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Quarterly Newsletter

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Highlight



“The GWP Strategy 2020-2025 is nearing completion and the Regional Days will be an opportunity for the participants to have their last input to any final improvements or clarifications”

The new GWP strategy will be built under three new pillars which is centred around "We mobilise", "We act" and "We learn (PG. 2).

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GWP NETWORK STORIES

GWP Regional Days 2019

GWP Regional Days is held annually to discuss current issues and plan for the future. This year's meeting takes place in Amman Jordan in their capacity as the sponsoring partner, on 13-16 May to discussed 3 agenda. These agenda focused on building a common understanding of the GWP Strategy 2020-2025, bringing a common understanding of GWP's work in convening multi-stakeholder dialogue, and advancing the 3-year (2020-2022) work programming exercise. Present among the participants were the GWP-SEA's Regional Coordinator and Knowledge Management and Communication Officer.



Photo 1 Group Photo of all participants

The GWP Strategy 2020-2025 is nearing completion and the Regional Days will be an opportunity for the participants to have their last input to any final improvements or clarifications. The process of developing the Strategy has been going on for nearly a year, and has included extensive consultations with GWP staff, Partners and external key stakeholders.

The new GWP strategy will be built under three new pillars which is centred around "We mobilise", "We act" and "We learn". **AW**

Communication Training

The GWP Communication Training was held on 17-18 March 2019. The event was held back to back with the GWP Regional Day 2019. Held annually, the 2019 training focused on several agenda, among other:

1) Network Meeting: Ms. Monica Ericsson lead the discussion on the preparation and updates for the second 'Follow the Sun' network meeting. This session also discussed how can we engaged our partners to get involved in other activity

2) Global Strategy launching: Ms. Monica Ericsson lead again the discussion on the role of communication officers in the strategy development, its launch, and 'campaign'

3) Knowledge and Learning – including Communities of Practice: Ms. Ranu Sinha, who recently joining global office as the new Senior Water Resource Management Specialist introduced this session as a follow-up to the "We Learn" elements of the 2019 Regional Days. Another important issue discussed during this session were the communication officers role in building a learning culture, and the upcoming knowledge products (at regional and global) in relation to the outreach and uptake element. An exercise on re-development GWP's IWRM toolbox were carry out as well on this session.

4) Social Media/online presence/websites: Ms. Monica Ericsson and Eva Blassar shared information on the GWPO's instagram and other items, followed by discussion.

5) Region-to-region learning exchange – highlights and lessons: each communication officers presented their work, the one thing which they are most proud of (or learned the most from) in the Communications/Knowledge area over the last 12-18 months. **AW**



Photo 2 GWP'S Communication Team Group Picture

REGIONAL STORIES

Expert Discussion 2 on the "Interpreting State Control Rights in the Water Sector in Indonesia" – Regional Secretariat

The expert Discussion 2 on the "Interpreting State Control Rights in the water Sector in Indonesia" was held in Century Hotel in Jakarta – Indonesia on 2nd May 2019. Water experts from various disciplines agreed on the establishment of an inter and multidisciplinary Water Governance Expert Forum to safeguard the improve water governance in Indonesia. The experts also agreed that the

fifth and sixth limitation for the exploitation of water (Check **Box 1** for details) from the Constitutional Court Decision which revoked the Water Resources Bill Number 7/ 2004 must still be studied critically, and examine the connection with the concept of State Control and Human Rights over Water.

The expert Discussion 2 on the "Interpreting State Control Rights in the water Sector In Indonesia" was a continuation of the previous discussion on the same issue on "the Role of Regulation for The Right to Water in Indonesia", and to follow up the successful development of a Multi-stakeholder Position Paper on the inclusion of community-based water and sanitation program in the new Water Bill in Indonesia in order to get experts opinion on interpreting the state control and rights over water.

