

CHAPTER I

INTRODUCTION

A. Background

Water is one of the basic human needs. The existence of water is very important in supporting human daily life and others; such as for drinking, irrigation, also could be used as power generation. According to Thomas Aquinas, water has inner goodness which means that without water there would be no life. Estranging access to water from a person is as well as estrange that person from life (KRuHA, 2016). Based on that statement, water is related with the right to life for someone, so water could not be separated in terms of human rights.

James W. Nickel defined that the human rights are set of rights that inherent to a man because of his position as a human being (Iskandar, 2011). Human rights have a special characteristic that is categorized as an international or universal right, which means that such rights can be applied all over the world. Compliance with this right has been viewed as the legitimate object of international attention and action. One of the rights that could not be separated from human is the right to water.

In the past, when the United Nations Declaration of Human Rights was drafted, water was not included in the list of protected rights. Started on November 2002, for the first time through the International Covenant on

Economic, Social and Cultural Rights (ICESCR) issued General Comment No. 15 where the United Nations affirmed that the human right to water is implicitly derived from the human right to an adequate standard of living (World Health Organization). The ICESCR reads as follows:

The ICESCR enshrine right which are indirectly linked to the right to health and affect the enjoyment of this right, as noted in the previous paragraph referring to General Comment 14. There rights include: non-discrimination (article 2[2]); equality between men and women (article 3); the right to food, clothing and housing (article 11)' the right to water, which although not specifically mentioned in the ICESCR, is deemed to be included under articles 11 and 12; the right to education (article 13); and the right of everyone to enjoy the benefits of scientific progress and its application and the freedom to perform scientific research (article 15).

In the following years, United Nations continues to make some progress in realizing the right to water. On 28th July 2010 the United Nations General Assembly adopted a historic resolution that clearly recognized the human rights to water and sanitation as essential for the full enjoyment of the right to life. The resolution also called on states and international organizations to provide financial resources, capacity-building and technology transfers through international assistance and cooperation, especially to developing countries to help them provide safe, clean, accessible and affordable drinking water and sanitation for all (Barlow, 2015).

Two months later, the United Nations Human Rights Council adopted a second resolution. The Council added some point where affirmed that governments have the primary responsibility for the realization of these rights and recommended that they pay special attention to vulnerable and

marginalized groups, adopt effective regulatory frameworks for all service providers, and ensure effective remedies for violations.

As final result, the right to water is legally bound in international law through the decision of the whole United Nations General Assembly in December 2013. There are 163 United Nations member states participant. There are 122 countries that support this resolution such as China, Russia, Germany, France, Spain, and Brazil. While there are 41 countries abstained such as Canada, USA, UK, Australian and Botswana. There is no country has refused this resolution.

This agreement creates an obligation for the state to make the realization of right to water. Those obligations are categorized into three; obligation to respect, to protect, and to fulfill (Barlow, 2015).

At the international level, right to water has been spelled out clearly. While at the national level, Indonesia has ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) through Law No. 11/2005. In Law No. 11/2005 stated that (ELSAM / Lembaga Studi & Advokasi Masyarakat), 2014):

Indonesia as part of the international community, honor, respect, and uphold the principles and goals of United Nations Charter and the Universal Declaration of Human Rights;

that the United Nations General Assembly, in 16th December 1966 has ratified the International Covenant on Economic, Social and Cultural Rights (International Covenant on Economic, Social and Cultural Rights);

that the international instrument as referred to in letter c is essentially inconsistent with Pancasila and the 1945 Constitution of the Republic of Indonesia, in accordance with the nature of the Republic of Indonesia as a constitutional state which upholds the dignity of human beings and which ensures equality of all citizens in law, and the wish of the Indonesian nation to continuously promote and protect human rights in the life of the nation and state;

Based on the contents of the law above, Indonesia is obliged to respect, to protect, and to fulfill the right to water. Indonesia has specific policies about water contained in Water Law No. 7/2004 article 5 and 6 (Prasetyo, 2008):

On the article 5 reads as follow, the state guarantees the right of every person to obtain water for their minimum basic needs in order to meet a healthy, clean and productive daily of life. Followed by article 6, water resources is controlled by the state and used for the greatest prosperity of the people.

Even had a lot of regulation on the recognition of right to water, this right still could not be realized fully in Indonesia. There are still many people who have limited access to water. There is also the problem where private sector controlled some water resources in Indonesia. In this context, where the water is supposed to be treated as a social good, but it used as an economic good that is traded. This condition calls several parties such as local non-governmental organization to contribute for some actions in promoting the right to water in Indonesia. One of the non-governmental organizations in Indonesia that focus in the right to water issue is KRuHA. KRuHA itself stands for *Koalisi Rakyat untuk Hak Atas Air* or it can be translated as Coalition of People's Right to Water in English. They want to promote and protect people right to water in Indonesia.

