

HOTELS AND THE HUMAN RIGHT TO WATER:  
PROSPECTS AND CHALLENGES IN  
YOGYAKARTA, INDONESIA

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## Abstract

This study examines how the use of water by the tourism industry affects local communities, using the Yogyakarta region of Java, Indonesia as a case study. This study takes into account the business and human rights (to water) framework. Such a framework encompasses the regulatory-legislative framework; the Human Right to Water Impact Assessment; the importance of monitoring, evaluation and disclosure of water use and its impacts; and community participation. The primary data for this research were acquired from participants using semi-structured interviews, participant observations, and focus groups. Research participants were hoteliers, government agency staff, Yogyakarta residents including those directly impacted by hotels' water use, concerned outsiders, academics, and non-government organizations. As a strategy of inquiry, the participatory action approach was utilized. The underlying idea of this approach was, through on-going collaboration, to ensure the usefulness of the research for participants. This study is also a socio-legal study by virtue of scrutinizing the interplay between law in books and law in action using a qualitative approach. It seeks to derive insights into the responsibility of hotels to respect the human right to water beyond legal text by addressing the operation and enforcement of laws captured in the empirical investigation. By doing so, this study provides evidence that suggests that it is not straightforward for hotels to respect the human right to water. Such identification emphasizes the polycentricity of the business and human rights approach that requires strong checks and balances between the adequacy of state law, corporate codes of conduct, as well as the capacity of civil society to meaningfully participate in water governance. In addition, in the Yogyakarta context, technical and detailed guidance is needed for hoteliers to transform their water management. Law and legal compliance mechanisms are equally necessary and urgent. As such, this thesis proposes several future actions that can be pursued to bring about a better situation for Yogyakarta and its residents. Finally, I outline the opportunities presented by this research for further studies.

*Keywords: Hotels, Business, Responsibility, Human right to water*

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## Abbreviations and Acronyms

AMDAL	: Environmental Impact Analysis
BHR	: Business and Human Rights
BHRJ	: Business and Human Rights Journal
BPS	: Central Statistical Bureau
CSR	: Corporate Social Responsibility
CSV	: Corporate Social Value
DPPKAD	: Revenue Service, Financial Management and Regional Assets
EIA	: Environmental Impact Assessments
EHSIA	: Environmental, Health, and Social Impact Assessments
ELSAM	: Institute for Policy Research and Advocacy
ESG	: Environmental, Social and Corporate governance
FERC	: Faculty Ethics Research Committee
FORPI	: Integrity Pact Monitoring Forum
FPRB	: Yogyakarta Risk Disaster Mitigation Forum
FKWA	: Winongo River Community Forum
GBCI	: Green Building Council Indonesia
GSTC	: Global Sustainable Tourism Council
HRW	: Human Right to Water
HRIA	: Human Right Impact Assessment
HRWIA	: Human Right to Water Impact Assessment
ICESCR	: International Covenant on Economic Social and Cultural Rights
IDR	: Indonesian Rupiah
IGWG	: Intergovernmental Working Group
IHRB	: Institute of Human Rights and Business
IIS	: Institute of International Studies (Gadjah Mada University)
ITP	: International Tourism Partnership
IVAA	: Indonesian Visual Arts Archive
LBH	: Legal Aid Institution
MICE	: Meeting, Incentive, Conference, and Exhibition
MoE	: Indonesian Ministry of the Environment
MoTCE	: Indonesian Ministry of Tourism and Creative Economics
MoLHR	: Indonesian Ministry of Law and Human Rights

MoU	: Memorandum of Understanding
NGO	: Non-Government Organisation
NTD	: National Tourism Destinations
NYIA	: New Yogyakarta International Airport
OECD	: Organisation for Economic Co-operation and Development
PDAM	: Regional Water Company.
PHRI	: Indonesia Hotels and Restaurant Association
PU-ESDM	: Public Utilities-Energy, Mineral and Natural Resources
UKL-UPL	: Environmental Management and Monitoring Effort Recommendation
UDHR	: Universal Declaration of Human Rights
UN	: United Nations
UNEP	: United Nations Environment Programme
UNESCO	: United Nations Educational, Scientific and Cultural Organization
UNGP/GPs	: United Nations Guiding Principles on Business and Human Rights
UNHRC	: United Nations Human Rights Council
UNWTO	: United Nations World Tourism Organisation
UN Working Group	: United Nations Working Group on Business and Human Rights
USD	: US Dollar
OHCHR	: United Nations High Commission on Human Rights
RHRT	: Roundtable Human Rights in Tourism
SATPOL-PP	: Regional law enforcer
SPPL	: Environmental Statement Letter
SRSR	: Special Representative of the Secretary-General
WALHI	: Indonesian Forum for the Environment
WB	: Warga Berdaya / Empowered Citizens
WHO	: World Health Organisation

## Chapter 1. Introduction

This chapter provides the background that underpins the study and identifies the research gap. It also sets out the research questions and aims that guide the thesis discussion. In addition, this chapter outlines the structure of the thesis, including the research conclusions and contribution to knowledge.

### 1.1. Research Background

Human rights in the field of leisure and tourism are an issue that is both compelling and important to investigate. This is not only because tourism activities continue to be one of the most developed forms of activity in the 21<sup>st</sup> century (UNWTO, 2017) but also because the analysis of human rights in tourism is minimal, primarily due to the problematic and debatable nature of the human rights concept itself (Smith and Duffy, 2003; Higgins-Desbiolles and Whyte, 2015).

However, despite perennial debate on the concept of human rights, there is a paradoxical relationship between tourism and human rights that shapes the modern tourism and human rights discourse. On one side, leisure and tourism activities have been held up as a realization of a human right, argued to be either a fundamental right or a social right (Veal, 2002; Breakey and Breakey, 2013; McCabe and Diekmann, 2015). On the other side, tourism is seen as a threat that could damage human rights, especially when tourism only supports the rights of the tourist, as the “customer is king” motto goes, and then neglects the rights of the host community (George and Varghese, 2007; Cole and Morgan, 2010; Higgins-Desbiolles and Whyte, 2015).

These two sides must meet in the middle. Promoting the right to leisure is fundamental, especially with regard to minority groups and disabled people (Card, Cole and Humphrey, 2006; Var et al., 2011). In doing so, there is an unspoken affirmation that no individual is to be left behind in terms of realizing their right to freedom of movement and the pursuit of happiness (Breakey and Breakey, 2013). At the same time, the human rights infringements caused by tourism activities also need to be examined critically in order to bring the best of both worlds to tourism.

In this study, the weight of concern is placed on the threat tourism brings to the human rights of destination communities. It is argued that human rights principles must work as a guarantor for fulfilling basic rights and protections against abuses that arise from tourism activities. This argument is based on a firm understanding that the globalization of tourism has

created governance gaps that force both states and tourism businesses to engage more proactively in preventing human rights abuses (Ruggie, 2008; Eriksson et al., 2009; Cole, 2014). Moreover, concern over human rights came into focus when abuses were found to be taking place in tourism destinations across the globe (Eriksson et al., 2009; Cole and Morgan, 2010; Beers, 2013; Sudirja, Markeling and Pujawan, 2013). The tourism industry needs to think wisely about its responsibility towards human rights issues involving its many stakeholders. Having stated that position, this study is going to discuss a particular human rights concern (the right to water) in relation to one of the pillars of the tourism industry (hotels) in one particular tourist destination, namely Yogyakarta, Indonesia.

This investigation is deemed necessary for two reasons, one empirical and the other conceptual. The first reason is derived from an empirical case concerning the right to water in Yogyakarta. In tandem with Yogyakarta tourism development, hotel growth and the number of guests in Yogyakarta has increased significantly over the past years and caused widespread concern in the local community linked to competition for water and disruption to its supply. Subsequently, there were accusations made by a group of community members in Yogyakarta using the hashtag #YogjaAsat (#Dry Yogyakarta) and, later, the Yogja Ora di Dol (Yogyakarta is Not for Sale) campaign began (Batubara, 2014; Muryanto, 2014; Watchdoc, 2014a). This depiction is reasonable since, as a vital part of the tourism industry, hotels rely considerably on water availability, which is needed to provide their various services and amenities (Kasim, 2006; Gössling et al., 2012; Kasim et al., 2014). Moreover, hotel development in Yogyakarta often leads to social conflict in society due to this conflict of interest as well as causing other social issues such as traffic congestion and neighbourhood disturbance (Putsanra and Aziz, 2017). Although water concerns in Yogyakarta might not be caused by the hotel industry alone (Novira et al., 2012; Batubara, 2014), it still raises questions about the legal protection of the right to water and the practical enforcement of the right in Yogyakarta, as well as about what hotels in Yogyakarta ought to do versus what they actually do in dealing with the concern. To date, there has not been any study discussing the right to water in Yogyakarta focusing on the hotel industry.

The second reason for this study is that there is a knowledge gap in the tourism and right to water discussion. Even though there are several studies that have already investigated water issues with regard to hotels in other destinations (Becken and McLennan, 2017; Cole et al., 2020; Antonova, Ruiz-Rosa and Mendoza-Jiménez, 2021) legal and human rights research on the water issue in tourism is still unexplored. The following section will provide a description of that gap, while further explaining the precise area this study will explore.

## 1.2. Research Gap

As recognized by the United Nations (UN), water is an essential element to sustain life and livelihoods, therefore sufficient, safe, acceptable, accessible and affordable water is considered a human right (United Nations General Assembly, 2010). Moreover, the right to water is generally justified either by pointing out the non-substitutability of drinking water (an essential element) or by arguing that the right to water is bound to other human rights e.g. the right to food, health, human well-being and life and implicitly supported in other previous UN conventions (Winkler, 2014).

Nowadays, experts agree that recognising the human right to water is an important step toward increased access to safe drinking water (Bigas et al., 2012) and has caused a paradigm shift in water governance and politics (Sultana and Loftus, 2019). As a result, both government and non-governmental organisations have advocated for national recognition of the right to water. In fact, a growing number of states recognise safe drinking water as a human right in their constitutions and national legislation, and national courts enforce it as a justiciable right (Bigas et al., 2012). Furthermore, by taking a cautiously optimistic mind set toward the HRW, Sultana and Loftus (2012) argue that the discursive spaces created by considering the human right to water allow for more equitable possibilities to be fought for, as well as pursuing plausible tactics for distributive justice and democratic processes. After all, the challenge is to continuously fight for water justice, not for humankind alone, but for all stakeholders in the environment in every facet of human activity, including the tourism sector.

Although the right to leisure is considered a human right (Veal, 2015) the recreational use of water has nothing to do with human rights (Winkler, 2014), and there are challenges in pursuing water justice that come from the tourism industry. Water depletion, water pollution, and competition for water (water equity) are some of the negative impacts that tourism brings (Stonich, 1998; Cole, 2012; Noble et al., 2012; Becken, 2014). In other words, tourism activities raise serious concerns about the right to water of indigenous or local communities, together with the sustainability of the environment, because, ultimately, tourists come and go but the community and environment stay (Cole and Browne, 2015).

In an effort to seek explanations for and potential solutions to the right to water concerns within the tourism industry, there has been some research and literature produced. This research offers perspectives such as sustainability (Hadjikakou, Chenoweth and Miller, 2012; Vila et al., 2018; Hu et al., 2019), political ecology (Stonich, 1998; Cole, 2012; LaVanchy, 2017), feminist and gender issues (Cole, 2017), business, environmental and social responsibility

(Kasim, 2006), human rights (Cole, 2014), as well as water management and innovation (Kasim et al., 2014; Gössling, Hall and Scott, 2015), yet legal perspectives are still unexplored. Therefore, in order to contribute new knowledge to the discussion of tourism and the right to water, this particular study is going to bring a distinct perspective; a business and human rights (hereafter BHR) perspective.

The latest development in the BHR discourse hinges on the United Nations (UN) Guiding Principles on Business and Human Rights (hereafter the GPs) (United Nations, 2011). As a non-binding international legal instrument (*soft law*), the GPs emerged from a long process initiated by the UN with a special mission to address human rights abuses that involve business entities (Deva, 2012; Davitti, 2016). The development of the BHR perspective itself is not intended to persecute or judge a business entity, but rather to ensure that a corporation does not violate human rights in any area of their business. This is a result of the fact that there have been human rights violations by corporations in the changing context of business in the post-Cold War global economy as well as changes in the power relations in the global political economy. In this ongoing process, Wettstein (2012) explains that “states are said to be losing some of their power to fully control social, economic and even political processes both in the global as well as in the domestic realm” (p.742). As such, beyond the state duty to protect human rights, the GPs comes as a call for extending human rights responsibility to non-state actors (Wettstein, 2012).

The GPs consist of three main pillars, which are: State Duty to Protect (principles 1-10), Business Responsibility to Respect (principles 11-24), and Access to Remedy (principles 25-31). These three main pillars of the GPs are known as the Protect, Respect and Remedy Framework. Although currently the GPs work as a non-binding instrument (*soft law*), their presence initiates a whole range of examination from several organizations, including the tourism sector (Sandang, 2015, 2019). Among the many tourism organizations and businesses, there are a few that already make the effort and take initiatives based on the GPs, such as: the Roundtable Human Rights in Tourism (RHRT), the International Tourism Partnership (ITP) and KUONI (KUONI, 2012, 2014; Kubsch et al., 2013; ITP, 2014). However, their efforts and initiatives are still in the form of guidelines and impact assessments conducted by tourism businesses that already had a long-standing policy commitment to human rights, and there still have not been any studies conducted to see how the GPs operate in a hotel business context, especially in Indonesia.

While human rights issues in tourism have been raised by various academics (George and Varghese, 2007; Cole and Morgan, 2010; Higgins-Desbiolles and Whyte, 2015), only Cole



(2014) has raised the HRW. And yet, in-depth discussion of BHR principles in the tourism industry remain limited, primarily because the predominant paradigm in tourism discourse (business and management) limits human rights perspectives from taking center stage (Pritchard, Morgan and Ateljevic, 2011). Progressing from the work of Cole (2014), this research elaborates on the operation of the GPs in the specific context of the hotel industry. Simultaneously, this study is also answering a call for a hopeful tourism agenda in seeking a just and sustainable tourism; in particular the promotion of human rights in tourism policy and practice (Pritchard, Morgan and Ateljevic, 2011). Thus, this research explores the conceptual discussion between the right to water and the GPs in general, and unpacks the state's duty to protect and fulfil the right to water, in detail, by using a socio-legal approach as it relates specifically to the hotel industry.

In addition, in the tenets of hopeful tourism enquiry, this study adopts a participatory action strategy. This is because “hopeful tourism has at its heart the transformation of relationships between the researcher and the researched—no longer subjects or even participants in projects, but wherever possible, collaborators in tourism storying” (Pritchard, Morgan and Ateljevic, 2011, p. 952). As such, at the onset of this thesis, I declare my positionality as an instrument of activism. In this study, I had been working in collaboration with a group that advocates for communities impacted by hotel development. I discuss this further in Chapter Four.

### 1.3. Research Aim and Questions

Apart from filling the lacuna of knowledge regarding hotels and the HRW, undertaking this project will enhance human rights awareness in the Indonesian tourism industry. This research will draw further attention to multiple tourism stakeholders including academics, hotel businesses, third sector organizations, communities and the government, particularly with regards to the right to water. Such an effort is relevant since a general awareness regarding human rights has been accepted in Indonesia's tourism legislation (Ketut and Dharmawan, 2012). But at the same time, there is still the lack of attention given to the human rights impacts resulting from extensive tourism development (as discussed further in Chapter Three). As such, this project has two broad aims. First, it aims to provide insight and understanding of a hotel's responsibility to respect the HRW based on the Yogyakarta case. Secondly, it is intended to bring three major stakeholders closer together in the search for a more equitable water policy and practice. In relation to the participatory action research strategy of this study, I am aiming

to deliver recommendations to the community organization in reformulating their advocacy strategy. The research questions that will be answered to address these aims are:

1. To what extent does the legal framework applicable to the hotel industry in Yogyakarta recognize and implement the right to water within the UN Guiding Principles on Business and Human Rights framework.
2. To what extent do hotels in Yogyakarta respect the community's right to water within the UN Guiding Principles on Business and Human Rights framework?
3. What efforts are being made by the local community to address their right to water in relation to hotel development and activity? And how effective are the efforts?

#### 1.4. Thesis Structure

After determining the research gap and aims, the next chapter presents a literature review pertinent to the study. Chapter Two explores four bodies of literature namely: human right to water, tourism and water, business and human rights, and hotels and water. Drawing from the literature review, in Chapter Two I present a conceptual framework of the study.

Following the literature review, I proceed with an overview of Indonesia and Yogyakarta tourism development, particularly in relation to human rights (to water) concerns. As such, Chapter Three presents the context for the research setting while pointing out the relevance of scrutinizing the tourism impact on the human right to water of a destination community. In Chapter Four, the discussion is dedicated to the methodological elements of this study. This chapter elaborates on the study paradigm, epistemological standpoint, strategies of inquiry, including the research area, participants, data gathering processes, research ethics, data analysis, positionality and reflexivity. In Chapter Four, I also discuss the participatory action strategy of the study. In sum, this chapter elucidates the systematic process of the research to demonstrate the trustworthiness and accountability of the study.

The next three chapters are about the research findings. Chapter Five opens the discussion by unpacking the scope of the human right to water in the Indonesian legal setting. Chapter Five also explores the national legal provisions and local regulations relating to water management within the hotel industry through the lens of business and human rights (BHR). In Chapter Five I establish that despite the acknowledgment of the human right to water in Water Resource Law 2019, there are only limited legal provisions that require hotels to respect the HRW. Furthermore, study findings suggest that challenges occur in realizing the HRW and

implementing hotels' responsibility to respect the HRW. These challenges are government ability to fulfil the HRW, a gap in compulsory measures for hotels to perform human rights (to water) impact assessments, and the government's ability to control and monitor hotels water use and management in parallel with the government's aspiration to promote hotel investments.

Chapter Six presents the hoteliers' perspectives on compliance and efforts taken in terms of respecting the human right to water. There are several topics discussed in this chapter. First, hotels in Yogyakarta are still lacking in the voluntary adoption of the latest water stewardship standards or guiding principles on respecting the human right to water. Second, most of the hotels are not required to perform rigorous environmental impact assessments. Meanwhile, the third topic is the lack of measurement and management of water data. Ultimately, Chapter Six reveals that challenges in adopting and implementing policies related to the right to water and the GPs are related to a hotel's limited staff capacity, and shortcomings in accessing information and guidance on water stewardship.

Moving on to another stakeholder point of view, Chapter Seven presents the findings on efforts made by local communities to ensure that the right to water is protected in relation to hotel development. This chapter describes the various efforts made by Yogyakarta residents, including those directly impacted from hotels' water use, concerned outsiders, academics, and non-government organizations. These efforts include protests, campaigns, coalition building, the lodging of formal complaints, lawsuits, research, and community capacity building. These efforts to reclaim the rights to water are interconnected with the struggle for the right to participate in decision-making about water governance and the course of tourism development. After all, meaningful participation is one of the key principles of the human right to water.

After presenting the research findings, the next two chapters are designated as the analysis chapters. As such, Chapter Eight delivers a socio-legal analysis of the research findings. This chapter presents a critical assessment of the interplay between law in books and law in action concerning the responsibility of hotels in respecting the human right to water (HRW). Accordingly, central to the discussion are the laws set out fully in Chapter Five, along with the findings discussed in Chapters Six and Seven.

Three main sections of Chapter Eight are: an evaluation of the law related to hotels and water management against the HRW-BHR framework set out in chapter two; a discussion of the HRW and BHR framework regarding operating procedures and law enforcement discussed in chapters five to seven, and a cross examination between the law in books and law in action. Suggesting that a tourism business such as a hotel respect the HRW in the Indonesian context

is not straightforward. This complexity emphasizes the polycentricity of the HRW-BHR approach that requires strong checks and balances between the adequacy of state law, corporate codes of conduct, as well as the capacity of civil society to meaningfully participate in water governance. Meanwhile, technical and detailed guidance is needed for hoteliers. Law and legal compliance mechanisms are equally necessary and urgent. To close, this chapter points out the importance of political will and water governance that enables meaningful community participation.

Chapter Nine provides an analysis regarding the on-going trajectory of community efforts in tackling hotels-community water tension. Chapter Nine also discusses the actions that have taken place throughout the study process. In this chapter, I suggest that there is an opportunity to link business responsibility to respect the HRW with the idea of water security-capabilities (Jepson, Wutich and Harris, 2019). Further, Chapter Nine explores several attempts to influence outcomes within the GPs framework and proposes suggestions for future actions. Ultimately, using a term coined by Angel & Loftus (2019) –in the struggle for water justice-- I close this chapter by arguing that overall, the current nature of community activism is a form of struggle “to work with, against, and beyond” tourism as an industry. The aim is to disclose the face of tourism development that serves the needs and agenda of tourism businesses, and undermines the power of tourism to be socially beneficial (Higgins-Desbiolles, 2006).

To conclude, Chapter Ten provides a summary of this research with the aim of answering the research questions in this study. Further, this chapter presents my contribution to knowledge. This study adds to the growing body of knowledge regarding human rights concerns in the tourism sector. In this case, I demonstrate how the HRW infringements result from the reach of neoliberal growth policies of the Indonesian government. Progressing Cole’s (2014) work, this study identified the holistic implications of a business and a human right based approach for hotels, particularly in relation to the HRW. By exploring the linkages between the HRW-BHR for hotels, four elements for key stakeholders were identified: the regulatory-legislative framework; the human right to water impact assessment (HRWIA); the importance of monitoring, evaluation and disclosure of water use and its impacts; and community participation. Based on the study findings it is evidently simplistic to expect that hotels will voluntarily respect the HRW. This is due to the disparity and inadequacy of national and regional laws in the face of tourism development policy. In this regard, this study has shone a light on the gap between the rhetoric and reality of tourism development, particularly in relation to protecting the HRW.

Furthermore, by incorporating the BHR approach into the HRW discussion, this study adds to the understanding that, in addition to the state's duty to fulfil and protect, businesses should respect the HRW by centring the community in their water management. This research also expands Sultana and Loftus' (2019) concern about political struggle in thinking through and realising water justice through the HRW. When framed as a struggle for water equity and a call for greater participation, this study of water conflict between hotels and communities has identified the roots of the problem, and the opportunities and processes which could, by adopting a human rights-based approach, transform water management in hotels. To close, I outline the implications for policies and advocacy, as well as the opportunities presented by this research for further studies.

## Chapter 2. Hotels and the Responsibility to Respect the Human Right to Water: A Literature Review

### 2.1. Introduction

This chapter presents an overview of four bodies of literature in an attempt to understand the existing knowledge regarding hotels and the responsibility to respect the human right to water. The four main bodies of literature are the human right to water (hereafter HRW), tourism and water, business and human rights (hereafter BHR), and hotels and water. The first part of the discussion evaluates basic elements of the HRW including government duties and interdisciplinary coverage of the HRW. Furthermore, I discuss the potential of the HRW for water equity struggles. The second part discusses existing knowledge of tourism and water. The focus of this section is on tourism and water equity documented in peer-reviewed articles, books (chapters) and Non-Government Organisation (NGO) reports. I considered it necessary to explore grey literature, such as NGO reports, since they document water struggles in multiple destinations and illustrate the current standard in water management for the tourism industry. Next, I discuss the body of knowledge about BHR, particularly the United Nations Guiding Principles on Business and Human Rights (hereafter the GPs). In the subsequent part, I explain how respecting and protecting the right to water is part of the obligation of businesses, including hotels within the BHR framework. Then I review the HRW impact assessments which is a part of the BHR strategy. In the end, synthesising features from the literature review, I develop a conceptual framework for this study. The framework connects the roles of government, hotels and communities.

### 2.2. The Human Right to Water

#### 2.2.1. The Fundamentals

The first subject that needs to be addressed is a basic understanding of the HRW as well as the complexity that follows, and a good starting point to understand the HRW is by questioning whether there even is a HRW. This is not merely a rhetorical question, rather it is a fundamental entry point to our argument since the language of rights in contemporary discourse brings a moral resonance and challenges us to think continuously about the very nature of human rights (Gewirth, 1996).

There are three main justifications for the HRW. The first emphasizes the natural state of human beings in which drinking water is a non-substitutable essential element. The premise

of this argument is that human beings cannot survive without water. Biologically, human beings are composed primarily of water and even a minor deficiency can be seriously debilitating (Gleick, 1996). The second justification accentuates the fact that the HRW is a prerequisite for other rights to be enjoyed. For example, the right to food, health, human well-being and life are inextricably related with the HRW (Gleick, 1998). The third rationalization builds on legal human rights law. The underlying argument is that the HRW has been implicitly supported in a variety of United Nation (UN) Human Rights Conventions. For example, the Convention on the Elimination of All Forms of Discrimination against Women (1979) has explicit reference to water in relation to the right to adequate living standards of women in rural areas (Article 14.2 on adequate living standards of women in rural areas). In addition, Article 24.2 of the Convention on the Rights of the Child (1989) also places the provision of adequate clean drinking water in reference to the right to health (Fantini, 2019).

In 2010 the UN General Assembly adopted a resolution (A/RES/64/ 292 of 28 July 2010) recognising the HRW and acknowledged that water is an essential element for sustaining life and livelihoods. As a consequence, access to sufficient, safe, accessible and affordable water is now recognised as a human right (United Nations General Assembly, 2010). Following the resolution recognising the right to water, the UN Human Rights Council confirmed that states have a responsibility to respect, protect and fulfil this right and opened a new avenue for the HRW discourse (Human Rights Council, 2010).

Recognising the human right to water implies a relationship between rights holders and duty bearers. This relationship obliges the state (as the duty bearer) to respect, protect and fulfil the HRW and entitles everyone without discrimination (Winkler, 2014). This is an application of the fundamental idea that protecting human rights is not a charitable act but rather a universal moral imperative resulting in accountability of the duty bearer (Winkler, 2014). Furthermore, once the rights holder and duty bearer relationship is clear, capacity building becomes the next imperative. This means, as rights holders, people have the power to claim the HRW, hence increased awareness, negotiating capacity and advocacy skills are required (Winkler, 2014).

As one of the legal subjects of international law, the state is the primary entity that is held accountable for the realization and protection of human rights (Donnelly, 2013). Moreover, in relation to the HRW, the state is perceived to be the key power holder in managing (fresh) water in a fair, efficient, and sustainable way (Andreen, 2011; Bohoslavsky, Martín and Justo, 2015). In other words, addressing the HRW is "only as good as the word of governments and their approach to governance" (Brooks, 2007, p.235).

As laid out in the United Nations Human Rights Council (UNHRC) resolution on the HRW (Human Rights Council, 2010), the tasks of a government include setting out the legal and regulatory framework that protects and fulfils the HRW, preventing violations as well as ensuring accountable remedies of violations. As described in Table 2.1, the first task of the state is to work on a set of tools and mechanisms that could provide for the protection and fulfilment of the HRW. To be more specific, these tools and mechanisms must take the form of laws, regulations, and policies. Moreover, the UNHRC also provide other government tasks such as: engaging the public without any discrimination, conducting impact assessments, monitoring law enforcement, and ensuring the availability of water (Human Rights Council, 2010).

