as well as the natural riches therein are to be controlled by the state and to be exploited to the greatest benefit of the people". This Article is the basis of the issuance of Law number 7 of 2004 on Water Resources, which become the basis for the State in implementing its obligation to respect, protect and fulfill the right to access to water.
- The planning systems of the policy is reflected in the improvement the regulatory framework at the central and regional levels, provision of the National Policy on Water Supply and Community-Based Environmental Health, and reparation of the Master Plan of Water Supply System based on Presidential Regulation number 33 of 2011.
- Its implementations are reflected in the availability, quality, accessibility and affordability of drinking water and sanitation services by ensuring the availability and quality of drinking water and sanitation through the strategy of Community Based Total Sanitation during 2010-2014 as well as appropriating Special Allocation Funds to optimize drinking water services in small towns as well as remote, coastal and rural areas and sanitation services densely populated urban areas through the Community-Based Sanitation Approach.
- With regard to the acceleration program, the Government of Indonesia work together with several organizations such as AUS AID, UNICEF, US AID, and World Bank. Furthermore, there is a program supported by the Government of Netherland, namely Drinking Water Supply and Community Based Sanitation (*Program Penyediaan Air Minum dan Sanitasi Berbasis Masyarakat/PAMSIMAS*). Its activities include educating and supplying drinking water facilities and rural basic sanitation to poor people with the objective to leverage health status, productivity, and life quality of low income society in rural areas, especially in fulfilling the need of safe drinking water and sanitation.
- The Government also has maintain the sustainability and accountability of the drinking water and sanitation development by promoting investments in centralized wastewater systems through the Program to the Development of Settlement Sanitation Development 2010-2014 which stresses that sanitation is the concern of all parties including the government, the private sector, donors, through Public Private Partnerships and Corporate Social Responsibility , as well as monitoring and evaluating implementation.
- The Drinking Water Supply and Community Based Sanitation Program is aimed to rapidly fulfill the need of drinking water, hygiene sanitation (conducted through responsive approach to community's need) and hygiene lifestyle. Pro Air is a grant

project on drinking water and sanitation focusing on the readiness of community to manage their own regional water and sanitation, the flexibility and dynamism, as well as the adjustment to the planned approach and activities.

- The proportion of total household in the urban and rural areas which have access to decent drinking water resources in Indonesia has increased from 37.51% in 2000 to 44.19% in 2010, while in urban areas the proportion has increased from 46% to 49.82% and in rural areas from 31.3% to 45.72% .<sup>1</sup> Many efforts are still needed to be done in order to achieve MDGs target of 68.87%. Decent drinking water resources consist of household water tap, public water tap, drill or pump water well, protected water well, protected spring water, and rain water. Bottled water, water from unprotected well and springs are not included as resources.
- The proportion of households that have access to improved sanitation facilities has also increased. It increased from 32.73% in 2000, to 35.03% in 2006 and 55.53% in 2010.

**PROPORTION OF HOUSEHOLDS WITH ACCESS TO ADEQUATE SANITATION IN URBAN AND RURAL AREAS**

2006-2010



<sup>1</sup> Ministry of National Development Planning/National Development Planning Agency of the Republic of Indonesia, The Roadmap to Accelerate Achievement of the MDGs in Indonesia, 2010 and Central Board of Statistics of the Republic of Indonesia, Indicators of Housing 1993-2010

- Although there are still challenges, the Government has performed policies and strategies to increase community access to improved sources of drinking water and improved sanitation facilities. It has not only continuing to improve the planning system and implementation, but also maintaining its sustainability and accountability.
- Indonesia looks forward to continuing its efforts in the global level, to ensure the promotion of the rights to water and sanitation.