B. Research Question

Based on the description of the background above, it can be formulated the research question in this thesis is:

How does the advocacy process of KRuHA in promoting and protecting people right to water in Indonesia?

C. Research Purpose

On this research, the writer would like to describe the influence of United Nations water action resolution toward KRuHA advocacy process as local non-governmental organization in promoting right to water in Indonesia.

D. Theoretical Framework

To answer the question about how does the advocacy process of KRuHA in promoting and protecting people right to water in Indonesia, the writer would like to use the theory below:

1. Advocacy Theory

According to Roem Topatimasang, advocacy is actually an effort to improve or change a public policy which suitable with their interest (Azizah, 2013).

Advocacy theory could be implemented to describe the advocacy process of KRuHA in realizing right to water in Indonesia. Established in 2002, KRuHA is a group of people who are concerned in the right to water.

According to Muhammad Reza as the chairman of KRuHA, at the beginning of its establishment, KRuHA has divided their advocacy strategy into three approaches as follows (personal communication, 20 November 2016):

- a. *Macro Approach*, basically the advocacy process is done to change the public policy through lobbying, demonstration, and campaign.
- b. *Mezzo Approach*, advocacy process by using cultural mediator. In several regions of Indonesia, the role of cultural mediator as Mufti still very significant. The term of Mufti here is a kind of call to religious or traditional leaders. KRuHA believes that the role of Mufti as an influencer is very effective in helping the process of delivering information to the community.
- c. *Micro Approach*, advocacy will be successful if there is a lot of mass participation. The capacity of community should be strengthened through the transfer process of knowledge and information related to the right to water.

2. Boomerang Pattern Model

The writer would like to use boomerang pattern model from Margaret E. Keck and Kathryn Sikkink. This model could be used to see how KRuHA builds their transnational advocacy network with other non-governmental organizations worldwide who have the same vision and mission to promote right to water. This model can also illustrate how

KRuHA using water norms declared by the United Nations to give pressure to the government policy in case of water privatization in Indonesia.

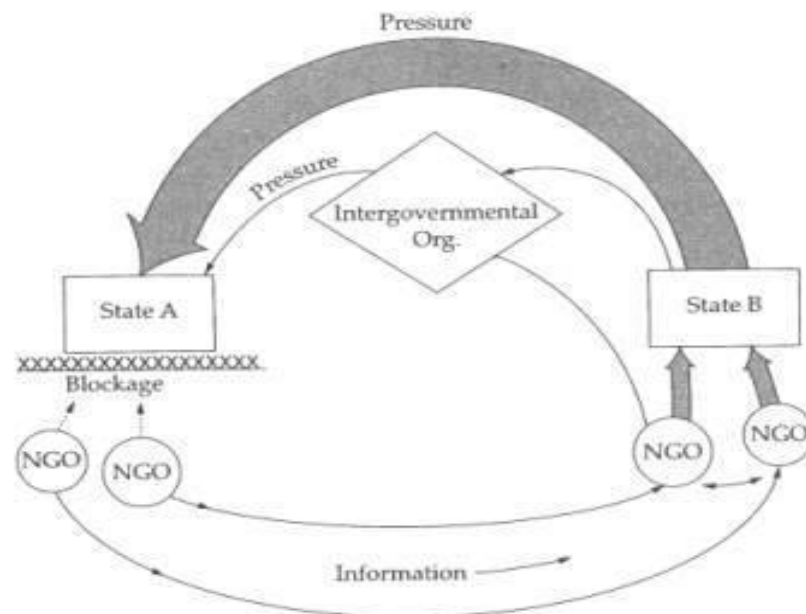


Figure 1.1 Boomerang Pattern Model (Keck & Sikkink, 1998)

On the boomerang pattern model it is explained that when the links between state and domestic actors are severed, domestic non-governmental organization may directly seek international allies to try to bring pressure on their states from outside (Keck & Sikkink, 1998).

Boomerang pattern model is one of model that can be used to give an overview of how does the advocacy process of KRuHA in promoting and protecting people right to water in Indonesia runs.