A number of water experts from various disciplines such as legal, limnology, hydrogeology, governance, and water management were presented to share their opinions and suggestions. Present among other experts panels were water law expert from Ibnu Khaldun University who also act as the Director of the Center for Regulation, Policy and Governance (CRPG) Dr.Mohamad Mova Al'Afghani, legal expert Mr. Ricardo Simarmata from Gajah Mada University, legal expert Mr. Amiruddin Ahmad Dajaan Imami from Padjajaran University, legal expert Mr. Benekdiktus Danang Setianto from Soegijapranata Catholic University Semarang, environmental researcher Mr. Gunawan Wibisono from Merdeka Malang University, civil society organization activist Mr. Nurkholis Hidayat from KONTRAS (The Commission for Missing Persons and Victims of Violence), limnology researcher Arianto Budi Santoso from LIPI (Indonesian Institute of Sciences), and Mr. Irwan Iskandar a hydrogeologist from Bandung Institute of Technology who also act as the Secretary General of PAAI (Association of Groundwater Expert of Indonesia). The GWP-SEA Regional Coordinator, Mr. Fany Wedahuditama was selected as moderator of the discussion.

In his presentation, Dr. Mova conveyed several interpretive issues on the 6 basic principles of the Constitutional Court (MK) Decision which were used as the basis for drafting the Water Resources Bill by DPR. Among the crucial issues regarded the definition of the private sector and business entity, the importance of emphasizing the ecological quality of water, and to what extent the "private sector/business entity" can be involved in drinking water and wastewater provision and services.

The legal expert Mr. Ricardo Simarmata argued that there are two sources to interpreting State Control Rights (*Hak Menguasai Negara* - HMN) in Indonesia, namely Basic Agrarian Law number 5/ 1960 (*UUPA*) and several Constitutional Court decisions of which interpreted the concept of "the signification that the land

and waters and the natural wealth contained in it shall be controlled by the state and utilized for the optimal welfare of the people" shall be understood as a mandate which shall be executed by the state to make policy (*beleid*), arrangement (*bestuursdaad*), regulation (*regelendaad*), management (*beheersdaad*) and supervision (*toezichthoudendaad*).

Water is one of the elements which is very important and fundamental in the life and livelihood of humans or controlling the livelihood of the people at large, thus should be controlled by the state [vide Article 33 section (2) and section (3) of the Constitution of 1945]. Based on the aforesaid consideration then in the exploitation of water there shall be a very strict limitation as an effort to safeguard the preservation and sustainability of water availability for the livelihood of the nation. This limitation will be based on 6 principles, among others:

1. Each exploitation of water shall not disturb, waive, let alone eliminate the right of the people of water because the land and waters and the natural wealth contained in it other than shall be controlled by the state, its allocation shall be also for the optimal welfare of the people;
2. State shall fulfill the rights of the people over water allocation shall be also for the optimal welfare of the people.
3. We shall bear in mind the preservation of the environment as being one of the human rights
4. Being an important production branch and vital for the livelihood of the people at large, water shall be controlled by the state and be utilized for the optimal welfare of the people, then the supervision and the control by the state over water is of absolute nature.
5. a furtherance of the right to control by the state and because water tremendously control the vital livelihood of the people at large, then the State Owned Enterprises or Regionally Owned Enterprises has the main priority to be granted with the exploitation of water.
6. Considering whereas if following all the aforesaid restrictions herein above has been fulfilled and apparently there is still water availability, it will still be possible for the Government to grant permit to the private sector to conduct the exploitation of water subject to certain and strict requirements

Note: the full report regarding Constitutional Court Decision on the revocation of the water resources in Indonesia in English can be downloaded on this URL: shorturl.at/aijvR



The secretary general of Association of Groundwater Expert of Indonesia Mr. Irwan Iskandar argued that "water in all its forms should be regulated by a separate institution" (in one institution). Currently, the water resources and management in Indonesia is

still being handled by several ministries for instance surface water by the Ministry of Public Works and Housing and groundwater by the Ministry of Energy and Mineral Resources. He added "water use in mining should also be included in the Water Resources regime".



