

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

**1. What conflicts exist in your country between different types of water uses (e.g agriculture, industry, tourism, among others)? What are the main challenges in your country concerning water resources and waste water management that impact on the realization of human rights?**

- The usage of water for various purposes such as household, agriculture, industry, and tourism are linked to each other and has a cause and effect relationship. This linkage resulted in the conflict of water uses. For example, industrial activities require large consumption of water hence may conflict with the needs of communities in the surrounding areas for household or agricultural usages. In addition, without an effective monitoring, industries are found dumping their industrial waste to clean water where it hampers the quality of water and may lead to other problems such as the spread of diseases and epidemic. Tourism, in relation to the usage of water, on one hand is affected when the quality of water is contaminated. On the other hand, tourism can also contribute to the degradation in the quality of water mainly by altering water infiltration land areas to build tourism facilities and also the negligence of tourist in dumping their refuse wastes and therefore contribute to the degradation of the environment in the tourism area. Water usages for agriculture and household also to some extent conflicts against each other, most notably during the dry season. Based on the above examples, conflicts in the usage of water are caused by several main factors which can be grouped to the following:

**a. Population Growth**

The water demand for various purposes such as agriculture, industry, tourism, and household activities continue to grow in parallel with the increase of Indonesia's population. Unfortunately, water supply is gradually decreasing as a result of many factors, one being the shift in the usage of land for water infiltration to build buildings. Such paradox eventually caused the unbalanced supply of water.

**b. Water Scarcity**

Water scarcity is a problem that is faced in certain regions in Indonesia, especially during the dry season. Water scarcity has caused difficulties for communities to access clean water to fulfill their daily needs, mainly for drinking, bathing, and washing. This condition is exacerbated with the alteration of land for water infiltration to build buildings and infrastructures; and also the diverse inland waterways in different regions.

**c. Water Contamination**

The society's lack of awareness to protect the environment has caused the degradation in the quality of water. Dumping of industrial waste and refuse has resulted in the inevitable river contamination. Such water contamination has forced the community to use unhygienic water and hence increase the potential of causing plague. The degradation in the quality of water also limits the sources of raw water for irrigation, industry and tourism.

➤ **Main challenges concerning water resources and waste water management that impact the realization of human rights:**

- Indonesia as part of the international community, in relation to the Millennium Development Goals (MDGs) and the Johannesburg Summit in 2002, have set the target to reduce the number of population that do not have access to clean water and sanitation services in 2002, by half in the year 2015. The main challenge for Indonesia in reaching such goal is the fact that currently the level for clean water and sanitation services are still relatively low, mainly for communities that live in slum city areas, rural areas, and small islands as well as coastal areas.
- lack of cooperation and coordination between sectors and regions in the management of water resources.
- overlapping and discrepancy between duties and functions amongst institutions in the management of water resources.
- lack of a correct and accurate data and information on water resources
- no integrated design in the planning of development for safe drinking water services and waste water management. This results in the absence of synergy in the development of these two sectors.
- low access for the community to reach domestic waste water management services.
- low community awareness for the importance of domestic waste water management.
- no sufficient legal instrument to regulate the domestic waste water management.
- low enforcement for perpetrators of waste water dumping to clean water.
- weak institutional function in the provincial or regency level in implementing the domestic waste water management.
- limited government funding for activities on domestic waste water management.

**2. How are different water uses prioritized in national legislations and policies? How are these priorities implemented in practice? Are there any implementation challenges? If yes, please elaborate on them and on measures taken to overcome them.**

In Article 33 paragraph 3 of Indonesia's 1945 Constitution 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". Law No. 7 Year 2004 on Water Resources, in Article 5 guarantees that every person shall have the right to access of water to fulfill their minimum basic needs in order to have a healthy, clean and productive life. These provisions strengthen and underline the Government's obligations as duty bearers to fulfill the right to water for its constituents.

