



## Principles for Water Rights in International Human Rights Law (Review of the Implementation of the Right To Water in Indonesia)

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Received 10 October, 2014; Accepted 30 October, 2014 © The author(s) 2014. Published with open access at [www.questjournals.org](http://www.questjournals.org)

**ABSTRACT:** *Water is something that is very important compounds, can not be replaced to meet the survival of all organisms, including humans. The human right to water entitles everyone to water quality that is safe for consumption, the quantity of which is the amount of water that is sufficient to prevent deaths due to dehydration and the accessibility of the physically accessible and easy to obtain. Water rights are expressly included in the category of absolute guarantee to meet adequate standard of living, particularly since this right is one of the most fundamental conditions for survival, the Committee on Economic, Social and Cultural Rights of the United Nations, has recognized that water is a right human rights contained in Article 11 paragraph (1) International Kovenen rights Economic, Social and Cultural Rights, General Comment junto on Economic, Social and Cultural Rights of 1995 No. 6. Water rights can not be separated from the right to the highest attainable standard of health, the right to housing and the right to food as set forth in Article 12 paragraph (1) International Covenant on Economic, Social and Cultural Rights. These rights can be understood in relation to the rights contained in the International Bill of Human Rights, particularly the right to life and human dignity.*

**Keywords:** *Water is intrinsically linked to the right to health and right to life.*

### I. INTRODUCTION

Water is an asset of human life. If the asset is reduced or exhausted, then certainly a man can not hold his life. This led to a basic logical mindset and attitude in the water position as a major resource for life. World Bank Vice President Ismail Sarageldin once said, "War in the future is no longer triggered by seizure of black gold (oil), but the blue gold (water)". (Toto Subandryo).

Reports in the media said there were 60 million Indonesian population experiencing water shortages. The situation indicates that the threat to justice and opportunities to develop a prosperous society as law purposes, actually comes from a source that is more fundamental, namely the failure to maintain the ecological carrying capacity. Furthermore causing scarcity of clean water for the survival of human beings on the earth's surface, and the impact away from the dignity of the human being. (Eep Saefulloh Fatah, 2007).

Legal protection of the water is very important because water can never be separated from life, even life itself is water (aqua vitae, the water of life, ma'ul life). Although the water is beneficial, but it must be borne in diminishing water supplies and depleting. Undisputed that the water except as a source of life, water has become a commodity also economic centers, to borrow a phrase Bronwen Morgan, both radically opposed, water as an economic good and water as a human right. (Bronwen Morgan, 2004:179-187).

This issue becomes more alarming when the availability of clean water and healthy, not comparable with the level of human needs themselves. (Antonie Frerot. 2006:20). Population growth characterized by increasing economic activity, have a significant influence on the availability of clean water and healthy. Kevin Watkins, Director of the United Nations Human Development Report Office, reminds us that: Unclean water is the second biggest killer of children, claiming more than two million lives annually. Diseases the caused by water keep countless millions more children out of school, reinforce poverty, and act as a brake on economic growth. (Kevin Watkins. 2006).

It is estimated that there are 1.1 billion, or about one-sixth of the world's population were forced to drink water that does not meet health standards, every day. It is estimated there are thousand five year old children, die every day from diarrhea. This is due to poor availability of clean water. If this condition continues to occur requires medical care and forced to spend money to meet. Including some 443 million school days (ren children not in school), lost due to an illness suffered as a result of the poor quality of and access to water and sanitation (Jhon Scanlon. 2004:1).

Reality in the care of when someone became ill, health officials adopting a healthy lifestyle, proved some diseases remain inevitable. This is due to the advice is usually just about the food alone, without regard to quality, hygiene and water sanitation.

Clean water is very meaningful for everyone, because water is a very important substance for the body. Approximately 70 percent of the human body consists of water. Functions of water in the body is as a regulator of body temperature, moisturizes the mouth, eyes, and nose, lubricating joints, and protects organs and other body tissues (Fredrik Langi. 2009).

