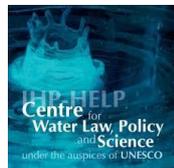




The Role of Regulatory Frameworks in Ensuring The Sustainability of Community-Based Water And Sanitation

INNOVATION IN INFRASTRUCTURE THROUGH APPLIED RESEARCH

- Center for Regulation, Policy and Governance (CRPG)
Universitas Ibn Khaldun Bogor
- UNESCO Centre for Water Law, Policy and Science,
University of Dundee, UK
- National Planning Agency
(Bappenas)
- Jejaring AMPL



Australian Government

Reviewers:

Prof Geoffrey D Gooch
Dr. Sarah Hendry

Researchers:

Dr. Mohamad Mova AlÁfghani (Principal Investigator)
Dyah Paramita
Jibriel Avessina
Feril Hariati
Aftaf Muhajir

Bappenas Contact:
Eko Wiji Purwanto

Jejaring AMPL:
Dormaringan Saragih

Problematique

2019 Target: 100-0-100



= 100

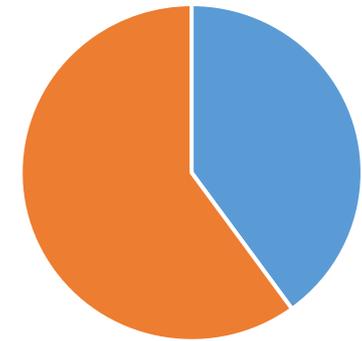


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Water Supply



■ Institution ■ Community

Community Based Water Supply are expected to contribute **60%** (FGD Result). The expected contribution from community sanitation could be higher.

However...., there are some problems

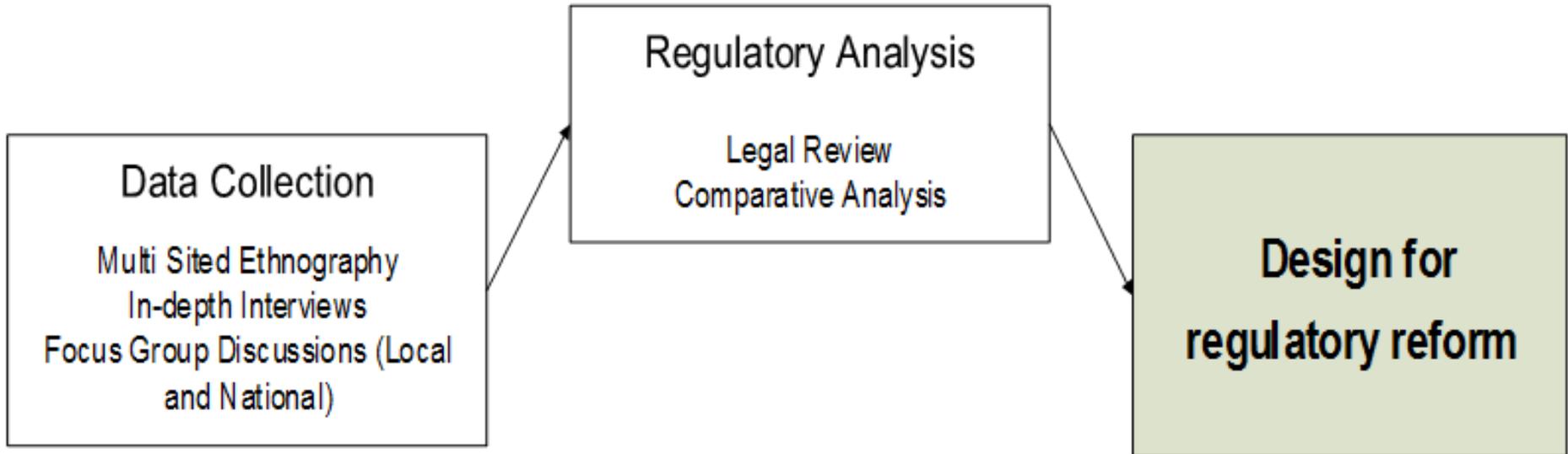
1. The delineation between “community” and “institution” in government policy papers are not clear
2. There is no clear definition on what is meant by “community”
3. Policy makers are not clear whether community based system is a “temporary” or long-term solution
4. National regulatory framework is “discriminatory” towards community based watsan
5. Community watsan’s assets are not legally secured
6. There are overlaps and potential conflict between community watsan service and PDAMs
7. Most community watsan’s initiative have no legally secured access to water source

Aside from the above, regions have started to enact and enforce regional by-laws Drinking Water and Environmental Health (Peraturan Daerah AMPL) – often with substandard legal drafting quality.