Table 2.1. State duty to fulfil, protect, and respect the HRW

<b>Article 8</b>	<b>Government Task(s)</b>	<b>Coverage</b>
a.	Tools and mechanisms	Legislation, comprehensive plans and strategies, financial support
b.	Transparency	Free and meaningful participation of local communities and relevant stakeholders in water governance
c.	Non-discrimination and gender equality	Attention to persons belonging to vulnerable and marginalized groups in terms of access to water and participation in water governance.
d.	Impact assessments	Integrating human rights into impact assessments throughout the process of ensuring service provision
e.	Monitoring and enforcement	Adopt and implement effective regulatory frameworks that include effective monitoring and enforcement mechanisms.
f.	Accountability and remedies	Ensure effective remedies for human rights violations by putting in place accessible accountability mechanisms at the appropriate level

Source: Human Rights Council (2010)



Beyond the state duty to fulfil, protect, and respect, I suggest the need for multi-disciplinarity since HRW-related discussions are varied and cover a range of areas including philosophical, economic, social, political, hydro-geographical, engineering, legal, environmental and health. Table 2.2, drawn from a wide range of literature, highlights these areas and the broad scope of their discussion. These areas are intrinsically inter-related, since resolving one aspect requires simultaneous efforts on the part of those involved in the other aspects. The salient point of this overview is that the HRW needs to be seen as contextual, relational and as a dialectical process involving multifaceted water realities, and addressing the HRW demands an ongoing, comprehensive and multi-disciplinary approach (Linton, 2012; United Nations, 2017)

Table 2.2. Realms involved in the human right to water (HRW)

<b>Area</b>	<b>Scope of discussion</b>
Economic	Cost, investment, private involvement, pricing, industry interests (Meshel, 2015; Hankte-Domas, 2017; Tignino, 2017).
Social	Conflict of usage (competing sectors, unequal distribution, transboundary), urbanization, overpopulation, consumption patterns, gender roles (Thomas et al., 2012; Hall, Van Koppen and Van Houweling, 2014).
Political	Power relations in water policy and decision-making, water allocation and prioritization, water governance, law enforcement (Franceys and Hutchings, 2017; Zwarteveen et al., 2017).
Health	Quality and quantity of water (Day and Dallas, 2011; Pahl-Wostl, Jeffrey and Sendzimir, 2011).
Environmental	Causal effect of climate change, land use, rights of the environment (Lawford, 2011; Ohdedar, 2019).
Hydro-geographical	Valid measurement and accurate water data (Abbasi and Abbasi, 2012; Gleick, 2015).
Engineering	Access and infrastructure, technology innovation, spatial planning (Grafton and Hussey, 2011).
Law	Regulatory framework, setting principles, duty and responsibility, permits, monitoring and assessment (Winkler, 2014; Kidd, 2017).
Theoretical	Conceptual debate, ethical justification (Sultana and Loftus, 2012, 2019; Neimanis, 2014; Fantini, 2019).

### 2.2.2. Critiques and Potentials

At this point in the discussion, we can understand that the HRW is justifiable and recognized in the UN resolution. The HRW also relies mostly on the role of government duties and covers multi-disciplinary subjects. Now let us turn to see what the critiques and potentials from the idea of the HRW are. This discussion is relevant to connect the HRW with the issue of water justice in the tourism sector which will be discussed below.

Deemed to be anthropocentric as well as individualistic, the idea of there being a HRW is criticized by opponents voicing concerns such as a lack of clear responsibility and capacity in water allocation and prioritization and potential abuses as the government could allocate water to privileged groups. It could also open the way for a new wave of private sector involvement in the provision of potable water (Bakker, 2012; Sultana and Loftus, 2019). Furthermore, as illustrated in Table 2.3, Morinville & Rodina (2013) identified the most common critiques of the HRW. The critiques can be regarded as “red flags” marking the complex and problematic nature of the HRW.

Table 2.3. Critiques of the human right to water (HRW)

<b>Subject of Critique</b>	<b>Premise</b>
Deemed anthropocentric	Human beings deemed superior to other species in the ecosystem
State-centric	Dependent on the state for implementation and prone to abuse
Mere formality	Change only occurs on paper, without directly addressing the actual problem
Eurocentric	Concept of human rights originated and rooted in the western world
Individualizing	Treating water as individually owned property
Empty signifier	HRW is becoming too discursive and without solid meaning

Adapted from, Morinville and Rodina (2013).

Seeing critiques toward the HRW, Fantini (2019) argues that there are at least three facets of debates. The first one relates to the implications for law and policy. This debate questions the scope and the content of the right to water (Obani and Gupta, 2014). This topic also involves ways of realizing and controlling the execution of the right to water. Staddon, Appleby and Grant (2012) for example, identify two dimensions where monitoring and

enforcing state duties are the obstacles in realising the HRW. First, the UN and international law does not have a persuasive power to compel a country to take steps that they otherwise would not take. Second, even though a government provides a positive law that recognises the HRW, adherence to the rule of law and access to justice can be incredibly troublesome, especially for marginalised members of society (Staddon, Appleby and Grant, 2012).

Furthermore, Fantini (2019) posits that the second debate surrounding the HRW considers the political aspects i.e. “whether the human right to water represents an effective tool to ensure adequate access to water and participation in its governance, particularly in the context of services privatization and resources commodification” (p. 1). Meanwhile, the third debate focuses on “the ethical, philosophical, ecological, and epistemological considerations” (p. 2). This debate challenges the universality of human rights, the individualistic approach that informs human rights, and the anthropocentrism of the human rights discourse. As a final point, Fantini (2019) suggests that the convergence of the HRW debates opens up diverse avenues for future exploration.

One of the avenues of the HRW discussion is related to water equity. In this regard, scholars have considered the strategic potential of the HRW arguing that rights discourse is necessary in addressing broader issues of (water) justice (Sultana and Loftus, 2012). Put differently, the HRW represents a significant starting point for social mobilisation – a condition of possibility - for expanding struggles for water justice (Sultana and Loftus, 2019). As such, it is crucial to engage in discussions that focus on how best to accomplish the HRW, with a particular approach to water equity, and with a new outlook on water security, that is the importance of balancing human and environmental water needs (Sultana and Loftus, 2019). As demonstrated by Morinville & Rodina (2013) the victory for the indigenous peoples in Botswana, in terms of water access in their ancestral land, illustrated the strategic potential of the HRW i.e. “to not only ensure physical access to water, but also to advance claims in broader social justice contexts” (Morinville and Rodina, 2013.p.157).

However, we have to think through some foundational arguments in order to utilize the HRW as a means for water justice struggles. First, the HRW approach cannot be anthropocentric (and Eurocentric). In this respect, Linton (2019) argues that to operationalise the HRW in a non-western world, water needs to be understood as perceived and experienced by the society. This means that water cannot be viewed (nor be universalized) as a consumable/entitlement object as in a property right. The right to water, therefore, needs to be formulated as “right that brings people as a collective into relation with the action and capacity of water to perform certain social functions” (Linton, 2019, p.62). Linton then suggests that

linking the HRW with the unique experience of a community can be a vessel to achieve water security. Second, in similar vein with Linton's argument, Jepson, Wutich and Harris (2019) argue that water is an inseparable part of community life that needs to be maintained and preserved (water as a part of life). In other words, to justify the cause of a water justice struggle, water must be seen as an essential entity for life and a healthy ecosystem, which is closely related to communities and ecosystems through not only the hydrological cycle but also the hydro-social cycle (Swyngedouw, 2009; Jepson, Wutich and Harris, 2019).

Positioning water as a human right, therefore, implies a greater command and control mechanism with the community as the manager or steward. In this regard, the human right to water becomes a matter of water stewardship, which is defined as actions taken to protect, care for, or responsibly use water (Warner, 2019). The ultimate goal is to achieve and maintain the integrity of the ecosystem and social equity and livelihoods. As such, the crux in rationalising the HRW that is more appropriate (than seeing it as human entitlement) is by resolutely valuing water as biocentric. In addition, having the right to water means activating the people/community's right to participate in water governance and reimagining a politics that holds multiple possibilities for water justice (Sultana & Loftus, 2019). Hence, we need to reframe our understanding of the state and to consider the socio-political context. This means we need to acknowledge and address the tensions and contradictions inherent in achieving equitable water access (Angel and Loftus, 2019).

Meehan (2019) demonstrated that it is possible to act at the margins of state power in implementing the HRW policy. This means that the HRW can be developed through a diverse set of institutional actors, sites, and strategies beyond the official state apparatus. Drawing on the case of Mexico, Meehan explains that a "practical authority" for the HRW is generated by a complex and often unexpected array of institutional players (experts, civil society organizations), locations (national, local) and strategies (hedging, creative action). Practical authority is a "kind of power-in-practice generated when particular actors (individuals or organizations) develop capabilities and win recognition within a particular policy area, enabling them to influence the behaviour of other actor" (Abers & Keck, 2013, as quoted in Meehan, 2019, p.29). In the case of Mexico City, Meehan explains how the civil society organisation (Isla Urbana) used creative action to tackle the realisation of the HRW. Gathering support from city government, public agencies as well as private and public foundations, Isla Urbana designed and implemented an urban rainwater harvesting system for household use in marginalised communities (Meehan, 2019). The key lesson here is that in order to realise the

HRW in everyday life, within a legal/policy prescription, a broad variety of actors, institutions and socio-technical capacities are required to make structural reform lasting.

Comparable with the Mexico case of practical authority, van den Berge et al (2019) illustrate the importance of citizen mobilization in water struggles. Taking the case of water activism in Thessaloniki, van den Berge et al. demonstrate that politicized mobilized citizens were able to halt the privatisation of water, and show that a different form of managing a water utility is possible (van den Berge, Boelens and Vos, 2019). From the Thessaloniki case we can understand that non-state actors are essential in challenging the market forces that undermine the community's HRW. And moving beyond state duties, we need to attend to the different/alternative pathways by which the HRW can be realised, especially from social movements. Recognising the HRW thus can be valuable as a strategy for creating a context in which claims for water justice can be pursued (Sultana and Loftus, 2012). As such, the challenge is to continuously find plausible tactics for upholding the human right to water, especially when facing pressure from a competing water user such as the tourism sector.

### 2.3. Tourism and (the Human Right to) Water

A safe and dependable water supply is essential to serve the needs of tourism and is frequently a central attraction for tourists themselves (Gössling et al., 2012). However, tourism development can affect water supply, both quantitatively and qualitatively (Stonich, 1998). Water depletion, water pollution and competition for water are some of the negative impacts that tourism can bring (Strauß, 2011; Cole, 2012; Epler-Wood, 2017). As evidenced in a number of destinations such as Zanzibar, Goa, Gambia, Bali and Kerala, water disparity and conflict are linked with tourism activities, including hotels. In fact, one of the main themes in the Spanish-language literature on water and tourism is socio-ecological conflicts resulting from tourism's growth and increased water demand (Cole et al., 2020). This is primarily caused by shortcomings of infrastructure and water governance such as planning, coordination, cooperation and inadequate law provision and enforcement (Gössling, 2001; Strauß, 2011; Cole, 2012; Noble et al., 2012; Bengé and Neef, 2018; Cole et al., 2020). It is reasonable therefore to assert that tourism activities raise serious concerns about the right to water for local communities, together with the sustainability of the environment because, ultimately, tourists come and go but the community and environment remain in whatever state they are left (Cole and Browne, 2015).

Growing concerns about tourism water use have been raised by organizations such as UNEP, UNWTO, OECD (Koç, Bakış and Bayazıt, 2017), Tourism Concern (Noble et al,

2012), and more recently by the Travel Foundation (Epler-Wood, Milstein and Ahamed-Broadhurst, 2019). Academic literature also claims disparity of water use between tourists (in hotels) and local residents, thus raising the question of water equity (Gössling, 2001; Rico-Amoros, Olcina-Cantos and Sauri, 2009; Charara et al., 2011; Becken, 2014; Koç, Bakış and Bayazıt, 2017). In particular, Becken (2014) has shown that the disparity in water usage is greatest in developing countries, which could be up to a factor of eight times. This study flags up issues of prioritization and stewardship at water-scarce destinations as key factors in achieving water equity. In addition, in a literature review on water use in the tourism sector, Hadjikakou, et al. (2012) conclude that “despite the fact that water use in the tourism sector may appear to be dwarfed by use in other sectors such as agriculture when looking at average figures, the spatial and temporal concentration of water use by tourism implies that unsustainable use can still lead to severe depletion of local resources and conflict between tourist facilities, other industrial sectors and local residents” (p.433).

A large body of literature has discussed water and tourism. The research takes a number of perspectives: sustainability (Hadjikakou, Chenoweth and Miller, 2012; Vila et al, 2018; Huet al., 2019), political ecology (Stonich, 1998; Cole, 2012; LaVanchy, 2017), feminism and gender (Cole, 2017), business environmental and social responsibility (Kasim, 2006), human rights (Cole, 2014), water valorisation (Razumova, Rey-Maqueira and Lozano, 2016) as well as water management and innovation (Kasim et al., 2014; Gössling, Hall and Scott, 2015). In terms of local and global activism, efforts have been made to encourage water awareness and changes to practice in the tourism industry (Noble et al., 2012; Kim, Lindström and Weinberg, 2013; Pleumarom, 2013).

In a ground-breaking report, Tourism Concern pointed out a major flaw in the tourism industry’s approach to the water issue (Noble et al., 2012). They stated that stakeholders in the tourism industry, in this case hotels, resorts, and tour operators, tend to follow a narrow approach, concentrating on measures to save water such as installing water-saving technologies in guest rooms, rainwater harvesting, the use of waste/grey water for garden irrigation, as well as staff sensitization and training. While such strategies are constructive and should be further expanded, consideration of the wider impacts of tourism businesses’ water consumption on the lives and livelihoods of local communities and the environment is still absent.

Furthermore, using case studies in several tourist destinations (Zanzibar, Goa, Gambia, Bali, Kerala), Tourism Concern highlighted several key factors that contribute to water inequity between the tourism sector and local communities (Figure 2.1). These key factors could be seen as a reflection of the complexity and multi-disciplinarity of the HRW issue, and again,

they challenge the tourism industry to find alternative approaches to overcoming the water equity problem in a destination. In the end, alluding to 35 crucial points in addressing tourism and the water concern, Tourism Concern’s report highlights the necessity of adopting and implementing business and human rights principles by the government and the tourism industry alike.

Figure 2.1. The range of causal factors and impacts undermining water equity and sustainable tourism development



Source: Noble et al (2012)

In discussing the political ecology of tourism and water in Bali, Cole (2014) suggested the tourism industry should take a human rights approach to unravel water issues related to the industry. Further, Cole urges the tourism industry to engage more proactively in preventing human rights abuses by conducting human rights impact assessments (Cole, 2014). This effort is vital not only to bridge the governance gap between the tourism sector and water concerns, but also to bring alternative approaches in addressing the human right to water in relation to particular tourism industry stakeholders, such as hotels (Cole, 2014). In the next section, I

discuss the United Nations Guiding Principles on Business and Human Rights (hereafter the GPs). This discussion is relevant to shape further understanding regarding hotels responsibility in respecting the HRW.

## 2.4. Business and Human Rights

### 2.4.1. The Fundamentals

Since the late 1970s, the BHR movement has been in existence, concentrating on the human rights impacts of corporations (typically trans-national companies) in their multinational activities (Ramasastry, 2015). In contrast to philosophical or ethical concerns, BHR literature and activism emphasizes the legal aspect. It stems from a movement born of negative impacts and a quest to redress harm already incurred instead of an overarching debate on the role of businesses as promoters of positive obligations alongside states (Ramasastry, 2015). BHR supporters aim to hold companies accountable for their own overt abuses and impacts on human rights. This responsibility extends to the supply chain for violations of human rights by clients, subcontractors and manufacturers (Santoro, 2015). Business therefore not only has a negative duty to deter human rights abuses in its own activities and in its supply chain but where possible, a positive duty to help protect victims from and redress infringements by others (Santoro, 2015).

BHR is often confused with a similar yet different concept namely, Corporations Social Responsibility (CSR). One reason for this is that both BHR and CSR share the common starting point of corporations having responsibilities beyond their shareholders and profit-maximization (Deva, 2020). However, the normative basis of corporate responsibilities of BHR and CSR are different. The way BHR approaches the business moral imperative towards society is linked to their accountability in doing no harm to the people's basic rights. This is due in part to corporations' growing influence and their increasingly complicated relationships with nation states. The BHR approach also stresses legally binding mechanisms, government oversight, and rigorous due diligence processes (Ramasastry, 2015), whereas CSR approaches business social responsibility from charitable or philanthropic angles, and focuses on how businesses can voluntarily contribute to society in return for the social license to operate given to them. As such, CSR emphasises voluntary, business-led initiatives for the promotion of responsible business practices (Wettstein, 2020).



#### 2.4.2. The Importance of the GPs

In recent years, discussions about BHR have grown, evidenced by the launch in November 2015 of the first journal dedicated to the topic: the *Business and Human Rights Journal* (BHRJ); the progression of national BHR action plans drawn up by many countries (De Felice and Graf, 2015; O'Brien et al., 2016), and a number of initiatives taken by a range of industries to accommodate the development of BHR principles (Kamminga, 2016).

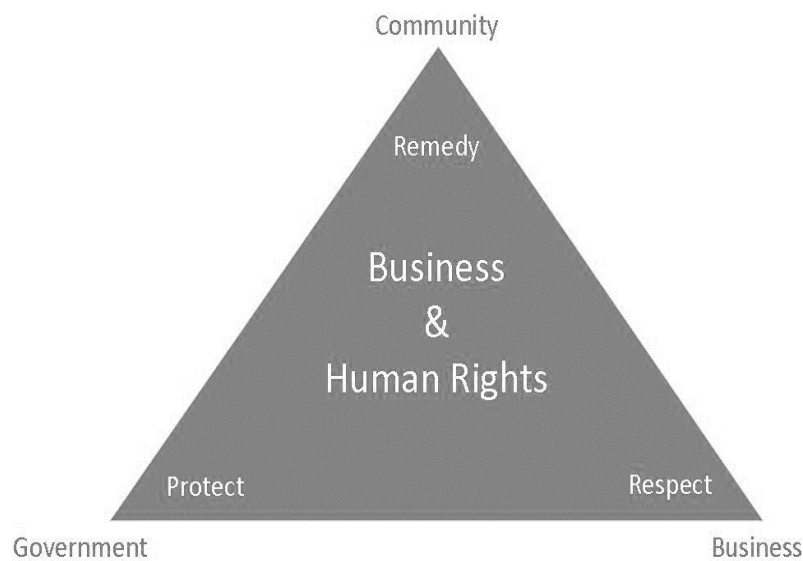
Whilst the development of BHR principles has a long history, current interest in its discourse hinges on the UN Guiding Principles on Business and Human Rights (GPs) (Nolan, 2016). Despite criticism, such as the inadequacy of its voluntary status, the GPs are still considered successful in mainstreaming the BHR discourse, and thus are deemed beneficial for shaping BHR practice in the future (Santoro, 2015).

The GPs are considered a driver in progressing the BHR agenda (Santoro, 2015), primarily by bringing together the state's duties and business responsibilities in the same guidelines (Pitts, 2016). As a non-binding international law instrument (soft law), the GPs come from a long process initiated by the UN with a mission to address human rights abuses involving business entities. Initiated in 2005 as a result of a special recommendation from the United Nations High Commission on Human Rights (OHCHR), the GPs came as a response to "the growing concern about the impact of business activities on human rights and the lack of clarity about the human rights responsibilities of companies" (Office of the High Commissioner of Human Rights, 2014, p.5). As such, the GPs aim to provide the first global standard for preventing and addressing risks of adverse impacts on human rights associated with business activities, as well as the internationally accepted framework for improving standards and practices in the field of business and human rights (Office of the High Commissioner of Human Rights, no date).

The GPs were endorsed by the OHCHR in June 2011 as part of the implementation of the United Nations 'Protect, Respect and Remedy' Framework (United Nations, 2011). They consist of three main pillars: State Duty to Protect (principles 1-10); Business Responsibility to Respect (principles 11-24); and Access to Remedy (principles 25-31). The first pillar asserts that the duty to protect and fulfil human rights falls on the shoulders of the state as the sole entity that can be subjected to international law and obligated to bear human rights duties, which include protection against third parties, such as businesses. This duty requires the state to set out its expectations clearly for all businesses operating within its jurisdiction to respect human rights in their operations. The second pillar of the GPs is about corporate responsibility to respect human rights. It strongly emphasizes that corporations need to avoid infringing on

the human rights of others and requires corporations to conduct human rights due diligence processes. In the third pillar, the GPs provide guidelines for remedies, including formal judicial, administrative and non-judicial processes, alongside corporate grievance mechanisms (United Nations, 2011; Addo, 2014). In brief, the GPs incorporate all the BHR key parties (Figure 2.2) in a differentiated but complementary responsibilities relationship to uphold human rights (SRSG, 2008).

Figure 2.2. The United Nations Protect, Respect, Remedy Framework



#### 2.4.3. Critiques and Prospects of the GPs

It has nevertheless been suggested that there is a tendency to avoid BHR discussions in the business domain, despite pre-existing connections to business ethics concepts such as corporate social responsibility (CSR) (Wettstein, 2012). Furthermore, Aaronson and Higham (2013) critique that a BHR framework such as the GPs will not have significant impact unless governments commit to educating businesses and their citizens about BHR. Such apprehensions are valid as the majority of corporations lack understanding about what human rights responsibility entails for corporations, even though most will admit to a close relationship between human rights and business generally (Baumann-Pauly and Nolan, 2016). As indicated in a survey of 853 senior corporate executives, a vast number of managers believe corporations are a significant human rights player in respecting human rights, and that what their businesses do — or fail to do — has an effect on those rights. However, the survey result also shows that businesses are coming to terms with their obligations in respecting human rights, which means a process that will take time (The Economist Intelligence Unit, 2015).

Furthermore, the non-binding status of the GPs causes concern that corporations may more or less continue business as usual (Simons, 2012). In other words, without law and a legal compliance mechanism, the efficacy of the GPs framework remains problematic. At this point, we cannot disregard key national and regional differences in politics, regulation, economics, human rights, and issues of scale (local-national) that exist in different development contexts. However, Nolan (2013) argues that the emergence of soft law instruments in the business and human rights field has produced, at the very least, standards of expected conduct that can direct business behaviour. In addition, soft law can be used as a precursor to hard law, as discussed below, or as a supplement to a hard-law instrument (Nolan, 2013; Ford, 2015).

Regardless of these apprehensions, there is evidence of increased awareness of BHR, for example as part of the corporate social value (CSV) agenda (Høvring, 2017; Cannas, Argiolas and Cabiddu, 2019) and, more recently, as part of environmental, social and corporate governance (ESG): a set of company's operations standards used by socially aware investors to screen potential investment (Li et al., 2018). There have been increased efforts in monitoring the human rights compliance of businesses at national level, with National Human Rights Institutions and business ethics committees assuming responsibility to take urgent corrective action (Bachelet, 2019). For example, the National Human Rights Institution of the Philippines is investigating the human rights responsibilities of 47 firms that are responsible for the majority of global greenhouse gas emissions in the past. While in Norway, the Ethics Council of the Norwegian Pension Fund is raising awareness about the importance of increased oversight of businesses' human rights compliance and taking immediate corrective action (Bachelet, 2019).

Furthermore, since 2014, the UN Human Rights Council has launched an initiative to create a legally binding international instrument for regulating the operations of transnational companies and other business enterprises. In August 2020, the second revised draft of the proposed binding treaty on business and human rights was published by the Intergovernmental Working Group (IGWG) (Business & Human Rights Resource Centre, no date). In addition, as we have reached the 10<sup>th</sup> anniversary of the GPs, it is worthy to note that currently the UN Working Group on Business and Human Rights (UN Working Group) is working on an initiative to chart a path for a decade of business and human rights action (UN Working Group on Business and Human Rights, 2020). This initiative, which is driven by wide-ranging stakeholder meetings, will examine current gaps and challenges, as well as take stock of accomplishments to date. Based on the examination result, the UN Working Group will develop a vision and roadmap for implementing the GPs more widely and more broadly toward

2030. Despite criticism, therefore, the GPs have highlighted that businesses are expected to comply with standards of conduct in respect of human rights.

## 2.5. Business Responsibility to Respect the HRW

After forming the basics regarding the BHR and GPs, we then can make a connection with the HRW. In this regard, given the access to sufficient, safe, accessible and affordable water are internationally recognised as human rights (section 2.2.1), under the GPs principles 11 and 14, businesses therefore have a responsibility to respect the HRW irrespective of size, sector, operational context, ownership and structure or geographical area. In particular relation to the second pillar of the GPs (principles 15-21), due diligence is especially required wherever water is scarce or of poor quality, or where business activity affects the water supply of vulnerable or marginalized communities. This means businesses must consider their impact on other water users, including their right to water (IHRB, 2011).

Furthermore, the Institute for Human Rights and Business (IHRB) explains water has become a ‘social license to operate’ issue for business (IHRB, 2011). As such, businesses that access or use large amounts of water need to demonstrate that they are doing so legitimately. In other words, business access to water will inevitably encounter rights-holders' claims to the HRW. This indeed requires much more due diligence in approach and greater transparency (IHRB, 2011).

The IHRB (2011) also identifies important principles that need to be noticed in relation to the GPs and the HRW. First, non-discrimination and equality. This principle essentially urges businesses to give “particular attention to the rights and needs of, as well as the challenges faced by, individuals from groups or populations that may be at heightened risk of becoming vulnerable or marginalized, and with due regard to the different risks that may be faced by women and men” (United Nations, 2011, p.1). Second, participation and empowerment. This principle aims to make sure that communities are engaged effectively in business water management. This principle is directly associated with the second pillar of the GPs (principles 17-21) about right holder involvement in human rights due diligence and impact assessments. Third, accountability and transparency, which highlights the need for honest reports on water management from businesses. In essence, this principle means that businesses must improve their integrity in their relationships with all their counterparts and stakeholders (IHRB, 2011). As stated in the GPs (principle 21), in order to show that they are respecting human rights,

business must provide a measure of transparency and accountability to individuals or groups who may be impacted and to other relevant stakeholders, including investors.

Having discussed the connection between the GPs and the HRW let us now turn to the existing approach in which businesses could engage with their obligation to respect the right to water within the BHR framework. Tignino (2017) outlines that in the realm of business and the HRW, several soft law instruments already exist (Table 2.4). These instruments are based on the principles of stewardship, perceiving water as part of the ecosystem and used judiciously in collaboration with all stakeholders. This perspective could forestall anthropocentric critiques of the HRW because, with stewardship, human beings are not seen as superior to nature, but rather as equals who need to respect and preserve the environment (Passmore, 1974).

Table 2.4. Business and the HRW soft law instruments

<b>Instrument</b>	<b>Organization(s)</b>	<b>Important Features</b>
International Water Stewardship Standard	Alliance for Water Stewardship	<ul style="list-style-type: none"> <li>• Four outcomes: good water governance, sustainable water balance, good water quality, health status of important water-related areas.</li> <li>• Six step guideline and indicators: commitment, gather &amp; understand, planning, implement, evaluate, communicate &amp; disclose</li> <li>• Standard certification scheme</li> <li>• Assess and monitor by independent bodies</li> </ul>
CEO Water Mandate	United Nations Global Compact	<ul style="list-style-type: none"> <li>• Translating the GPs into the realm of HRW: policy commitment, act consistently, exceed minimum responsibility</li> <li>• Independent monitoring mechanism</li> </ul>
Self-Regulatory Initiatives and International Certification	<ul style="list-style-type: none"> <li>• Social Accountability International (SAI)</li> <li>• International Hydropower Association (IHA)</li> <li>• International Organization for Standardization (ISO)</li> <li>• Extractive Industries Transparency Initiative (EITI)</li> </ul>	<ul style="list-style-type: none"> <li>• Independent expert audit</li> </ul>
The Right to Water and the OECD National Contact Points	The Organization for Economic Co-operation and Development (OECD)	<ul style="list-style-type: none"> <li>• Guidelines aligning with the GPs</li> <li>• Providing assistance to implement the guidelines</li> <li>• Providing complaint and investigation mechanisms</li> </ul>

Furthermore, Tignino (2017) suggests that water stewardship emphasizes the social and environmental responsibilities of private companies while aiming to contribute to the realization of water, sanitation and hygiene for all. Promoting water performance improvement in the supply chain and sustainable water management, water stewardship principles also encourage corporations to engage continuously in dialogue with a multiplicity of stakeholders, including the community (Tignino, 2017). As previously discussed, community participation is one of the principles related to the GPs and the HRW. As such, constant engagement with communities is one of the important considerations of the stewardship approach that align with the BHR framework. To reiterate the point previously discussed, the Institute of Human Rights and Business (IHRB) stress that participation and empowerment is a crucial element in decision-making processes relating to business water uses. This means that business should engage the community effectively, at different levels and within formalized structures, with regard to business water use/management. This includes supporting or empowering people and groups that are disadvantaged and marginalized to engage effectively (IHRB, 2011).