Due innate water, some human illness caused by the condition of water containing pathogenic germs, which becomes a means of transmission of such diseases include cholera, typhoid, liver infections, bacillary dysentery, amoebic dysentery, polio, giardasi, and kriptosordiosis. Scientific studies state that the reduction of morbidity is as much as 77 percent can be achieved by improving the condition and accessibility of water and sanitation (Lilian Andries. 2008:17-22).

Clean water is still a problem for the people in Indonesia. Difficulties in obtaining clean water in many areas, and increasingly burdensome repeated from year to year. State government as mandated by the constitution represented, shall meet those needs. In fact, the problem of water supply has not been a government priority. Even in the mass media in May 2014, based on data from UNICEF and WHO mentioned Indonesia is one of a group of 10 countries that nearly two-thirds of the population do not have access to drinking water sources, which are about 39 million Indonesian population do not have access to clean water. (<http://nasional.sindonews.com/read/862939/18/indonesia-butuh-air-bersih>).

Groundwater is the main source of clean water be used by people in North Sulawesi. As observed in Manado and Minahasa region, generally has been tainted by *E. coli*, detergents, oils and fats that exceed water quality standard, in accordance with the Regulation of the Minister of Health of the Republic of Indonesia Number: 416 / Minister of health / PER / IX / 1990 on Terms - Water Quality Monitoring requirements. Furthermore, in South Minahasa, the quality of water distributed Regional Water Company does not qualify according to the Decree of the Minister of Health of the Republic of Indonesia Number 492 of 2010, on the terms and monitoring of drinking water. This is due to the content of the production of drinking water containing residual chlorine, total *coliform* and *E.coli*. Based on the results of the study, found 73 cases of diarrhea since December 2009 - February 2010. (John Robert Tilaar.2010).

Management of water resources is a major challenge complex in efforts to achieve the millennium development goals proclaimed in 2000, especially in achieving the first goal "to eradicate poverty and hunger", as well as goals to seven of the ten targets of "reducing by half the proportion of people without access to the potable water ".Indonesia be one UN member states have agreed to the Millennium Declaration. WHO survey conducted in Indonesia in 2002 showed that of the 217 million Indonesian population, the composition of the population 44% are in urban areas and the rest in rural areas, and who received services from taps only 17% of households in urban and rural.

### **Problem Formulation**

Based on the above, the author defines some formulation of the problem such as: Is the right to water as a basic fulfillment of other human rights has a clear legal status, not merely a moral force, but is a right that can be sued for its fulfillment.

### **Research Objectives**

Identify the principles of the right to water in International Human Rights Law

### **Benefits of Research**

This research is expected to provide several benefits:

Could theoretically contribute to the development of legal science, particularly those concerned with the fulfillment of the rights ats water, and that can conveniently be used as a material reflection for law and policy makers in the improvement of legislation in the field of water resources to be more beneficial to the interests of the much.

## II. METHODS

This study uses a normative juridical research with an emphasis on the approach through legal issues regarding the right to water. Approach this research includes two (2) areas of science, the science of law and public health sciences.

## III. RESULTS AND DISCUSSION

Water is a natural component of the grace of the Lord Almighty and very important role in any joint life. Water be an absolute basic need for all living things, especially for humans. Once the importance of water for human needs, so that the water rights became one of the fundamental human rights. When the need for access to water is not created, no human rights are harmed or neglected. If the problem of access to clean water, the sanitation infrastructure, health, economy, education, and the environment, including the social and political aspects will be brought to be bad.

Discussion of this paper deals with the issue on the view that the economic, social and cultural are often described simply be a political statement, in this case, including the right to water is classified into a clump of social economic and cultural rights. To discuss some of the above will be identified principles - the principle of the right to water. By identifying the position of the right to water in international provisions on human rights, the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966) as well as standard or international norms on human rights. Through the issue - the issue above will interpret the principles of the right to water which will be described below.