### Question

#### **Measures in Response to the Financial and Economic Crisis**

1. **What legislative or policy measures have been taken in response to economic or financial crises that have a direct or indirect impact on the water and sanitation sector?**

#### Response

- In response to the economic and financial crises, Indonesia implemented reforms in the water resource management sector. Water resources management reform is characterized by the enactment of Law number 7 of 2004 on Water Resources which was intended to anticipate the complexity of water resources development problems and shifting in water resources management paradigm by giving more attention to social functions, environment and economy that is directed to achieve the synergic and harmonic integration of inter-regional, inter-sectoral, and inter-generation approaches.
- Reform started with the formation of the Inter-agency Task Force on Water Sector Policy Reform in the late 1990s and the coordination team of Water Resources Management (TKPSDA) in 2001, in charge of formulating national policies on water resources and various policy tools, as well as encouraging the establishment of the new Water Resources Law.
- In line with the spirit of democratization, decentralization and openness, fundamental reforms in Law number 7 of 2004 is that the three main pillars of water resource management in the previous Law number 11 of 1974 which consists of the conservation, utilization and control of destructive force, is supported by three other pillars which are community participation, steady institutional and good information system and data.
- The reforms on water resources sector reflected in Law number 7 of 2004, aims for the following objectives:

1. **Clarity of water resources management responsibilities between central and regional government**

In accordance with Law number 7 of 2004, water resources management is conducted based on river basins. To provide the clarity of the authority and responsibility of water resource management between the central and

regional government (provincial, and regency/municipality), the Minister of Public Works has issued regulation number 11A/PRT/M/2006 regarding the criteria and determination of river basins, which consists of national strategic river basins, international and inter-province river basins under the authority of the central government, inter-regency/municipality city river basins under the authority of the province and the river basins within one regency/municipality under the authority of the regency/city.

## **2. Institutional arrangement of Water resources management**

To realize the integrated management of water resources management it is important to build a coordination system that can integrate the interests of various sectors, regions and stakeholders. Coordination of water resources management at national level is facilitated by the National Water Resources Council and at provincial level by the Provincial Water Resources Council, while at the District level and the river basin level the formation of the council is optional depending on the needs of the region.

## **3. Strengthening and integration of planning and implementation of Water resource management**

Water resources management based on river basin areas is basically inter-sectoral and inter-regional therefore requires an integrated reference in its implementation. Law number 7 of 2004 has mandated the preparation of Water Resources Management Scheme and Water Resources Management Plan for each river basin as a reference in the management of water resources. Preparation process of the Scheme and Plan is carried out through coordination body (council) and public consultation to solicit the people's aspirations and then will be ratified by the authorities according to the authority and responsibility of their jurisdiction.

## **4. Developing a network information system of Water Resources Management**

Law number 7 of 2004 mandates the implementation of water resource management information system in line with the authority of managers, which includes information on the hydrology, hydrometeorology, hydrogeology, water policy, water infrastructure, water technology, water resources environment, as well as socio-economic and cultural activities.

## **5. Strengthening public participation**

Law number 7 of 2004 mandates that the public has equal opportunity to participate in any process of water resources management, even in the planning process, implementation, or monitoring. Public participation could be in forms of communicating thoughts and ideas in the planning, donating time, effort, materials and funds in the construction and operation and maintenance process, or participating in reporting and communicating complaints to the appropriate authorities regarding to monitoring of management activities.

## 6. Strengthening the financing system for the sustainability of water resources management

Sustainability of water resources management requires consistent and continuous funding. Law number 7 of 2004 mandates that water resource management funding sources may come from government budgets, private sector, and water resources management service fees and the amount of funding is determined based on actual need of water resources management. The use of water resources apart from daily basic and agricultural needs must also bear the cost of water resources management services, such as for hydroelectric power, industry, and plantations.

- Principles of water resources management policies, which are contained in Law number 7 of 2004 are derived into seven government regulations (GR), namely GR number 16 of 2005 on Development of Drinking Supply System (SPAM), GR number 20 of 2006 on Irrigation, GR number 42 of 2008 on the Water Resources Management, GR number 43 of 2008 on Ground Water, GR number 37 of 2010 on Dams, and GR number 38 of 2011 on River Water Resources Management.
2. If there have been budget reductions, what budget cuts have most affected the water and sanitation sector- both at national and local levels? Have investments in infrastructure been reduced? Have subsidy schemes been reduced? What other budgetary, monetary and fiscal measures have been adopted that have a direct or indirect impact on the water and sanitation sector?