➤ **Different water uses are prioritized in national legislations and policies, as follows:**

- a. Law No. 7 Year 2004 on Water Resources
- b. Government Regulation No. 41 Year 2008 on the Management of Water Resources

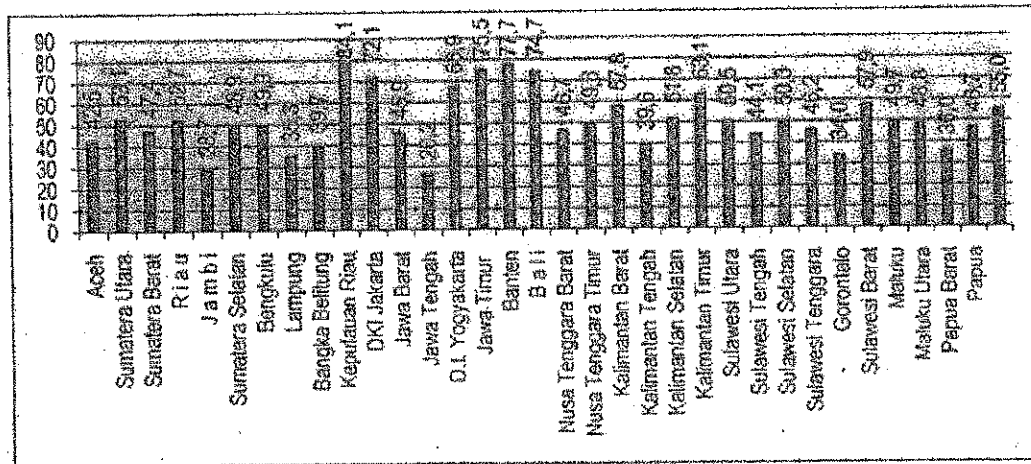
- c. Government Regulation No.16 Year 2005 on the Development of Drinking Water Supply System (SPAM)
- d. Government Regulation No. 38 Year 2011 on River
- e. Government Regulation No. 37 Year 2010 on Dams
- f. Government Regulation No. 43 Year 2008 on Ground Water
- g. Government Regulation No. 20 Year 2006 on Irrigation
- h. President Decree No. 6 Year 2009 on National Water Resource Council
- i. President Decree No.33 Year 2011 on National Policy on the Management of Water Resources
- j. Ministry of Works Decree No. 04/PRT/M/2008 on the Guidelines in the Establishment of a Coordinating Forum on the Management of Water Resources in the Provincial level, Regency level, and River Areas.

In relation to the water supply for household use, Indonesia's National Medium-Term Development Plan (*Rencana Pembangunan Jangka Menengah Nasional/ RPJMN*) 2010-2014 has prioritized 70% access to safe drinking water for the entire population, as its main priority. In order to achieve the said target, the Government has implemented the Development of Drinking Supply System (*Sistem Penyediaan Air Minum/SPAM*) to low income population (*Masyarakat Berpenghasilan Rendah/MBR*), in sub-district regions, regencies, and special regions as mandated by the Government Regulation No. 16 Year 2005. Based on such government regulation, every person shall have the right to:

- a. Obtain services to safe drinking water that fulfils the minimum standard of quality, quantity, and continuity;
- b. Transparency in obtaining information regarding the structure of tariffs and billing;
- c. To lodge a complaint to the court against services that inflict any financial loss;
- d. Obtain adequate compensation as a result of negligence in the delivery of services;
- e. Obtain waste water management services.

The abovementioned SPAM program also set the target that by 2015, the percentage proportion of Indonesian households with sustainable access to safe drinking water to reach 68,87%. According to the data from the Ministry of Public Works and the BPS-Statistics Indonesia, in 2011, Indonesia has reached 55,04% of the aimed target. The highest rated province for access to safe drinking water is the Riau Islands Province with 84,08%, with the lowest rated is Central Java Province with 26,2%.

**The Percentage of household that has access to safe drinking water in all Provinces in 2011:**



Source: Ministry of Public Works and BPS-Statistics Indonesia, 2012.

