**Call for Inputs**

**Too Dirty, Too Little, Too Much: The Global Water Crisis and Human Rights**

“There is simply no way to overstate the water crisis of the planet today.”

Maude Barlow, former senior advisor on water to the President of the
United Nations General Assembly

A global agreement now exists that human rights norms apply to a broad spectrum of environmental issues, including water and sanitation.

The Special Rapporteur on human rights and the environment, Dr. David Boyd, is working to provide additional clarity regarding the substantive rights and obligations that are essential to the enjoyment of a safe, clean, healthy and sustainable environment.

He has submitted reports on clean air, a safe climate, a healthy biosphere, and good practices on the promotion and implementation of the right to a safe, clean, healthy and sustainable environment. He is now preparing a thematic report focusing on human rights and associated obligations related to water pollution, water scarcity and floods. For that purpose, he is seeking inputs on the topic from States and stakeholders through responses to the brief questionnaire below.

Your replies will inform the Special Rapporteur’s analysis and contribute to his report, which will be presented to the Human Rights Council in March 2021.

**Questionnaire**

The Special Rapporteur invites and welcomes your answers to the following questions:

1. **Please provide examples of ways in which water pollution, water scarcity and floods are having adverse impacts on human rights. Adversely affected rights could include, among others, the rights to life, health, water and sanitation, food, culture, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, and indigenous peoples’ rights.**

Water pollution in Brantas River caused by untreated industrial wastewater disposal is contaminating water source for dinking water supplies run by state owned water entreprise (PDAM). The river water is filtered by PDAM to provide clean water for more thatn 5 million people, but the water quality is not consistenly comply with drinking water standard due to unpredictable changes of water quality in river water as raw water for PDAM. The water pollution threated community health and contaminate fish and crops that use the river water for irrigation. The river were used to be swimming and fishing spots, but now most of the river segment are heavily polluted and clogged with plastic trash, and native fish and clams are dissapeared. Children can not play in the river anymore for swimming like it was 30 years ago. Water pollution in Brantas River is diminshing access to clean water and healthy environment, as well as safe food that free from toxic chemical contamintations. The water pollution threatened water source sustainability. Industrial and mining activities are destroying the river and polluting rivers with toxic heavy metals like mercury, lead, cadmium, chromium, arsenic, etc..[[1]](#footnote-1),[[2]](#footnote-2),[[3]](#footnote-3)

River pollution make fishermen and fish ponds business in estuarine lost their income to to decreased of yield and harvest due to toxic contaminant and plastic pollution, and some farmers also lost their crops and fail to harvest due to drought and floods that extreme raifalls occur more frequent in the last 20 years.[[4]](#footnote-4),[[5]](#footnote-5)

Water pollution also caused by domestic wastewater diischarge due to absence of sewerage and wastewater treatment facility. Household wastewater releasing organic and chemicals pollutants into rivers such as detergent, nutrient, persistent organic pollutants, pesticides, pathogens. Brantas estuarine is polluted by detergent that river channel covered by foam after water pump to discharde flood water[[6]](#footnote-6)

It is common habit for people to thrown their trash into rivers and river bank, river is clogged with plastic wastes. There are state law and regulations that forbid that river pollution but government do not enforce the law and tend to neglect the river polluting actions, do not provide waste treatment facilities because environmental protection gain low priority in government policy. Government should increase priority in providing river pollution prevention infrastructures, safe drinking water supply, law enforcement to river polluters, domestic waste water treatment facilities, solid waste management system that ban single use plastic policy, and develop natural flood control system as climate change adaptation measures.

1. **How has climate change exacerbated water-related problems?**

More floods bring more pollution to our rivers, turbity, toxic chemical, bring plastic waste clog waterways creating more floods. Extreme rainfall and drought creates water crisis that will followed by waterborne disease such as diarrhea, hepatitis, typhoid fever, cholera, giardia, haemorrage dengue fever, leptosyrosis, etc.[[7]](#footnote-7),[[8]](#footnote-8),[[9]](#footnote-9)

1. **To protect a wide range of human rights, what are the specific obligations of States and responsibilities of businesses in terms of addressing water pollution, water scarcity and floods? Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, policies and programmes that apply a rights-based approach to preventing, reducing, or eliminating water pollution, water scarcity and floods. Please include, inter alia, any instruments that refer directly to the right to a healthy environment and/or the rights to clean water and adequate sanitation.**

Obligation of states in addressing water pollution, floods and droughts is mandated in Environmental Management Law No.32/2009, stated one of the goals of environmental protection and management in Article 3 point g is to ensure providing and protecting the right to environment as part of human rights.[[10]](#footnote-10)

Environmental protection and management is sistematic and integrated effort that implemented by government to preserve environmental functions and to prevent pollution and/or environmental degradation, which consist of planning, utilization, control, maintenance, monitoring and law enforcement.