### **Right to Water in International Human Rights Law**

Water including limited natural resource and a public good fundamental for life and health in particular. The human right to water is a thing that can not be left out in living a dignified life. This right is an initial requirement for the fulfillment of other human rights and the rights of every human being, simply because he is human. Every man for using water instead of being administered by the state or by a rule of law. Human rights are understood as rights inherent and can not be revoked at any individual. The rights of human beings as intrinsically as human beings, not because they are citizens in the country (John Robert Tilaar,2010). The human right to water entitles everyone to sufficient water, safe, acceptable, physically accessible and readily available for personal and domestic use. The number of clean, potable water is necessary to prevent death from dehydration, reduce the risk of diseases related to water, and used for consumption, cooking, and personal and domestic hygienic requirements.

Initially, the international community considers water as an economic goods in an effort to maintain the efficient use of water by means of price setting. Then the international community began to view that water rights must be guaranteed by the state (government) because there are many people who have limitations on water. In addition, the implementation of the right to water must also be supporting the sustainability of the enforcement of other rights, such as the right to life and get proper health (Erik B. Bluemel. 2005:962-963). These rights arise from the demand that the state provides to the fulfillment of basic needs to everyone, ranging from food, clean water to health. State thus act more actively demanded that these rights can be fulfilled or available. Because it is right - the right to be formulated in the language of positive "rights" (right to) not in a negative language: "free from" (freedom from). This is what distinguishes the civil and political rights.

Initially, human rights in general and not regulated explicitly discuss a whole. One of the basic rights set forth in the rules of human rights is the right to life. The right to water is considered as a subordinate of the right to life. Establishing water rights into human rights stand-alone conceptual change is a process that formerly human rights water rights are conceptually regarded as a derivative right which is born of the fundamental rights of others, whether included in one of the branches of human rights or be stand alone. (M. Ramachandran. 2005:7).

The first container which states that water as economic rights in Dublin Statement in 1992 which stated that water has economic value for every use, so it should be regarded as economic goods. Many of those who oppose this opinion because it considers the basic human needs is water and should be granted access to it, at an affordable price. (M. Ramachandran, 2005:7).

Principle - the principle of Dublin (Dublin Principles) in the governance of water (water governance) gave birth to four grains of principles which form the basis for integrated water resources management principles (integrated water resource management). Fourth point principles : (M. A. Munkonge & P. A. Harvey, 2008:9).

1. Water is the source of power and human rights for the sustainability of life, development and the environment. Water is a limited resource availability and vulnerable.
2. The development and management of water resources should be based on a participatory approach, involving users, planners and policy makers at all levels.
3. Women have a central role in the provision, management and safeguarding of water resources.

4. Water has an economic value in all manner of use of competing with each other and therefore should be recognized as an economic good.

World Health Organization (WHO) has confirmed that the price of water must be fair and affordable. The price of water should not be more than 3-5% of the residents expense. In Cochabamba, Bolivia, a resident must spend at least 25% of their income to pay for their daily water needs due to the scarcity of access to water sources. (WHO. 2000:1).

In 2000, the WHO states that about 1.1 billion people in the world do not have access to water resources by the number of at least 20 liters per day to meet the needs of the people for water. The WHO also states that about 2.4 billion people in the world do not have access to sanitation. Therefore, the price of water should be affordable for everyone to gain access to resources adequate water and sanitation (WHO. 2000:1).

As the problem-solving efforts, international organizations take steps to establish that the water is no longer as an economic good but the water must be regarded as a social and cultural rights. Therefore, there are several approaches that can be done, namely :

1) The right to water is specified as part of the human rights set out in international treaties on human rights.

2) The right to water is defined as clumps of other rights, such as social and cultural rights.

Water established as a fundamental right and stand alone, so that the state is obliged to ensure compliance. (Erik B. Bluemel,2005:967).

The notion that no man is rejected position as the most important source of water in life. However, in the context of human rights, there are pessimists who questioned the need to enter the right to water as a human right that are independent. The usual reason given is that in fact the water has entered into an integral part of fundamental human rights of others, so that in order to fight for the right to water is recognized to be an independent human rights is insignificant. (Jhon Scanlon,2004:13).

In the development of any attempt - an attempt to establish the right to water as a human right in itself. 1977 was recorded as the starting point of this effort. In that year, a first UN International Conference on Water held in Mar del Plata, Argentina. The conference passed a resolution which reads: "All peoples have the right to have access to drinking water in quantities and of a quality equal to Reviews their basic needs." (Jhon Scanlon. 2004:13).