Moreover, the stewardship strategy places high value on corporate water transparency. Here water transparency is described as the act of reporting current information on a company's water management, which is a critical component of providing meaningful water information to local communities (Tignino, 2017). The IHRB (2011) also outlines the necessity in having reliable reports on water management from businesses. This is indeed parallel with the BHR principle of accountability and transparency previously discussed. Not just for local communities, nowadays, having environmental (including water) reports is considered critical by investors since it can be used as a predictor of market value (O'Neill, 2015; Ionescu et al. 2019). For hotels and resorts, this includes reporting on total water consumption and consumption per room (HILTON, no date; RADISSON, no date). Meanwhile, in terms of hotels and water stewardship, the Intercontinental Hotel Group exemplifies a comprehensive water risk assessment. The ultimate target is to enable hotels to manage and mitigate water risk by measuring and monitoring water usage, improving their water performance and resilience against local water challenges and engaging staff, guests and external stakeholders in water stewardship (United Nations Global Compact, no date).

It is noteworthy to point out that business and the HRW soft law instruments in table 2.4 are voluntary in nature and seen to be a CSR instrument. In other words, these instruments directly reach out only to the business community on the priorities to be incorporated in broader corporation policies and strategic objectives. Whereas the GPs also address the states' responsibility to protect against third party human rights violations and call on both states and

companies to make grievance mechanisms more available. However, referring to some of the parallelism between the BHR and stewardship approach, the GPs can be seen as building on some CSR structures, and thus acting as a valuable tool for their successful implementation. The GPs are also intended to apply regardless of whether or not a company had formally signed up to any framework, and that any company could be assessed against them. In essence, the GPs are the first ever widely applicable standards by which governments, civil society, investors, and victims will assess corporate behaviour (Ardea International, 2014). Apart from the seemingly overwhelming number of requirements and frameworks, the most critical concern is whether a company accepts and genuinely recognises their responsibility to respect the HRW.

In the light of the BHR framework, at this point in the discussion, we can see that respecting and protecting the HRW is part of the business obligation. The preceding paragraphs also identify some parallels between the BHR and the stewardship approach. Both of which pave the way to better understanding the responsibility of businesses towards the HRW, including those in the tourism sector. As such in the following sections, I present existing initiatives and discussions that have taken place among scholars, tourism organisations and hotels to engage with their human rights (to water) responsibility.

## 2.6. Tourism Organisations and the GPs

A small number of tourism organisations and businesses have engaged with the GPs, including Tourism Concern, Roundtable Human Rights in Tourism (RHRT), the International Tourism Partnership (ITP) and Kuoni (Tourism Concern, 2011; KUONI, 2012, 2014; Kubsch et al., 2013; ITP, 2014). Most recently Twentyfifty have produced a data collection guide for practitioners (Dietrich, Koalick and Leisinger, 2017). Moreover, as can be found in the Business and Human Rights Resource Centre website, a number of hotel chains include a commitment to Human Rights in their policy statements (<https://www.business-humanrights.org/en/companies/>). The majority are narrow in scope (pertaining to children, human trafficking and employees). Several hotel chains such as Soneva, Radisson and Hilton refer to water stewardship efforts and disclose their water use data. Meanwhile, Hilton's documentation refers to human rights due diligence. There is scant evidence of hotels who have conducted Human Rights Impact Assessments (Sandang, 2015). Due to this, concerns continue to grow and two of the major umbrella organisations (International Tourism Partnership/ITP and Global Sustainable Tourism Council/GSTC) have responded by trying to increase

awareness of human rights responsibilities among hoteliers, both inside and outside the framework of the GPs.

To assist hotels in adopting the GPs, the ITP and Green Hotelier published the *Know How Guide: Human Rights & the Hotel Industry* in 2014. This beneficial innovative guide describes the basic application of the GPs for hotels, noting several key human rights issues, including the HRW. The umbrella organizations are clear that hotels are not immune to human rights concerns in their practices and need to take reasonable measures to ensure they are not complicit in human rights abuses. However, the program manager at ITP has commented that many hotels are not yet ready to view water as a human rights issue (pers. comm., 2019).

A further effort to incorporate human rights concerns in the hotel industry comes from the Global Sustainable Tourism Council (GSTC) (GSTC, 2013), albeit their work was presented without direct reference to the GPs. In their mission to motivate tourism businesses to protect and sustain the world's natural and cultural resources, the GSTC provides hotel and tour operators with sustainable criteria that cover the human rights agenda as a framework for a sustainable management system. There are several criteria that hotels have to meet in order to maintain their sustainable performance. With regard to water these include legal validity of water use with respect to local communal and indigenous rights; not jeopardizing the provision of neighbouring community basic water services; monitoring water use impact; assuring the availability of communication/feedback/grievance mechanisms; water risk assessment; and periodic measuring of water use. To this end, existing efforts from the ITP and the GSTC are clear evidence that there is growing concern that hotels need to embrace their responsibility in respect of human rights, including the HRW. As such, in the following section, I discuss existing knowledge about hotels and water to justify the HRW concern in hotel business.

## 2.7. Hotels and Water

Numerous studies have shown that, amongst tourism amenities, hotels are the main consumers of water in tourist destinations (Gössling, 2001; Hamele and Eckardt, 2006). In fact, people tend to use more water when they stay at hotels than they do at home, and many facilities provided by hotels are water-dependent e.g. swimming pools, spas, water features etc. (Charalambous, Bruggeman and Lange, 2012; Kasim et al., 2014; Gössling, 2015; Styles, Schoenberger and Galvez-Martos, 2015). Furthermore, set within the problematics of space (arid areas), time (seasonal water shortfalls) and climate change, several studies suggest that hotel water use is one of the contributing factors in increasing the risk of water shortages and



disparity (Gössling et al., 2012; Becken, 2014; Styles, Schoenberger and Galvez-Martos, 2015; ITP, 2018a).

Added to fears of shortages for the industry to function, and cost savings where the price of water has increased, a body of literature has explored ways to curtail the water consumption of hotels. These solutions include: adopting business environmental and social responsibility policies (Kasim, 2006); applying water permit-trading schemes (Cashman and Moore, 2012); applying strict performance indicators (Gössling, 2015); raising water tariffs (Razumova, Rey-Maqueira and Lozano, 2016); estimating environmental carrying capacity and applying sustainable water management policies (Tekken and Kropp, 2015); applying sustainable water management through innovation (Kasim et al., 2014); and promoting the importance and benefit of water resource management certification (Gabarda-Mallorquí, Garcia and Ribas, 2017). However, water management and conservation programs concerning tourist accommodation are still less well understood compared with energy conservation and management (Warren and Becken, 2017). As identified by Cole et al. (2020), a number of studies have suggested that the application of water management innovation, reduction and efficiency are limited to large hotels, while smaller hotels are often left behind due to lack of information, awareness, and/or a lack of capital from marginal business returns (Cole and Browne, 2015; Kasim, Dzakiria and Ahmad, 2017).

The latest development in promoting water responsibility amongst hotels comes from the ITP. In their water stewardship report, the ITP tries to bridge the gap between local water issues and hotel water policies by proposing six steps that are essential for a hotel's water stewardship strategy (ITP, 2018b). These six steps are: understanding the relationship with water, setting targets and creating an action plan, managing water sustainably, working with water suppliers, building resilience to extreme events and water shortages, and collaborating on sustainable water management. Delivered in a persuasive manner, by arguing that hotels should take action to address the water issue, the ITP report draws out global water concerns and illustrates where hotels fit into the bigger picture. Supplemented with best practice examples, as well as useful reference tools, guidance and initiatives for each step, the ITP report is an important development in the realm of hotel responsibility. Overall, the literature demonstrates that hotels can no longer avoid the mounting pressure to acknowledge water rights concerns.

## 2.8. BHR Approach for Hotels to Respect the HRW

Thus far, we can see a growing concern regarding hotel responsibility toward the HRW. However, despite virtuous (and practical) attempts offered by previous studies on hotels and water, there remains a gap in understanding the relationship between hotels and water rights in broader terms. In this section, I argue that a BHR approach can be useful to illustrate the bigger picture of hotels and the right to water with a step-by-step strategy.

As a huge area of concern, human rights can be addressed by hotels in a step-by-step approach (ITP, 2014). Following the operational principles in the second pillar of the GPs (business responsibility to respect), I suggest the initial step that hotels should take is to develop a human rights policy (United Nations, 2011, principle. 16). This means that hotels should make and publish an explicit statement that provides the basis for their responsibility to respect human rights, including the HRW. Beyond being written as a mere intention, a policy statement needs to gain support from the uppermost levels of management and be communicated both internally and externally. Hence, a well written policy statement should include a governance implication which could indicate how senior management would implement and monitor the policy (ITP, 2014). However, I expect there is another step that is essential for enhancing hotel responsibility for the HRW, in this case, a human rights impact assessment.

In asserting the business responsibility to respect human rights, one of the GPs foundational principles is for businesses to employ a due diligence process. As laid out in principle 15 of the GPs (United Nations, 2011), a human rights due diligence policy is an essential part of respecting human rights, and it must come with a process to enable the remediation of any adverse human rights impacts that a business causes or to which it contributes. Due diligence is a process to identify, prevent, mitigate and account for how a business or entity addresses their impact on human rights. It requires businesses to conduct a human rights impact assessment (HRIA) as an instrument for examining policies, legislation, programs and projects and identifying (as well as measuring) their effects on human rights (Götzmann, 2017). However, the GPs do not give a specific tool to conduct such an assessment, nor do they outline what features might be required (Götzmann, 2017). Thus, various interpretations and models have emerged which try to facilitate businesses in their due diligence process.

Prior to and after the writing of the GPs, De Felice (2015) noticed many existing measurement initiatives that use human rights as an indicator. All the measurements that had been compiled were categorized into six main types: management tools, reporting framework,

sustainability indices, sustainability standards, ethical ratings, and human rights impact assessments. Furthermore, the plurality of human rights indicators brings both methodological and practical challenges that need to be resolved (De Felice, 2015). Building on this work, Götzmann (2017) noted that in terms of supporting due diligence practices, a set of criteria that could determine a good HRIA was required. Hence, Götzmann (2017) proposed five key criteria for a HRIA of business activities: (1) applying international human rights standards; (2) considering the full scope of impacts; (3) adopting a human rights-based process; (4) ensuring accountability; and (5) addressing impacts according to severity.

However, there are other impact assessments that are already accepted in the realm of business practice, such as Environmental, Social, and Health Impact Assessments (EHSIA) (Götzmann, 2017). In the realm of the HRW, human rights impact assessments cannot be separated from EHSIA and incorporating a human rights-based approach into EHSIA could work as a driving force to view water concerns from a human rights perspective. By doing this, addressing water concerns will no longer be seen as merely reducing water use, but will be perceived as a systematic effort with a wider perspective incorporating both human beings and the environment (IHRB, 2011) and thus contributing to water justice.

As the Institute for Human Rights and Business (2011) suggest, to address and identify the HRW impacts, businesses must firstly practice effective water resource management as part of their standardised practice. This means that in performing human rights due diligence, businesses must be fully aware of whether their operations have an impact on the public's access to water for domestic use. Secondly, credible data and information on water usage is fundamental in order to understand the larger picture of business water use and its impact. Finally, an HRIA could be integrated with the ESHIA as long as the existing impact assessment includes a sufficient human rights content, not just as mere references but as approaches to evaluate policies and practices (IHRB, 2011). Conducting an HRIA could become an important entry point for hotels to reform their water management, allowing for a more comprehensive view on a hotel's water impact, and for management to act accordingly in every aspect of the hotel's water practices. In fact, in terms of the HRW, HRIAs have never been discussed in tourism. As such, this study is the first attempt to explore their potential for use by hotels not only in Yogyakarta but also further afield.

## 2.9. Research (Conceptual) Framework

Bringing together the literature discussed above, in this section I construct a conceptual framework to bring together the main research themes. The framework also works as a guidance for the methodological approach, data collection, interpretation and explanation (Imenda, 2014). The framework employs the GPs in the context of the hotels and HRW and builds upon the systematic features drawn out in previous work concerning hotels and water.

The conceptual framework encompasses four elements. The first element focuses on the government's obligation in governing fresh water by setting forth a regulatory framework that could actualize the fulfilment and the protection of the HRW, which includes protection against violation of the right by third parties, such as hotel businesses. This means setting out the clear expectation that all hotel operators within their jurisdiction should respect the HRW, and this can be achieved by effective policies, legislation, regulations, planning and infrastructure related to the HRW (United Nations, 2011, principle 1-2). The underlying principle here is that the acknowledgment of water as a human right correlates with the state duty to protect and fulfil it (as explored in section 2.2.1). However, considering state-centric critiques, in order to operationalise the HRW I follow the suggestion by Angel & Loftus (2019) to reframe our understanding of the state and to take the socio-political context into account. In this study, I take into account the state-centric critiques by utilizing a socio-legal analysis. As discussed in Chapter Four (sections 4.3.1 and 4.7), the socio-legal analysis seeks to derive insights into the responsibility of hotels to respect the HRW beyond legal texts by addressing the operation and enforcement of laws. In addition, by incorporating hoteliers' and communities' perspectives in terms of hotels water use, I explore the tensions and contradictions of equitable water access for residents living in a city in which the social economy is driven by tourism development.

The second element is to accentuate the importance of due diligence, which is a process to identify, prevent, mitigate and account for how a business addresses its impact on human rights (United Nations, 2011, principle 15). Due diligence requires businesses to establish an explicit statement that provides the basis for their responsibility to respect human rights, including the HRW. Hence, a well-written policy statement, which includes a water governance implication that clarifies how senior management will implement and monitor the policy, is an integral part of hotels' water management (ITP, 2014).

The important feature of due diligence is for hotels to conduct a Human Rights to Water Impact Assessment (HRWIA) as an instrument for examining policies, legislation,

programmes, projects and identifying (as well as measuring) their effects on the human right to water (Götzmann, 2017). As the IHRB suggests, to address and identify the HRW impact, businesses need to practice effective water resource management as part of their standardized practice (IHRB, 2011). Therefore, understanding hotels’ relationships with water, and transparently communicating data on water usage, is fundamental in order to understand the larger picture of business water use and its impact. Further, any efforts to reduce water usage or wastage will work towards fulfilling hotels’ responsibilities for the HRW.

The HRWIA should be a robust, evidence-based process for hotels to assess their impact on local water supplies, to be able to compare their water use against local and international benchmarks such as the Cornell Hotel Sustainability Benchmarking (Ricaurte, 2017) and Hotel Water Measurement Initiative (ITP, 2016), and to act as the starting point for implementing improved water management. Hence, when conducted rigorously, the HRWIA is a potential tool to enable engagement between hotels and their communities, which could then be used to apply pressure on the government. Table 2.5 identifies the standards and critical areas of understanding of the HRWIA for hotels.

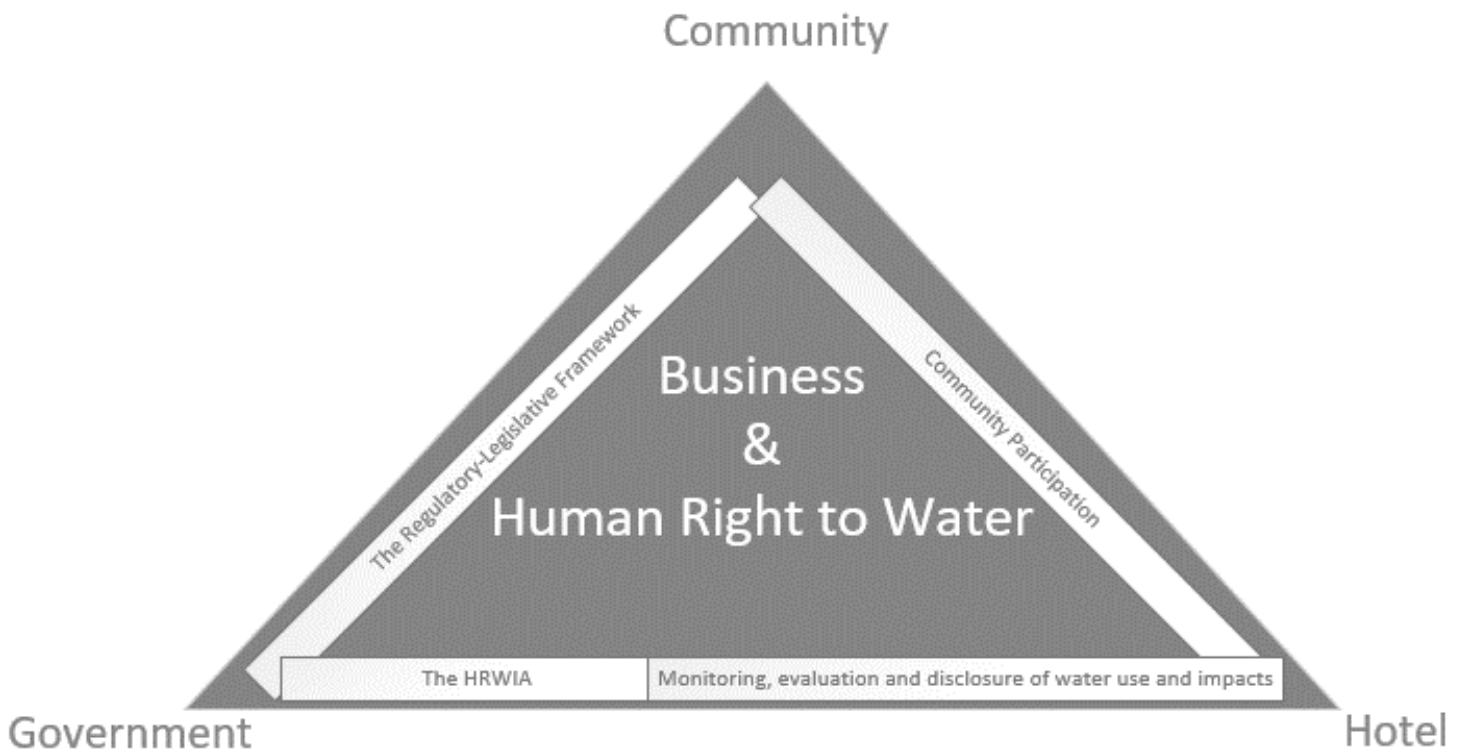
Table 2.5. Standards and critical areas of understanding of HRWIA for hotels

<p><b>Standards</b></p>	<ul style="list-style-type: none"> <li>● Applying international human rights standards</li> <li>● Considering the full scope of impacts</li> <li>● Adopting a human rights-based process</li> <li>● Ensuring accountability</li> <li>● Transparency and openness</li> <li>● Community-professional participation and verification</li> <li>● Addressing impacts according to severity</li> <li>● Independent monitoring and review</li> </ul>
<p><b>Areas of Understanding</b></p>	<ul style="list-style-type: none"> <li>● The impact of water use both on quality and quantity of available water supplies</li> <li>● Other users being affected</li> <li>● The present availability of water access including seasonality</li> <li>● The cumulative impact and future water supply (including, for example, deforestation, major planned development and climate change)</li> <li>● Community structures and socio-cultural dynamics that affect water availability (including ethnicity, gender, minorities, vulnerable groups and their intersectionality)</li> </ul>

The third element deals with the monitoring, evaluation and disclosure of a hotel's water performance and impact within the community and environment, as well as compliance with the regulatory framework. This is where a government enforces laws requiring hotels to respect the human right to water, and to periodically assess the adequacy of such laws and address any gaps (United Nations, 2011, principle 3). As a result, hotels would be legally required to manage water sustainably in collaboration with local communities (ITP, 2018b), whilst preparing and providing for any remediation through legitimate processes (United Nations, 2011, principle 22).

The fourth and the final element accentuates community participation in hotels' water management including an HRWIA. From a BHR standpoint, the principle of inclusive participation extends far beyond mere consultation or a technical addition to project design; "it is a fundamental principle of democracy that people are entitled to participate in decisions that affect them" (Götzmann, 2017, p.99). In fact, the GPs note the significance of meaningful dialogue with potentially impacted stakeholders, and the importance of paying special attention to disadvantaged communities and the various risks faced by women and men (Principle 18). As such, in order to apply this understanding of participation in an HRWIA context, rights holders must be able to meaningfully participate in shaping and influencing the assessment process itself, as well as impact-related findings and decisions. To recap, below, figure 2.3 illustrates the four elements of the research (conceptual) framework.

Figure. 2.3. Research Framework



## 2.10. Summary

In this chapter, I have provided an overview of four bodies of literature in an attempt to understand the link between hotels and the responsibility to respect the HRW. In summary, I have shown that tourism is interlinked with the human right to water (HRW) discourse. Albeit contested, the HRW can be justified as a vessel to achieve water security, as well as to advance a claim on water equity. Furthermore, taking into account the business and human rights (BHR) approach, this chapter has shown that respecting and protecting the right to water is part of the obligation of businesses, including hotels. The main research variables in looking at hotels' responsibility in respecting the HRW are the regulatory-legislative framework; the HRWIA; the importance of monitoring, evaluation and disclosure of water use and impacts; and community participation. Additionally, I explored the central areas of understanding required by hotels to successfully undertake an HRWIA.

## Chapter 3. Tourism Development and Human Rights Implications: An Overview of the Research Setting.

### 3.1. Introduction

This chapter presents the context for the research setting. First, I will discuss the development of tourism in Indonesia, which was intended by the government as a means of economic development (Ollivaud and Haxton, 2019; Ahsinin et al., 2020). The second section of this chapter will lay out Yogyakarta's tourism development as a part of national tourism policy. This section highlights the government determination to make Yogyakarta a priority destination. Accordingly, the tourism and hotels business in Yogyakarta has significantly intensified. I then discuss human rights in Indonesia, particularly in relation to the tourism sector. Despite various efforts to mainstream the human rights agenda in the Indonesian Constitution and National laws, this section highlights the lack of attention given to the human rights impacts resulting from tourism development. As such, this chapter also points out the importance of investigating the tourism impact on a destination community's human right to water.

### 3.2. Tourism in Indonesia

Indonesia is an archipelago with an almost entirely tropical climate located in the Southeast Asia region. Declaring its independence in 1945, Indonesia's geographical area includes 17,508 islands. The five largest islands are: Sumatra, Java, Kalimantan, West Papua, and Sulawesi.

#### 3.2.1. Pre-Independence

In the Dutch colonial era, the image of Indonesian tourism was known through the depiction of mountains, rice fields, beaches, and the exoticism of its citizens with their various daily activities. This image was then represented by an art genre known as *Mooi Indië* (beautiful Indies). By concentrating on its rural qualities, *Mooi Indië* painters portrayed the landscapes of the Indonesian archipelago in a natural-realist style. These visual images of idyllic and untarnished landscapes aimed primarily to satisfy the anticipation of exotic landscapes by tourists (Meulendijks, 2017). Figure 3.1 exhibits a tourism promotion poster featuring panoramic beauty and Javanese traditions during the colonial period. This poster was made by *Koninklijke Paketvaart Maatschappij* (K.P.M), a shipping company operating in the Dutch East Indies at that time (Rabbani, 2019).



Figure 3.1. Colonial era *Mooi Indie* image



Source: Rabbani (2019)

### 3.2.2. Post-Independence

In the early days of independence, an awareness of the importance of tourism in national development, both economically and culturally, began to emerge. In this era, the government began to nationalise and reconstruct hotels that were left behind by the colonial period. In addition, the government also began to promote Bali as an international tourism destination and begin airport expansions. In this era, the formal national tourism policy was scant and tourism development was still constrained by various economic, social and political turbulences (Adams, 2018).

Indonesian tourism began to experience significant development in the 1960s during the Suharto presidency. This period is also known as the "Orde Baru" ("New Order") era. During the "Orde Baru" period, the national government started to heed tourism policies and planning seriously. In 1969, the government issued policy directives on the development of national tourism and guidelines for fostering national tourism development (Yoeti, 1987). After oil and gas, tourism gradually emerged as the country's most important economic market. (Adams, 2018). Referring to the data from the World Bank (2017), the number of international tourist arrivals rose from fewer than 100,000 tourists a year in the 1960s to an all-time high of 5,185,000 just before the economic crisis that led to the fall of the Suharto regime in 1998 (Adams, 2018).

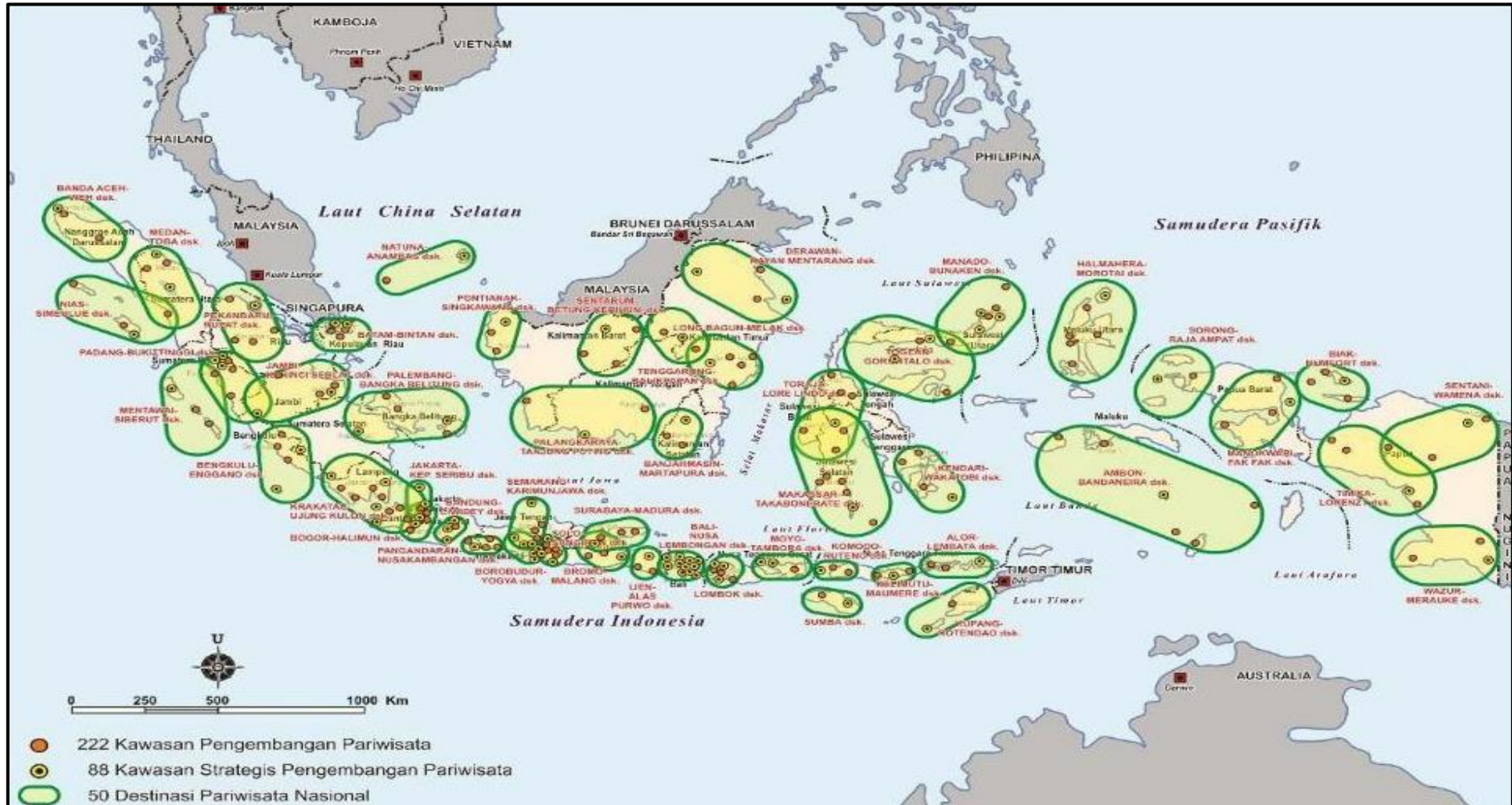
In the Suharto era, Bali was designated as the epicentre of national tourism and became the show window of Indonesia in the nation-building processes (Picard, 1996). During this time the Indonesian government ordered a master plan for Bali tourism from *Societe Centrale pour Equipment Touristique Outre-Mer* (SCETO) (Picard, 1996). Bali was thus to be used as a 'hub' to encourage 'spoke' developments in regional locations (Cole, 2007). Bali tourism concentrated on the "beach plus" concept where the plan was to support coastal tourism development and attract high quality, high-spend, beach tourists (Cole, 2007). Meanwhile, as observed by Hampton (2003), "Indonesian tourism development policy has generally been top-down, with a bias towards attracting sizeable international tourist flows (mass tourism) and the construction of large-scale, capital-intensive projects usually funded by overseas donors and international capital" (p.89).