➤ **Implementation Challenges**

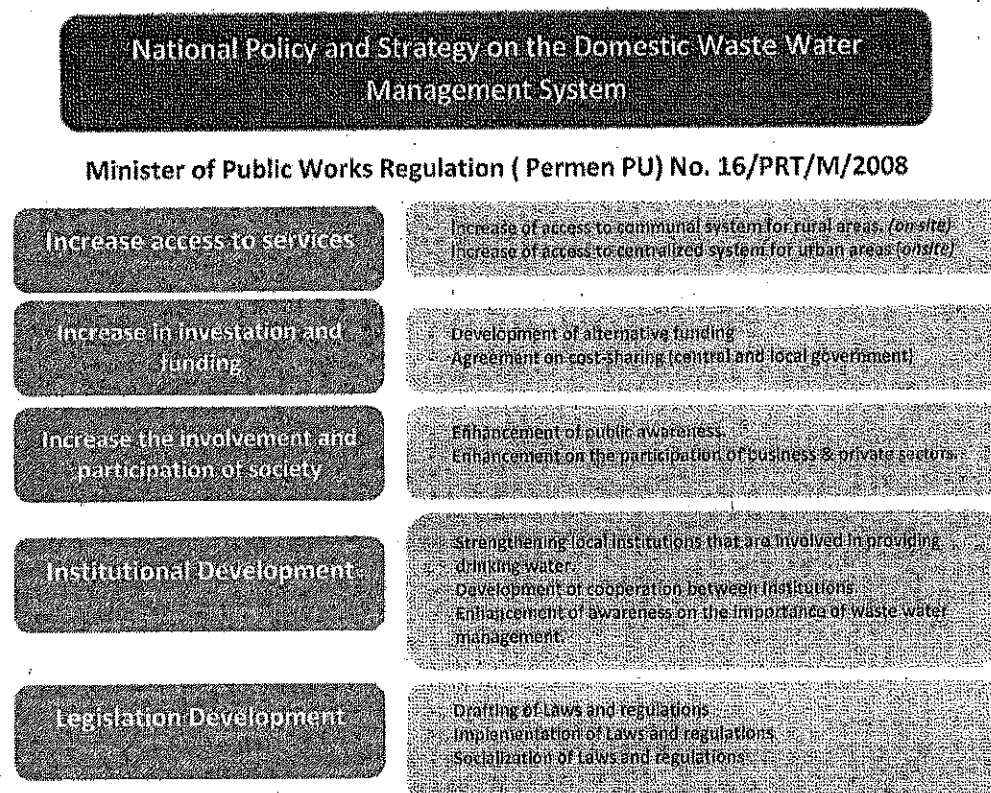
- there are difficulties in the implementation of prioritization, mainly between the development of safe drinking water services (PDAM) with the use of water for agriculture irrigation.
- overlapping and discrepancy in the duties, functions and roles between institutions in the water resources management.
- low priority in the development of infrastructure for safe drinking water in the local government level;
- insufficient mentoring and facilitation from the central government;
- low quality of environmental health, and a need for a continued planning in the development of infrastructures for safe drinking water and sanitation in regencies/cities.
- Although the government has established the National Council on Water Resources, the council has difficulties in its operational implementations as the regulator for the allocation of water resources.

➤ **Measures to overcome such challenges include:**

- strategic measures that are currently implemented is the effort in improving the management of water resources by advocating the concept of "one river basin, one management". With such concept, the management will be established based upon each river basin areas, rather than the previous management by its own local governments. However, this measure is yet to be concretized because of the currently absent implementation mechanism for the protection of water resources and rivers.
- enhancing coordination between institution and sectors through discussions on the efforts to overcome implementation challenges and water resource sustainability measures;
- enhance the infrastructure and gradual steps to water availability;
- improve the monitoring and legal foundation to water resources management also with the support of an investigator in the field of water resources designated in every institution that specifically deals with water resource management;

- e. facilitation of the infrastructure to supply safe drinking water to communities;
- f. advocating the increase in services for drinking water, mentoring and support for local governments by the central government;
- g. enhancement of planning for the development of facilities for safe drinking water and sanitation in regencies/cities.