Required in the convention for the government to take all measures to ensure a decent life, including the availability of clean water. In addition it also regulates technical issues regarding the division of water resources. Conference calls for the division of water resources management related programs, equipment and institutions as coordination efforts among the countries that share it. Solutions that can be done is through a "global problem that must be solved with a global solution." Because of the scarcity of water in a place it will give a negative effect to some places in the vicinity. Water is a limited natural resource and a public good fundamental for life and health. Water is seen as a "prerequisite for the realization of rights - other rights, is absolutely necessary for people to be able to live their lives with dignity. Regarding the right to food, since 2001 the sole mandate for the Special Rapporteur, the right to clean water is part of the right to food. The right to water is indispensable for the right to adequate food, partly dependent on the right to clean water. If there is no clean water available, it is very difficult to maintain an adequate supply, of products - safe food products. More than the food without water, will not be able to sustain life and thus a failure to provide clean water can lead to failure to retain the right to proper health standards, so it can be considered a failure of the state to respect the right to life. Water is also becoming important as the right to earn a living by working.

Although it can be considered that this is already implicit in Article 11 of the International Covenant on Economic, Social and Cultural which will be discussed later, it is expressly mentioned, a lot of agreement that emerged later, including the convention on the elimination of all forms of Discrimination against Women, the Convention on children's rights and the Geneva Convention on prisoners of war and people - civilians.( Jean Zieglers ).

Without water rights, rights - rights that others basically can not be enforced, it is asserted that the right to water derived from the right to life. The right to life (right to life) and the right to health (right to health) is implicit in the Universal Declaration of Human Rights (Universal Declaration of Human Rights 1948 / UDHR 1948). The linkage on the water with the Universal Declaration of Human Rights will be discussed in the following discussion.

In 1992, the UN launched the "Agenda 21" in the United Nations Conference on Environment and Development (known as the "Earth Summit"), held in June 1992 at the Rio de Janeiro. In documents, particularly in Chapter 18 concerning the Protection of the Quality and Supply of Freshwater Resources (Protection of the Quality and Supply of Freshwater Resources), mentioned about the importance of water in all aspects of life, and that water has become scarcer. But not one single sentence in it that says that water or access to water is a human right. In addition there are many action plans (action plans), which was created by the United Nations during the 1990s that explains the importance of water as a key factor to overcome poverty and

hunger, and that the lack of water, on the other hand, is a major obstacle in the development. In addition there are many action plans (action plans), which was created by the United Nations during the 1990s that explains the importance of water as a key factor to overcome poverty and hunger, and that the lack of water, on the other hand, is a major obstacle in the development.

This view asserts that the right to water has been bringing together rights - rights that are traditionally understood as rights - individual rights (right to life) to the right - new rights that refer to the collective nature of such rights as the right to development. The right to water is not only a right but also the underlying right to life is a right inseparable from collective right to development.

Through the Inter - American Convention on Human Rights and the European Convention on Human Rights also been described by showing respect for the right to life is not only about the deliberate prevention efforts also take steps - steps that maintain life (safe guard life).( Amanda Cahill – Ripley. 2011:21-26).

Patterns of thought which gives access to the basic resources also surfaced when Article 8 of the Declaration on the Right to Development of 1986, states that water is a basic need and access to water should be pursued by the state according to the maximum capacity available. This declaration, as an illustration of how countries - countries in the world feels that it is a customary international law right to associate the water with the right to life, standard of living and the right to physical and mental health (John Scanlon. 2004: 13).

The declaration was reinforced when hold the earth summit of 1992 further confirms the need to guarantee the right to water, which contained over water resources in the interests of Agenda 21 was published in 3 parts: Vision 21 (vision for water supply and sanitation), the Vision for Food, and the Vision for Nature. The core message of the mission statement is the third delivery of water management in order to maintain and ensure the availability of minimum safe drinking water that humans need in the required quantity and quality, increase efficiency of water use for agriculture (often conveyed in the message 'more crop per drop') and recognition of the importance of the role of the environment, both as a resource and water users (Suharno,2005). One of the highlights of the inclusion of the principle of water management in the Agenda 21 vision is a statement about the importance of food waterfor soil moisture or often called "green water". The entry of this principle marks a shift in the basic view that had been considered that the irrigation water is the only source of water for agriculture. The outlook change also brings new awareness that sees the water in a more integrated perspective. Moreover, in this vision also contained a message of the importance of participation of the followers of gender in the management of all sectors, including water (Suharno,2005).