After the monetary crisis in 1998 and political turbulence in the early 2000s, the Indonesian government began to reorganize the development of national tourism. Along with a global perspective on sustainable tourism governance, Law 10/2009 concerning Tourism (Tourism Law 2009) was specifically enacted to become the legal umbrella for national tourism

development. The Tourism Law 2009 covers several things such as the concept of sustainable tourism, cross-sector coordination, national tourism destinations, national tourism strategic areas, the empowerment of small and medium enterprises, tourism promotion, tourism associations, standardization of tourism businesses, and human resource development. In relation to tourism development, the Tourism Law 2009 pays considerable attention to regulating the tourism industry, tourism destinations, marketing and promotion institutions, and specifically mandates central and regional governments to formulate tourism master plans. Another mandate given to central and local governments was to develop and protect small and medium enterprises through appropriate policy and partnerships. In addition, the Tourism Law 2009 clarifies that tourism is a driver of economic activity, that it enhances Indonesia's image, improves the welfare of local communities, and provides expansion of employment opportunities. Ultimately, the development of tourism is carried out by utilising the diversity of Indonesia's natural beauty as well as the potential for marine tourism which gives it a competitive advantage.

In implementing the Tourism Law 2009, the Indonesian government issued Presidential Regulation 50/2011 concerning the National Tourism Development Master Plan 2010-2025. This regulation divides the zoning of national tourism destinations (NTD) into 50 NTDs spread across 33 provinces. As shown in Figure 3.2, the Indonesia Ministry of Tourism has strategically allocated 50 national tourism destinations to be developed in years to come. Guided by the tourism master plan, the government then established the ten "New Bali" projects in 2016 with the aim of increasing the number of foreign tourist arrivals. This project is a government initiative to build tourist destinations that emulate nationally the economic impact of tourism on Bali. Bali's fame and reputation as a tourist paradise was recorded in the 2018 OECD Economic Survey of Indonesia. This survey places Bali as a symbol of Indonesia's success in creating a popular tourism brand (OECD, 2018).

Figure 3.2. Indonesia Tourism Development Map



Source: Indonesia Government Regulation No 50 Year 2011 on National Tourism Master Plan

In 2019 the government set a target of increasing the contribution of the tourism sector to 8% of Gross Domestic Product (GDP) (Indonesia Investments, 2016). This target implies that in the next 4 years, the number of tourist arrivals will need to be doubled to approximately 20 million. The government then envisages that the tourism sector will become one of the largest foreign exchange contributors. In sum, tourism is expected to be one of the drivers of Indonesia's economic development wherein the expected positive contributions are coming from foreign exchange earnings, in government revenues, in generating employment and in regional development.

### 3.3. Yogyakarta Tourism

#### 3.3.1. Yogyakarta as one of the “New Bali” Destinations

In Indonesia, the government structure is divided into national (central government), provinces, regency (kabupaten), and cities (kota). One of the provinces included in the 10 “New Bali” programmes is the Special Region of Yogyakarta (hereafter Yogyakarta). Yogyakarta is included in the Borobudur National Tourist Destination Zone. Historically, Yogyakarta has always been an important tourism destination and defined as the second core region of tourism development (second to Bali) (Dahles, 2002). In the national tourism constellation, since the 1970s Yogyakarta has begun to be prioritized as a national tourist destination. By the end of the 1990s, tourism in Yogyakarta had made a lot of progress in terms of developing tourist attractions, developing tourism amenities and increasing tourist arrivals. As observed by Dahles (2002) during the reign of New Order regime, Yogyakarta had experienced “conspicuous efforts to extend communications and transportation systems, to build hotels and improve the shopping facilities, to restore historic relics, to establish monuments of the “revolutionary period”, and to preserve cultural artifacts and art forms pervaded by a traditional Javanese quality” (p.788). Since it was established as part of the “New Bali” project, Yogyakarta tourism has experienced significant development. The tourism development acceleration scheme is focused on infrastructure development, spatial connectivity, and tourism governance and management (Ahsinin et al., 2020). The Indonesian government has invested IDR 8 trillion on infrastructure development in the "New Bali" project from 2019 to 2020, including in Yogyakarta (Kencana, 2020). These include the construction of the New Yogyakarta International Airport (NYIA); the construction of new toll roads, as well as the repair and expansion of rail transportation routes (Ahsinin et al., 2020).

### 3.3.2. Yogja Istimewa (Special Yogya)

As a tourist destination, the Yogyakarta government used “Yogja Istimewa” (“Special Yogya”) as a promotional tagline. Yogyakarta indeed has been recognised as a special province for a number of reasons. First it is because before joining the Republic of Indonesia, Yogyakarta already had its own government system in the form of a Sultanate (Baskoro and Sunaryo, 2010). Second, it is still a provincial level autonomous region. In terms of administration, Yogyakarta consists of four regencies and one municipality. They are Sleman regency, Gunung Kidul regency, Bantul regency, Kulon Progo regency, and Yogyakarta city.

Yogyakarta is given special authority based on the national law (Law 13/2012) which includes procedures for electing the positions of Governor and Deputy Governor; the arrangement of duties and powers of the Governor and Deputy Governor; local government institutions; regulations regarding culture; as well as land and spatial regulations. Third, Yogyakarta is recognized for its cultural heritage. Spread across those five regions, Yogyakarta is widely known as a popular tourist destination that offers many historical sites, museums and monuments, along with a lively art and cultural heritage, volcanic mountains and exciting shopping destinations (Novira et al., 2012; HVS, 2015). Lying between Mount Merapi in the north and the Indonesian ocean in the south, Yogyakarta is blessed with a multitude of natural and cultural riches. Yogyakarta is renowned as a centre for classical Javanese fine arts such as batik, and performance arts that include ballet, drama, music, poetry and puppet shows. In addition, Yogyakarta has many UNESCO world heritage sites such as the Prambanan Temple and Ratu Boko Palace. In recent years, the Yogyakarta government has been forcefully promoting the cultural heritage of many villages within the province to attract more tourists (HVS, 2015).

### 3.3.3. The Proliferation of Hotels

Approximately 90% of travellers to Yogyakarta are domestic travellers to the market; 70% of these come from Jakarta, while the rest come from its surrounding cities (HVS, 2015). Around 4 million tourists in 2012 visited Yogyakarta (both domestic and international) compared with over 4.9 million in 2018 (BPS, 2019). According to the Central Statistical Bureau (BPS), tourism revenue increased by an average of 22.5 percent of the total regional income in Yogyakarta between 2014 and 2019 (Yusuf and Purwandani, 2020).

Yusuf & Purwandani (2020) suggested that in Yogyakarta city, since 2015, the number of tourists has exceeded the population of the city, which in 2018 was 3,587,921, necessitating

a commensurately high level of infrastructural support for its residents. This is, of course, a danger signal of over-tourism: too many visitors to a particular destination lead to overcrowding in areas where residents suffer the consequences (Milano, Novelli and Cheer, 2019), especially in the future when the weakening of the Indonesian rupiah against the dollar and increased accessibility are expected to generate growth in foreign as well as national arrivals.

Following this rapid tourism development, hotels in Yogyakarta have proliferated. In fact, Yogyakarta city has experienced the greatest growth among Indonesian cities in terms of new hotel openings (HVS, 2015). As admitted by the Head of the Yogyakarta City Licensing Service, applications for hotel construction permits have seen a significant increase since 2013 (Wicaksono, 2019). In 2013 alone there were 105 investors who applied to build a hotel in Yogyakarta city. However, besides Yogyakarta city, other regencies also experienced hotel growth, especially in Sleman, Gunung Kidul and Bantul. Table 3.1 shows the total addition of 647 new hotels between 2013 and 2019 throughout the Yogyakarta region. Most of these hotels depend on the MICE (Meetings, Incentives, Conferences and Exhibitions) model in hospitality promotion, which makes up 70% of Yogyakarta's market and is a major generator of demand for many hotels (HVS, 2015). In particular, government meetings are projected to account for 20% of business in five-star hotels, and 40% of business in three-star and four-star hotels (HVS, 2015). As such, in the past few years hotels taxation sits in the top five contributors for tax revenues ([http://bappeda.jogjaprov.go.id/dataku/data\\_dasar/index/35-pajak-daerah](http://bappeda.jogjaprov.go.id/dataku/data_dasar/index/35-pajak-daerah)). And as suggested by Rahadi and Hasmarini (2018), the increasing number of hotels has a positive and significant impact on the uptake of the workforce. In other words, tourism is one of Yogyakarta's economic drivers.

Table 3.1. Number of Hotels in Yogyakarta Province 2013-2019

Regency/ Municipality	2013		2014		2015		2016		2017		2018		2019	
	Star	Non Star	Star	Non Star	Star	Non Star	Star	Non Star	Star	Non Star	Star	Non Star	Star	Non Star
Kulon Progo	0	26	0	27	0	26	0	26	0	24	0	24	0	25
Bantul	1	286	1	248	1	261	1	265	1	251	2	251	2	313
Gunung Kidul	1	65	1	70	1	69	1	69	2	73	2	135	2	198
Sleman	21	368	26	366	26	363	32	354	32	358	49	575	61	643
Yogyakarta city	38	364	43	356	57	362	55	362	82	356	90	490	98	475
<b>Total (Yogyakarta Province)</b>	<b>61</b>	<b>1109</b>	<b>71</b>	<b>1067</b>	<b>85</b>	<b>1081</b>	<b>89</b>	<b>1076</b>	<b>117</b>	<b>1062</b>	<b>143</b>	<b>1475</b>	<b>163</b>	<b>1654</b>
	1170		1138		1166		1165		1179		1618		1817	

Source: BPS Yogyakarta (2020)



### 3.4. Tourism and Human Rights in Indonesia

It has been established that tourism is recognised as important by the Indonesian and Yogyakarta government as a means of economic development. This ambition to keep growing tourism has, however, a double edge with regard to human rights. On the one side, the economic benefits obtained can increase the quality of life of the people in the destination which in the end is directly related to the fulfilment of the basic rights of the community itself. But on the other hand, tourism development can also be a key force behind the exploitation of the local population as well as human rights infringements.

#### 3.4.1. Human Rights in Indonesia Constitution and National Law

To begin, we need to understand the evolution of human rights in Indonesia to put the relationship between tourism development and human rights in perspective. Since the pre-independence period and up to this present time, human rights in Indonesia have always been a controversial subject. There have been four main phases in the development of human rights in Indonesia's constitution which are: the pre-independence phase, the constituent assembly phase, the new order phase, and the post-new order phase. Table 3.2 summaries the key points of human rights development in Indonesia's Constitution (Asplund, Suparman and Riyadi, 2008; Hadiprayitno, 2010; Kharlie, 2013).

Table 3.2. The Development of Human Rights in Indonesia's Constitution

Period	Key Points	Key Laws	Remarks
Pre-Independence (1945)	<ul style="list-style-type: none"> <li>Human rights are seen as individualistic and incompatible with the notion of <i>kekeluargaan</i> and <i>gotong-royong</i> (Indonesian terms for community values).</li> <li>Human rights result in the conceptual middle ground: rights of the citizen.</li> <li>The state is seen as "the regulator of rights" rather than "the guardian of rights".</li> </ul>	1945 constitution draft	The State Founders realized that the constitution was far from complete and needed to be amended after independence.
Constituent Assembly (1945-1966)	<ul style="list-style-type: none"> <li>Human rights are seen in terms of natural rights and must be included in the constitution.</li> <li>The new constitution draft was never enacted.</li> </ul>	New constitution draft	Explicit recognition of 24 human rights in the new constitution draft

Period	Key Points	Key Laws	Remarks
Old Order and New Order (1959-1998)	<ul style="list-style-type: none"> <li>Reverts to the 1945 constitution.</li> <li>There was no amendment to the constitution during this period.</li> <li>A Human Rights Charter was drafted, although it was never passed.</li> </ul>	1945 Constitution	There are only six provisions that explicitly mention human rights with 15 human rights already included in the original 1945 constitution
Post-New Order also known as Reformation era (After 1998)	<ul style="list-style-type: none"> <li>Provides 26 articles related to human rights.</li> <li>Explicitly affirms state duty to protect, promote and uphold human rights.</li> </ul>	1945 Constitution with amendments	First amendment (1999), Second amendment (2000), Third amendment (2001), Fourth amendment (2002)

As shown in table 3.2, an explicit affirmation of state duties to protect, promote and uphold human rights, as well as a detailed elaboration on human rights itself, followed the fall of the New Order regime. This is because during the rule of President Suharto's New Order regime, human rights were put aside (Robet, 2008). In fact, under the pretext of political stability and economic development, the New Order regime committed numerous human rights atrocities such as extra-judicial killings, land grabs, pro-democracy activist kidnappings, and opposition repression (Eklöf, 1999). As such, the development of Indonesia's constitution shows the endeavours of a post-reformation government together with civil society in improving the acknowledgement, protection, and advancement of human rights (Susanti, 2001; Azhar, 2010). Further, following the constitutional efforts made in acknowledging human rights, Indonesia's government enacted the Human Rights Act 39/1999 as well as Act 40/2008 regarding the elimination of racial and ethnic discrimination. Also, based on the mandate given in the Human Rights Act 1999, Indonesia's government established a National Human Rights Commission to support the implementation of human rights as well as enhance the protection and enforcement of human rights in Indonesia (Asplund, Suparman and Riyadi, 2008). The Indonesian government also ratified ten international conventions, between 1984 and 2012, including the International Covenant on Economic Social and Cultural Rights (ICESCR) (for details see, <http://indicators.ohchr.org/>).

### 3.4.2. Tourism Development and its Human Rights Impact

Amidst post New-Order government and civil society's efforts in mainstreaming the human rights agenda, there is still lack of concern in relation to tourism development. Arguably, the lack of attention is because tourism is frequently portrayed as a peaceful and benevolent

industry that connects people from various cultural backgrounds, and contributes to employment and poverty alleviation (Neef, 2019). However, in a report on the impacts of tourism on human rights across the world, Tourism Concern revealed land rights violations of land owned by local communities in Lombok, Indonesia (Eriksson et al, 2009). There are other cases that can be found in several research reports such as the violation of hotel workers' rights in Bali (Beers, 2013) and issues related to human rights to water in Bali (Cole, 2014) and Yogyakarta (Watchdoc, 2014a). Neef (2019) also reports tourism-related land grabs and displacement in a number of destinations such as Manggarai and Rote. Meanwhile, in an investigation documentary, Watchdoc.Inc reveals how people in Mandeh, West Sumatra, are evicted from public beaches which are also their source of livelihoods (Watchdoc, 2014b; Laksono, 2018).

More recently, there are two cases highlighted in national media in relation to the violation of land rights and tourism development, in this case the construction of the New Yogyakarta International (NYIA) airport and the development of Marosi beach in West Sumba. In the case of NYIA, the National Human Rights commission noted human rights violations in terms of land acquisitions. People are shown to have lost their rights to land which was the source of their livelihood (Suntoro, 2019). Violation of land rights affects the fulfilment of other rights, such as the right to work (Suntoro, 2019). Whereas in Marosi, land conflicts between the local community and tourism investors lead to violence by police officers against local residents (Apriando, 2018). The local government support for private sector investors is based on the view that the development of tourism areas in the region will increase economic growth. In addition, the tourism industry is perceived as a promising industry for investors. On the other hand, the need for land to fulfil the tourism industry's requirements is increasing and it has triggered conflict with the community. The local government has begun to map new areas for the tourism industry to develop. It is considered by a number of NGOs that this will destroy community-based tourism areas and violates local people's basic rights (ELSAM, 2018; KontraS, 2018).

In this post New-Order era, which is increasingly open to freedom of information, various reports of human rights violations related to the tourism sector have started to appear. All of these concerns warn us that the government can be less than effective when dealing with the tourism business sector regarding their responsibility towards human rights. In the light of the case that occurred in Marosi, The Institute for Policy Research and Advocacy (ELSAM) issued a press release regarding the importance for tourism businesses to adopt business principles and human rights. In their press release it was clearly stated that what happened in

Marosi was a reflection of the negligence of tourism businesses in preventing the effects of human rights violations (ELSAM, 2018). Furthermore, ELSAM also emphasized that the tourism industry is a part of the business sector which is increasingly required to respect human rights as described in the United Nations Guiding Principles on Business and Human Rights. Meanwhile, a coalition of various NGOs in Indonesia calls for the direct management of land by the people in terms of tourism development so that the socio-economic impacts can be enjoyed better than when they are controlled by the tourism industry (KontraS, 2018). This call indeed is an expression of the importance of recognising and fulfilling the human right to participate in development and public affairs (OHCHR, no date).

### 3.4.3. Tourism and the Human Right to Water

Water is crucial for tourism, yet at the same time tourism can affect a destination's water supply. Studies show that the use of water per capita for tourism purposes exceeds that for domestic needs (Gössling, 2001; Becken, 2014; Gössling and Peeters, 2015). The uncontrolled development of tourism can affect the quantity and quality of water in a tourist destination, from water pollution (Stonich, 1998; Wright, 2015) and the depletion of water availability (LaVanchy, Romano and Taylor, 2017), to conflicts in access to water (Strauß, 2011). The growth of global tourism and its various activities, which demands ever increasing amounts of water, coincides with changes in the global climate system which are leading to a decline in water resources in many tourist destinations (ITP, 2018a).

In 2013, the Indonesian Ministry of Tourism (MoT) held a national seminar entitled "Developing Tourism, Preserving Water". This seminar brought up the premise that water and tourism are inseparable while at the same time acknowledging the interplay between the two (Kemenparekraf, 2013). The view promoted in this forum was the necessity of finding the balance between the use of water for tourism and the need for the tourism industry to take part in preserving the water. Meanwhile, a Google Scholar search in Indonesian with the keywords tourism and water (*pariwisata dan air*) shows that the subject of the two themes is dominated by the development and promotion of water tourism attractions. There is little discussion about the impact on the quantity and quality of water in a destination, and none at all in terms of gender, climate change and the right to water.

Cole's (2012, 2014) work in revealing the political ecology of water in Bali is one of the seminal studies that brings the human right to water into the tourism conversation in Indonesia, whereas the work of Strauß (2011) as well Tarigan et al. (2013) discuss water

conflicts between different water users in Bali. In the Bali context, the excessive use of groundwater by the tourism industry has an impact on lowering groundwater levels, saltwater intrusion, subsidence of land levels, and deteriorating water quality. Currently, as documented in the ITP-Destination Water Risk Index, Bali has been ranked first as extremely high in vulnerability to water stress (ITP, 2018a). In addition, three destinations in Indonesia (Surabaya, Jakarta and Bandung) are also categorized as highly vulnerable to future water stress. Yogyakarta might not have been in the ITP Water Risk Index study due to the size of their hotel markets and the availability of relevant data (ITP, 2018a, methodology section). Meanwhile in Labuan Bajo, in Flores, the rapid development of tourism has made women the victims and bearers of the greatest burden due to the hard struggle for access to water. This is because the work needing water is mostly borne by women. The pressure to manage the increasingly difficult water needs — due to the increasing demand for water in the tourism sector — also has an impact on women's emotional, physical and financial well-being (Cole, 2017).

In Yogyakarta, water concerns linked with tourism have been emerging in public discourse since 2014. The rapid development of hotels and an increase in tourist arrivals pose serious problems to the water rights of local people. One of the consequences of the increasing number of guests is the intensification of the demand for fresh water and the challenge of distributing water equally. Warnings of a water shortage due to the rapid development of hotels have been raised particularly in the city of Yogyakarta (Muryanto, 2014). Whereas in Yogyakarta as a whole, as observed by the Institute of International Studies (IIS), “the daily demand for water is estimated to be 80-100 liters per person. At the same time, the population of Yogyakarta currently reaches 3.3 million people, estimated to reach 3.7 million in 2035” (Admin HI, 2017). Furthermore, the IIS noted that the Municipal Waterworks had not yet been able to accommodate the rising water needs of the community, let alone large-scale demands such as hotels and condotels (establishments that sit between apartments and hotels). Because of this, hotels and condotels extract groundwater independently. According to predictions based on contemporary trends, Yogyakarta could be facing a serious water crisis in the near future (Admin HI, 2017).

Moreover, as shown in table 3.3, Batubara (2014) summarises the variation of groundwater level decline in Yogyakarta that has appeared in mass media and academic papers. According to Batubara, the variation is due to the locality of the place and time of the research and shows there has been a decrease in the groundwater level in Yogyakarta from time to time.

Table 3.3. Variations in Yogyakarta Groundwater Level Decline

Person(s)	Statement	Source
Eko Teguh Paripurno (Disaster Management Researcher-Universitas Pembangunan Nasional Yogyakarta)	Based on 2006 research, the groundwater level in Yogyakarta City continues to decline by 10-50 cm/year	Maharani, 2014
Edi Indrajaya (Head of the Energy and Mineral Resources Division of the Yogyakarta Public Works Office)	Based on research since 2012, the groundwater level in Yogyakarta has decreased by 20-30 cm/year	Atmasari, 2014
Heru Hendrayana (hydrologist - Universitas Gadjah Mada Yogyakarta)	Every year the groundwater level in Yogyakarta has decreased by 30 cm	Republika Online, 2006
Karnawati, D., Pramumijoyo, S., dan Hendrayana, H. (Geological engineering, Universitas Gadjah Mada, Yogyakarta)	Groundwater in Yogyakarta is estimated to decrease by 10 cm per year.	Karnawati et al., 2006

Source: Batubara (2014)

### 3.5. Summary

This chapter has attempted to provide an overview of tourism in Indonesia and Yogyakarta. As one of the priorities for national development, the development of tourism in Indonesia continues. This is reflected in the increased target for the number of foreign tourist arrivals and the ten "New Bali" projects launched by the central government. However, along with the government's determination, various human rights issues need serious attention. As discussed in this chapter, despite human rights now being part of the national constitution, various human rights issues related to tourism development in Indonesia keep emerging. These problems also include concerns about the right to water, which is the focus of this study. Clearly, there are other human rights problems that relate to tourism such as land rights, children's rights, women's rights, privacy rights, and workers' rights etc. (Cole and Morgan, 2010; Kraak, 2017; Ahsinin et al. 2020). All of these are beyond the scope of this thesis. Ultimately, it is clear that tourism can no longer be considered an industry that is free from human rights problems and only offers comfort. The promise of tourism to bring prosperity to people in various destinations must also be carefully guarded so that it can be realised. It takes various efforts, both theoretical and practical, to ensure that tourism can bring the greatest sustainable benefits (social, economic and ecological) without sacrificing anyone or their human rights, or the environment.

## Chapter 4. Research Design and Methodology

### 4.1. Introduction

This chapter aims to clarify and elaborate the methodological approach to the study. This endeavour is essential for two reasons. First, the sampling design and techniques of data analysis must be valid to answer the research questions. Second, elucidating the step-by-step process of the research is crucial in demonstrating the trustworthiness and accountability of the study, or to use Yin's (2016) terminology, performing the 'methodic-ness' of (qualitative) research.

The chapter begins by discussing the research paradigm and epistemological standpoint of the study. The next section describes and rationalizes a research approach aligning to the research paradigm. The connection between the research approach and distinct strategies of inquiry is also discussed. The subsequent section discusses the research strategy in detail, including the research setting, participants, data gathering processes, research ethics, data analysis, positionality and reflexivity.

### 4.2. Research Paradigm, Aim and Questions

In terms of research design, Creswell (2009) postulated that three main elements need combining as a unity. These elements are a philosophical worldview or paradigm, a strategy of inquiry and research methods. A similar view is posited by Chilisa and Kawulich (2012), who argue that research methodology is a convergence between several parts such as the assumptions about the nature of the reality and knowledge (paradigm), the theoretical framework, the research approach, data collection, data analysis, ethics and validity. Therefore, it is reasonable to start this chapter by attending to the research paradigm, because, in the end, a particular paradigm will influence a particular methodology (Goodson and Phillimore, 2002; Creswell, 2009).

As a set of beliefs that guide action, a paradigm is fundamental to inquiry. Guba (1990) postulated three basic constructs of a paradigm; ontological, epistemological and methodological. The first construct (ontology) deals with the nature of the knowable, which means a particular paradigm implies a certain point of view in perceiving reality. The second construct (epistemology) deals with the relationship between the knower and the knowable. This means there is a particular position to producing knowledge, and different standpoints can result in different outcomes (or their interpretation). The third construct (methodology)

emphasizes how the inquirer should go about eliciting knowledge. In other words, this is the critique and selection of the techniques and/or tools adopted in order to acquire knowledge.

In the realm of disciplined inquiry (research), the work of Guba and Lincoln (1989) is often considered the foundation to differentiate between research paradigms. They contrast two paradigms, positivism and naturalistic inquiry, the latter now known as constructivism (Yin, 2016). Currently, however, there are four well-accepted paradigms; post-positivism, constructivism-interpretive, advocacy-participatory and pragmatism (Table 4.1).



Table 4.1. Four research paradigms adapted from Creswell (2009)

Paradigm	Keywords/features	Notes
Post-positivism	<ul style="list-style-type: none"> <li>● Determination</li> <li>● Reductionism</li> <li>● Empirical observation and measurement</li> <li>● Theory verification</li> </ul>	<p>As a successor of positivism, this paradigm considers the ‘measurement of phenomena as central to the development of understanding’. This kind of paradigm is ‘widely applied in the realm of natural sciences’, where ‘empirical observation is used to generate theories and models that can be generalized (Fox, 2008.p.660).</p>
Constructivism-interpretive	<ul style="list-style-type: none"> <li>● Understanding multiple participant meanings</li> <li>● Social construction</li> <li>● Theory generation</li> </ul>	<p>Dealing with the ontological and epistemological questions, this paradigm holds the view that ‘each individual constructs knowledge and experience through social interaction’ (Constantino, 2008.p.116). In this paradigm, emphasis is given to understanding, which is more suitable for scrutinizing the phenomena in the human sciences (Costantino, 2008). Furthermore, interpretation of the meaning about the world from those experiencing it is considered a way to generate (inductively) a theory of patterns of meaning (Creswell, 2009).</p>
Advocacy-participatory	<ul style="list-style-type: none"> <li>● Political</li> <li>● Power-oriented</li> <li>● Collaborative</li> <li>● Change-oriented</li> </ul>	<p>In this paradigm, the nature of knowledge is seen as a construction within a certain power relation. Hence, this paradigm views knowledge production as an effort to untangle the status quo knowledge, particularly ‘structural laws and theories that did not fit with marginalized individuals in our society or issues of social justice that need to be addressed’ (Creswell, 2009.p.26). Furthermore, in terms of methodology, this kind of knowledge can only be obtained in a collaborative manner, with the oppressed individual or community, in order to change the reality in which they live. In other words, there is always a certain political agenda inside this type of paradigm.</p>
Pragmatism	<ul style="list-style-type: none"> <li>● Consequences of actions</li> <li>● Problem-centred</li> <li>● Pluralistic</li> <li>● Real-world practice oriented</li> </ul>	<p>McCaslin (2008) defines pragmatism as ‘the practical philosophy in which truth is not seen as an absolute but a moveable and usable construct for understanding the nature of reality’ (p.673). In other words, pragmatism emphasizes the functionality of the knowledge. Hence, reality is viewed in relation to action in order to solve a certain problem.</p>

To identify an appropriate research paradigm, Chilisa & Kawulich (2012) suggest several guiding questions:

- What is the reason for doing the research?
- What are the philosophical underpinnings of the research?
- What are the ontological assumptions of the research?
- What values are evident in the research process?
- What is the nature of the knowledge of this study?
- What counts as truth?

In order to answer these questions, it is essential to revisit the research aim and questions.

As discussed in the introductory chapter, this project has two broad aims. First, this study aims to provide insight and understanding from a multi-stakeholder perspective concerning hotels' responsibility in respecting the human right to water (HRW) in Yogyakarta. Second, it aims to bring closer together the three main stakeholders in seeking a way forward for a more equitable water policy and practice that is feasible to execute in their cultural context. As such, this project is expected to draw the attention of multiple tourism stakeholders including academics, hotels, third sector organizations, communities and the government in Yogyakarta, in terms of the application of hotels' responsibility in respecting the HRW. Foregrounding the business and human rights (BHR) approach in the realm of hotels and the HRW, this study sets out to answer the following questions:

1. To what extent does the legal framework applicable to the hotel industry in Yogyakarta recognize and implement the right to water within the UN Guiding Principles on Business and Human Rights framework?
2. To what extent do hotels in Yogyakarta respect the community's right to water within the UN Guiding Principles on Business and Human Rights framework?
3. What efforts are being made by the local community to address the right to water in relation to hotel development and activity? And how effective are these efforts?