➤ Below is the policy and strategies for domestic waste water management:



3. What strategies, approaches and mechanisms guide water resources and waste water management? How do these ensure that the basic needs of the entire population are met?

➤ Strategies, approaches and mechanism that guide the water resource and waste water management

- **Water Resources**

The Ministry of Public Works through its Directorate General on Water Resources has the main responsibility to the management of water resources and has formulated a vision to "establish a sustainable benefit of water resources". This vision is implemented through three main missions, as follows:

- a. To maintain the continuity of water resources
- b. Increase the utilization of water resources
- c. Control the damaging effects to water

The above vision and missions are implemented through a comprehensive and integrated approach with the support from the society, data and water resource information system through the water resources management strategy as follows:

a. Stakeholder and Finance

- i. Effective services that include the protection against damage effects to water, the availability of regulation of water, raw water, information regarding water resources, technical assistance and recommendation.
- ii. Institutional accountability, include the availability of programs and budget, as well as the financial accountability.

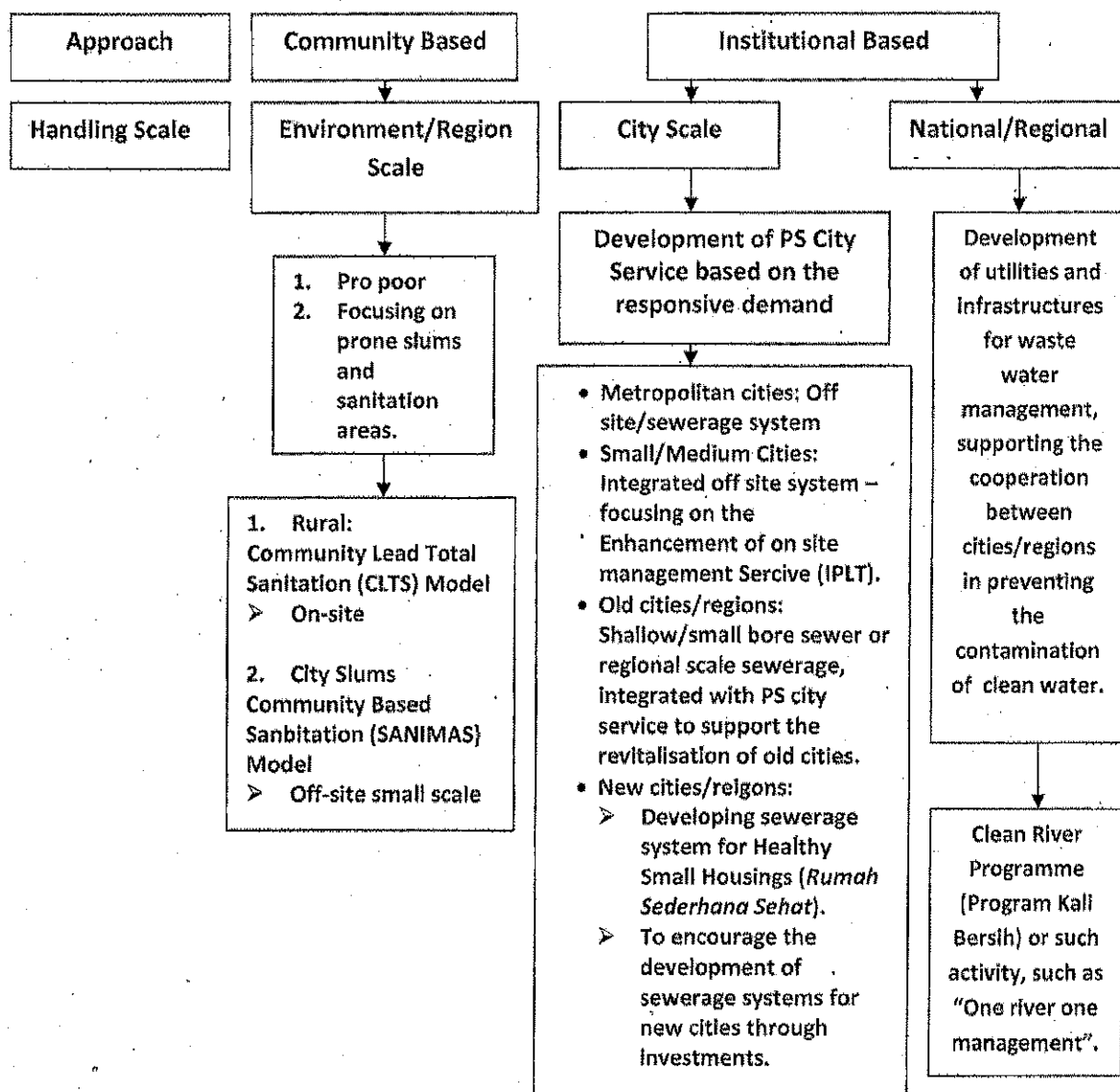
b. Internal process

- i. The empowerment of communities and stakeholders, including the enhancement of participation of stakeholders and communities; coordination and cooperation between stakeholders.
- ii. Enhancement in the works of institution, including the Norm, Standard, Procedure & Criteria (NPSK), and workmanship.
- iii. Enhancement in the development, including the availability of infrastructure to protect the function and the maintenance of services.

The above internal processes are supported with the readiness of competent human resources in the field of integrated water resources management; performance based organization, and maximizes the use of information technology.

• **Waste water**

There are two approaches that are utilized in the domestic waste water management, they are: 1) Institutional based approach to develop a centralized waste water management; and 2) Community based approaches to develop activities for the management of waste water management where active participation of the community will determine the success of the community based program.