The right to water as a human right contained in various standards and international norms on human rights, such as: the International Covenant on - on Economic, Social and Cultural Rights / Rights Economic, Social and Cultural (The International Covenant on Economic, Social and Cultural Rights / ICEREC), Article 11 of the Covenant Economic, Social and Cultural states that "the right to an adequate standard to everyone of living for himself and his family, Including adequate food, clothink, and housing ..." (to the right of each person to a decent standard of living for himself and his family, including adequate food, clothing and housing). In the literature and a study of the British non-governmental organization said that the use of the word Including, indicates that the list mentioned after the word is not limited Including mentioned. This provision confirms that even if not mentioned, the right to water is very important to keep and maintain a decent level of living. Similarly, the formulation of Article 12 paragraph (3) Covenant Economic, Social and Cultural also emphasized the state has an obligation to "... the prevention, treatment and control of epidemic, endemic and other occupational disease" (prevention, treatment and control of epidemic occupation, endemic and other diseases) as part of the obligation of the state to recognize and pursue the achievement of physical and mental health standards. The need to hold it can not be done without giving an opportunity for the pretty. So the availability of clean water, this article is to underline that despite the lack of explicitly mentioned but water rights become an integral part of other rights.

In 2002, the United Nations published a General Comment No. 15 Economic, Social and Cultural formulate in detail the substance of the right to water. In this formula, it is clear that the right to water is indispensable for an adequate standard of living needs (adequate standard of living), the which is one prerequisite of human sustainability.The General Comment on the Righth to Water (2002) by the United Nations Committee on Economic, Social and Cultural Righth stated that the rights (human) obtain sufficient amounts of water, safe, acceptable, physically accessible and to meet the needs of personal and domestic life (sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses).

Rights committee Economic, Social and Cultural in general comment number 15 has provided affirmation to give the interpretation of Article 11 and Article 12 of the Covenant Economic, Social and Cultural by stating that "The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses ". (the human right to water based on each person's adequacy, security, acceptance, physical access and the ability to water for personal and domestic interests). In this interpretation obvious reference to the right to water as well as provide criteria for how the fulfillment of the rights that should be done. The availability of adequate, healthy / safe for consumption and use, acceptable,

accessible and affordable by the ability of the public good to individual needs as well as other domestic use is the criterion of how the right to water can be met.

Even committee Economic, Social and Cultural has gone further by stating that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights. "(The human right to water can not be separated leading to human dignity, as a prerequisite for the fulfillment of other human rights). This shows that the attempt to declare that the right to water is an inseparable part of rights - human rights is an absolute must. (Jhon Scanlon. 2004:13).

General Comment No. 15, this is not a treaty, but an interpretation of the results of the Committee on Economic, Social and Cultural Rights (CESCR) on the International Covenant on Rights - Economic, Social and Cultural rights (the International Covenant on Economic, Social and Cultural Rights - ICESCR). ICESCR is a legally binding products, but General Comment 15 is not so, although in turn CESCR / ECOSOC can apply the steps - steps that can be "forced" state - the state to implement the covenant was based on the interpretation of ECOSOC. This is possible because the General Comment 15, based on the provisions - provisions in the ICESCR and general provisions of the Universal Declaration such as the right to life and right to health.

This is the first chance of the right to water is explicitly referred to as human rights in an official document. Although General Comment 15, this is not a legal product and therefore not binding, but is a basic constitutional document governing principle - the principle of the right to water, a road map to set as a stand-alone rights.