Research Question

How can Regulatory Frameworks Ensure the Sustainability of Community Based Water and Sanitation?

Methodology 1



Methodology 2

Focus Group Discussions:

National FGDs

- Scoping and Problem-Verification: Hotel Alila, Jakarta, October 11, 2013
- Project Recommendation and Comments: Hotel Akmani, Jakarta, March 26, 2015

Local FGDs

- Ende, October 11, 2013
- Lamongan, January 26, 2015

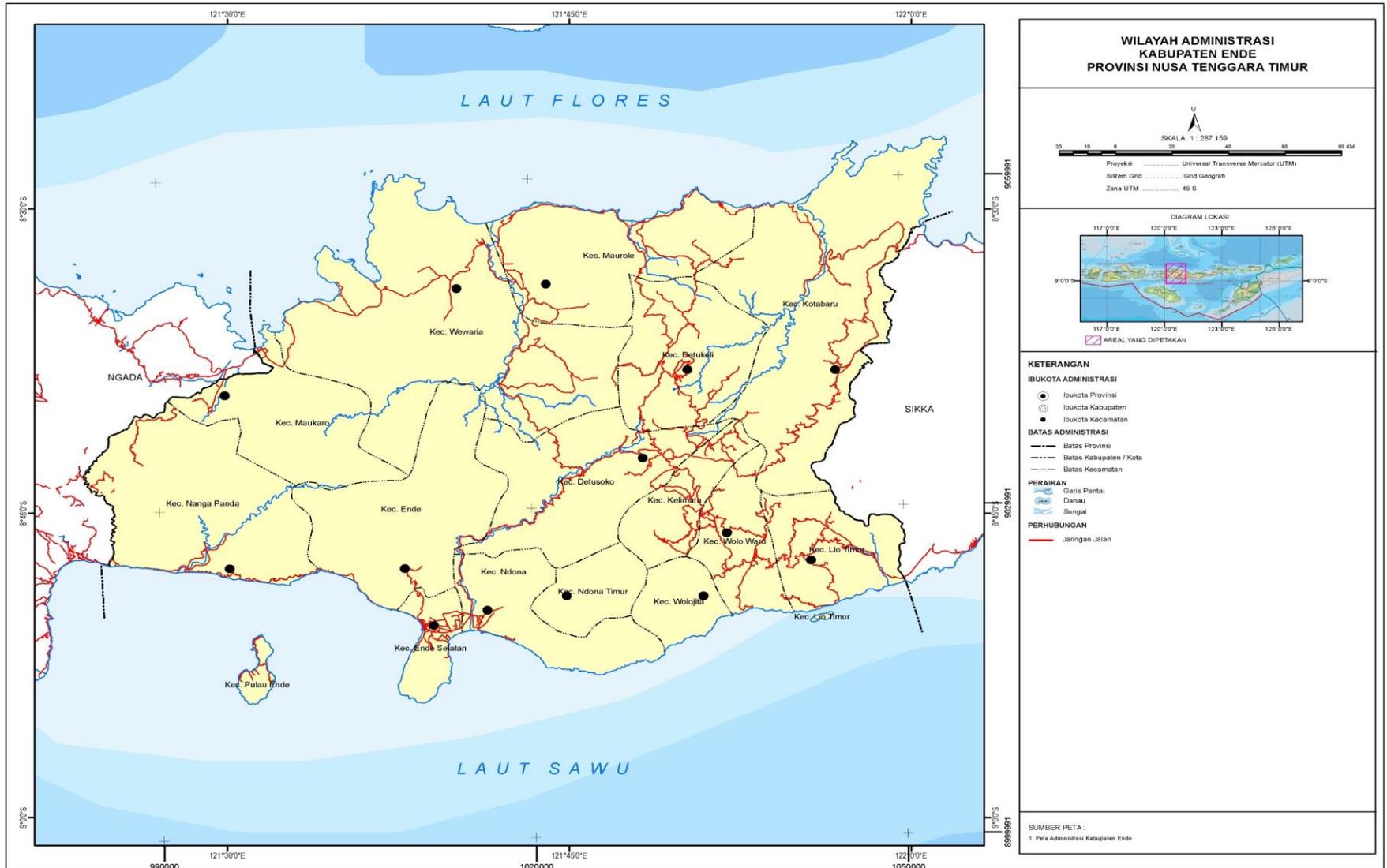
Interviews:

National Level (Bappenas/Pokja/NGOs), Provincial Level (Bappeda Prov),
Regency Level (Bappeda Kabupaten), Village Level, CBO Level