Considering the aim and research questions, this study fits into three types of paradigms, i.e. constructivist-interpretive, advocacy-participatory, and pragmatism. This is because in order to address the research aim, this study firstly needs to understand how a particular concept or law

works in its natural setting, while, secondly, shedding light on possible collaborative ways forward in tackling the water conflict (which is highly contextual and originates from a real problem in Yogyakarta). In other words, this study will attempt to find out how a particular concept or law operates in society, while believing the co-creation of knowledge with key stakeholders is the prime way to grasp that knowledge. This kind of knowledge is not optimal if presented as quantitative information. Instead, it requires detailed description and analysis based on context. Furthermore, since existing knowledge about the relationship between hotels and the rights to water from a business and human rights perspective is minimal, this study will have to construct meaning and generate a new explanatory framework by scrutinizing and interpreting what transpires in reality. In this respect, reality refers to the life experiences and social interactions of the multiple stakeholders (Rodina, 2014).

### 4.3. Research Approach and Strategies

#### 4.3.1. Qualitative Approach

After identifying the research paradigms of this study, the next step is selecting the methodological approach. In order to rationalize the selection of the research approach, the type of research questions needs to be reviewed (Elliott and Timulak, 2005; Corbin and Anselm, 2008; Robson and McCartan, 2011). As illustrated in Table 4.2, the research questions in this study are descriptive and exploratory because these questions demand answers that can explain what happens in reality. Furthermore, the types of questions posed in this study are open-ended, which means that the endeavour will rely on the data from the participants' settings in order to form an understanding about the subject matter.

Table 4.2. Type of research questions asked in this thesis

<b>Research questions</b>	<b>Type of questions</b>	<b>Aim</b>	<b>Paradigm</b>
To what extent does the legal framework applicable to the hotel industry in Yogyakarta recognize and implement the right to water within the UN Guiding Principles on Business and Human Rights framework?	Descriptive	1. To provide insight and understanding from a multi-stakeholder perspective concerning the responsibility of hotels in respecting the human right to water (HRW) in Yogyakarta.	Constructivist-interpretive, advocacy-participatory, and pragmatism

<b>Research questions</b>	<b>Type of questions</b>	<b>Aim</b>	<b>Paradigm</b>
		2. To bring closer three main stakeholders' points of view to help shape a way forward for a more equitable hotel water policy and practice that is feasible to execute in their cultural context.	
To what extent do hotels in Yogyakarta respect the community's right to water within the UN Guiding Principles on Business and Human Rights framework?	Descriptive		
What efforts are being made by the local community to address the right to water in relation to hotel development and activity? And how effective are they?	Explorative		

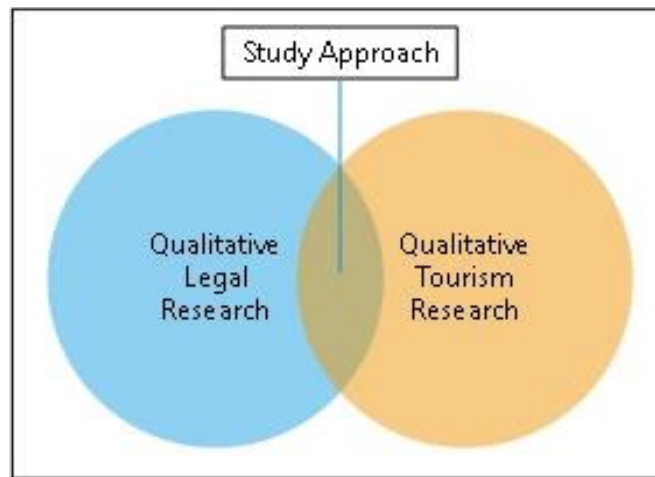
Based on the type of research questions asked in this study, a qualitative approach is considered the most appropriate way to conduct the research because it relies on primary data from participants in the form of description and narration rather than numerical data. On the other hand, laws, policies, government reports, NGO reports, and information from other relevant studies are used as supporting data. In this respect, qualitative research is defined as gathering ‘data about activities, events, occurrences and behaviours and to seek an understanding of actions, problems and processes in their social context’ (Goodson & Phillimore, 2002, p.3).

Moreover, since this study aims to scrutinize the practical problems of law and law enforcement in society (addressing the first and second research questions), this study could be categorized as a socio-legal study. In a socio-legal study, law is perceived as a social phenomenon, and the underlying idea is to point out the importance of understanding the gap between law in books and law in action, as well as the operation of law in society (Dobinson and Johns, 2007; McConville and Chui, 2007). A socio-legal study is compatible with the constructive-interpretive paradigm, since it allows the researcher to interrogate and construe the interplay between law and legal institutions using a qualitative approach (Banakar and Travers, 2005; Aluta, 2017).

As well as aspects of law, this study includes an examination of hotels, which places it within tourism research. It is, therefore, an interdisciplinary study between law and tourism studies. (Simpson and Simpson, 2007; Grant and Sharpley, 2008). Following Tribe’s (2002) exposition,

this study aligns with mode two of tourism knowledge production. This kind of tourism knowledge includes industry, government and the local community as the primary sources of tourism knowledge, judged by their ability to solve a particular problem in the tourism field (hotel and the HRW), and often highly contextualized in a specific context (Tribe, 2002). Hence, as illustrated in Figure 4.1, this study could be regarded as in between qualitative legal research and qualitative tourism research.

Figure 4.1. Study approach



Before we proceed to the next section, I wish to point out that scholars suggest both interdisciplinarity and a socio-legal approach for BHR research (Buhmann, FASTERLING and Voiculescu, 2018; Voiculescu, 2018). An interdisciplinary study denotes a desire and willingness to comprehend and incorporate elements of different disciplines into a single organic approach (Buhmann, FASTERLING and Voiculescu, 2018). As such, in the context of this study, interdisciplinarity between qualitative legal research and tourism research is becoming relevant for addressing the complex normative nature of the BHR-HRW framework for hotel businesses (as discussed in section 2.9). As I am going to demonstrate at the end of this thesis, adopting the interdisciplinary and socio-legal approach contributes to the BHR's policy-oriented platform and directives into a future advocacy and research agenda.

#### 4.3.2. Primary and Secondary Data

For this particular study, primary data was obtained from key participants in local government agencies, hotels and communities. It was acquired using semi-structured interviews, participant

observations, and focus groups. The study also interrogates relevant laws, policies, government reports, NGO reports, journalistic reports, community meeting archives, and information from previous published academic studies as secondary data. These data can be accessed online or directly from certain government agencies, especially at the local level.

Interviews are deemed appropriate to question how the law operates in the empirical realm, alongside the experience and the meaning of specific laws in practice. The face-to-face interaction in an interview enables the researcher to comprehend non-verbal forms of communication in addition to the speech itself, while making sure all facets of the data such as contextual background, descriptions, and examples are fulfilled (Jordan and Gibson, 2002). In this study, the type of interview is semi-structured since it gives the researcher the ability to navigate the interview in accordance with the research questions and study aims, whilst maintaining the flexibility in the conversation. In essence, through semi-structured interviews the researcher is able to grasp in detail the participants' perspectives, including aspects of the application of laws and policies concerning the responsibility of hotels to respect the HRW (Denzin and Ryan, 2007). I append topic guides of this study in thesis appendix 3.

In order to support the interviews, participant observation is needed because it offers a better "understanding of a particular topic or situation through the meaning ascribed to it by the individuals who lived and experienced it" (McKechnie, 2008, p.598). Moreover, consistent with the ontological standpoint of this study, observation is also beneficial to understand the relationship between participants' actions and the way they interpret those actions (Mason, 2002). In the context of this study, observations are directed towards hotel water management, community water use, community meetings, water forums, and shadowing government agency staff in monitoring hotel water use. Naturalistic observation is the accepted technique for this study because it seeks to comprehend actual conditions or practices (McKechnie, 2008a). Hence, observations were conducted by formal arrangement with selected participants (time, place, process), and without distorting their natural settings by maintaining a discrete distance during the observations.

Focus groups were adopted to generate information and feedback from a range of participants by engaging them in meaningful conversation (Morgan, 2008). Focus groups are beneficial to corroborate information and to capture the nuance of participants' responses and interaction. In sum, focus groups are deemed an ideal way to elicit collective views from

participants (Denzin and Ryan, 2007). In this study, there were two-focus groups held; one with government agencies and one with government agencies, together with hoteliers, and community members.

### 4.3.3. Research Strategy

The research strategy presented here justifies the approach to data collection (Mason, 2002). The salient point is to align the research questions, data sources and collection methods. Table 4.3 illustrates the connection between those three elements.

Table 4.3. Data collection justification

Research question	Data source and method	Justification
<p>To what extent does the legal framework applicable to the hotel industry in Yogyakarta recognize and implement the right to water within the UN Guiding Principles on Business and Human Rights framework?</p>	<p>Key regulations and policies, related government official; interviews, observations, focus groups.</p>	<ul style="list-style-type: none"> <li>● Regulation/document analyses enable the researcher to understand the recognition of rights to water from the regulatory-legislative framework and strategic planning perspective.</li> <li>● Key stakeholder interviews enable the researcher to grasp aspects of the application of those laws and policies, particularly concerning hotels' responsibility to respect the HRW.</li> <li>● Stakeholder interviews target a small number of participants with expert knowledge and experience of the topics in question.</li> <li>● Observations are deemed necessary to understand the application / enforcement of the regulations and policies.</li> <li>● Focus group discussions are useful to understand the multi-agency points of view concerning hotels and the HRW.</li> </ul>
<p>To what extent do hotels in Yogyakarta respect the community's right to water within the UN Guiding Principles on Business and Human Rights framework?</p>	<p>Associated hotel's water manager, hotel's water related documents, Interview and observations.</p>	<ul style="list-style-type: none"> <li>● Stakeholder interviews enable the researcher to gain an in-depth understanding of the practices and challenges concerning hotels' responsibility in respecting the HRW.</li> <li>● Stakeholder interviews target a small number of participants with expert</li> </ul>

Research question	Data source and method	Justification
		<p>knowledge and experience of the topics in question.</p> <ul style="list-style-type: none"> <li>● Observations would augment and corroborate information gained from interviews.</li> <li>● Hotels' water-related documents would enable the researcher to link the interview and observation with the hotel written document/policy.</li> </ul>
<p>What efforts are being made by the local community to address the right to water in relation to hotel development and activity? And how effective are they?</p>	<p>Community groups, NGO reports, journalistic reports; interviews, observations</p>	<ul style="list-style-type: none"> <li>● Stakeholder interviews enable the researcher to understand the community points of view concerning hotel development and the efforts made by the communities in responding to the water disruption.</li> <li>● Observations capture the nuances of how communities respond.</li> </ul>

4.3.4. Pilot Study

In order to gain a better understanding of the situation in the field, as well as reaching out to potential participants, a pilot study was undertaken. As part of the initial study design, the researcher visited Yogyakarta twice between August and September 2018 for a total period of two weeks. During the visits, the researcher managed to meet and discuss the possibilities in taking part in this research including the ethical consideration with some of the potential participants. The ethical considerations discussed were voluntary consent, research permits, and anonymity. Through the pilot study, an initial participant map was developed along with revisiting the topic guide for interviews and observations. The revised part related to where particular sensitivities were deemed to exist, in this case questions about unscrupulous behaviour or action by potential participants and anticipated measures for the researcher when encountering such practices during the observations/interviews. During the pilot study, the researcher also collected and read secondary material related to the research from the library of Gadjah Mada University (Yogyakarta). Meanwhile a number of secondary materials could be accessed in the UK. These are statistical data, published on-line journal articles, books, journalistic reports and government regulations.



#### 4.3.5. Strategy of Inquiry

In this study, the strategy was participatory action research. There are two rationales for this: firstly, because this study aims to generate both understanding and potential action on the application of hotels' responsibility in respecting the HRW (Dick, 2014), and secondly, because the potential to catalyse action can be achieved via participant collaboration (Kindon, Pain and Kesby, 2007).

During the pilot study, a pathway toward participatory action research was initiated. A participant from one of the key organisations that represents community voices in dealing with hotel-community water disputes expressed an aspiration to collaborate. This organization was FPRB (Yogyakarta Risk Disaster Mitigation Forum), which is a multi-stakeholder forum consisting of NGOs, community groups and academics in Yogyakarta. Part of their work is advocating for communities impacted by hotel development. This forum is also a partner of the governing board for disaster management. Moreover, FPRB have experience in conducting groundwater level surveys via community participation to advocate on behalf of communities regarding hotel-community water disputes (Nugroho, Kusumayudha and Paripurno, 2016).

During our first meeting, we laid the foundation for future collaboration. We discussed the meeting point between my project purpose and their agenda, which in essence captures the intersectionality between tourism and conflict (Neef and Grayman, 2018). As pointed out by Faulkner (2001), tourism is regarded as vulnerable to disasters and crises and, if not managed well, will jeopardize both local communities and tourists. In fact, water crises and water-related disasters are real and imminent problems in various destinations and are frequently accompanied by conflicts among different users (Strauß, 2011; Cole, 2012; Cole and Ferguson, 2015; LaVanchy and Taylor, 2015; LaVanchy, 2017; Bengé and Neef, 2018). Furthermore, in response to greater attention toward climate change risk in Indonesia, there is a need for academic research and disaster management organizations to link up and inform climate change mitigation (Scott, Hall and Gössling, 2019). With particular reference to hotels' water stewardship, the challenge is to engender change as the study progresses, instead of the traditional method of thesis completion followed by action as the latter is not timely enough (Charalambous, Bruggeman and Lange, 2012). At the end of our initial discussion, FPRB agreed to facilitate the data collection process. We also came to an understanding that our partnership would be reciprocal and synergistic, without being

adversarial to other stakeholders/ research participants. In retrospect, our initial encounter affirmed and set the strategy for participatory action research (Hapal, Pagaduan and Venarica, 2019).

Moving forward to the field study phase, the participatory action course of this study became more apparent. Not only was the partner organization keen to share their knowledge, data and community voices, we frequently met and discussed various aspects in the field such as access to government agencies and hotels, as well as ideas for approaching other participants. Furthermore, the government and hotels showed interest in participating in this study and were keen to receive the research output.

Working closely with a local partner demanded a constant discussion to keep our missions and strategies aligned, especially in terms of being sensitive and respectful to other stakeholders. Our partnership enabled a broader understanding of the multiple realities of hotel-community water problems. We also brought together key stakeholders in a focus group to discuss the findings and generate a conversation about hotels' responsibility to respect the HRW. We presented the findings and initial analysis to gain feedback from governments, hotels and communities. In this forum, the researcher delivered a preliminary analysis of the study in the form of a working paper (Appendix 8). During the discussion, the participants were very engaged, and they were looking forward to the full study outcome. The expected outcomes of this collaboration are recommendations and material for the community organizations in reformulating their advocacy strategy, and policy recommendations for the government in the Yogyakarta context. Hence, maintaining contact, and sharing the research progress and results, is part of an ongoing process, which the researcher is committed to beyond his doctoral project.

#### 4.4. Research Site

This study was conducted in one of the most popular tourist destinations in Indonesia, namely Yogyakarta (Lonely Planet, 2019). As discussed in Chapter One (section 1.1), site selection derived from an empirical case concerning hotels and the community right to water which began in 2014 (Watchdoc, 2016). Whilst there has been research concerning tourism and water impact in other popular tourist destinations in Indonesia (Strauß, 2011; Cole, 2012, 2017; Cole and Browne, 2015; Wright, 2015), this study takes up Cole's suggestion (2014) to investigate tourism and water concerns from a BHR lens. Hence, taking Yogyakarta as the research setting will offer

more evidence in understanding the joint responsibility of stakeholders to ensure the HRW in tourism destinations.

As a Special Province in Indonesia, Yogyakarta is located centrally on the south side of the island of Java, and it covers four regencies and one city (BPS Yogyakarta, 2020). Despite the economic crisis of 1995-2002, which affected the Yogyakarta tourism industry, it is still widely known as a popular tourist destination in Indonesia with several tourist attractions relating to nature, history, culture and education (Novira et al., 2012; Dahles and Susilowati, 2015; Lonely Planet, 2019). In line with tourism growth in Yogyakarta, the hotel industry has grown year on year and plays a vital role in the tourism industry along with other tourism amenities. As discussed in Chapter Three (section 3.3.3), there were 647 new hotels between 2013 and 2019 throughout the Yogyakarta region.

For this study, two administrative districts of Yogyakarta province were selected as the research site (Yogyakarta city and Sleman regency). These areas epitomize the existing and likely future water dispute areas between the hotels and community in Yogyakarta, not least because most hotel development is concentrated in those two areas (BPS Yogyakarta, 2020). Since 2014 a water dispute between the hotels and the communities has been emerging (Batubara, 2014; Muryanto, 2014). Figure 4.2 illustrates the geographical extent of the research site.

Figure 4.2. Research area



Map source: BPS Yogyakarta (2018) ; Inset, Google map.

#### 4.5. Research Participants

This research focuses on key local stakeholders who have a relationship with hotels and the right to water, such as water-related government agencies, hotel managers, local hotel associations, community groups and NGOs working with hotels and the water concern. This approach departs from the United Nations protect, respect, remedy framework and water-tourism stakeholder map developed by Cole (2012, 2014). The United Nations protect, respect, remedy framework guide the researcher to incorporate government, hotels and community in a differentiated but complementary responsibilities relationship to uphold human rights (SRSG, 2008; Deva, 2012), while Cole's stakeholder map informed the key government agencies that need to be included. A list of potential participants was compiled during the pilot study.

To determine which hotels were selected as a sample, this study adopted a purposive sampling method. Using theory-guided sampling criteria (Palys, 2008), this study selected hotels based on their type (Medlik and Ingram, 2000); in this case star rated and non-star rated hotels. The community groups and non-government organizations involved in this study represent the community perspective, mainly those involved in raising water issues related to hotels' development and activities. In addition, based on developments during the field study, some additional participants were incorporated since they had valuable and relevant information. These included research centres, a government consultant, an environmental impact assessment assessor and a business organization.

In total, there were 13 hotels (9 star rated hotels and 4 non-star rated hotels), 21 government agencies, 2 community groups, 1 partner organization, 3 non-governmental organizations, 3 research centres, 2 quasi-government organizations, 1 environmental impact assessment assessor, 1 Yogyakarta royalty member, 1 government consultant on water law and infrastructure and 1 hotel association. Appendix 1 of this thesis lists all the research participants involved without specifying the person or hotels that took part in the study.

#### 4.6. Data Collection, Access and Research Ethics

Primary data collection took place from February to June 2019, and ethical approval was acquired from the Faculty Ethics Research Committee (FERC) before field study. As part of the ethical considerations, in this research the term used is 'participant' in order to acknowledge the

contributions given by each person involved in the data gathering process, which is commonly known in qualitative research ethics (Oliver, 2003).

The interview duration ranged from 90 to 120 minutes, which, in the case of hotel participants, included observation. The interviews covered areas such as aspects of law and legal enforcement in protecting community rights to water in relation to hotel activity, hotels' compliance and efforts were examined in terms of respecting the human right to water, community efforts in tackling water competition with hotels as well as efforts made by the community in pursuing remedies.

For hotel participants, observations focused on water management practices on the hotel premises (water network, pump, water meter, etc.). The interviewee/hotel staff member guided the observation. For government agencies, the focus of the observations was to understand the practices of hotels' environmental monitoring and control. In this respect, the researcher shadowed government officials on two occasions, one during the monitoring process of a hotel's deep well impact (pumping test), and one throughout monitoring a deep well installation. The observation of community groups and organizations took place during their meetings, events and projects. All of the observations were undertaken without interfering with government official duties, hotel operations or community activities.

All interviews were recorded and transcribed in the Indonesian language. The recordings and transcripts were retained safely in a password-protected laptop, and an encrypted external hard disk and they will be kept secure until the research and outputs are completed. After six months of passing the thesis examination, all data will be securely disposed of. Regardless of the funding from the Indonesian Endowment Fund for Education for this study, there is no clause for retention of records provided by the sponsor.

During the first week of the field study, the researcher was able to acquire a research permit from the appointed government agency in Yogyakarta. This permit is crucial to interview and access data from a government agency/official. Personal informed consent was also granted verbally by every official that participated. Regarding recruiting the participants from hotels, the process sought the approval and endorsement from the hotels' management. Initial contact and explanation about the study was made via either email, text or phone call, followed by a face-to-face meeting. Some of the initial contacts were made during the pilot study. The researcher was then permitted to speak with the person who had information about a hotel's water management,

and these people verbally gave informed consent prior to the interview. Recruitment of the other participants was initially facilitated by the local partner. Snowball sampling followed from one participant to another, and every individual involved gave informed consent verbally.

All participants gave their consent to participate, because it was of utmost importance for the researcher to respect the rights, needs and values of the participants (Creswell, 2009; Hughes, Hunter and Sheehan, 2010). Since data collection was conducted in a non-English speaking country, informed consent was obtained from the participants in the Indonesian language, which is the first language of the researcher. Hence, the researcher was able to communicate both verbally and in written form (with precision) with all participants.

In terms of respecting privacy and confidentiality principles (Hughes, Hunter and Sheehan, 2010), the identities of the hotels and participants in this study are not specified. Participants could withdraw their involvement/information in several ways as specified during informed consent. According to the protocol, all information cited in this thesis is valid since no participants retracted their participation. In thesis appendix 2, 4 and 5, I attach the research ethic documents of this study.

#### 4.7. Data Analysis

The researcher adopted two data analysis procedures. The first was an analysis of regulations, which meant interpreting and evaluating the laws related to the right to water and hotels in the research context (Dobinson & Johns, 2007). In this regard, the focus was scrutinizing layers of laws in relation to the study object and analysing them in light of the right to water and the UNGPs. This part of the analysis sought to understand and evaluate the laws that regulate hotels and their water management. The steps were gathering and identifying the regulations that related to the hotels' water management, describing the related regulations, and then analysing and evaluating them using the lens of the right to water and the business and human framework (Chynoweth, 2008). In qualitative research terminology, this procedure is also known as document analysis involving skimming, reading, interpreting and evaluating key documents (Bowen, 2009). In detail, document analytic procedure entails 'finding, selecting, appraising (making sense of), and synthesizing data contained in documents'. Subsequently, 'data yields (excerpts, quotations, or entire passages) were then organized into major themes, categories, and case examples specifically through content analysis' (Bowen, 2009, p.28). Applying this method of analysis, Chapter Five is

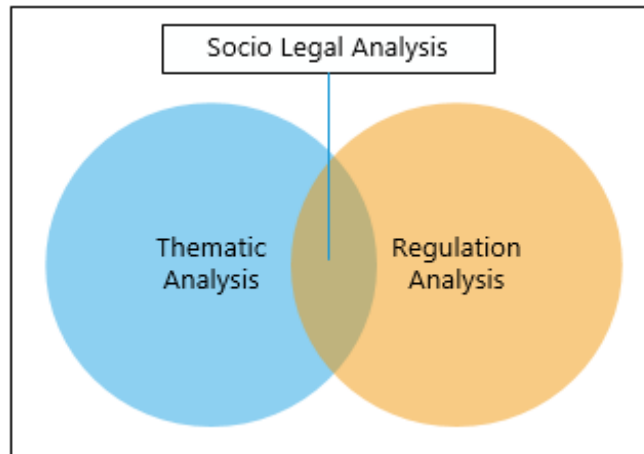
dedicated to critically discussing the regulatory landscape of hotels and water management, ranging from national to local level using the lens of BHR and the HRW.

The second procedure was the thematic analysis of interviews, observations and focus groups. Thematic analysis allowed the researcher to capture the real voices and experiences of participants in order to facilitate understanding from a bottom-up perspective (Willig and Rogers, 2017). In essence, the thematic analytical process is both deductive and inductive iteratively (Braun and Clarke, 2013). It is deductive because this study aims to shed light on a particular case using a synthesis of BHR and HRW bodies of knowledge. It is inductive because the bottom-up approach teases out the understanding of how the overlaps between BHR and HRW principles work on the subject of hotels' business. The essential steps in this analysis are organizing, preparing and reading the data (interview, observation and focus group transcripts and notes) (Creswell, 2009).

Preliminary themes were generated from the data manually (Appendix 7 and 9). Following Braun & Clarke (2013), at this stage the main activity was to identify significant broad patterns of meaning in answer to the research questions. These preliminary themes were presented at the multi-stakeholder focus group in order to gain feedback (Appendix 8). Subsequently, the preliminary themes were reviewed and checked to ensure that they were convincing and grounded in addressing the research questions (Braun and Clarke, 2013). The final themes are described and explored in Chapters Five, Six and Seven.

In this study the law does not operate in a vacuum. It needs to be understood systematically as an aspect of social relationships via empirical investigation (Cotterrell, 1998). As illustrated in Figure 4.3, the results from the regulation and thematic analyses were cross-examined to pinpoint the interplay between law in books and law in action, as well as the operation of law in society concerning the responsibility of hotels in respecting the HRW. This resulted in a socio-legal analysis. It seeks to derive insights into the responsibility of hotels to respect the HRW beyond legal texts by addressing the operation and enforcement of laws captured in the thematic analysis (Salter and Mason, 2007).

Figure 4.3. Socio legal analysis



#### 4.8. Positionality and Reflexivity

In this study, the researcher considered himself as a key instrument because of the relationship he built with the research participants/local partners. This position is well accepted in qualitative research, which strongly acknowledges that research is affected by the researcher and other world views/inter-subjectivity (Tickner, 2005; Brodsky, 2008). The researcher then needs to be cognizant and disclose his positionality, as well as constantly being reflexive throughout the study in order to critically challenge all the biases that might occur (Dowling, 2008; Bourke, 2014).

The researcher was born and raised in an Indonesian middle-class family and nurtured in the environment of kinship and communalism. While growing up the researcher affiliated to Christianity, which is considered as a minority religious group in Indonesia (Hefner, 2017). During this stage, the idea of hope and transformation was becoming inherent for the researcher (Schmid, 2019). Moreover, during the researcher's adolescence, the Indonesian authoritarian regime (that had been in power for 32 years) was struck by an economic crisis and was massively pressured by civil protest (Vatikiotis, 1998). In 1998, that authoritarian regime finally ended. At this time, the researcher experienced transition in many facets of Indonesian life and was starting to acquaint himself with notions such as democracy, rule of law, justice and human rights. Subsequently, the researcher started studying law and political philosophy and engaged with various civil society activities such as community capacity building and human rights campaigns. Ultimately, as noted in the introductory chapter, the researcher became motivated by the hopeful tourism agenda, within which he is keen to take part in "promoting human dignity, human rights, and justice in tourism policy and practice" (Pritchard, Morgan and Ateljevic, 2011, p. 942)



During the field study, the researcher was living among disabled people and organisations of disabled people. Exposure to marginalized and underprivileged people has heightened the researcher's affinity toward community rights, seeing that they are often put aside as one of the stakeholders of development. In this study, the researcher does not claim value neutrality and openly admits a tendency toward sociology of the "underdog" (Lumsden, 2013). However, experiencing struggles in dealing with the human rights issues, the researcher realizes that enhancing and advocating human rights in Indonesia requires a joint effort from various stakeholders. Moreover, in order to find plausible tactics for advocating and realizing the human right to water, one needs to understand and work with multiple perspectives and strategies (Sultana and Loftus, 2012, 2019). Here is where the researcher needs to become reflexive, which means critically challenging and clarifying the researcher's own assumptions regarding tourism development, government, business, community, human rights and the environment.

Throughout this study, the researcher attempts to genuinely understand different perspectives and attitudes towards the human right to water without being prejudiced and adversarial. The researcher found it difficult to be in the government position, particularly when dealing with the conflicting inter-agency interest (ego sectoral). Simultaneously, the government also has to deal with the existing hierarchical development policy that intertwines with national and local political dynamics. Furthermore, the researcher became conscious that the hotel managers were not ready for the language of the human right to water, and that the same objectives need to be met using a different form of expression. From the community perspective, the researcher needs to appreciate the nuances and intermixture of the cultural tradition and democratic political infrastructure that shapes community attitudes toward human rights. Ultimately, seeing the complexity of the problem in the field, the researcher has to accept that there will be no instant solution or panacea, and hence any recommendations and action plan needs to be crafted carefully.