The domestic waste water management mechanism is implemented with the shared role of the Central, Provincial, and Regency/City Governments, comprising all aspects of funding, planning, implementation, organizing and monitoring as mandated in the Government Regulation (PP) No.38 Year 2007 on the Separation of Responsibilities between the Central, Provincial, Regency/City Governments. According to such PP, the sanitation responsibilities (including the domestic waste water issues) are the responsibility of and should be implemented by the Provincial and Local Regency/City Governments. The Central Government, in this regard, has the duty to support and facilitate the Regency/City Governments in implementing the development in the field of sanitation infrastructure and issues. The domestic waste water management also involves the participation of the society, and NGO's as well as the private sector through CSR.

Programs that supports the strategies, approaches and mechanism to guarantee the fulfillment of basic necessity to water for all citizens, amongst other are:

**a. Acceleration Program for the Development of Settlement Sanitation (*Program Percepatan Pembangunan Sanitasi Permukiman/PPSP*)**

The PPSP has the aim to improve the capacity in planning and implementation of regional sanitation development. This program is hoped to provide positive impact, especially in the long term protection of water resources from water contaminations.

**b. Water Safety Plan (*Rencana Pengamanan Air/RPA*)**

This RPA is currently under development in order to improve the quality, quantity, and affordability of drinking water. This concept is the adoption of the Water Safety Plan from the World Health Organization (WHO) which integrates the management drinking water with the system and multi barrier approach that encompasses water resources, operators, distribution, consumer and also the management of waste water and water resource safety. This program is currently tested in several locations, for example: for water resources in Cikapundung (Bandung, West Java); for operation services to safe drinking water in Bandarmasih (Banjarmasin, South Kalimantan). The result from these trials will be included into the initiative in the formulation of the National Medium Term Development Plan 2015-2019.

**4. How does your government ensure transparency, access to information and participation in decision-making regarding water resources and waste water management?**

The Indonesian Government has ensured transparency, access to information, and participation in the decision making relating to the water resource management through the issuance of Law No. 7 Year 2004 on Water Resources. In the said law, the Government is mandated to implement the management of the information system of water resources according to their authorities. Information on water resources includes the hydrology, hydrometeorology, hydrogeology, policies, infrastructure, technology, environment, and economic, social and cultural activities of the society. In addition, Law No.7 Year 2004 also stipulates that the society has the equal opportunity to participate in the management of water resources at all phases from planning, implementation and monitoring.