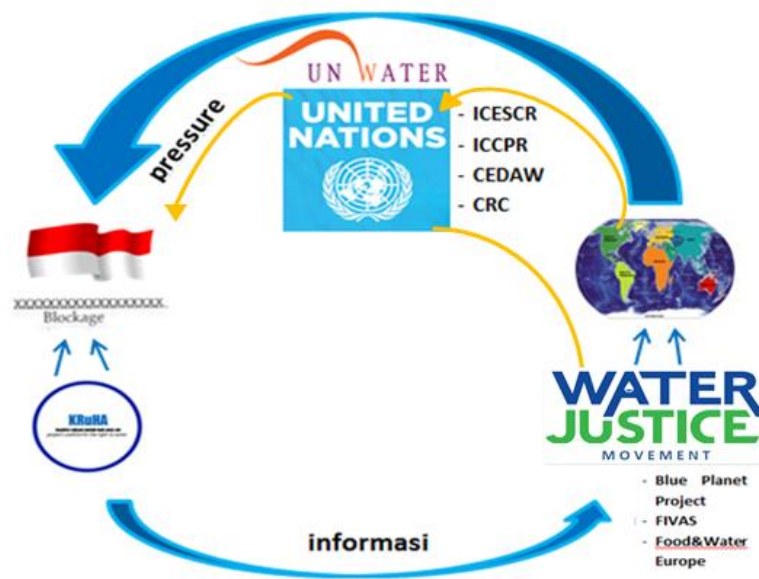


Figure 1.2 the Implementation of Boomerang Pattern Model

In order to promote and protect the right to water in Indonesia, KRUHA strengthens their advocacy base by forming alliances and working with several cross border non-governmental organization. They exchanged information, sharing, and have discussions related to the right to water, including environmental issues, the dangers of water crisis, water privatization and water policy.

KRUHA and partners are united because of the same mission and vision is to promote the right to water. They established a global working base called global water justice movement. Global water justice movement consists of the Blue Planet Project, Transnational Institute, Food and Water Europe, and the Association for International Water Studies (FIVAS).

KRuHA advocacy process upholds the values of humanity produced by the United Nations. Where water is part of human rights and must be positioned as a public good. The state is obliged to ensure adequate water availability for all people. Some water norms that have been produced by the United Nations include; ICESCR (International Covenant on Economic, Social, and Cultural Right), ICCPR (International Covenant on Civil and Political Right), CEDAW (The Convention on the Elimination all of forms Discrimination Against Women), and CRC (Convention on the Right of the Child).

At the international level, the United Nations has clearly declared the norm of water that invite the world community to participate together to realize the right to water in every countries. KRuHA uses the norm of United Nations as a tool to pressure the government and parliament to change the Water Law in Indonesia which is considered to support water privatization by private companies.

KRuHA works with their partners worldwide to protect water for people and nature for generations to come. They support grassroots struggles to protect democratic, community control of water, and are pushing governments to provide clean, safe water in all countries as what has been declared by the United Nations Human Right to Water and Sanitation resolution (Karunanathan, 2015).

E. Hypothesis

The advocacy process of KRuHA in promoting and protecting people right to water in Indonesia have been done in the following ways:

1. Providing information to the people about the dangers of water privatization by private companies.
2. Developing cooperation with global water justice movement.
3. Giving pressure to the national authorities to renew the Water Law in Indonesia.

F. Research Method

In this research, the writer chose the right to water issue as a research object. This issue becomes important to discuss where the violation of right to water often occurs around us. There are still many people who could not reach the access to clean water to fulfill their daily needs.

The writer chose KRuHA (Koalisi Rakyat untuk Hak Atas Air) as a research subject. KRuHA was established in 2002. KRuHA is a group of people who are concerned in promoting the right to water in Indonesia.

This research is using descriptive method that aims to describe the advocacy process of KRuHA in promoting and protecting people right to water in Indonesia. The descriptive method is a method that will be used to examine a phenomenon, group of people, idea or theory with a particular focus on facts and conditions of the subject.

This research uses two types of data. First, the primary data which was collected through an interview process between the writer and KRuHA. Second, the secondary data which was collected from other sources. The writer collects the information and data through reviewing the literature in form of books, journals, articles, reports, conference reports, and newspaper related to the problem.

G. Writing Systems

Based on the question of how does the advocacy process of KRuHA in promoting and protecting people right to water in Indonesia, the writer will divide the chapter into:

Chapter I: In this chapter, it contains the introduction which contains of background, research question, research purpose, theoretical framework, hypothesis, research method, and writing systems.

Chapter II: In this chapter, the writer will talk about right to water in the world. The writer will talk about where right to water comes from and also giving differences between right to water and water right. The writer would like to discuss right to water in other states and some global movement.

Chapter III: In this chapter, the writer will talk about the right to water in Indonesia, includes the condition of water sources and water law in Indonesia.

Chapter IV: In this chapter, the writer will describe about KRuHA advocacy process and their transnational advocacy network. Also it will talk about the government steps in following up water law in Indonesia.

Chapter V: Conclusion.