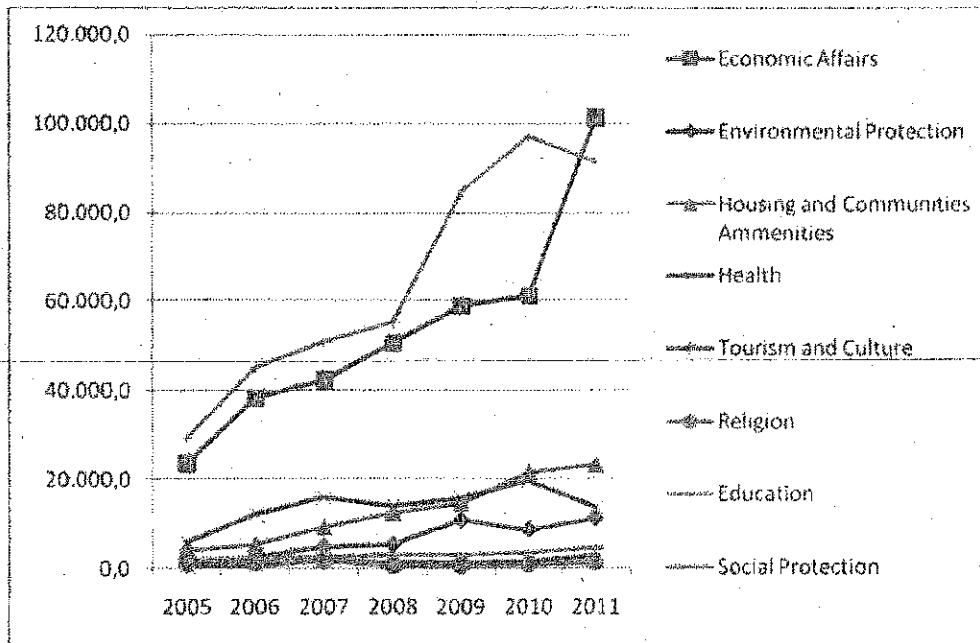
### Response

- There have been no budget reductions to this effect.
- In general, the Central Government's budget allocation to the implementation of economic, social and cultural rights has increased during the period of 2005-2011, as shown in the following graphic<sup>2</sup>.

### CENTRAL GOVERNMENT BUDGET IN THE AREAS OF ECONOMIC, SOCIAL AND CULTURAL

2005-2011  
(  
(in billion rupiah)

<sup>2</sup> Further data in the table attached



Source: Ministry of Finance of the Republic of Indonesia, State Budget Basic Data 2005-2011, 2011

- Indonesia has also received technical and capacity building assistance from various donor countries in the field of economic, social and culture, which cover a wide range of sectors, including education, economy, health, disaster management, climate change, etc. Indonesia has benefited directly from the enhancement of technical cooperation. Indirectly, there is also a development performance increase that contributed to the enhancement of fulfillment of economic, social and cultural rights of the Indonesian people, including accelerating the achievement of the MDGs.
- Unlike what happened to other countries, the global economic crisis in 2008 did not impact significantly on Indonesia's fiscal condition. It was due to the consolidation and fiscal discipline that has been applied by the Government of Indonesia since the economic crisis in 1997/1998.
- Indonesia did not implement contractionary to its fiscal policy after the 2008 global crisis. On the contrary, as a response to the crisis, Indonesia has enlarged its deficit from 1% of its GDP to 2.4% in its revision of the 2009 budget, which was meant as a fiscal stimulus. This was possible because the Indonesian fiscal condition was still sustainable. To reduce the negative impact of the global financial crisis, the Indonesian Government has made adjustments to its fiscal policy, especially in the year 2009. In order to protect the national economy, the Government has expanded its economic stimulus program by changing some of its macroeconomic economic assumptions, which were deemed no longer realistic and modifying several calculations of its revenue, expenditure, deficit, as well as its financing.
- Overall, most of regional governments in other countries have deficit budget and so contractionary fiscal policy is not likely to be implemented by regional governments in Indonesia. The total spending of regional governments in Indonesia tends to increase every year as the total amount of transfer fund from the central government has the same trend. For raising taxes, the chance for regional government to have that is limited as Law number 28 of