#### 4.9. Summary

This chapter has described the research methodology and design in its entirety. Overall, the study method can be categorised as a qualitative study with a mixture of constructivist-interpretive, advocacy-participatory, and pragmatism paradigms. Primary data were acquired from key participants using semi-structured interviews, participant observations, and focus groups. Furthermore, as a strategy of inquiry, the participatory action approach was utilized. Collaborating

with key organizations that represent community voices enabled a co-creation of knowledge and actions. Chapter Nine is dedicated to the participatory action facet of this study. Using a thematic analysis, the next three chapters describe and explore findings on the three research questions posed, whereas Chapter Eight focuses on the socio-legal assessment of the findings.

## Chapter 5. Regulatory Setting and Law Enforcement Regarding a Hotel's Responsibility to Respect the Human Right to Water in Yogyakarta, Indonesia.

### 5.1. Introduction

This chapter explores aspects of law and law enforcement regarding hotels' water use in Yogyakarta, Indonesia. This exploration is needed to answer the first research question i.e. to what extent does the legal framework, applicable to the hotel industry in Yogyakarta, recognize and implement the right to water within the UN Guiding Principles on Business and Human Rights framework. The exploration of law and law enforcement regarding hotels' water use presented in this chapter is also important for the socio-legal discussion in Chapter Eight.

This chapter will begin by discussing the human right to water (HRW) in the Indonesian legal setting, and this will be followed by an exploration of the national and provincial level legal provisions relating to water management within the hotel industry through the lens of business and human rights (BHR). Therefore, in this chapter I identify and critically assess the state's duty to protect and fulfil the HRW in a number of regulations such as Water Resource Law 2019, Tourism Law 2009, Hotels Regulation 2013, Environmental Law 2009, Environmental Permit Regulation 27/2012 and Yogyakarta Provincial Regulation 5/2012. I focus the discussion on the provisions of hotels' (business) responsibility in respecting the HRW, the human right to water impact assessment (HRWIA), the monitoring, evaluation and disclosure of hotels water use, and community participation.

Subsequently, the next section will thematically discuss the findings of the empirical research that I conducted into hotel water use in Yogyakarta. The aim is to clarify how the laws operate in practice. This part of the discussion explores government efforts to fulfil the HRW, to put into perspective the situation of water supply in Yogyakarta. Furthermore, I discuss the rules and regulation on hotels' water use at the provincial level and the reality of law enforcement related to hotels' groundwater use.

There are two key findings in this chapter. First, in general terms, although the recognition of the HRW in the context of Indonesian law is relatively new, a number of different legal provisions support the responsibility of businesses to respect the human right to water (HRW). There is also evidence that several elements of the UNGPs first pillar have been implemented.

These elements can be found only in Water Resource Law 2019. In contrast, more specifically, there are only limited legal provisions in Indonesian law that require hotels to respect the HRW. The only requirement that is imposed on hotels is the implementation of an environmental impact assessment (AMDAL). This resembles, or at least has the possibility of being integrated with, a human right to water impact assessment. Overall, the first finding indicates a regulatory discrepancy in commanding hotels to respect the HRW. Meanwhile, the second finding suggests that there are a number of challenges in realizing the HRW and implementing hotels' responsibility to respect the HRW. These challenges are the government's lack of capacity to fulfil the HRW, and the government's limited ability to control and monitor hotels' water use and management. These complications mean that, as Yogyakarta's population grows, the government's desire to encourage hotel business investments is at odds with their HRW obligations.

## 5.2. The HRW in Indonesia's Constitution

In Indonesia, the hierarchy of laws and regulations is stipulated in Law 12/2011 regarding the formation of laws and regulations. Article 7 of Law 12/2011 states that the types and hierarchy of laws and regulations are as follows: the Constitution; Decree of the People's Consultative Assembly; Parliament enacted Laws; Government Regulation (enacted by the President as mandated by a specific Law; Presidential Regulation (enacted by the President as mandated by a specific Law or at his own initiative); and Regional Regulation (enacted by the Regional House of Representative or regional Executive branch). Keeping in mind the hierarchy of laws and regulations, the two opening sections of this chapter discuss the human right to water in the Indonesian Constitution and Parliament enacted Laws. These two sources are relevant because they are the top tier references for statutory regulations governing hotel water use that will be discussed afterwards.

As a fundamental norm for all Indonesian laws, the Constitution has articulated the notion of human rights (Marzuki, 2011). In the year 2000, the People's Consultative Assembly amended the Constitution by adding a special chapter on human rights. Article 28 of the Constitution is dedicated solely to human rights principles and guarantees a range of universally accepted human rights. The government's duties to protect and fulfil these human rights is also stipulated. Article 28 (I)(4) of the Constitution states:

*The protection, improvement, reinforcement, and fulfilment of human rights shall be the duty of the state, particularly the government.*

However, in relation to the state's duty regarding the human right to water, there is no definite provision. There is only Article 33, paragraph (3) that gives an indication that it is the government's duty to guarantee the human right to water:

*Earth and water and natural riches contained therein are ruled by the State and utilized for the utmost of people's prosperity.*

Hatta (one of the Indonesia founding fathers), for example, argued that the notion of rule by the state in Article 33 does not mean that the state becomes the owner of natural riches, but rather that the state has a mandate to govern and manage all the natural wealth for the sake of economic progress and the prosperity of the people (Hatta, 2000). Hatta also suggested that the private sector can only take part in utilizing natural resources under government regulations and requirements in order to ensure that the natural riches were not being abused (Hatta, 2000). This line of argument suggests that water (as one of the natural resources) is protected under government authorization in the public interest.

Progressing from Hatta's explanation, Chalid (2009) argued that the Indonesian Constitution has adopted the notion of water as a public good wherein the state is portrayed as a public trustee in governing water. Furthermore, by analysing a number of water-related regulations and court decisions in Indonesia, Chalid (2009) claimed that the human right to water is recognizable and falls under the right to life guaranteed by the Constitution. Chalid's assertion is reasonable since the acknowledgement of the human right to water is not explicit in Indonesia's constitution, the guarantee of the human right to water can only be inferred by referring to other rights that are stipulated in the constitution, such as the right of children to develop and to be nurtured (28B); the right to the fulfilment of basic needs (28C); the right to a life of well-being in body and mind and to enjoy a good and healthy environment (28F); and the right to cultural identities and the acknowledgment of the rights of traditional communities (28I) (Al'Afgani, 2006). This argument is widely acceptable internationally given that, prior to the recognition of the HRW by the United Nations (UN) in its 2010 Resolution 64/292, the right to water was implied but not explicitly articulated in any other UN instruments (Winkler, 2014, Fantini, 2019).

### 5.3. The HRW in Indonesia Water Law

Because the HRW is not well defined in the Constitution, formulating a legal foundation for the state duty regarding the HRW in Indonesian law has been a long journey. From a historical point of view, the three laws set out in table 5.1, including the main legislation of water regulation (Water Resource Law 2019), are a reflection both of the evolution and the struggle in finding the right articulation for the state's duty to protect, respect and fulfil the HRW. Table 5.1 illustrates the progress of articulating the HRW from the Irrigation Law 1974 to the Water Resource Law 2019. Meanwhile, the 2004 Water Resource Law annulment by the Indonesian Constitutional Court (MKRI) is a watershed moment in regulating water in Indonesia. This is because the MKRI verdict showed how to interpret the state duty regarding the HRW in alignment with the constitution. The MKRI explains in its ruling that the government has a constitutional mandate to manage water resources (MKRI, 2013, section 3.27). The mandate is provided by article 33 of the Constitution. MKRI also emphasises that the state must fulfil the people's right to water, and the government must strictly control water utilisation in order to preserve and sustain water availability. Some of the key points asserted by the MKRI for formulating the Water Law are (MKRI, 2013, section 3.27):

- The concept of rights in utilizing water must be parallel to the concept of water as a public good. This means that the government has to exercise its authority with regard to water management for the sake of protecting and fulfilling the people's HRW.
- The business need for water cannot be interpreted as the right to possess water sources. This means that water use for business purposes requires a government permit. As such, the permit should work as an instrument to control the water intake and its impacts including ecological and social impacts.

Table 5.1. General comparison of HRW acknowledgment in three Indonesian water laws

	<b>Irrigation Law 11/1974</b>	<b>Water Resource Law 7/2004</b>	<b>Water Resource Law 17/2019</b>
<b>Background</b>	When the Irrigation Law was enacted, water conditions in Indonesia were reasonably good with ample water sources. Hence this law does not really focus on water	This law addresses the imbalance of the decreasing availability of water and the increasing need for water (Preamble).	This legislation was drawn up in the midst of the disparity between the declining supply of water and the growing demand for water, as was the previous law. (Preamble).

	<b>Irrigation Law 11/1974</b>	<b>Water Resource Law 7/2004</b>	<b>Water Resource Law 17/2019</b>
	management and conservation but focuses mainly on the construction and protection of water installations and buildings (Al'Afgani, 2006).	This law was also part of a loan agreement requirement with the World Bank. Many of the terms or phrases contained in this law follow the terms used in the World Bank document such as: water use rights, water exploitation rights, tradable water rights, full cost recovery, operation and maintenance cost, water allocation efficiency, integrated water resource management (IWRM), public-private partnership (PPP), and private sector participation (PSP) (Susilo et al, 2016).	This law was also driven by the annulment of the Water Resource Law 7/2004 by the Indonesian Constitutional Court.
<b>Number of articles</b>	17	100	79
<b>Stipulation of human right to water</b>	Does not explicitly mention 'water rights' nor characterize or categorize any such rights.	This law does not explicitly mention the human right to water. However, the right to access water for minimum daily basic needs is guaranteed by the state without specifying the water amount (Article 5).	This Law explicitly recognizes the 'people's right to water as stipulated in article 4 and article 6.

Six years after the MKRI ruling, the Indonesian House of Representatives finally enacted the Water Resource Law 2019. In the Indonesian Water Resource Law 2019, the acknowledgment of the human right to water is explicit. In Article 4.1 we find the statement: *“The subject matter set forth in this Law covers the state's control and the people's right to water”*, and also in particular, Article 6 stipulates, *“The state guarantees the people's right to water to meet the minimum daily basic needs for a healthy and clean life with sufficient quantity, good quality, and safe, sustainable, and affordable water”*. Although the phrase being used is “the people's right to water”, the elaboration shows a similarity to the definition of the HRW in the UN General Assembly's Resolution 64/292 (A/RES/64/ 292 of 28 July 2010).

Furthermore, in quantifying “the minimum daily basic need”, the explanation on Article 6 of the Water Resource Law 2019 specifies the amount at 60 litres/person/day, something that was not established in previous water laws. Even though the Water Resource Law 2019 does not give

a specific reason for the basic water amount of 60 litres/person/day, this, in fact, accords with the World Health Organisation (WHO) guidelines i.e. between 50 and 100 litres of water per person per day to ensure that most basic needs are met and few health concerns arise (UN-Water Decade Programme on Advocacy and Communication and Water Supply and Sanitation Collaborative Council, no date). Taking into account the scope of the issues involved in the human right to water in Chapter Two (section 2.2.1), table 5.2 identifies some key components in Water Resource Law 2019 that relate to the human right to water. This reflects the government’s efforts to provide an overarching law that addresses the many facets of the HRW.

Table 5.2. Key components in Water Resources Law 2019 that relate to the human right to water

Area	General Coverage	Specific Provision
Economic	Cost, investment, private involvement, pricing, industry interests	<ul style="list-style-type: none"> <li>● Government budgeting (article 57)</li> <li>● Type of funding (article 57)</li> <li>● Water pricing: service, management and conservation fee (articles 11, 14, 16, 19, 51, 59)</li> <li>● Private and international funding for water infrastructure excluding operational and maintenance (article 57)</li> <li>● Permit for business use outside daily use (article 50)</li> </ul>
Social	Conflict of usage (competing sectors, unequal distribution, transboundary issues), urbanization, overpopulation, consumption patterns, gender roles, indigenous rights	<ul style="list-style-type: none"> <li>● Indigenous rights (article 9)</li> <li>● Prioritization of daily use, public agriculture (article 8)</li> <li>● Public participation (chapter XI)</li> </ul>
Political	Power relations in water policy and decision-making, water governance	<ul style="list-style-type: none"> <li>● Coordination (Chapter XII)</li> <li>● Government duty and responsibility (Chapter IV, X)</li> <li>● Permit for business and non-business use (article 46)</li> </ul>
Health	Quality and quantity of water.	<ul style="list-style-type: none"> <li>● Water quantity (article 6)</li> </ul>
Environmental	Causal effect of climate change, land use, rights of the environment	<ul style="list-style-type: none"> <li>● Environmental balance (articles 2,4,21)</li> <li>● Conservation (24,26)</li> </ul>



Area	General Coverage	Specific Provision
Hydro-geographical	Valid measurement and accurate water data	<ul style="list-style-type: none"> <li>● Water resource information system (Chapter VII)</li> </ul>
Engineering	Access and infrastructure, technological innovation, spatial planning	<ul style="list-style-type: none"> <li>● Implementation of Water Resources Infrastructure Construction (40)</li> </ul>
Management	Planning, zoning, classification, principles and aspects of managing water, conservation, water disaster mitigation, monitoring and assessment	<ul style="list-style-type: none"> <li>● Water resource management (Chapter V)</li> <li>● Operations and maintenance (article 41)</li> <li>● Monitoring and evaluation (article 43)</li> </ul>
Norms and Principles	Setting principles, duties and responsibilities regulations, permits, law enforcement	<ul style="list-style-type: none"> <li>● Principles (article 2)</li> <li>● Rights, duties, and responsibilities (Chapter IV, X)</li> <li>● Permits (Chapter VI)</li> <li>● Investigation and penalty (Chapter XIII-XIV)</li> </ul>
Rationale	Water paradigm, principles, water allocation and prioritization	<ul style="list-style-type: none"> <li>● Sustainability (Preamble)</li> <li>● Public goods (article 8)</li> <li>● Economic goods with permit and supervision (article 21)</li> <li>● Common goods with permit and supervision (article 40)</li> <li>● State as solemn trustee (Chapter III)</li> <li>● Protecting and fulfilling right to water (Chapter III)</li> <li>● Water allocation and prioritization (article 8)</li> </ul>

#### 5.4. Water as a Public Good and the Business Responsibility to Respect the HRW

At this point of discussion, we can see that the HRW is well recognised in Indonesian law. Furthermore, Indonesian Water Resource Law 2019 asserts that water is a public good. Seen as a public good, water management requires a strong intervention by the government. As such, water is heavily regulated via government command and control mechanisms. The centrality of the government's role in organizing and managing water is elaborated in the Water Resource Law 2019 appendix as follows: *“On the basis of the state's control over water resources, the central*

*government and/or the local government are given the task and authority to regulate and manage water resources, including the task of meeting the minimum daily water needs of the community. In addition, this Law also gives the village government the authority over water resources to assist the government in water resource management and to encourage initiatives and the participation of the village community in water resource management in their area”.*

In addition, Article 7 of Water Resource Law 2019 states that water cannot be owned and/or controlled by individuals, community groups or business entities. As such, even though the Water Resource Law 2019 acknowledges existing community water management practices and guarantees the protection of water management for indigenous peoples (Article 3.e), the government has the authority to regulate all forms of water management (Article 9.2-3). Meanwhile, with regard to business/private water use, the government instructs and implements licensing and stringent supervision (Article 46, 50). Article 46 gives us some indication that businesses must respect the right to water as a prerequisite for the operation and use of water by stipulating: *“the use of water resources for business needs should be carried out with due regard to the principles of: a. that it does not interfere, does not rule out and does not negate the people's right to water, b. government protection of the people's rights to water, c. environmental sustainability as a human right”* (article 46.1a-c).

Further stipulations then emphasize specific and strict requirements under the supervision of and control by the government considering water availability, public interest and people’s well-being (Article 46.2-3). This means that the use of water for business purposes can only be given to the private sector after meeting technical administrative requirements at the local level and obtaining approval from stakeholders in the water source area. Here the stakeholders are defined as representatives of community groups around the location of the water source that will be used for business activities. As such, in terms of public participation in water management, the Water Resource Law 2019 ensures equal opportunity for channelling the aspirations, thoughts, and interests of the community through public consultation, deliberation, partnership, presentation of aspirations, and supervision (Article 63). Moreover, article 63 explains that the form of community participation also includes involvement in decision making for the implementation of construction, operations and maintenance of water resources. From articles 46 and 63, we can understand that the government and public roles are chief in ensuring that business water use does not negate the HRW.

## 5.5. Human Rights in Indonesia's Tourism Law

Thus far, I have established two things. First, Water Resource Law 2019 has recognised the HRW, and second, the same law gives businesses the responsibility to respect the HRW. Moving on to the next regulation, this section will focus on the umbrella legislation on tourism i.e. Tourism Law 2009 and specific regulations regarding hotels' business standards. This will provide the foundation on which to evaluate to what degree the stipulations on hotels' responsibility to respect the HRW are effective.

In Indonesia, tourism is one of the sectors administered by a specific ministry, namely the Ministry of Tourism and Creative Economics (MoTCE). Currently, the principal legislation for tourism in Indonesia is Tourism Law 10/2009 (hereafter Tourism Law 2009). In this law, tourism is deemed a development tool, and the law significantly refers to the Global Code of Ethics of Tourism created by the United Nations World Tourism Organisation (UNWTO) (Ketut and Dharmawan, 2012; Atsmara and Kusuma, 2014).

As the main reference for tourism regulations, Tourism Law 2009 regulates several important aspects such as the rights and duties of communities, tourists, businesses and both central and regional government (Chapter VII of Tourism Law 2009). This law also covers elements such as sustainable tourism, cross-sector coordination, national tourism destinations and strategic regions, the empowerment of small to medium tourism businesses, tourism promotion, tourism associations, tourism business standardization, and human resource training and competency (Appendix section I of Tourism Law 2009).

Furthermore, in terms of tourism development, Tourism Law 2009 focuses on regulating the form of tourism industry association (Chapter XI) and marketing (Chapter X), and it also gives a mandate to central and provincial governments to develop a tourism master plan (Article 9). The Tourism Law 2009 also provides for the protection and development of small and medium local businesses (Article 17). The task of facilitating certain policies and partnerships within the tourism industry is specifically given to the government (central and provincial). For the goal of tourism itself, this law clearly states that tourism must fulfil the needs of tourists (physically, spiritually, and intellectually) while enhancing the state's income and accounting for public welfare (Article 3).

As the principal tourism regulation in Indonesia, Tourism Law 2009 positions human rights protection as one of the commanding principles. Among the many principles of tourism, this law

notes one specific principle that articulates the words human rights. As stipulated in article 5.b, “*tourism holds with the principle of upholding human rights, cultural diversity, and local wisdom*”. Additionally, in specifying the rights of every person in a tourist destination, Tourism Law 2009 stipulates the right to open a tourism business, the right to work in the tourism industry, and the right to be involved in the tourism development process (Article 19.a). Moreover, since there is no further explanation regarding the term human rights in Tourism Law 2009, I argue that the term human rights in article 5, at the very least, covers the accepted human rights such as enshrined in the Indonesia Constitution and national laws including the HRW in Water Resource Law 2019. This argument is justifiable because the two highest orders of regulation in Indonesia, the Constitution and national laws, provide a legal reference regarding the coverage of human rights.

Tourism Law 2009 also explicitly acknowledges the right to travel freely and the right to leisure activities, both of which are considered human rights (Preamble and Article 19). In this regard, tourism is defined as travel activities carried out by a person or group of people by visiting certain places for recreational purposes, personal development, or to learn about the uniqueness of a tourist attraction, visited for a limited time (Article 1.1). Consequently, recognising the right to travel freely and the right to leisure activities in Tourism Law 2009 implies the responsibility of the state to respect and protect these rights. As elaborated in the memorandum, section I. paragraph (3) of Tourism Law 2009:

*“[...] The (Central) Government and Regional (Provincial, Regency/Municipality) Governments, tourism businesses, and the community are obliged to ensure that tourism as the right of everyone can be upheld so as to support the achievement of increased human dignity, increased welfare, and friendship between nations in the context of realizing world peace.”*

Arguably, Tourism Law 2009 is justifying the “right to rest, leisure including reasonable limitation of working hours and periodic holidays with pay” enshrined in the Universal Declaration of Human Rights (UDHR) article 24 as the basis of tourism activities. This argument was previously made by the World Leisure Organization (WLO) in their Charter for Leisure (1970). In the charter, tourism is perceived as a positive right, in which the fulfilment of the right to leisure can only be realized through the recognition and support from other parties (for example, the government and employers).

On the other hand, the Charter for Leisure (1970) explains that the fulfilment of the right to leisure and to carry out quality recreational activities is deemed important for improving the quality of human life, which is as important as the fulfilment of the right to an adequate standard of living including food and housing, health (Article 25 UDHR), and the right to education (Article 26 UDHR). This view stems from the conviction that “*personal freedom and choice are central elements of leisure, individuals can freely choose their activities and experiences, many of them leading to substantial benefits for person and community*” (World Leisure and Recreation Association, 1970). However, as I will point out in Chapter Eight (section 8.2.1.2), the emphasis on the right to travel as part of human rights is problematic and laden with corporate interests to benefit from tourist mobility.

Furthermore, Tourism Law 2009 also stipulates the rights and duties of key stakeholders. Table 5.3 illustrates the four main categories provided in Tourism Law 2009 i.e. the rights of everyone, the rights of local people, the rights of tourists, and the rights of tourism businesses. Meanwhile, the law covers the duties of the state/government, the duties of everyone, the duties of tourists, and the duties of tourism businesses. At a glance, the incorporation of the rights of tourism businesses demonstrates the government commitment to assuring a sound environment for tourism businesses to flourish. This is acceptable because in order to create an economic multiplier effect from tourism, the government needs to create a legal security for the sustainability of the tourism businesses. However, on the contrary, despite stipulating substantial duties for tourism businesses, the business responsibility to respect human rights is not clearly defined. In particular, there is no specific provision for tourism businesses to respect the HRW.

In terms of monitoring tourism business, Tourism Law 2009 emphasizes that it is the duty of governments to supervise and control tourism activities in order to prevent and overcome any negative impacts from tourism (Article 23.1C). Arguably, by linking article 23 and article 5.b (the principle of upholding human rights), this provision includes preventing and remedying any human rights abuses, including the reversal of environmental damage. This role is specified separately in President’s Regulation 63/2014 regarding the supervision and control of tourism. Article 6 of President’s Regulation 63/2014 states that government control over tourism activities is carried out through preventive and countermeasure approaches. The preventive approach includes complying with spatial planning regulations; complying with laws and regulations related to the tourism sector; involving local communities in tourism management; and conducting

environmental monitoring (Article 7). Meanwhile the countermeasure approach includes identifying locations, people, tourists, or tourism entrepreneurs that cause negative impacts on tourism activities; and mitigating or ceasing the cause of the negative impacts from tourism activities (Article 8).

Table 5.3. Stakeholder(s) Rights and Duties in Tourism Law 2009

Stakeholder(s) Rights		Chapter/Article
The rights of everyone: right to tourism, right to open a tourism business, right to work in the tourism industry, and right to be involved in the tourism development process		VII/19a
The rights of local people: right to work, and right to manage a destination		VII/19b
The rights of tourists: right to accurate information, right to receive standardized tourism services, right to legal protection and security, right to health services, right to privacy, right to insurance in high-risk tourism activities, right to special services for disabled tourists		VII/20, 21
The rights of tourism businesses: equal rights and chances to establish tourism businesses, right to form and to become a member of a tourism association, right to legal protection, right to be facilitated according to law		VII/22
Stakeholder(s) Duties		Chapter/Article
The duties of the state/government: provide tourism information, legal protection, and security to tourists; create and maintain a conducive environment for tourism businesses; maintain, develop, and preserve national tourism assets; supervise and control tourism activities in order to prevent and overcome negative impacts of tourism		VII/23
Preventing negative impacts caused by tourism activities is carried out by: a. complying with spatial planning regulations; b. complying with laws and regulations related to the tourism sector; c. involving local communities in managing tourism; d. carrying out environmental monitoring; e. promoting tourism; and f. using other scientific and technological approaches	Controlling negative impacts caused by tourism activities is carried out by: a. identifying locations, people, tourists and/or tourism businesses that are causing negative impacts; b. mitigating or ceasing the source of the negative impact; c. taking action to reduce risks that arise due to tourism activities that have a negative impact; and/or, d. using other scientific and technological approaches	Article 7-8 President's Regulation 63/2014
Duties of everyone: maintain and preserve tourist attractions and support the creation of a conducive environment for tourism		VII/24
Duties of tourists: respect local beliefs, customs, cultures and values; preserve the environment; maintain peace and order; refrain from violating the law		VII/25
Duties of tourism businesses: maintain and respect local beliefs, customs, cultures, and values; provide accurate and responsible information and non-discriminative services; provide protection, hospitality, security, and safety for tourists; provide insurance at high-risk tourism sites; develop partnerships with small to medium sized businesses and local unions; prioritize utilization of local products and work opportunities for local people; enhance worker competency through training and education; be actively involved in infrastructure and community development programs; participate in preventing all forms of acts that violate customs and activities that violate the law in the operating area; preserve a healthy environment; preserve nature and cultural heritage; protect Indonesia's image by performing tourism activities responsibly; and apply regulated business standards		VII/26

Thus far, we can see the extent of the provision concerning the human rights protection in Tourism Law 2009. The explicit stipulation is directed toward assuring the right to travel and leisure as the basis for tourism activities. Whereas the stipulations on protecting the human rights of a destination community are overly general in article 5.b, and partial in article 19.b given it only covers the right to work, and the right to manage a destination. In short, there is no clear expectation that the tourism industry must respect the HRW. As such, Indonesia Tourism Law 2009 does not clearly comply with the first pillar of the GPs namely: a state duty to set out a clear expectation for all businesses operating within its jurisdiction to respect human rights to water in their operations. The following section will assess whether such a gap also exists within the specific regulations on hotel businesses.

## 5.6. Hotels' Business Regulations in Indonesia

In terms of regulating the hotel industry in Indonesia, the current regulation is the Minister of Tourism (MoT) Regulation 53/2013 governing hotel business standards (hereafter Hotel Regulation 2013). This regulation is the only statutory regulation that specifically regulates the hotel industry. As an enterprise that uses water in significant amounts, it is reasonable to expect that hotels should be included as one of the businesses regulated in the Water Resource Law 2019. Consequently, there is a need for Hotel Regulation 2013 to be reviewed.

As stipulated in article 2 of Hotel Regulation 2013, the hotel regulation standard aims to guarantee the quality of the products, the services, and the management for satisfying tourists and to give protection for tourists, hotel entrepreneurs' employees and society, specifically with respect to safety, health, comfort, and nature preservation. Overall, this regulation encompasses five parts: hotel businesses, products, services and management aspects, hotel standards review, supervision, and administration (article 3).

In this regulation, every hotel in each category has to meet certain baseline standards. As shown in appendix 2 of Hotel Regulation 2013, the higher the classification of a hotel, the more rights and duties they are assigned with regard to products, services and management elements. In terms of product and service elements, emphasis is given to guidelines for the standardization of products and hotel services. This means there is a guarantee that tourists will receive standardized services. For example, in the product element, every star class hotel has to provide bedrooms with amenities, including a bathroom. Each room must include a room location plan and escape

instructions. By contrast, only three-star hotels and above are required to provide desks and work chairs in each guest room (Appendix I.A of Hotel Regulation 2013).

Related to human rights protections, only some parts of the management aspect in Hotel Regulation 2013 can be construed as expectations for hotel businesses to uphold human rights. For example, in the management element of hotel standardisation, there is provision for the basic rights of hotels workers, namely: the obligation to provide a healthy and safe working environment, the freedom to form a worker union, as well as adhering to Labour Laws 2003 in terms of a working contract (Appendix I.A of Hotel Regulation 2013). For the three star class above, there are provisions pertinent to respecting the local community's rights i.e. the duty to build relationships with micro, small, and medium businesses and carry out community social responsibility (CSR) programmes (Appendix 6 of this thesis).