Government obliged to carried out water resource management program, such as

1. set water quality standard as reference of good water quality that suitable for specific purporse for community use, such as drinking water, swimming, fishery and irrigation.
2. Enforce punishment for illegal waste discharge activity

Responsibilities of business to run their business activity abide to law and environmental standards, such as conduct EIA study prior to starting their activities, to hold environmental permit and fullfil all permit requirements, conduct water pollution control measures and prevent environmental degradation, disclosure of environmental information, maintain environmental functions and abide all rules regarding waste water standards and environmental protection procedures.

1. **If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, reducing, or eliminating water pollution, water scarcity and floods? If so, how? If not, why not?**

On paper yes, not in the implementation yet. Environment protection is not priority issue in Indonesia. Environmental Ministeries and environmental agencies at provinces and cities are weak institutions with lack of resources to implement their tasks, weak leadership, lack of personnels, lack of technical capacity, lack of budget. The budget allocated for environmental agency in Indonesia is less than 1% of total government budget, that it is impossible to run their task effectively.[[11]](#footnote-11) For example in solid waste management system, most of Indonesian cities only provide service for 30% of population that 70% of solid waste in mismanaged and polluting our environment.[[12]](#footnote-12)

Corruptions is also big problem in government bureacracy system that prevent our available small budget for environmental protection to be used efficiently. Unfortunately under President Jokowi leadership, Indonesian Corruption Commission has less power and no big catch of corruption has been releaved to public in the last 2 years, like previously did by old corruption commission administration. [[13]](#footnote-13),[[14]](#footnote-14)

The dominance of power by government leaders and oligarchy businessmen who has access to natural resource exploitation, forest consession, global trade and infrastructure construction business with access to big capital loans has strong influence in Indonesian economic development. Government budget is allocated to fund the infrastructure and natural exploitation program, that give most economic benefit to the big businesses instead to local community and to maintain environmentan sustainability.[[15]](#footnote-15) Environmental voices are not being listened or considered seriously that most of the time environmental supporter voices are neglected by government. We have been experienced by repeatation of men-caused natural disasters such as floods, land slides, drought, dried springs, salt water infiltration, land subsidence or big pollution incidents such as oil spills, chemical fires, fish killed, plastic wave that chocking our rivers, beach and ocean, but still enviromental protection is not considered seriously in a more integrated and systematic way.[[16]](#footnote-16)

1. **Please provide specific examples of good practices in preventing, reducing, or eliminating water pollution, water scarcity and floods. These examples may occur at the international, national, sub-national, or local level. Examples may involve water quality and quantity monitoring; guaranteeing procedural rights (e.g. public access to water quality information, public participation in decision-making about proposed uses of water, access to remedies); water use and water quality legislation, regulations, standards, and policies; and initiatives to reduce water consumption and/or water pollution from specific sectors (e.g. agriculture, electricity generation, industry, transportation, domestic use). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.**

Water resource management need strong leadership and cooperation among institutions in river basin boundary, can not be managed partially among each administrative area boundary. River basin management need collective joint problem analysis to define priority problems that need collaborative actions.[[17]](#footnote-17)

Some good programs that already implemented in many places are natural infrastructure flood adaptation, riparian habitat restoration, Brantas River fishery sanctuary area, water sensitive cities, Singapore’s ABC water management program, zero waste cities approach to reduce waste dumping into rivers[[18]](#footnote-18), waste circular economy[[19]](#footnote-19), river clean-up from plastic waste diaper[[20]](#footnote-20), citizen science in water pollution monitoring, water board in water resource management, banning single use plastics and promoting reusables and refillable products.

Example of public education to encourage commnity participation in pollution prevention has been done by ECOTON through citizen science program.[[21]](#footnote-21)

1. **Please identify specific challenges that your government, business, or organization has faced in attempting to employ a rights-based approach to address water pollution, water scarcity and floods and the impacts of these problems on human rights.**
2. Abuse of power to earn own benefit and marginalize weaker parties,
3. Lack of commitment of government leaders to give high priority on environment protection
4. Lack of participatory, sustainable and integrated watershed management planning,
5. limit access to genuine community participation that considered to be complicated, long process, create conflicts of interest in the government program.
6. Double standard in environemntal protection efforts implemented by developed countries when working on developing countries that add more burden in pollution and abuse of right to clean water and healthy environment, such as multinational companies producing nonrecyclable waste of multilayer sachet packaging and waste trade that send toxic and dirty non recyclable waste from developed countries to Indonesia[[22]](#footnote-22),[[23]](#footnote-23)
7. **Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to water pollution, water scarcity and floods (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial or other minorities and displaced persons). How can these populations be empowered to protect and improve water quality and availability?**

Access to affordable, safe and clean drinking water supply system that managed and provided by state instead of private companies, need to ban water privatization to ensure every individual has access to safe and clean water

Provide facilities for domestic wastewater pollution control and solid waste management that inline with waste management hierarchy that prioritize on waste prevention and reduction, not end of pipe solutions or false solutions.