Sergio Vieira de Mello, the United Nations High Commissioner for Human Rights has said the right to water is an integral component of the human right to adequate standard of living, as well as the right to life, as contained in the United Nations 29th session Release. CESCR Press 26 November 2002 Mornin (Decision of the Constitutional Court of the Republic of Indonesia No. 058-059-060-063 / PUU-II / 2004).

Joint statement: the Special Rapporteur on adequate housing; Special Rapporteur on the right to food; and the Special Rapporteur on the right to the highest attainable standard of physical and mental health, under the Commission on Human Rights states: "water, being an essential resource for life, is one of the most fundamental elements for survival and inextricably linked to the rights to adequate housing, food and the highest attainable standard of physical and mental health ... "as contained in the United Nations Press Release, Kyoto, 17 March 2003 (Decision of the Constitutional Court of the Republic of Indonesia No. 058-059-060-063 / PUU-II / 2004).

The importance of the right to water as a human right contained in various standards and norms of international law, such as the United Nations Resolution - Nations adopted in the United Nations Water Conference, held in Mar del Plata, Argentina (14 to 25 March 1977); United Nations General Assembly Resolution - United 35/18 of 10 November 1980 and 47/193 Date December 22, 1992 on The International Drinking Water Supply and Sanitation Decade (1981-1990) and a statement of Water Day Festival Se - World which falls on March 22 every year.

Formally recognized the right to water as a stand-alone rights with the recognition of the importance of the presence of water, on July 28, 2010 the UN General Assembly passed Resolution 64/292 on Human Rights to Water and Sanitation. Affirmed that the right to drinking water and sanitation are clean and safe is part of human rights and is an essential element to fulfill the right to life thorough. Called on the state and the state international organizations to provide both support and financial resources technology for countries developing countries as part of a global effort to meet the needs of water quality, quantity and can meet physically and economically affordable. This resolution is issued a policy on the UN Human Rights Body (described by Human Council) through Resolution No. 15/9 date 30 September 2010, which states that the right to water is a means to support the realization of other human rights and confirms to achieve a decent standard of living, the right this is closely related to the right to obtain a standard of physical and mental health. (Nobonita Chowdhury Cs. 2011:3-4).

The right to water is a fundamental and universally applicable, so state and governments have an obligation to protect, respect and fulfill these rights. This is in accordance with the International Covenant on Economic, Social and Cultural Rights is one instrument International Customary Law (other than the Declaration of Human Rights and the Covenant on Civil and Political Rights), the instrument is universally binding.

As discussed earlier on the interpretation of Article 11, paragraph 1 of the Covenant Economic, Social and Cultural of sentences, some of which came from the right and could not be left for the realization of the right to adequate standard of living "including food, clothing and proper shelter". The use of the word "including" indicates here that the collection of these rights does not stop here. The right to water clearly into the category of an absolute guarantee to meet adequate standard of living, particularly since this right is one of the most fundamental conditions for survival. Furthermore, the committee has recognized that water is a human right contained in article 11, paragraph 1 (see General Comment No. 6 of 1995). The right to water is also

inseparable from the right to the highest attainable standard of health (article 12, paragraph 1). (Komentar Umum. 2000).

Water is needed for different purposes, besides personal and domestic use, for the realization of various rights contained in the Covenant. For example, water is needed to produce food (right to adequate food) and ensure environmental health (right to health). Water is needed to ensure the standard of living (the right to get a living by work) and to enjoy certain cultural practices (right to take part in cultural life). However, water allocation priorities should be given to the right to water for personal and domestic use. Priority should also be given to the water resources required to prevent starvation and disease, are also required to meet the core obligations of each of the rights contained in the Covenant. (Pertemuan Dunia. 2002).