Photo 3 Director of the Center for Regulation, Policy and Governance (CRPG) Dr.Mohamad Mova Al'Afghani moderating the experts discussion

Legal expert Unika Soegijapranata Semarang, Mr. Benekdiktus Danang Setianto, also noticed a lack of clarity in the Court Decision on the water right regime (as the owner) and right to water (the regulator). "It means that when the state wants to make a policy (*beleid*), it must be unambiguous when they want to enter the water right as its owner or actually wants to enter only as part of its regulator. In the first five MK principles, the collision of the two is not clear. A risk of chaotic situation regarding water resources might appeared," he said.

Gajah Mada University legal expert Mr. Ricardo sees that until now the Court has not yet made a further explanation of the interpretation on the six principles. There are also many interpretations that come out of academics through scientific writings. He was suspicious that the Court has issued the interpretation without knowing the characteristics of water.

All of the expert disagreed with the principles number 5 regarding the main priority is given to the State-Owned Enterprises Local Government Owned Enterprises (BUMN/BUMD) has the main priority to be granted with the exploitation of water. Mr. Ricardo questioned the state authority that had entered into private jurisdiction through BUMN / BUMD. This supposed to be not happened as the private jurisdiction is not the scope of the Article 33 of the 1945 Constitution of the Republic of Indonesia. Mr. Mova also have questioned the ability of BUMN / BUMD to be given such responsibility to manage water resources. Mr. Irwan

Iskandar argued that the state must take responsibility for the availability of water in the community this mean "if they are is not capable, the state should appoint the private sector to manage it". Furthermore, Padjadjaran University legal expert Mr. Amiruddin Ahmad Dajaan Imami said the use of "BUMN / BUMD priority" were very disruptive. **AW**

Technical Talk on Water Quality Issues - Correcting the Wrongs– Malaysia Country Water Partnership

A discussion on "Technical Talk on Water Quality Issues - Correcting the Wrongs" was held on 23 April 2019 at the Function Hall, Academy of Sciences Malaysia, Kuala Lumpur. The technical talk was co-organized by Malaysian Water Partnership in collaboration with Department of Irrigation and Drainage Malaysia, and UNESCO-IHP. There were thirty five water stakeholders from public and private such as academia, NGOs as well as members and partners of Malaysian Water Partnership and Malaysia Country Water Partnership were involved to shared their knowledge.



Photo 4 Group Photo of Participants of the Technical Talk

Three resource persons shared their technical expertise. Dr. Zaki Zainudin of National Hydraulic Research Institute of Malaysia (NAHDIRM) presented on Water Quality: Between Perception and Reality. Dr. Zati Sharip of National Hydraulic Research Institute of Malaysia (NAHDIRM) presented on Lake Conservation and Management: Ecosystem Services and Environmental Monitoring. On the last session Prof. Dr. Yang Farina Abdul Aziz of Universiti Kebangsaan Malaysia (UKM) presented on The Challenges of Reducing Chemical Contaminants in Rivers. **AW**



Photo 5 Prof. Dr. Yang Farina Abdul Aziz of Universiti Kebangsaan Malaysia (UKM) on her presentation explained banned pesticides in the waters of Cameron Highlands



Photo 6 The Taskforce Meeting's Participants

The 2nd Taskforce meeting on “Policy Dialogue and Network Building of Multi-Stakeholders on Integrated Decentralized Domestic Wastewater Management In ASEAN Countries (PoDIWM)” – Lao PDR Water Partnership

The 2nd taskforce meeting on “Policy Dialogue and Network Building of Multi-Stakeholders on Integrated Decentralized Domestic Wastewater Management in ASEAN Countries (PoDIWM)” was held on 24 June 2019 at Vientiane. This meeting was designed in order to understand the current situation of the wastewater treatment in Laos, get to know type of technologies being adopted, and to get clarification on the distinct role among organizations.