Meanwhile, the only entry point to interpret the hotels' responsibility to respect the HRW is by connecting (one of) the hotel business objectives in protecting the community (article 2) with the requirement to preserve the environment in the management element (Appendix I.A.24 of Hotel Regulation 2013). The responsibility of a hotel business to protect the environment in this regard correlates with the obligation to uphold the right of communities to a safe environment. In this way, given the condition of a healthy environment as a prerequisite for adequate and reasonable access to clean water, the hotel business should also respect the HRW. However, excluding such interpretation, similar to the Tourism Law 2009, there is a failure to stipulate a clear expectation for hotel businesses to respect the HRW within the hotels' business standards.

### 5.7. Hotels and the Responsibility to Respect HRW

At this point of the discussion, it can be asserted that the Water Resource Law 2019 is the only regulation that explicitly gives hotels the responsibility to respect the HRW. However, addressing the HRW concern in the realm of hotels requires reference to other related regulations, in this case Law 32/2009 regarding the protection and management of the environment. The reason for this is that the Water Resource Law 2019 does not specifically provide details of the procedures on how businesses should comply with the principles of not interfering and not negating the people's right to water (section 5.4 of this chapter). Likewise, Tourism Law 2009 and the hotel business standards regulations 2013 are considered tourism sector legislation which do not specifically elaborate on the technicalities of upholding human rights (Tourism Law 2009) and how to uphold the right of



communities to a safe environment (Hotel Regulation 2013). This means that in order to implement the preservation of a healthy environment as well respecting the people's right to water, hotel businesses must comply with the provisions in Environmental law systems that cover water impact assessments. I consider this argument sensible since in the realm of the HRW, human rights impact assessments are linked with the existing impact assessments that are already accepted in the realm of business practice, such as an environmental impact assessment (Gotzmann, 2017, see also section 2.8 of this thesis).

Besides Law 32/2009 as the general environmental law, there are other environmental statutory regulations that could be applicable to business in general, such as:

- Government Regulation (GR) 27/2012 regarding environmental permits
- Minister of Environment (MoE) Regulation 5/2012 regarding the types of business and/or activities subject to environmental impact assessments
- Minister of Environment Regulation (MoE) 16/2012 regarding the guidelines for the preparation of environment documents
- Minister of Environment Regulation (MoE) 8/2013 regarding the guidelines for the assessment and evaluation of environmental documents and the issuance of environmental permits
- Minister of Environment Regulation (MoE) 17/2012 regarding community involvement in environmental impact assessments and environmental permits.

All in all, the main point of the above-mentioned regulations is the requirement for businesses to acquire an environmental permit at the planning stage and to maintain regular environmental impact management reporting. As defined in the Environmental Law 2009 (Article 1.35), the environmental permit is:

*"A permit that is given to every person who carries out a business and/or activity that is obliged to have an AMDAL or UKL-UPL for the protection and management of the environment as a prerequisite for obtaining a business and/or activity license".*

Based on the type of business and/or activities, the environmental permit prerequisite is an environmental impact analysis (AMDAL), an environmental management and monitoring effort recommendation (UKL-UPL), or an environmental statement letter (SPPL). The AMDAL provisions are required for all forms of activities that may cause significant impacts on the environment (Environmental Law 2009). Furthermore, as defined in a statutory regulation of

Environmental Law 2009, significant impacts are determined based on: the size of the population that will be affected by the planned business and/or activity; the area of distribution of impacts; the intensity and duration of impacts; the number of other environmental components that will be affected; the cumulative nature of impacts; and the reversible and irreversible nature of impacts (Appendix I.1.MoE regulation 5/2012). Meanwhile, the scale of activities required for UKL-UPL and SPPL is considered relatively small and has a lesser impact on the environment. These activities are therefore not included in the AMDAL compulsory list. However, environmental impacts that may occur still need to be managed to ensure the implementation of good environmental management (Article 1. MoE regulation 5/2012).

The MoE 5/2012 specifies which businesses and activities are likely to have a significant impact on the environment. These are usually large-scale projects. Based on the specification given in the MoE 5/2012, AMDAL are only required for types of tourism business activities such as tourism areas and golf courses of all sizes and recreational parks ranging from 100 hectares and above (Appendix I.2.L. MoE 5/2012). As for hotels, the AMDAL requirement can be specified under the multi-sector business criteria (Appendix I.2.A. MoE 5/2012). This criteria includes the construction of buildings-land area, or buildings starting from 5 hectares or 10,000 m<sup>2</sup> above; taking clean water from lakes, rivers, springs, or other water sources with an uptake debit  $\geq 250$  litres/second above (which are considered as equivalent to the clean water needs of 250,000 people); intake of underground water (shallow ground wells, deep ground wells)  $\geq 50$  litres/second (from one or several wells in the  $<10$  hectares area). Overall, these criteria indicate that the AMDAL obligation is attached to the size of the land and building area of a hotel as well as the amount of their water use intake.

In general, all the prerequisite requirements for environmental permits aim to maintain and improve the quality of the environment so that any potential negative environmental impacts of a new hotel building and its operation are minimal. However, a thorough impact assessment is an exclusive feature of AMDAL whereas UKL-UPL serves as a basic analysis or prediction of potential threats to the environment based on secondary data. Both AMDAL and UKL-UPL are followed by a declaration of what efforts are set forth to tackle the threats. An SPPL is a mere statement of ability from the person in charge of the business to carry out environmental management and monitoring of environmental impacts. Meanwhile, in terms of execution time, AMDAL, UKL-UPL and SPPL take place in the pre-construction stage (see also Chapter Six,

section 6.3). Table 5.4 below summarises the scope of AMDAL, UKL-UPL, and SPPL in the light of the human right to water impact assessment components discussed in Chapter Two (section 2.9). It can be seen in the table below that AMDAL has the most coverage of the HRWIA components, whereas UKL-UPL does not cover several important areas and SPPL does not cover any of the HRWIA components. I discuss this subject matter further in Chapter Eight to point out the potential of integrating the HRWIA and the AMDAL.

Table 5.4. Coverage of HRWIA Components in AMDAL, UKL-UPL and SPPL

<b>HWRIA Components</b>	<b>AMDAL</b>	<b>UKL-UPL</b>	<b>SPPL</b>
• The impact of water use both on quality and quantity of available water supplies	Covered	Limited coverage	Not covered
• Other users being affected	Covered	Limited coverage	Not covered
• The present availability of water access including seasonality	Covered	Limited coverage	Not covered
• The cumulative impact and future water supply (including, for example, deforestation, major other planned developments and climate change)	Limited coverage	Not covered	Not covered
• Community structures and socio-cultural dynamics that affect water availability (including ethnicity, gender, minorities, vulnerable groups and their intersectionality)	Limited coverage	Not covered	Not covered
• Community participation	Covered	Limited coverage	Not covered
• Water efficiency, saving and innovation	Covered	Covered	Covered
• Access to remediation	Not Covered	Not covered	Not covered

Furthermore, the environmental regulatory regime has also opened the door for community participation in issuing environmental permits by assuring that the voice of the community is heard and taken into account during the process of issuing the permit. In this regard, besides Environmental Law 2009 regarding the protection and management of the environment, there is a specific statutory regulation dedicated to facilitating local community involvement in AMDAL, namely: Minister of Environment Regulation (MoE) Regulation 17/2012 regarding the community involvement in environmental impact assessments and the granting of environmental permits.

In MoE Regulation 17/2012, the community is defined in a broader sense so it will accommodate more voices and concerns. As stipulated in Chapter II.A of MoE 17/2012, the community representatives include: affected communities; the environmentalist community/organisation; and communities affected by all forms of decisions in the AMDAL process. Moreover, the same regulation focuses on AMDAL as the main instrument that meaningfully involves the community throughout its process. Chapter I. A section 1 of MoE Regulation 17/2012 explains that in AMDAL, the community is involved through the process of project announcements, submission of suggestions, opinions and responses as well as public consultations, as well as representation in the AMDAL review commission. Whereas, in the UKL-UPL procedure, the degree of community involvement is limited to written suggestions, opinions and responses or through a public consultation process. Put differently, community participation in the UKL-UPL process is mere input and there is no direct involvement in the decision-making process in assessing the environmental impacts. Thus, in essence, it is only through the AMDAL mechanism that the community is directly involved thoroughly, including in the decision-making process in assessing the HRW impacts and remediation. This means that community consent only applies in the AMDAL mechanism. For example, a rejection toward a development project can only have a direct impact through citizen representation in the AMDAL assessment commission.

### 5.8. Yogyakarta Province Case: Challenges in Fulfilling and Protecting the HRW

Up to this point, I have shown that there is, in general, a stipulation to observe the HRW in Indonesia Water Resource Law 2019. The same law also gives businesses the responsibility to respect the people's HRW. However, more specifically, there is no clear expectation for tourism businesses to respect the HRW neither in Tourism Law 2009 nor Hotel standards regulations 2013. As such, the legal framework of hotel water use at the national level is inadequate with regard to the first pillar of the GPs. Meanwhile, in terms of human rights impact assessments and community participation, the instrument for hotels to implement their responsibility to respect the HRW can be found only in the AMDAL process.

Following the discussion of the legal framework at the national level, the next sections discuss the Yogyakarta government's efforts to fulfil and protect the people's HRW. I begin by discussing the government's efforts to augment the water supply for Yogyakarta residents under the existing provincial regulations and policy. The purpose of this part of the discussion is to put

into perspective the situation of the HRW fulfilment in Yogyakarta. The next section discusses the rules and regulations pertinent to hotel water use at the Yogyakarta level. In accordance with the order of regulations in Indonesia (see section 5.2 of this chapter), this discussion is relevant to understand the continuity between national laws and the regional (provincial) level regulations. The third part describes how, in practice, the control, monitoring, and law enforcement of hotel water use is.

#### 5.8.1. Yogyakarta (Ground) Water Regulation.

The Yogyakarta provincial government is authorized to impose its own provincial regulations to further complement the higher order legislation and statutory regulations. This is possible because Law 32/2004 regarding regional governments granted regional autonomy to the provincial government. This means the Provincial People's Representative Council with the joint approval of the Governor can enact specific provincial regulations, including those concerning water governance for the specific context of Yogyakarta (Setiawan, Utama and Lisdiyono, 2020).

At the time my field study took place, the Yogyakarta government was intending to pass an overarching provincial water resource regulation. However, as suggested by one of the research participants, the enactment was postponed, primarily because the provincial government was waiting for the enactment of the new national Water Resource Law 2019 (ABX 11). As such, the main regulation relating to water at the provincial level at the time was Provincial Regulation 5/2012 regarding groundwater management.

#### 5.8.2. Tackling Water Provision for All

Before I discuss the rules and regulations on hotel water use at the provincial level, in the following paragraphs I briefly explain the government's efforts to fulfil the HRW. To begin with, the policy directives to achieve the fulfilment of citizens' water rights can be found in Provincial Regulation 3/2018 regarding Yogyakarta's medium-term development plan 2017-2022. With the role of directing the development plan in Yogyakarta, Provincial Regulation 3/2018 section II.60 acknowledges two points. First, that potable water is a basic need and deemed a socio-economic right, and second, it is the government's duty to fulfil that basic need.

However, in Yogyakarta, the provision of potable water has not reached 100%. The Yogyakarta government statistical office shows that 4.62 % of Yogyakarta households were still

dependent on unprotected wells and springs (BPS Yogyakarta, 2020). As defined by The Yogyakarta government statistical office, unprotected springs are surface water sources where water emerges on its own but is not protected from wastewater (BPS Yogyakarta, 2020). Meanwhile, unprotected wells are water that comes from the ground that is not protected by walls and cement floors (BPS Yogyakarta, 2020). The data from the Yogyakarta government statistical office indicates that only 11.20% of households were covered by piped water, while the top three water sources were protected wells (32.92%), packaged water (28.62%) and pumped water (16.57%) (BPS Yogyakarta, 2020). Hence, it is understandable that the Provincial Regulation 3/2018 indicates that the development of public utilities should be aimed at increasing people's access to potable water (section II.78).

*We have tried to meet the community needs for potable water. There are 2 priorities: improving the water quantity and quality. The target is to achieve 100% (of potable water supply) by 2030. (ABXP 5).*

Bearing in mind the Provincial Regulation 3/2018 in increasing people's access to potable water, the Yogyakarta government continues to make efforts to increase access to piped water. With support from the central government, one of the programmes currently underway in Yogyakarta is the expansion of KARTAMANTUL Regional Potable Water Supply System (Interview ABXP 5, Dirjen SDA - Kementrian Pekerjaan Umum, 2019). In terms of supplying raw water, the Yogyakarta government has built a number of dams and 21 reservoirs since 2005 (Pemerintah Daerah Istimewa Yogyakarta, 2018). Meanwhile, currently, all the water suppliers in Yogyakarta regencies are part of the state-owned enterprise namely, PDAM (local water company).

However, PDAM is still limited in terms of capacity and continuity of water delivery. Some of the main challenges faced by PDAM are revitalizing and building new piping, hence various efforts have been made both by the central and provincial government to improve and build water infrastructure and networks. On the other hand, this endeavour is high cost and considered inefficient by the provincial government in terms of technical ability, particularly in the areas that are hard to reach by pipelines. As stated by a provincial government official:

*"For example, in Wonosari district there is housing with only 20 families, while the source of raw water is 5 KM from there. So, if there are about 100 people there, it's not efficient if we build pipes. Then how? During the dry season, we (the provincial government) supplied water using a water truck. This solution is also widely applied in the Gunung Kidul regency. In addition, we (the*

*provincial government) also facilitate community-based water supply through funding to buy pipes, pumps and other necessities. "(ABXP 5)*

That being the case, other measures are being taken such as providing regular water supply tanks and supporting community-based water management (Interview ABXP 5). For example, in the southern region of Yogyakarta (Gunung Kidul), the Yogyakarta government provided a total of 5.7 billion IDR (approximately equal to 400.000 USD) to 17 villages for the development of water supply facilities and environmental sanitation facilities managed by the local community (Kurniawan, 2020).

Realizing the limits of PDAM's service, the Yogyakarta government is allowing the use of groundwater for meeting the people's right to water. The use of groundwater for daily household use is stipulated in Provincial Regulation 5/2012 regarding groundwater management. Article 42 states that groundwater use can be carried out without a permit if it is to fulfil the daily needs for individuals or smallholder agriculture. The requirements are the use of groundwater from a borehole with a diameter of less than 2 (two) inches or less than 5 (five) cm; use of groundwater using human power from dug wells; or the use of groundwater of less than 100 (one hundred) m<sup>3</sup>/month per household without using a centralized distribution system. As two interviewees said:

*Not all Yogya people have access to the PDAM water supply. Maybe because of economic considerations they are not yet able to. They are still struggling to fulfil their daily needs. The PDAM's capacity to supply the entire population is also not yet there. (ABXC 5).*

*The provision of water is a state duty. So the government must not sell water to the private sector, but rather how the government provides potable water for its people, that is the main thing. If you want to sell it, it will be wrong [...] the problem of dry Yogja and Yogja flooding is actually an environmental management problem. That is a sign that the infrastructure must be improved. How come Yogyakarta experiences floods during the rainy season and drought during the dry season? That means that the (environmental) management is not proper [...] we have made water recharging wells inside the drainage channels (ABXP 3).*

In terms of maintaining and improving the groundwater quality, the Yogyakarta government concentrates on managing the community septic tanks and sewage channels. With regard to the groundwater balance and quantity, the Yogyakarta government focuses on making infiltration wells inside drainage channels. This program began in 2017. The main aim is to reduce water run-off as well as improving and maintaining the drainage network. As stated by the Head of Yogyakarta City's Water and Drainage agency (Rusqiyati, 2020a):

*"These infiltration wells are built along the drainage channels and become a unified (project) with the revitalization of drainages [...] water not only flows directly into the river but can be" saved "for conservation purposes so that the quality of groundwater is maintained."*

Up to this point, we can appreciate that the Yogyakarta government has been making efforts to fulfil the HRW. As the discussion above indicates, the Yogyakarta government is increasing access to piped water, supporting community-based water management, and allowing the use of groundwater for meeting the people's right to water. This effort is in accord with the acknowledgement of potable water as a basic need deemed as a socio-economic right stipulated in Provincial Regulation 3/2018. Furthermore, the Yogyakarta government is taking action to mitigate the deterioration of groundwater quantity and quality. However, those efforts are executed concurrently with meeting the demand from other water users such as hotels (Chapter Three section 3.3.3). As the result, widespread concern has emerged among Yogyakarta residents including those directly impacted by hotels water use (Chapter Seven). The next section therefore discusses the rules on hotels' water use. This part of the discussion is essential to understand the existing mechanism provided by the regulation at the Yogyakarta level for hotels to respect the HRW.

### 5.8.3. Hotels and Water

#### 5.8.3.1. Regulations and Technical Provisions

As indicated in the previous section, the main water regulation in Yogyakarta is the Provincial Regulation 5/2012 regarding groundwater management. In Article 38.2, Provincial Regulation 5/2012 stated that groundwater can be used for tourism and industry purposes. As such, businesses such as hotels and restaurants can use groundwater as a source of raw water for their business needs. Apparently this leaves groundwater as the same water source for both hotels and more than 50 percent of Yogyakarta residents (BPS Yogyakarta, 2020). However, Article 38.3 stipulates that the supply of groundwater for daily basic needs is a top priority. In other words, in principle, the use of water for recreation and tourism purposes is secondary to the people's right to water.

Article 39 further stipulates that businesses, including hotels, can use groundwater with a number of provisos such as:

- Adjusting the use and supply of groundwater that has been set out in the groundwater management plan. This clause is put in place to determine how much groundwater can be utilized in a specific area.



- Prioritizing the use of groundwater in deep aquifers, whose uptake does not exceed the carrying capacity of aquifers for groundwater uptake. This clause establishes that the use of groundwater for business purposes does not interfere with the usage for daily needs, which is obtained from shallow aquifers.
- Requires the use of water from the PDAM, in areas which have access to it, for large users of water for business purposes. The purpose of this clause is to reduce the load on groundwater use.

Overall, all of the above requirements are set up as pre-emptive measures so that business groundwater use does not interfere or negate the people's daily water needs.

Moreover, the government also established a permit mechanism for groundwater utilization through the Department of PU-ESDM (Public Utilities-Energy, Mineral and Natural Resources). In issuing the permit, the PU-ESDM department must take into account: the carrying capacity of aquifers for groundwater extraction; groundwater conditions and the environment; the allocation of groundwater use for future needs; and the use of existing groundwater. These considerations are linked to the provision in Provincial Regulation 5/2012 that stipulates the necessity to calculate the groundwater balance prior to giving the groundwater permit and includes a conservation clause. This means that hotels' groundwater permits must consider the water availability data (Article 12), impact assessment (Article 27), and water conservation efforts and water sharing (Article 56). The implication is that the granting of a groundwater use permit should be through a comprehensive water impact assessment. However, this is often not the case in practice. I discuss this lack of impact assessment further below and in following chapters.

Furthermore, for the groundwater permit, there is also a prerequisite for hotels to have an official agreement with PDAM in terms of water supply. This requirement is a means of ensuring that groundwater will not be the only water source for new hotels (Interview ABXP 6). However, as has been highlighted by several government official participants, the PDAM is still struggling to meet hotel water demand (interview ABXC 5, ABXC 3). In Yogyakarta city alone, according to the Director of PDAM, out of around 600 hotels, only 180 have become PDAM customers (Rusqiyati, 2020b). This shows that many hotels do not have groundwater permits yet still rely entirely on groundwater. This fact also indicates that without a permit, the hotel groundwater use is lacking a thorough impact analysis.

Another requirement attached to hotels groundwater use is pertinent to flood prevention and water conservation. As a part of the water management clause in Provincial Regulation 5/2012, hotels are required to build biopori holes and water catchment systems based on their groundwater use quantity (Article 56).<sup>1</sup> This requirement is linked with the hotel building permit (Yogyakarta Province Regulation No.2/2012 regarding Building Objects) which also has a clause for every building to have a water catchment area/system. As has been highlighted by several government official participants, the emphasis on building water catchment systems is based on the government program of maintaining the groundwater balance by increasing water recharging (interview ABXP 3, ABXC 5).

In terms of monitoring hotel water use, the Provincial Regulation 5/2012 mandates the provincial government to monitor the implementation of groundwater management. Monitoring is carried out by observing the use of groundwater; logging the groundwater use data; and reviewing the groundwater usage reports (Article 20). Meanwhile in terms of disclosing hotels' water use, Article 56 stipulates that each groundwater use permit holder is obliged to install a water meter at each ground water use well and submit a report on the discharge of groundwater withdrawal to the provincial government. Additionally, Article 56 also contains reporting provisions on conditions that can endanger the environment because of the groundwater use. From Articles 20 and 56, we can understand that the emphasis of the monitoring and reporting of hotels' water use is on the quantity aspect. As I will discuss further below, the emphasis on the quantity of use is related to determining the amount of groundwater tax.

The final point related to the BHR-HRW framework is community participation (Chapter 2 section 2.9). Unfortunately, in the Provincial Regulation 5/2012, there is only one article that stipulates community participation in the implementation of groundwater management (Article 63). The article states that the community can participate in implementing groundwater conservation activities, reporting irregularities in groundwater management, and submitting input in the preparation of a groundwater management plan. From Article 63, we can see that the

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<sup>1</sup> Biopori is a technique for replicating the natural process of storm water infiltration from the surface to greater depths (Environmental Science for Social Change, 2010). Increased surface water absorption, reduced local flooding, and improved groundwater recharge are all advantages of using biopori holes. For hotels biopori holes, the technical guide is 1 (one) biopori for 15m<sup>3</sup>/day use with the size of 8cm diameter and 3m depth.

community does not have direct control over the use of groundwater in their surroundings. The community is more positioned as informants in terms of hotels groundwater use.

So far, in this section, we can see that Provincial Regulation 5/2012 provides several important guidelines for hotels' groundwater use. Although it does not explicitly articulate a business's obligation to respect the HRW, there are stipulations that prioritize the use of groundwater for people's daily needs. Furthermore, the licensing mechanism stipulated in the Provincial Regulation 5/2012 emphasises the centrality of the provincial government to command and control the business use of groundwater. Meanwhile, for hoteliers, the emphasis is on the obligation to report the amount of groundwater use as well as groundwater conservation efforts. There is also an impact assessment requirement for a groundwater use permit. The following section therefore will examine the water impact assessment.

#### 5.8.3.2. Water Impact Assessment

In Yogyakarta, like elsewhere in Indonesia, a water impact assessment is one of the features embedded in the environmental impact assessment (AMDAL). This is because the AMDAL is regulated at national level based on Law 32/2009 regarding the protection and management of the environment. As previously discussed in section 5.7, the AMDAL procedure is compulsory only for a project that poses great impacts on natural resources, as well as on society and culture. Based on Government Regulation No. 27/2012 on Environmental Permits, AMDAL is a scientific and technical process that also includes a series of compulsory public announcements and consultations. The entire AMDAL process is overseen by the AMDAL commission and scientific expert advisory panel and funded by the project proponent (Warren and Wardana, 2018). The AMDAL process also requires community representation in the review commission (section 5.7).

However, as will be discussed further in the next chapter (section 6.3), most of the hotels in Yogyakarta are not included in the mandatory AMDAL category, rather many fall into the category of UKL-UPL where there is no compulsion for assessing the existing conditions and broader impact of water use. This is likely because the size of the land and building area of most hotels in Yogyakarta does not meet the requirement for the AMDAL process. Thus, the determination of the groundwater use impact is linked to the groundwater permit mechanism provided in Provincial Regulation 5/2012 (Article 27). In this regard, the Yogyakarta government take a pumping test as a measure to determine the effects of groundwater withdrawal on neighbouring residents well. The impact result will be determined by the number of neighbouring

community wells and their water levels, in this case whether a discrepancy occurs prior to, and after the pumping test.

However, the pumping test is problematic since it cannot fully identify the disturbance to local residents' wells. The reason is that the pumping test does not take into account the residents' wells alteration and the overall picture of the groundwater level (multi-stakeholders focus group, see also section 9.4.1). This concern is also raised elsewhere. The International Committee of the Red Cross for example, in their practical guidelines for test pumping, warned that the pumping test is not very good at predicting long-term aquifer behaviour (ICRC, 2020). In contrast to the existing legal provision of a hotel water impact assessment attached to the groundwater permit prerequisite (section 5.8.3.1), it is clear that there are concerns regarding the full extent of hotels' water use influence on the people HRW's. In fact, as I will further explore in Chapter Seven and Nine, a groundwater level survey was one of the efforts made by NGOs and community groups in Yogyakarta to provide advocacy material for refusing a new condotel development and to monitor the impacts of hotels' water use in a community neighbourhood.

#### 5.8.4. The Reality of Control, Monitoring, and Law Enforcement of Hotel Water Use

After exploring various regulations and its provisions pertinent to hotel water use through the lens of BHR, in the following section I discuss the reality of control, monitoring and law enforcement of hotel water use in Yogyakarta. This part of the discussion reveals that the central and provincial government's desire to promote tourism growth and investment has become a contributory factor in the lack of control, monitoring and law enforcement on hotel water use. This is because the proliferation of hotel businesses is not accompanied by proper (cumulative) water impact assessments and adequate government official staff to control and supervise hotels' water use. In addition, the alteration of land use zones and building development on green open space are likely to jeopardize the groundwater reserve.

##### 5.8.4.1. Ease of Tourism Investment and Land Use Changes

Due to the large amount of groundwater users, control and supervision is a difficult task to perform. As of March 2019, out of a total of 1,773 identified wells, only about 221 groundwater users were licensed in Yogyakarta Province (Dinas PU-ESDM, 2019). Furthermore, as discussed in Chapter Six (section 6.4.1), it was found that several hotels are using shallow wells without a license. This means that a considerable number of hotels are using the same water source as the residents (i.e.

shallow groundwater) and have not implemented a water impact analysis. With regard to that, a quasi-government official pointed out that the central government policy to increase and facilitate tourism investment has become a contributing factor in overlooking the environmental impacts (interview ABXC 6).

*We (must) see the rules first, if the President wants investment to be facilitated. For local governments, especially in the tourism area, in the end anything is done (for the sake of investment). No longer see the environmental side, no longer see what the environmental impacts are. Investment made easy. (ABXC 6)*

As discussed in Chapter Three (section 3.2.2), the central government is indeed keen to use tourism as a means of achieving economic growth. Therefore, the provincial government is also compelled to accelerate tourism development by increasing business investment. This is explicitly stipulated in Provincial Regulation 1/2012 regarding the Yogyakarta Province tourism masterplan (Article 26):

*The direction of investment development policy in the tourism sector includes: a. increased investment incentives in the tourism sector; b. increasing the ease of investment in the tourism sector; c. increased investment promotion in tourism.*

Moreover, the provincial government is eager to increase the number of hotel businesses in Yogyakarta. This is because hotels' tax revenue is one of the regional government's sources of income, and deemed as bringing an economic multiplier effect, creating jobs and a supply chain. In particular, budget and mid-range hotel segments are proving to be very attractive for investors seeing a surge in demand for low-cost accommodation (HVS, 2015). Branded international operators (such as Accor, Starwood, IHG, Swiss Belhotel International, and Archipelago International) as well as local operators (such as Tauzia Hotel Management, Parador Hotels and Santika Indonesia Hotels) are leading a number of new hotel openings (HVS, 2015). In Chapter Three (section 3.3.3), we can see the total addition of 647 new hotels between 2013 and 2019 throughout the Yogyakarta region.

*It's a bit difficult too. On one side we need income, we can't turn it off. The hotel and restaurant tax is the largest in the city of Yogyakarta. But on the other hand, we cannot immediately put this in order because it has something to do with the image of ease of investment; the image of the city of Yogya which is friendly and humanizing. Many factors have influenced this, so that until now, law enforcement on business can be said to be half-hearted or not maximal. Unless our resources for regional revenue are strong, we can be sure to determine that, but we still need the tax. We can handle law enforcement later. (ABXC 4)*

Furthermore, as the above quote from a government official indicates, it would seem that the government is being permissive in terms of enforcing the law on hotel businesses (including those that relate to their water use). In addition, in order to appeal to hotel business investors, the provincial government facilitates the ease of granting hotel permits (interview ABXC 4). The ease is provided through expediting the application for a new business permit via a single agency (online) submission. Meanwhile, the permit agency needs to meet certain targets for granting permits in order to promote the tourism investment policy. In fact, a government official stated (although they did not want to be specific on this matter) that there were instances where they were being pressured from above to issue hotel permits (interview ABXC 4).