Restore water spring forest in mountain areas, build riparian parks as fish habitat and water recharge area along the river that will serve as flood adaptation facility and to improve climate change resilience

Improve access of information, access of participation and access to justice for local community to participate in decision making of water resource management since its planning process

Ensure law enforcement to water polluters and strict punishment for the offenders

1. **How do you ensure that the rights of environmentalists working on water issues (environmental human rights defenders) are protected? What efforts has your Government or business made to create a safe and enabling environment for them to freely exercise their rights without fear of violence, intimidation, or reprisal?**

We have law on information disclosure and journalist protection, there is national board for press or Dewan Pers Nasional who should monitor the violance of journalist, press publication content and proses also to ensure journalists right to be fulfilled. There are independent journalists organization Aliansi Jurnalis Independen (AJI), and other journalist groups. However journalists and environmental activists are often become victim of kindap and murder while doing their work investigations, and still lack of government protection on the cases, more over the threat to journalists often involve military or political leaders.[[24]](#footnote-24),[[25]](#footnote-25),[[26]](#footnote-26)

1. **There is substantial evidence that the actions of high-income States (from high levels of material consumption to high levels of greenhouse gas emissions) are linked to adverse effects on water availability and water quality in low and middle-income States. What are ways in which high-income States should assist low-income States in responding to and preventing water pollution, water scarcity and floods?**

Waste trade from developed countries to developing countries should be banned. Each country must deal with its own waste and not to burden other countries with their waste, especially toxic waste and dirty non recyclable plastic waste. Each country should be responsible to their trash of disposable product consumption. Recycling is not the solution to waste problem, since recycle is long complication and expensive process when its done the right way. Please developed countries, stop sending your waste to developing countries. Don’t give us false solution and expensive technology in waste management with incinerator, plastic to fuel that we cannot afford the operation costs and create more environmental problems with toxic ashes and encourge more consumption of single use products and plastic. We need to reduce our waste production and ban all single use plastics

1. **For businesses, what policies or practices are in place to ensure that activities, products, and services across the entire supply chain (extraction/sourcing, manufacturing, distribution, sale, and end-of life management) minimize water use and water pollution and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?**

Lack of policies and practices in place not. We need to strengthen EPR policy for producers to collect all product waste and packaging and provide facilities for treatment or recycling, implement polluter pay principles, encourage green investment and support community action and participation to prevent water pollution and environmental rehabilitation

**Submission of responses**

Please send your responses to the questionnaire **in Word format** by email to srenvironment@ohchr.org. Submissions will also be accepted via regular mail at the following address:

Special Rapporteur on human rights and the environment

Special Procedures Office of the United Nations High Commissioner for Human Rights (OHCHR)

Palais des Nations

CH-1211 Geneva 10, Switzerland

**We kindly request that your submission be concise and limited to a maximum of
5 pages (or 2,000 words), not including appendices or attachments.**

Due to a limited capacity for translation, we also request that your inputs be submitted in English, French, or Spanish.

To avoid unnecessary duplication: if you have recently replied to other questionnaires from UN human rights mechanisms (or other international bodies) with information that would be relevant to this request as well, we welcome your directing us to those replies.

**The deadline for submission is 10 November 2020.**

Unless otherwise requested, all submissions will be made publicly available and posted on the Special Rapporteur’s homepage at the OHCHR website.