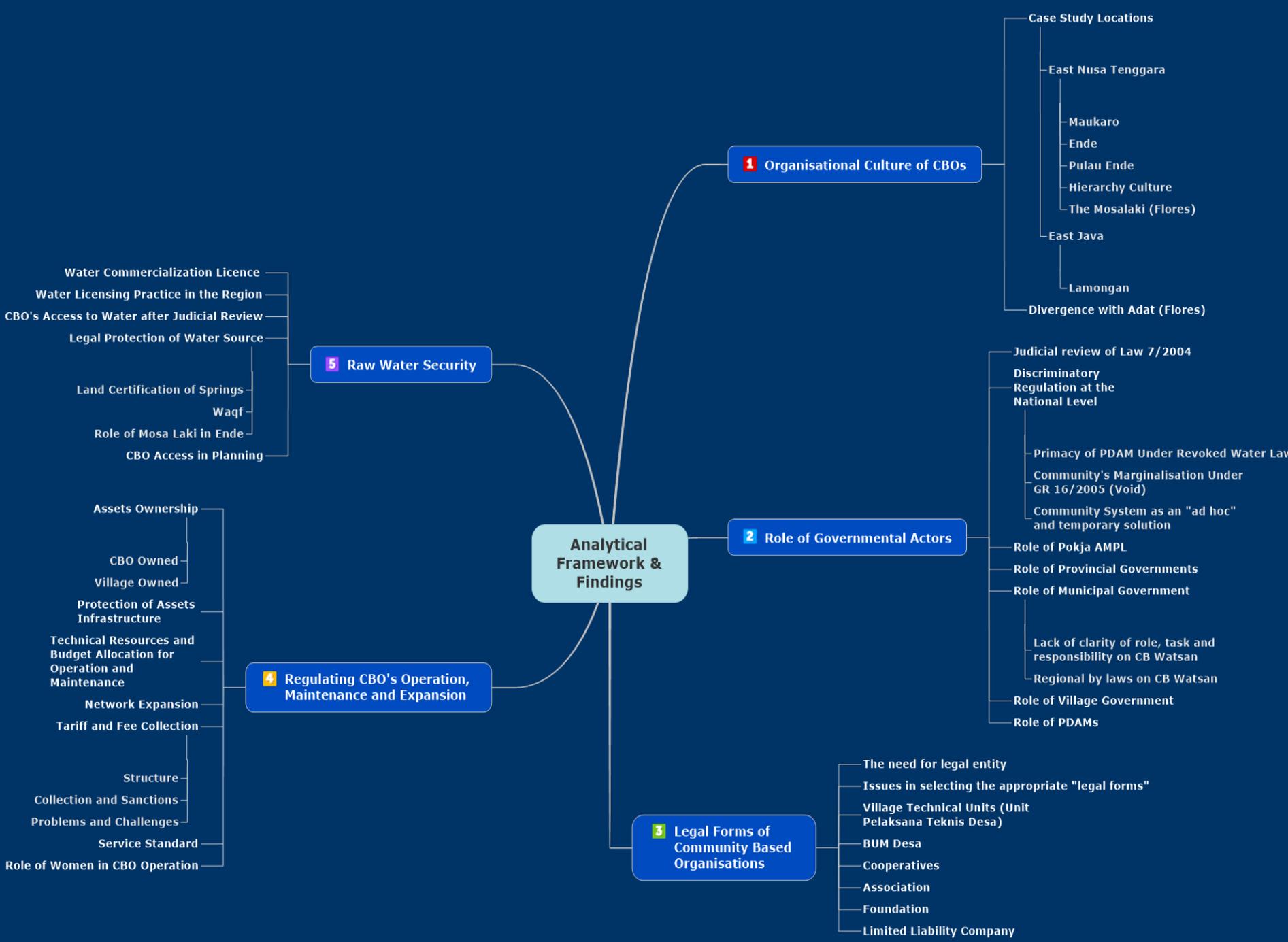
Report Writing Workshop:

Bogor, Hotel Novotel, February 8th, 2015 (Chaired by Geoffrey Gooch, PhD)

Methodology 3: Case Study



Analytical Framework & Findings



Analytical Framework & Findings

1 Organisational Culture of CBOs

- Case Study Locations
 - East Nusa Tenggara
 - Maukaro
 - Ende
 - Pulau Ende
 - Hierarchy Culture
 - The Mosalaki (Flores)
 - East Java
 - Lamongan
- Divergence with Adat (Flores)

2 Role of Governmental Actors

- Judicial review of Law 7/2004
- Discriminatory Regulation at the National Level
 - Primacy of PDAM Under Revoked Water Law
 - Community's Marginalisation Under GR 16/2005 (Void)
 - Community System as an "ad hoc" and temporary solution
- Role of Pokja AMPL
- Role of Provincial Governments
- Role of Municipal Government
 - Lack of clarity of role, task and responsibility on CB Watsan
 - Regional by laws on CB Watsan
- Role of Village Government
- Role of PDAMs