2009 on local taxes and charges which is effectively implemented by January 2011, has transformed the open-list system to the closed-list one so that the number of local taxes and charges will be significantly reduced to 16 taxes and 30 charges. This reduction has relatively little impact on the decrease of regional government's revenue as the void taxes and charges only contributed insignificantly to the local revenue. The law also sets the maximum rate of taxes that regional governments can levy.

- More balanced fiscal policy with the implementation of counter cyclical fiscal policy has always been discussed. The implementation of counter cyclical fiscal policy is carried out, among others, by implementing expansive fiscal policy when the economy is faced with a potential drop in the global economy. Fiscal policy in Indonesia, particularly which has been applied until 2011, is still expansive. This could be seen from the increasing amount of the government expenditure and the persisting budget deficit in 2010 and in the upcoming 2011 budget. Additional state spending is focused to maintain the stability of the prices of goods and services, and to support the national development priorities which are described in the document of National Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional/ RPJMN*) 2010-2014, at the same time is aimed at improving the people's welfare, reducing unemployment, and maintaining the momentum of the better recovery of national economy. Nonetheless, if in the coming years, the Indonesian economy improves, contracted fiscal policy might be an option.

3. If there is a reduction on social expenditure (e.g. related to pensions, unemployment benefits, social security, and wages); how does this impact on the affordability of water and sanitation services? Have measures have been taken to mitigate these impacts in access to water for domestic and personal use?

**Response**

There have been no reductions on social expenditure to this effect, as explained in Question 2.

4. If there have been changes in the management of utilities, have water and/or sewage utilities assets and/or the operation and management of water and sanitation services been opened to private sector participation? Are there any plans for private sector participation? Have there been changes in the tariff system or in the way disconnections are carried out as a result of these measures? Please explain.

**Response**

Article 9 (1), 11 (3) and 14 of Law number 7 of 2004 on Water Resources allows for the participation of private sector in the management of water after being granted permission from the respective central or regional government. Moreover, GR number 16 of 2005 on Development of Drinking Supply System (SPAM) as stated in Article 37 (3), that in the event where state owned enterprises or regional government owned enterprises is unable to fulfill its capacity to improve the quantity and quality of SPAM in their area of services, may, after granted permission by the supervision council/commissioner, to involve unions, private sector enterprises and or communities to such implementation within their area of services.

5. If applicable, have any of the above mentioned measures been taken as part of the terms of any debt relief or bailout agreement with international and/or regional institutions, as the International Monetary Fund, the World Bank, the European Union, the European Central Bank, or regional development banks?

Response

In 1999, Indonesia engaged in the Water Sector Adjustment Loan (WATSAL) with the World Bank to provide balance of payments assistance to Indonesia to support a structural adjustment program of policy, institutional, regulatory, legal, and organizational reforms in the management of the water resources and irrigation sector.

**Ensuring Human Rights Compliance**

6. Has the human rights impact of measures in response to financial and economic constraints been assessed? How do the measures impact on the enjoyment of the human rights to water and sanitation?

Response

The enjoyment of human rights to water and sanitation are not affected in response to the financial and economic constraints.

7. Has the particular impact on the most marginalized individuals and groups been considered? What data or evidence is available about the impacts on specific groups? What safeguards are in place to ensure the continued enjoyment of the human rights to water and sanitation in particular for disadvantaged and marginalized groups?