Water rights would imply freedoms and rights. This freedom includes the right to maintain access to existing water supplies and necessary for the fulfillment of the right to water, and the right to be free from interference, such as the right to be free from arbitrary termination or contamination of water supplies. In contrast, the "right" includes the right to supply and water management system that allows equal opportunity for every person to enjoy the right to water (Report of the United Nations Conference on Environment and Development. 1992). The elements of the right to water must be adequate for the dignity, human life and health, in accordance with article 11, paragraph 1 and article 12 of the Covenant Economic, Social and Cultural. Feasibility of water can not be interpreted narrowly, to refer only to the quantity and the technology used. Water should be treated as a social and cultural goods, not only as an economic goods. The right to water must also be sustainable, ensuring that these rights can continue to be met for the current generation and future. Although the feasibility of the water can vary according to the circumstances, the following factors apply in all occasions, which include the following:

- a. Inventory. Water supply for each person must be sufficient and continuous for personal and domestic use. Uses typically include drinking, personal sanitation, washing of clothes, food preparation, personal hygiene and household. The quantity of water available for each person should be adjusted to the WHO guidelines. Some individuals and groups may require more water for health reasons, climate and working conditions;
- b. Quality. Water is needed for personal and domestic use must be safe, therefore free from micro organisms, chemical substances and radiological hazards that endanger human health. Furthermore, the water must have color, smell and taste that is acceptable for personal and domestic use.
- c. Accessibility. And water management facilities must be accessible clean water to everyone without discrimination, in all regions of signatory countries. Accessibility has four interrelated dimensions, namely:
  - (i) Physical accessibility: water, irrigation facilities and services are adequate, must be within safe physical reach for all of society. Water sufficient, safe and acceptable to be able to be accessed from, or adjacent to, each household, educational institution or workplace. The entire irrigation facilities and services must be of adequate quality, culturally appropriate, gender-sensitive, can be recycled and the need for privacy. Physical security should not be disturbed during access to irrigation facilities.
  - (ii) Economic accessibility: Water, and water facilities and services, must be affordable (costs) by any person. Both direct and indirect costs and charges associated with water security, must be reasonable and must not jeopardize the realization of other rights set forth in the Covenant.
  - (iii) Non-discrimination: Water and water facilities and services must be accessible to all people, including those who are most vulnerable or marginalized in society, in law and in fact, without discrimination on the grounds of the forbidden; and
  - (iv) Information accessibility: accessibility includes the right to seek, receive and impart information concerning water issues.

Recognition of the quality, quantity and access to water as a human right indicates two things, on the one hand is the recognition of the fact that water is a necessity of life that is so important for human beings, on the other hand the need for protection on the top of everyone's access to water. Humans can not live without water, so it can be ascertained that the water is part of life, and life itself.

Thus, the right to water is a fundamental and universally applicable, so state and governments have an obligation to protect, respect and fulfill these rights. This is in accordance with the International Covenant on Economic, Social and Cultural Rights is one instrument International Customary Law (other than the Declaration of Human Rights and the Covenant on Civil and Political Rights).

In documents and international conventions on the right to water has been given a foundation, it turns out the document only contains principles generally accepted, and the realization for each country is still dependent on positive law applicable to the country concerned.