3 Legal Forms of Community Based Organisations

- The need for legal entity
- Issues in selecting the appropriate "legal forms"
- Village Technical Units (Unit Pelaksana Teknis Desa)
- BUM Desa
- Cooperatives
- Association
- Foundation
- Limited Liability Company

4 Regulating CBO's Operation, Maintenance and Expansion

- Assets Ownership
 - CBO Owned
 - Village Owned
- Protection of Assets Infrastructure
- Technical Resources and Budget Allocation for Operation and Maintenance
- Network Expansion
- Tariff and Fee Collection
 - Structure
- Collection and Sanctions
- Problems and Challenges
- Service Standard
- Role of Women in CBO Operation

5 Raw Water Security

- Water Commercialization Licence
- Water Licensing Practice in the Region
- CBO's Access to Water after Judicial Review
- Legal Protection of Water Source
 - Land Certification of Springs
 - Waqf
 - Role of Mosa Laki in Ende
 - CBO Access in Planning

Recommendations

1. In regions where Adat is prevalent, CB-Watsan initiatives should be integrated with Adat, both in pre and post construction stages
2. Limited professionalization is the way forward
3. CB-Watsan should be recognized as a distinctive actor and model of provision
4. National Legislations must regulate CB-Watsan in alongside the “institutional” system, with equal detail (service levels, quality, redress, etc)
5. Regulatory framework must clarify the roles and responsibilities of local agencies in post construction stage
6. CB Watsan and non-CB Watsan Planning Framework must be integrated
7. Legal forms of CBO should be compatible with the “CB-Watsan” concept
8. Most CB Watsan (immovable property) assets are ownerless. Assets must be owned, either by CBO or by Village
9. Assets Infrastructure should be protected by a combination of Regional By Law, Village Regulation and (where applicable) Adat
10. There should be a specific type of CB-Watsan water abstraction licence
11. CBO should be granted access to all planning instruments

Field Study



Village road in Maukaro



Gravity fed system in Maukaro, constructed by the Pro Air Project. Gravity fed system was considered the most appropriate, as electricity is intermittent (lighting starts only from 18.00-06.00)

The system use steel pipes with 50 years timeline. However, only 1 system --- (Koja Aje) out of 4 -- is still functioning. The other systems cease operation after 1-2 years after construction



The Office of BPSAB Koja Aje. Agus Meo, the Chairman, sits on the far left



The public standpipe at BPSAB Koja Aje (Maukaro). The standpipe can serve 4-5 houses with stable pressure. Mosalaki (the Adat Chiefs) – as a compromise – are given their own standpipe.

New connection: connection costs could be prohibitive (due to the cost of piping). Limited pressure may not be able to withstand population growth.



The forest is protected by Adat. Illegal tree cutting will be fined with 1 jar (equals to 40 bottles) of Mokke (traditional liquor), 1 sack of rice and 1 big swine



Panggeng Siswadi, Chairman of HIPPAMS Tirto Agung, Lamongan hand over closet to villagers



Network expansion has been successful in Tlanak, Lamongan. Initially only 125 **household connection** (thus, not standpipes as in Maukaro), now – through several consecutive programs-- there are 1200 HC.



Asset base is developing rapidly, but still no security in terms of land tenure





Vicinity to supplies (major cities), know-how (resource person) and reliable/affordable energy supply affects Operation and Maintenance. These resources are not available in Maukaro.



HIPPAMS Tirto Agung used computerized accounting software for billing

Some Reflections on the Two Case Studies

Factors	Similarities
Dominant Figure	Successful CBOs relies on one dominant figure. Thus, regeneration is difficult.
Motivation	Money is not the motivation. Recognition and appreciation appears to be the primary motive.
Technical Person	The role of technical person is vital, but often underappreciated.
Role of women	We have yet to meet a women as CBO Chairman. Women are usually positioned as secretary or treasurer
Elite Formation	When successful, CBO officials becomes the new village elite
Factors	Differences
Access to Resources	It takes 6 hours from Maukaro to Ende but takes only 2 hours from Lamongan to Surabaya. There is more access to know-how and skilled resources in Lamongan.
Role of Adat	Adat elites are dominant political force in NTT (aside from local bureaucracy, religious leaders and CBOs). Each of these forces are in some form of tensions. In Eastern Java the Adat is intermingled with bureaucracy
Local politics	The importance to be independent from local politics is stressed in Eastern Java (and intervention from local politics has disrupted services) but less so in Eastern Nusa Tenggara



Thank You

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