Response

Through Indonesia's National Medium-Term Development Plan 2010-2014 (*Rencana Pembangunan Jangka Menengah Nasional/RJPMN*) the Government is committed to implement the following:

- Allocation of funds from the central Government that are prioritized for the poor.
  - Special Allocation Funds (*Dana Alokasi Khusus (DAK)*) for drinking water that are designated to maximize the infrastructure service for drinking water and development of new drinking water systems in small cities, remote areas and villages.
  - Increasing the expenses of provincial governments for the improvement of access to drinking water with the focus in delivering the services to people in remote areas.
  - Increase in the investment climate to support development and to stimulate the active participation of the private sector and society through the Private Government Cooperation (*Kerjasama Pemerintah Swasta (KPS)*) and Corporate Social Responsibility (CSR).
8. What justifications have been provided for measures taken due to economic or financial constraints that might have had an impact on the realization of human rights to water and sanitation? What alternatives have been considered to these measures?

Response



- Indonesian Constitution Article 33 paragraph 3 states that "the land and the waters as well as the natural riches therein are to be controlled by the state and to be exploited to the greatest benefit of the people", moreover, Article 34 paragraph 3 states that "the state has the responsibility for the availability of adequate health and public facilities".
- Law number 11 of 2008 on the International Covenant of the Economic, Social, and Cultural Rights, where in Article 11, the State has the obligation for the realization of adequate living standards including the right to water.
- Law number 7 of 2004 on Water Resources, where in Article 5 states that the State has the obligation to ensure the right to water in order to fulfill the basic daily needs for a healthy, clean and productive life. Article 6 states that the water resources are controlled by the State and used for the greatest benefit of the people. The Ministry of Public Works has issued the Ministry of Public Works Regulation number 6 of 2011 on the Guidelines for the Usage of Water Resources.
- Directorate General of Human Rights, Ministry of Law and Human Rights have conducted a seminar on the right to water with the participation of several related institutions, private sector and NGOs to increase the Government's awareness in fulfilling the right to water as a basic necessity for people, especially for the poor.

**9. What mechanisms are in place to ensure the maximum of available resources are devoted to protecting human rights in times of economic or financial constraints?**

**Response**

The Government is committed to the following efforts:

- Issuing Ministry of Health Regulation number 14 of 2011 on the Standard of Minimal Service (*Standar Pelayanan Minimal/SPM*) in the field of public utilities and layout.
- Implement reparation and improvement of installation system and transmission network as well as distribution in cities.
- Development of drinking water supply system that are community oriented, conducted by the Ministry of Public Works and Ministry of Health.
- The control in the usage of underground and surface water through the increase of sanitation service and the development in the usage of technology for the use of alternative water including water reclamation.

**10. How have people participated in the decision-making process related to any of the measures taken in response to financial and economic constraints?**

**Response**

Through the Drinking Water Supply and Community Based Sanitation Program (PAMSIMAS) as regulated in the Government Regulation number 16 of 2005, it encourages the dynamic and flexible participation of the community to participate in the decision making for the management of water usage and sanitation in their respective regions. This program is aimed to accelerate the fulfillment of drinking water, sanitation and hygiene.

## Sustainability

11. What measures and mechanisms are in place to ensure sustainability in the realization of the human rights to water and sanitation more broadly? How are measures aimed at maintaining access balanced with the aim of extending service to un- and underserved population and with the aim of universal access?

### Response

- National Policy for the Management of Water Resources as mandated in the President Regulation number 33 of 2011 is the basis for relevant ministries and institutions in determining policies in the field of water resources which will be part of their respective ministries and institutions strategies in the implementation of the National Medium-Term Development Plan (RPJMN). Such policy will have the validity of 20 years, commencing from 2011 until 2030.
- As an implementation of the aforementioned policy, the Indonesian Government has formed the National Working Group on Drinking Water and Healthy Environment (*Kelompok Kerja Air Minum dan Penyehatan Lingkungan (AMPL)*) as one of the mechanisms that are currently in place to ensure sustainability in the realization of the human rights to water and sanitation in Indonesia. This national AMPL is conducted with the participation of involved ministries, coordinated by Bappenas, comprising the active involvement of the Ministry of Public Works, Ministry of Health, Ministry of Home Affairs and Ministry of Finance.
- The national AMPL is the foundation for the government and related stakeholders to manage the development of a community based drinking water and healthy environment in Indonesia. Its programs are implemented with the cooperation and funding from the central and regional budget, as well as funds through the cooperation with communities, the private sector, and NGOs. These programs include:
  1. **Acceleration of Housing Sanitation Development (*Percepatan Pembangunan Sanitasi Permukiman/PPSP*)**  
PPSP is a program to encourage investments in providing sanitation service and to improve relevant sectors including establishing the roadmaps to assist the Government in achieving the MDGs. The product of PPSP is including campaigns, education, advocacy and mentoring.
  2. **Drinking Water Supply and Community Based Sanitation Program (PAMSIMAS)**  
PAMSIMAS is a program with the support of the World Bank in the efforts to accelerate in the availability of drinking water, sanitation and improve the health and well-being of the people. The target for this program are poor communities in villages and peri-urban areas where the prevalence in the water related diseases are evident and access to drinking water and sanitation services are scarce.