**Table 1. Water Rights in International Human Rights Law**

Name of Instrument	Adopted	Key Information
U.N. Charter	1945	<ul style="list-style-type: none"> <li>Created by the Commission on Human Rights</li> <li>Make one of the goals of the UN, namely: “promoting and encouraging respect for human rights and for fundamental freedoms for all.”</li> <li>Made the international rules relating to individuals / communities that were previously associated exclusively with the state.</li> </ul>
Universal Declaration of Human Right	1948	<ul style="list-style-type: none"> <li>Article 25: “...everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services..”</li> </ul>
The Geneva Conventions  - Geneva Convention III: Treatment of Prisoners of War  - Geneva Convention IV: Protection of Civilian Persons in Time of War  -Protocol I additional to the Geneva Conventions	1949	<ul style="list-style-type: none"> <li>It is the first agreement that explicitly contain provisions on the right to water.</li> <li>Only applies in situations of armed conflict.</li> <li>Article 26: “Sufficient drinking water shall be supplied to prisoners of war”.</li> <li>Article 20: “The Detaining Power shall supply prisoners of war who are being evacuated with sufficient food and potable water, and with the necessary clothing and medical attention. Also included provisions for sufficient water for hygiene purposes such as clothes washing and medical attention.”</li> <li>Article 89: “Sufficient drinking water shall be supplied to internees.” This note also applies to the transfer of prisoners.</li> <li>Article 54: “prohibits the attack, destruction, removal or otherwise of objects indispensable to the survival of the civilian population including agricultural areas for the production of food-stuffs, crops, livestock, drinking water installations and supplies and irrigation works”.</li> </ul>
International Convention on Civil and Political Rights (ICCPR)	1966	<ul style="list-style-type: none"> <li>Article 6: “Every human being has the inherent right to life. This rights shall be protected by law. No one shall be arbitrarily deprived of his life.”</li> </ul>
International Convention on Economic, Social and Cultural Rights (ICESCR) General Comment No. 15: The Right To Water ICESCR	1966  2002	<ul style="list-style-type: none"> <li>Article 11: “the right to everyone to an adequate standard of living for himself and his family, including adequate food, clothing, and housing...”</li> <li>Article 12 (3): “...the prevention treatment and control of epidemic, epidemic occupational and other diseases.”</li> <li>General Comment on the Right to Water: “the human right to water entitles everyone to sufficient, safe, and acceptable, physically accessible and affordable water for personal and domestic uses.”</li> </ul>
The Convention on the Elimination of All Forms of Discrimination Against Women	1979	<ul style="list-style-type: none"> <li>Article 14 (2-h): “State parties...shall ensure to women the right...to enjoy adequate living condition, particularly in relation to housing, sanitation, electricity, and water supply, transport and communication...”</li> </ul>
The Declaration on the Right to Development (General Assembly Resolution 41/128)	4 Dec 1986	<ul style="list-style-type: none"> <li>Quoting from the ICCPR and ICESCR, Article 1: “human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.”</li> <li>Article 8.1: “States should undertake, at the national</li> </ul>



<p>General Resolution 54/175, The right of development</p>	<p>17 December 1999</p>	<p>level, all necessary measures for the realisation of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and fair distribution of income.”</p> <ul style="list-style-type: none"> <li>• Adopted for the broader of the two things above. Declaration on the Right to Development, and also to reaffirm that in realizing the right to development "the rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the international community."</li> </ul>
<p>Convention on the Right of the Child</p>	<p>1989</p>	<ul style="list-style-type: none"> <li>• Article 24 (2): "...State Parties shall pursue full implementation of this right and, in particular, shall take appropriate measure:...to combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental protection..."</li> </ul>
<p>Protocol on Water and Health</p>	<p>1999</p>	<ul style="list-style-type: none"> <li>• Supplements 1992 Convention on the Protection and Use of Transboundary Waterways and International Lakes (entry into force 1996).</li> <li>• Endorsed by the United Nations Economic Commission for Europe (UNECE).</li> <li>• Amended in 2003 to allow for adoption by the states with the UNECE region.</li> <li>• Article 1 of the Protocol: "to promote the protection of human health and well-being through improving water management".</li> <li>• Article 5.1: "Equitable access to water, adequate in terms of both quantity and quality, should be provided for all members of the population, especially those who suffer a disadvantage or social exclusion".</li> </ul>

The principles of water rights contained in international human rights law, although classified as soft law or as a rule of thumb, such instruments expressly establishes that the right to water is recognized, secured, must be respected, and can not be violated.

#### IV. CONCLUSION

The right to water is a public good fundamental for life and health, and rights over water are things that can not be left to live a life in dignity so that the right to water rights are part of human rights law is the highest in the right to life. There are 4 basic conception hakatas principles of water so that water rights accepted its existence as a legal right that fulfillment can be fought namely: a) The right to water is part of the right to the highest standards of health gain. b) The right to water is an instrument to get a healthy and clean environment. c) The right to water is a means of producing food that deserves. d) the right to water is a fundamental condition for survival so synonymous with the right to life.

#### V. SUGESTION

Indonesia has ratified the International Covenant Economic, Social and Cultural hakatas were put in the water as a human rights Act No. 11 Year 2005 Advised To the People's Consultative Assembly of the Republic of Indonesia to use authority under Article 3 (1) of the 1945 Constitution to include the right to water in one Article of the constitution 1945. So that countries have a clear constitutional basis for protecting all persons without discrimination to get water According to public health standards in quality, quantity and accessibility.

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