Several important government agencies and related organizations were taken part. These agencies among others: MRI Research Associates, Inc.; Department of Water Resources, MONRE; Department of Pollution Control, MONRE; Department of Water Supply, MPWT; Department of Standardization and Metrology, MOST; National University of Lao; and DONRE.

The policy dialogue was designed as many ASEAN member countries showed a strong interest in the National Institute for Environmental Studies’ (NIES) past research on domestic wastewater treatment field after secured a financial aid from Japan-ASEAN Integration Fund (JAIF). The project was approved on July 11, 2018, and it will be implemented for two years. This survey is part of the activities of the project.

SDG 6 Stage 2 workshop on the “Solutions to Increase Effective Use and Sustainable Development of Water Resources for Promoting Implementation of Integrated Water Resource Management in Vietnam” – Viet Nam Water Partnership

The SDG 6 Stage 2 workshop on the “Solutions to Increase Effective Use and Sustainable Development of Water Resources for Promoting Implementation of Integrated Water Resource Management in Vietnam” was the continuation of the 1st SDG 6 workshop “on the Development of a SDG IWRM Action plan” that was held on 04 December 2018 at Hanoi. Based on the result of the 1st SDG Workshop, it was agreed that the potential priority areas and enablers based on the baseline analysis, indicated the following: 1) Effective mechanisms for coordination between sectors need to be established, given Viet Nam’s complex institutional and regulatory framework, ambitious development agenda, and rapid urbanization and industrialization; 2) Broad stakeholder participation is needed to ensure equitable and sustainable outcomes from water resources development; 3) Private sector engagement needs to be increased, through both PPPs and Social Corporate Responsibility; and 4) Pollution control measures, particularly wastewater treatment, coupled with ecosystem management, need urgent attention. Learned from the 1st workshop, the 2nd workshop was implemented to get stakeholders’ input to the proposal that was developed by line ministries according to the outcomes of the 1st workshop.

The main objective of the workshop was to get input to the proposals based on priorities set up from the 2017 SDG Integrated

Water Resource Management Survey for Vietnam through stakeholder consultation and involvement.

The result of the workshop was inputs to the 6 proposals of that currently being developed by respective line ministry. Among the agency and ministry involved were: Vietnam Institute of Water Resource Planning; Institute of Water, Irrigation and Environment; National Center for Water Resources Planning and Investigation (MONRE); Disaster Management Policy and Technology Centre (VNDMA); WRD; Participatory Irrigation Management Centre (Water Resource Science Academy)

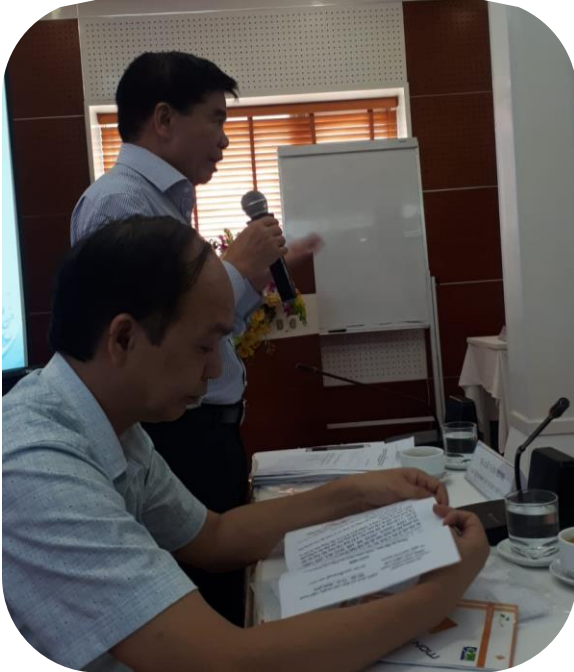


Photo 7 Viet Nam Water Partnership Chairman, Dr. Dr. Le Van Minh (standing person) during the discussion



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Quote of the day

“You don’t drown by falling into water. You only drown if you stay there.”

-Zig Ziglar-

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