**3. Sanitation by the Community (*Sanitasi oleh Masyarakat/SANIMAS*)**

SANIMAS is an initiative to promote the availability of utilities for the community based waste management in settlement areas. The aim of SANIMAS is to improve the access to drinking water services and sanitation, specifically for poor communities in rural and per-urban areas.

**4. Total Community Based Sanitation (*Sanitasi Total Berbasis Masyarakat /STBM*)**

STBM is an approach to change the mindset towards a more hygienic and sanitation living through the participation of the community using the method of trigger. The implementation of the STBM program is implemented through facilitating the community for awareness on issues and focusing on the change of attitude and the use all potential factors to change the sanitation conditions in their community.

**5. Other Programs also include with:** WASPOLA Project (Water Supply and Sanitation Policy Formulation and Action Planning Project), WES (*Water and Environmental Sanitation*), SIMAVI (*Supporting Healthy Solution by Local Communities*) and IUWASH (*Indonesia Urban Water, Sanitation, and Hygiene*).

- With these policies in place, it urges each region to identify their obstacles to the implementation of the AMPL and hence design their own planning mechanisms that are best suited to their needs to encourage the development of AMPL in their regions. During the operational of such policy, there are several noted achievements that are positive to the future development of a sustainable AMPL. For example, all regions where facilities are developed, have been able to map issues and difficulties in the management of AMPL, coordinating the development of AMPL in each AMPL working groups where the regions are able to construct a strategic scheme for the development of AMPL with the participation of broad stakeholders. This achievement has encouraged other regions to implement such policy. With the development of the AMPL policy, it is aimed for the assurance to the universal access to safe drinking water and sanitation.
- Furthermore, the Government efforts in ensuring the sustainability of drinking water and sanitation include the following measures:
  - a. Enhancement of water infrastructure and providing clean water nationally as a priority in the infrastructure development.
  - b. Enforcement of activities to provide clean water that are consistent with the strategy for accelerating the achievement of MDG's according to the Presidential Decree number 3 of 2010 through recommendations, information and education.
  - c. Enhancement of access to drinking water and basic sanitation.
  - d. Shifting the mindset of communities for a hygienic living and sanitation through total sanitation that are community based.
  - e. Enhancement of campaigns and public participation on environmental sustainability.

**12. What mechanisms are in place to ensure that water and sanitation infrastructure (networked as well as on-site) is properly operated and maintained? What mechanisms are in place to make the necessary are**

available to ensure adequate human resource capacity-building and adequate training?

Response

- The Ministry of Works has established the Technical Office for Drinking Water and Sanitation (*Bali Terni Air Minum Dan Sanitize/TAMS*). It has the strategic role to increase the capacity-building and adequate training for human resources that are responsible in the areas of water management and sanitation in Indonesia. The certification endorsed by TAMS will be used to further accelerate the development of water and sanitation both in the central and regional governments with the aim to implement and develop an excellent training program, to provide excellent services, to boost inter-sectoral cooperation, and to always conform to the latest technology in the field of water and sanitation.
- Other trainings that are available in the drinking water sector include the training provided by the Association of Indonesian Drinking Water Companies (*Persatuan Perusahaan Air Minum Seluruh Indonesia/Perpamsi*).

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