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1. <https://regional.kompas.com/read/2018/06/13/11474311/kadar-merkuri-dalam-ikan-mas-dan-lele-di-sungai-citarum-mengerikan?page=all> mercury contamination in goldfish and catfish in citarum river is frightening [↑](#footnote-ref-1)
2. <https://www.beritasatu.com/faisal-maliki-baskoro/nasional/491390/sungai-kapuas-tercemar-merkuri> kapuas river is polluted with mercury from artisanal mining [↑](#footnote-ref-2)
3. <https://www.nytimes.com/2019/11/09/world/asia/indonesia-mercury-pollution-gold-mining.html> [↑](#footnote-ref-3)
4. [‘Not ordinary rain’: Worst rainfall in over decade causes massive floods in Jakarta - City - The Jakarta Post](https://www.thejakartapost.com/news/2020/01/01/not-ordinary-rain-worst-rainfall-in-over-decade-causes-massive-floods-in-jakarta.html) [↑](#footnote-ref-4)
5. [Indonesia: Drought Information bulletin - Indonesia | ReliefWeb](https://reliefweb.int/report/indonesia/indonesia-drought-information-bulletin) [↑](#footnote-ref-5)
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7. [Leptospirosis Muncul Saat Banjir, Ketahui Cara Mengatasinya (detik.com)](https://health.detik.com/berita-detikhealth/d-4844642/leptospirosis-muncul-saat-banjir-ketahui-cara-mengatasinya) [↑](#footnote-ref-7)
8. [Banjir Bandang di Sukabumi, Ini 6 Penyakit Akibat Banjir (detik.com)](https://health.detik.com/berita-detikhealth/d-5186802/banjir-bandang-di-sukabumi-ini-6-penyakit-akibat-banjir) [↑](#footnote-ref-8)
9. [Dampak Kekeringan, Warga Terancam Berbagai Penyakit - Pikiran-Rakyat.com (pikiran-rakyat.com)](https://www.pikiran-rakyat.com/jawa-barat/pr-01315890/dampak-kekeringan-warga-terancam-berbagai-penyakit) [↑](#footnote-ref-9)
10. [UU-No.-32-Tahun-2009.pdf (apbi-icma.org)](http://www.apbi-icma.org/uploads/files/old/2016/02/UU-No.-32-Tahun-2009.pdf) [↑](#footnote-ref-10)
11. [Usulkan Anggaran Lingkungan Hidup Minimal 2,5 % - Pemerintah Provinsi Jawa Tengah (jatengprov.go.id)](https://jatengprov.go.id/publik/usulkan-anggaran-lingkungan-hidup-minimal-25/) [↑](#footnote-ref-11)
12. <https://m.mediaindonesia.com/read/detail/248815-pengurangan-sampah-masuk-dalam-penilaian-adipura> [↑](#footnote-ref-12)
13. [Korupsi Biang Keladi Kerusakan Lingkungan - IBTimes.ID](https://ibtimes.id/korupsi-biang-keladi-kerusakan-lingkungan/) [↑](#footnote-ref-13)
14. [What we learned from two years of investigating corrupt land deals in Indonesia (mongabay.com)](https://news.mongabay.com/2019/05/what-we-learned-from-two-years-of-investigating-corrupt-land-deals-in-indonesia/) [↑](#footnote-ref-14)
15. [Emil Salim Risaukan Pembangunan Ekonomi yang Abaikan Lingkungan - Nasional Katadata.co.id](https://katadata.co.id/ekarina/berita/5eeb1c1dbcdba/emil-salim-risaukan-pembangunan-ekonomi-yang-abaikan-lingkungan) [↑](#footnote-ref-15)
16. [Jakarta floods spark renewed calls for stronger environmental protection (mongabay.com)](https://news.mongabay.com/2020/01/jakarta-floods-environmental-protection/) [↑](#footnote-ref-16)
17. [HLW Report Card | HLW Report Card](https://reportcard.hlw.org.au/) [↑](#footnote-ref-17)
18. [Zero Waste Cities: Tackling the Global Waste Problem - Global Alliance for Incinerator Alternatives (no-burn.org)](https://www.no-burn.org/zero-waste-cities-tackling-the-global-waste-problem/) [↑](#footnote-ref-18)
19. [Zero Waste & Circular Economy - Global Alliance for Incinerator Alternatives (no-burn.org)](https://www.no-burn.org/zero-waste-resources/) [↑](#footnote-ref-19)
20. [RI Faces Tough Battle Against River Pollution – ICEL](https://icel.or.id/en/news/ri-faces-tough-battle-against-river-pollution/) [↑](#footnote-ref-20)
21. [ECOTON (or the rollercoaster of Surabaya) | Both ENDS](https://www.bothends.org/en/Whats-new/Blogs/ECOTON-or-the-rollercoaster-of-Surabaya-/) [↑](#footnote-ref-21)
22. [Trade barriers are slowing plastic-pollution action. Here’s how to fix it | World Economic Forum (weforum.org)](https://www.weforum.org/agenda/2020/07/trade-barriers-are-slowing-action-on-plastic-pollution-here-s-how-to-fix-that/) [↑](#footnote-ref-22)
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25. [Indonesian journalists up in arms over reporter's murder - UCA News](https://www.ucanews.com/news/indonesian-journalists-up-in-arms-over-reporters-murder/89269) [↑](#footnote-ref-25)
26. [Suspicions of murder in death of Indonesian environmental activist (mongabay.com)](https://news.mongabay.com/2019/10/environmental-activist-death-murder-indonesia/) [↑](#footnote-ref-26)