To support the efforts in ensuring transparency, access to information and participation in decision-making, the Government has established the following institutions (amongst other):

**a. National Water Resources Council (*Dewan Sumber Daya Air Nasional/SDA Council*)**

The SDA Council is comprised of both the government and the private sectors. The SDA Council has the authority to: draft and formulate national policies including strategies in water resources management; provide inputs for the determination of river basins and ground water detention basins; monitor and evaluate the implementation of actions in the determination of river basins and ground water detention basins, as well as any modification thereof; draft and formulate national policies relating to the management of the hydrology, hydrometeorology, and hydrogeology information system (H3IS). In implementing its functions above, the SDA Council conducts consultation with other



stakeholders in order to achieve an integrated and comprehensive policy and also to accomplish understanding and coherence in the interest of all stakeholders.

**b. Coordinating Team for the Water Resource Management (*Tim Koordinasi Pengelolaan Sumber Daya Air/TKPSDA*)**

The TKPSDA is comprised of both government and non government representatives with the scope in the management of water resources in river areas. It has the duty to: discuss the design, planning, programming and activity planning in the management of water resources for consideration in the determination of program and water resource activity planning; dialogue in the proposal for water allocation planning from water sources in river areas, planning in the management of the H3IS to achieve an integrated management of information system; discussion in the design to utilize human resources, finance, equipment, and institution to optimize the workmanship of the water resource management; and to provide considerations to all stakeholders in the implementations of water resources management in the river areas. In implementing its functions above, the TKPSDA conducts consultation with other stakeholders in order to achieve an integrated and coherence in the interest of all stakeholders. It also conducts monitoring and evaluation in the implementations of programs and activity planning in the water resource management.

The Government is able ensure the fulfillment in providing infrastructure and utilities needed for the domestic waste water management with the support and coordination of all stakeholders in implementing their roles and functions (as mandated in the above PP No.38 Year 2007).

The Government ensures transparency, access to information and participation in the decision making in relation to domestic waste water management by:

- a. Implementing monitoring and evaluation of all activities related to the waste water management.
- b. Establishing a database for activities relating to the domestic waste water management that are accessible through the internet by the public.
- c. The issuance of Law No. 14 Year 2008 on the Openness to Public Information

**5. In your Government's view, should water resources and waste water management be reflected in the Sustainable Development Goals/ post2015 development framework?**

The Indonesian Government supports for the inclusion of water resources and domestic waste water management in the Sustainable Development Goals/Post 2015 Development Framework. As mandated by Law No.7 Year 2004 on Water Resources, Article 21 (2) which stipulates that "the protection and preservation of water resources as mentioned in para (1) should be implemented through: the planning of sanitation infrastructure" most notably for the protection of safe drinking water, the Indonesian Government has the duty to implement management of water resources. As reflected in the Long Term National Development Plan (*Rencana Pembangunan Jangka Panjang Nasional/RPJPN*) 2005-2025, Indonesia is committed to the importance of the development in water resource management through the enhancement of institutional capacity in the management of infrastructure and facilities of

water resources. Such capacity is implemented using an integrated water resources management with principles of efficiency, effectiveness, fair and sustainable in order to guarantee the fulfillment of basic necessities to life for an improved well being of its constituents.

Water is a basic necessity and source of life for every living creature, hence needs to be protected and be ensured for its sustainability. The use of water for various purposes needs to be managed in order to prevent potential conflicts in its usage and to ensure that everyone has sustainable access to water. Hence, by noting the paradox of the ever increasing population and a steadily decrease in water supply, water resources and waste water management needs to be formulated. This can be achieved by utilizing a 'supply and demand management' that are aimed to improve the effectiveness and efficiency in the use and consumption of water and also the capacity and reliance in the availability of water. Another important aspect that should be considered relating to water resources and domestic waste water management in the Sustainable Development Goals/Post 2015 Development Framework is to specifically define the targets to be achieved in each phase as a control mechanism in the water resources management.