*Q: Is there any political pressure behind granting it (hotel permit)? A: There must be. I just answered quickly, because there is... superior orders must be carried out. If it is not implemented, there will be pressure. (ABXC 4).*

Furthermore, from the government perspective, the alteration of land use zoning is considered another contributing factor related to the groundwater problem encountered by the community. This is because land use zoning has a significant impact on water quantity and quality (Carter, 2007), whereas developing unbuilt territories is likely to increase the anthropogenic influence on the nearby hydrographic objects including groundwater level and reserves (Bobylev, Bubin and Rasskazova, 2016). The concern about the alteration of land use zoning is particularly strong in the northern area (Sleman regency) which is a designated water catchment region in Yogyakarta province. In this regard, the Yogyakarta city government considers the Sleman regency authority is using too much flexibility in allowing building and housing developments (including hotels and apartments) that jeopardise the groundwater balance (focus group GA, 2019). In fact, concerns regarding land use change that have been occurring in the Sleman regency have become a public spotlight. As stated by one of the members of the Sleman regional representative council to a news reporter: *"the (Sleman) regency regulations regarding land use zoning that have been stipulated are not used as a reference in granting building permit and land use"* (Nuraini, 2014).

However, in terms of land use zone alterations, Yogyakarta city is also part of the problem. As admitted by one of the Yogyakarta city officials, with a limited area (32.5 km<sup>2</sup>), Yogyakarta city cannot be strictly compartmentalized and therefore adopt a policy of mixed zoning. This is one of the reasons why, throughout the city of Yogyakarta, hotels of various classes can be found,

often directly adjacent to residential areas. Sesanti's research (2016) for example shows several cases of land use changes i.e. from green open space to hotel buildings. As a result, Yogyakarta city cannot meet the 30% green open space as prescribed by law (Ridarineni, 2019). This situation (hotel business growth and land use alteration) is exacerbated by a 1.8 % annual population growth rate in Yogyakarta (BPS Yogyakarta, 2020), which contributes to the rise of rural area developments, water consumption and eventually, competition with business users (interview ABXC 6).

#### 5.8.4.2. The Lack of Water Impact Assessment

From the previous section, we can see that, following the central government programme to boost tourism development, the Yogyakarta government is compelled to ease tourism business investment, including altering land use zoning. Within that situation, there is a lack of assessment of the environmental impact of the new businesses, including hotels' water use. Under the criteria discussed in section 5.7, not all types of hotels are required to carry out an AMDAL assessment. As discussed in the following chapters, the majority of hotels in Yogyakarta do not conduct AMDAL assessments (Chapter Six, section 6.3) and the Yogyakarta Legal Aid Institute argues that there is a tendency to avoid the AMDAL process among hoteliers by disregarding some of its prerequisites, such as the total building area (Chapter Seven, section 7.5). Other than the AMDAL process, hotels' compliance in meeting their environmental management and monitoring efforts (UKL-UPL) is seen simply as an administrative requirement. This is due to the absence of an impact analysis based on primary data on the UKL-UPL as required in the AMDAL procedure. The focus of the UKL-UPL is on reporting efforts to mitigate the estimated impacts, and without a comprehensive impact analysis it will not mean much. Also, as acknowledged by an Environmental agency participant, the environmental monitoring of UKL-UPL mostly relies on hotels self-reporting (paper based and online) (Interview, ABXC 3).

*We are obedient to environmental documents. If there are environmental documents for permits for deep wells, you will be asked whether the permit is there yet.... But for us, monitoring of documents, whether what is in the document has been implemented or not. So if there is no reporting then we give 1st and 2<sup>nd</sup> warning. But if there is no (response), then (we proceed to) sanctions. But for now, sanctions are rare. (ABXC 3)*

*The government should make a study of the environmental carrying capacity. That has never been done. If the river is no longer able to sustain development, there should be no more permits, no*

*permission to throw anything into the river. That shouldn't be, but in fact? That is because our approach has not yet reached the cumulative approach (ABX 12).*

Moreover, as the AMDAL assessor admitted, in reality, the existing impact assessment regime still falls short in incorporating the cumulative impacts of a project and tends to be location based. Nonetheless, the same participant emphasized that it should be the duty of the government to take into account the cumulative impacts and existing developments as a part of their task to assess the wider impact. However, this cannot be realized because the government has not yet determined the provincial environmental carrying capacity (interview ABX 12).

#### 5.8.4.3. Control, Monitoring, and Law Enforcement of Hotel Water Use

Besides the shortcomings in assessing the impact of hotels' water use, controlling and monitoring hotels' groundwater use is also problematic. First, it is because the PU-ESDM agency must simultaneously control and monitor existing hotels' groundwater use as well as processing identified unlicensed groundwater use. Facing this situation, a participant from the PU-ESDM agency lamented the lack of financial and staff support at the provincial level to perform their controlling and monitoring task. At the time I conducted the field study, there were only five field inspection staff members for the province (Interview ABXP O1). In other words, there are not enough staff to control and monitor the vast number of groundwater users, including hotels.

Second, other than for taxation purposes, hotels groundwater use data have not been used for other purposes. The same also applies with the PDAM water use data. Cumulatively, hotels' water use data can actually be measured against local and international benchmarks, such as the Cornell Hotel Sustainability Benchmarking (Ricaurte, 2017) or Hotel Water Measurement Initiative (ITP, 2016) as a basis for implementing improved water management. In addition, knowing the total amount of hotel water usage can be used as a consideration in granting hotels permits as well as groundwater usage permits (Cole and Browne, 2015).

Third, due to the lack of staff to control and monitor the use of groundwater in hotels, responses and legal action for violations generally occur when water disruption is found in the affected community. In this regard, the rise of law enforcement regarding hotels and their groundwater use is notably one of the critical aspects directly related to the Dry Yogya (Yogja Asat) movement initiated by the Empowered Citizen group in 2014 (discussed in Chapter 7 section 7.2). The citizen movement succeeded in making the Yogyakarta government carry out investigations and legal actions related to violations of the use of groundwater by several hotels.



As a result of continuing protests from Empowered Citizens regarding the decline of water in community wells, a quasi-government agency called the Integrity Pact Monitoring Forum (FORPI) recommended that the Yogyakarta government re-examine water concessions granted to hotels in various regions. Subsequently, the License and Permit agency found that hotels in some areas of Yogyakarta city did not have a groundwater licence (Sesanti, 2016).<sup>2</sup> Moreover, the Environmental agency and Public Utilities-Energy and Mineral Resources (PU-ESDM) agency discovered that there was an abuse in retrieving groundwater by a hotel that impacted community wells in Miliran caused by the deep well mall construction (Interview ABXP 6, Febriarni, 2014). In November 2014, three months after the report of the drying up of wells from the community, the government ultimately closed a hotel well in Miliran which was proven to have an impact on the drying up of wells in the neighbouring community (Wicaksono, 2014b).

In terms of law enforcement regarding hotels' violations of groundwater use, the closure of wells is the maximum type of sanction implemented by the Yogyakarta government, even though there are punitive sanctions i.e. fines and imprisonment. So far, no hotel has been closed due to violations of groundwater use. As stipulated in the articles of Provincial Regulation 5/2012, there are two types of sanctions: administrative and punitive. Administrative sanctions include: three written warnings with a grace period of ten working days each; a temporary stop to all groundwater use activities; taking forced actions to apply for a groundwater permit; permanent cessation of all groundwater use activities, and to implement recovery. This last one is an effort to improve the condition and environment of the groundwater, among others by making infiltration wells. Meanwhile, punitive sanctions include a fine of a maximum of 50.000.000 IDR (approximately equal to 3,500 USD), or imprisonment for a period of up to six months. As two informants said:

*For the government, law enforcement is in the regulations (for example spatial planning). For example, if it violates the rules (spatial planning) it (a building) should be dismantled. But dismantling is a long process. Because we are worried about losing in court too [...] But the legal language is (full of interpretation), what is considered right by A, can be considered wrong by B (and vice versa). In the end, the risk of being sued back (by the business owner) is quite high. This situation is a consideration. (ABXC 5).*

*For example, the results of the trial (deciding a fine) of IDR 2-3 million, it's easy for them (entrepreneurs) to pay, after that they can open (their business) again without having to completely close and then open from scratch. So that's what we regret, when supervision is weak, law enforcement is weak, then (violations) will be imitated by others. Many of them operated*

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<sup>2</sup> Area such as Miliran, Gowongan, Penumping dan Prawirotaman.

*first and then took care of the permits later. It happened in a commercial building in Yogyakarta city. It should have been a permit first, but if it's not what is happening now, operational first permit later (ABXC 6).*

Arguably, the lack of a punitive sanction is due to its lengthy process. A punitive sanction requires a criminal investigation, prosecution and court ruling (Article 65 of Provincial regulation 5/2012). A government official indicates that the government is reluctant to take legal action. This is because a successful court case requires adequate preparation (interview ABXC 5). As a result, without strong law enforcement, a quasi-government official lamented a “domino effect” of permissiveness in licensing a business operation.

## 5.9. Summary

To recap, this chapter has explored the extent of law and law enforcement regarding hotels’ water use in Yogyakarta through the lens of business and human rights (BHR). This chapter reveals two key findings. First, there appears to be a regulatory gap in commanding hotels to respect the HRW. A number of different legal provisions that support the responsibility of businesses to respect the human right to water (HRW) are explicit only in Water Resource Law 2019, whereas in Tourism Law 2009 and Hotel standards regulations 2013, the expectation for tourism businesses to respect the HRW is less clear and hence requires some interpretation. Meanwhile, in terms of human rights impact assessments and community participation, the instrument for hotels to implement their responsibility to respect the HRW can be found only in the AMDAL process that is regulated under the Environmental Law 2009.

Exploring further at the provincial level, in conjunction with the Water Resource Law 2019 and Environmental Law 2009, the regulations on groundwater management have stipulated prioritising daily basic needs as a major consideration for business water use. And in an effort to protect citizens' rights to water, the government has established a permit mechanism, such as a groundwater use permit. As a part of the requirement for a groundwater use permit, Provincial Regulation 5/2012 also requires hoteliers to report the amount of groundwater use as well as groundwater conservation efforts. There is also an impact assessment requirement for a groundwater use permit. Unfortunately, at the provincial level regulation, the community does not have direct control over the use of groundwater in their surroundings. Members of the community are positioned more as informants in terms of hotels groundwater use.

Looking at the reality of control, monitoring and law enforcement of hotel water use in Yogyakarta, the second findings suggest that there are a number of challenges in realising the HRW and implementing hotels' responsibility to respect the HRW. These challenges are the government's lack of capacity to fulfil the HRW, and the government's limited ability to control and monitor hotels' water use and management. The fieldwork conducted suggests that the government does not have the capacity to fulfil the HRW amidst the rise in population in Yogyakarta and the government's aspiration to promote business investments is in conflict with fulfilling their HRW obligations. Also, since the water from PDAM at the moment cannot meet the demand both for the people's basic needs and other industries including hotels, groundwater remains a mainstay for both hotels and households. Here is where the application of protecting the human right to water becomes particularly problematic. As discussed in this chapter, there is a gap in the compulsory measures for hotels to perform human rights (to water) impact assessments, since only the AMDAL process has the capacity to carry out a rigorous human rights impact assessment. As will be discussed in the next chapter, the majority of hotels do not perform the AMDAL impact assessment. Meanwhile, the existing measures taken by the Yogyakarta government to determine the effects of groundwater withdrawal on neighbouring residents' wells cannot fully identify the extent of hotels' water use influence on the people HRW's. Finally, enforcing the regulations regarding hotels' water use, the government has to grapple with limited staff and a lack of financial support for overseeing and managing the hotel water use data in comparison to the vast number of hotels operating in Yogyakarta. All of the above-mentioned complications mean that, as Yogyakarta's population grows, the government's desire to encourage hotel business investments is at odds with their HRW obligations.

## Chapter 6. Hotels and the Right to Water

### 6.1. Introduction

After presenting the legal framework in the previous chapter, this chapter addresses the second research question: To what extent do hotels in Yogyakarta adopt and implement policies and legal requirements related to the right to water and the UN Guiding Principles on Business and Human Rights? The objective is to gain an insight into hotels' perspectives on compliance and the efforts they are making to respect the HRW. Based on this insight, I then discuss the socio-legal interplay regarding the responsibility of hotels in respecting the HRW (Chapter Eight) and how this can inform the BHR's policy-oriented platform and directives into a future advocacy and research agenda (Chapter Nine).

The findings in this chapter derive from primary data: interviews with hotel association representatives, hotel managers, and hotel water supervisors, who are, typically, the hotel engineers. The present chapter also uses data gathered from inspecting hotel water facilities and infrastructure, observations of a green building forum for hoteliers and data from a focus group discussion comprised of government officials, hotels and community representatives (Appendix 9). Supporting information is derived from secondary sources such as online media reports, hotels UKL/UPL documents and water use log.

I begin this chapter by discussing the reality of hotel permit enforcement. This part of the discussion captures hoteliers' perspectives on the saliency of law enforcement. Moreover, still in connection with the discussion of hotels and the responsibility to respect the HRW in Chapter Five, in the subsequent section, I discuss the fact that most of the hotels are not required to perform a thorough environmental impact assessment such as AMDAL, while pumping tests (as a form of measuring hotel water use impact) have a number of limitations and do not apply to all hotels. The next section examines hotel water management, to find out whether there are initiatives taken by hoteliers to respect the HRW. Through this particular section, we can see that hotels in Yogyakarta are still lacking in keeping up with the latest development in hotels water stewardship. As discussed in Chapter Two (section 2.5), water stewardship is one of the existing approaches in which businesses could engage with their obligation to respect the right to water within the BHR framework. In the last section, I identify a number of further challenges linked to the adoption and implementation of hotels' responsibility to respect the HRW.

## 6.2. Weaknesses in Law Enforcement

The number of hotels in Yogyakarta has been increasing since 2015. Development is anticipated to continue due to government programs dedicated to increasing tourism both in Yogyakarta and in the surrounding provinces (Putri, 2021; Utomo, 2021). The plan that has been implemented includes the construction of a new airport in Yogyakarta and the development of a regional strategic tourism corridor that connects Yogyakarta and other tourism areas in Central Java (Indonesian Tourism Development Project, 2021).

The Yogyakarta Hotel Association (PHRI) has embraced the growth of tourism with caution. Tourism allows hotels to flourish, and tourism development creates economic benefits through multiplier effects such as job creation, and the stimulation of other trades and services (Ollivaud and Haxton, 2019). In fact, the taxation of hotels is one of the main tax revenue contributors in Yogyakarta province (Chapter Three section 3.3.3). However, the PHRI also cites a problem regarding the development of unauthorised accommodation businesses that operate as hotels. This kind of business often lacks monitoring from the government and jeopardises healthy competition and the sustainability of hotel businesses. Some of the main concerns of the PHRI are price wars and hotel classification controls. Currently, there is no regulation on price limits for each class of hotel.

Moreover, in terms of starting a hotel, as admitted by several owners and managers of non-star rated hotels, there is no stringent process in establishing non-star rated hotels. Much of the process is at the lower level of bureaucracy without any kind of assessment other than reporting for business taxation purposes. In some cases, it was found that despite the building permit being issued for a hotel, the name and classification does not necessarily have to be a hotel. One informant said:

*So, I only got the permit after I operated for 3 to 4 months. At that time, it was not too strict [...] I applied for the license at the urban village office (kelurahan), and they gave me the permit (NSXY 2).*

*Our permit is for a hotel. Even though it's a hotel business, it's not a hotel [...] our concept is a hostel (NSXY 5).*

When asked about the classification, a hotel manager explained that their hotel is not categorized as a star rated hotel even though he thinks that the hotel could become a 2 or 3-star

hotel. Since the target market is for budget travellers/tourists, including backpackers, they designed the product and promoted it as a hostel.

Seeing that there are unauthorised hotels, the PHRI points out that the government is still struggling to maximize local tax revenue from hotels. The PHRI then suggested that the government should take firm action against tourist accommodation that does not own a permit or is not registered as a hotel. This statement was not only revealed at the time of the interview but was also stated by the chairperson of the PHRI on various occasions as quoted by news outlets (DH, 2017). In particular, the PHRI highlights the growing popularity of online accommodation services, where some of its partner properties do not comply with hotel permits. According to the PHRI, the online accommodation service operational system has the potential to harm consumers because there is no standardization of services provided by government regulations. Meanwhile, in terms of prices, as stated by the chairperson of PHRI, *“The difference in room rental prices is sometimes very big. Their prices can be very cheap during the low tourist season, but during the peak season it can jump many times”* (Harian Jogja, 2020).

At this point in the discussion, we can see a problematic situation faced by hoteliers in Yogyakarta. Ensuing the rise of tourism development in Yogyakarta, hotel businesses have become attractive for investors and entrepreneurs. Yet as corroborated by the discussion in Chapter Five (section 5.8.4), the appeal to open hotels businesses, facilitated by the government, is not accompanied by a strict supervision and law enforcement. From a hotelier's perspective, such a condition is disappointing mainly in terms of price wars and a lack of standardized services for clients. In this respect, the PHRI considers that the MoT Regulation 53/2013 regarding hotel standardization (discussed in Chapter Five section 5.6) is the pinnacle of hotel business standards in Yogyakarta and would like all hotels to abide by it (Interview XA). Whereas, with regard to environmental issues, the PHRI emphasizes the importance of hotel compliance with government regulations e.g. the groundwater use permit and waste management (Interview XA). This point is crucial, because, as I will point out later (section 6.6) the availability of clear regulations and their enforcement are key in enhancing hotels' water management.

### 6.3. Environmental/Water Impact Assessment and Reporting

In terms of compliance with environmental regulations, the burden of responsibility lies with the hotel developers and operators. Developers are responsible for complying with every provision

that exists in both the planning and development phases, whereas hotel operators are responsible once the hotel is open to guests. In the planning (pre-construction) stages, the developer, using the services of a third-party consultant, manages environmental documents and impact analysis (AMDAL) reports. As for hotels that are not required to carry out an AMDAL assessment, the environmental document obligations are either an environmental management and monitoring effort recommendation (UKL-UPL), or an environmental statement letter (SPPL) (see Chapter Five, section 5.7). Meanwhile, in the pre-construction phase both UKL-UPL and SPPL are managed by the hotel developer. The engineering division works on the environmental management reporting (UKL-UPL) during the operational phase. Both the AMDAL and the SPPL documents are valid throughout the life of the business or activity as long as there are no changes related to the business. Below, Table 6.1 summarizes the environmental document stages and the responsible party.

Table 6.1. Environmental document stages and the responsible party

<b>Environmental document type</b>	<b>Stage</b>	<b>Responsible party</b>
AMDAL	Pre-construction	Hotel developer – third-party consultant
UKL-UPL	Pre-construction	Hotel developer
	Operational (Reporting mechanism every 6 months)	Hotel engineer
SPPL	Pre-construction	Hotel developer

However, as found on Yogyakarta’s environmental document information website, there are only 68 out of 1,817 hotels that have environmental documents. Of these 68 hotels, only seven had documents of the AMDAL type. Although this does not mean that other hotels do not have environmental documents, the available data still shows that only a small number of hotels satisfy AMDAL obligations. It is also worth noting that the one hotel with AMDAL documents identified in this study was not recorded on the website. Below, Table 6.2 summarizes types of environmental document and pumping test status of hotels participating in this study.

Table 6.2.

Types of environmental documents held by participant hotels and pumping test status

<b>Classification</b>	<b>Rooms</b>	<b>Operating since</b>	<b>Environmental Documents</b>	<b>Pumping test</b>
5 star	246	1997	AMDAL - UKL/UPL	Yes
4 star	115	2014	UKL-UPL	Yes
4 star	139	2014	UKL-UPL	Yes
4 star	129	1992	UKL-UPL	Yes
3 star	75	2014	UKL-UPL	Yes
3 star hostel	61	2011	UKL-UPL	Yes
3 star	65	1993	UKL-UPL	Data not available
2 star	28	2010	UKL-UPL	Data not available
2 star	60	1999	UKL-UPL	No
1 star	51	1991	UKL-UPL	No
Non star hotel	17	2009	SPPL	No
Non star hotel	1 guest house/ 9 Dorm rooms	1987	-	No
Non star hotel	6 rooms/2 dorm rooms	2012	-	No
Non star hotel	6 rooms/ 2 dorm rooms	2018	-	No
Non star hotel	7 rooms/2 dorm rooms	2010	-	No

Furthermore, as discussed in Chapter Five (section 5.7), AMDAL is the only impact analysis instrument which is compatible with the human right to water impact assessment (HRWIA). Similarities exist in terms of community participation, assessing the wider impact of hotel water use based on primary data and identifying water efficiency and saving efforts. The impact analysis in the AMDAL document is presented once, before the hotel opens, or prior to a hotel's re-development which, by law, requires an AMDAL assessment process (Environmental Law 2009, article 1.11). Hotels with AMDAL certification have an environmental management (UKL-UPL) reporting responsibility that requires regular monitoring of the impact of hotel water



use (Environmental Law 2009, article 25). The UKL-UPL reporting documents must be submitted every six months. However, the impact report focuses more on monitoring waste and pollution. In the SPPL (statement letter to manage the environment), emphasis is given only to the commitment of the hotel management to protect the environment. An SPPL is based only on written commitments without any impact assessment whatsoever. In this study, not all hotels could show environmental documents. Some participants stated that the documents were held by senior level management.

#### 6.4. Pumping Test, Groundwater Well and Community Participation

*“The basic concept of a pumping test is very simple: water is abstracted (removed by pumping or bailing) from a well or borehole, thus lowering the water level. The water level in the abstraction borehole and the pumping rate are monitored over time, along with various other parameters if possible (such as water levels in observation boreholes). The way in which the water levels respond to the pumping is then analysed to derive information about the performance characteristics of the borehole and the hydraulic properties of the aquifer” (ICRC, 2020, p.14).*

As discussed in Chapter Five (section 5.8.3.2), apart from the impact assessment linked to the environmental regulation, the Yogyakarta government set up a pumping test to determine the impact of hotel groundwater use. This requirement is linked to the groundwater permit mechanism provided in Provincial Regulation 5/2012 (Article 27). The pumping test is an assessment that measures the water impact/depletion in the surrounding shallow groundwater supply. Typically, the test is conducted every three years before renewing the deep groundwater permit. In between those years, efforts to monitor the impact are based on community reports i.e. when there is a water disruption in local community wells.

The pumping test is performed by a water contractor and monitored by government officials from the public utilities-energy and mineral resources agency (PU-ESDM). The test takes approximately 5 hours to pump water from a hotel’s groundwater well. The impact result will be determined by the number of neighbouring community wells and their water levels, in this case whether a discrepancy occurs prior to, and after the pumping test. However, pumping tests only apply to hotels that have groundwater use licences and utilise deep groundwater wells (PU-ESDM Provinsi Yogyakarta, 2017). As indicated in table 6.2 above, a pumping test is only conducted by participants from 3 star hotels and above. In addition, as discussed in Chapter Five (section 5.8.3.2)

and later in Chapter Nine (section 9.4.1), the pumping test is problematic since it cannot describe the full extent of hotels water use influence to the people HRWs.

Moreover, based on observing a groundwater well installation in a joint hotel and shopping mall complex, I found that there was community involvement in the process of constructing hotel groundwater wells. In this case, community representatives from the neighbouring area were required to attend and approve the process of groundwater well construction. However, the prerequisite for the community representatives' approval was not genuinely prepared by the management before the day of the installation. The (only) person in attendance was not the designated community representative. It turned out that the community participant present was one of the hotel and shopping mall complex security guards. That person was reluctant to sign the inspection document since he deemed himself unqualified to represent the community. Despite the business management staff trying to explain that there was already community representative approval in a meeting days before the groundwater well construction day, the PU-ESDM inspection/ staff firmly said that there had to be someone from the community to sign the inspection document in order to proceed with the installation. In the end, the instalment process had to be postponed since there was no appointed community representative available.

## 6.5. Water Management

Thus far, we can see that hotel proliferation in Yogyakarta is not accompanied by an adequate HRW impact analysis. In this respect, only a minority of hotels carry out the AMDAL assessment. Furthermore, the pumping test set up by the Yogyakarta government to identify the impact of hotels groundwater use has a number of limitations and does not apply to all hotels. In addition, citizen involvement in the hotel well construction process is prone to manipulation, especially if unsupervised by government officials. Amidst such conditions, in the following section, I discuss the existing practices of hotel water management to understand whether there are initiatives taken by hoteliers to respect the HRW. The following sections discuss hotels' water sources, water use data management, water saving and innovation, and water sharing. I then discuss the challenges for hoteliers in respecting the HRW.

### 6.5.1. Water Sources Data

As discussed in Chapter Five (section 5.8.3.1), there are two sources for hotel water use, the regional water company (PDAM) and groundwater. However, groundwater is the most common source used by hotels. In Yogyakarta city alone, as of January 2020, only 180 hotels, out of around 600, used water from the regional water company (PDAM) (Rusqiyati, 2020b). This is likely due to the unreliability and expense of water from PDAM.

*Because the PDAM is terrible, the water often stops flowing [...] but the business consideration of PDAM is that it's more expensive than groundwater (NCXY 1).*

Another hotel engineer that I interviewed suggested that PDAM does not sufficiently meet the demands for hotel water. As illustrated in Table 6.3, in some cases, PDAM can only provide less than half of the daily supply needs of hotels. Moreover, the water quality (pressure and purity) is often below a hotel's expectation as they strive to provide a standardized service. In some cases, no PDAM water pipelines could be accessed by hotels. Hence, those hotels have to rely entirely on groundwater with depths ranging from 9 to 120 meters.

To ensure the use of water from PDAM, the Yogyakarta government requires hotels to use PDAM water where there is a PDAM network that can be accessed (Interview ABXP 6, see also Chapter Five section 5.8.3.1). The obligation to use PDAM varies depending on the ability of PDAM to provide a water service. Unfortunately, not all hotels that have access to PDAM are willing to be transparent about their PDAM water usage.

Some hotels admitted that the use of PDAM water would force them to exceed their operational budget. As such, even though a hotel installed PDAM water, this was done only to meet the provisions of government regulations. In short, they use PDAM as a formality. The operational costs of using groundwater are far cheaper. As indicated by the 3 star hotel data in Table 6.3, PDAM tariffs are 22 times more expensive than groundwater tariffs. Furthermore, some hotels recognize that PDAM is rarely used or even not used at all, and some hotels are currently waiting for the installation of a PDAM pipeline.

Table 6.3. Samples of hotel water sources and data

Classification	Rooms	Operating since	Groundwater	PDAM
5 star	246	1997	2 licensed deep wells	Monthly average (PDAM): 304 m3.  Cost: IDR.3,218,766  Daily average: 11 m3
			A total of 2 wells in two years 290,475 m3  Monthly average of 2 wells 12,103 m3.  Cost: Data not available Daily average: 403m3	
			Estimation of daily average of water use in environmental documents: 337.5 m3 / day	
4 star	115	2014	2 licensed deep wells  Total usage of 2 wells in two years: 79,583 m3  Monthly average of 2 wells: 3,315 m3  Daily average: 110 m3	Data of PDAM usage is not available.  Based on the MoU, 20m3 / day of PDAM water must be used at high occupancy and 4.5 m3 / day at low occupancy
4 star	139	2014	Data incomplete	Data incomplete
4 star	129	1992	2 licensed deep wells  *Only data from one well is available  Yearly average: 3,523 m3  Monthly average: 294 m3	There is no PDAM network

Classification	Rooms	Operating since	Groundwater	PDAM
			Daily average: 9.8 m3 per day	
3 Star	75	2014	2 licensed deep wells	MoU with PDAM: 25m3/day
			Monthly average: 1002m3. Cost: IDR.622,312 Daily average: 33.m3. Cost: IDR. 20,744 Groundwater price per m3: IDR 621.06	PDAM monthly average: 26.25m3 Cost: IDR 371,477 PDAM daily average: 0.875m3. Cost: IDR 12,383 PDAM price per m3: IDR 14151.50
			Total daily average (both deep well and PDAM): 34.m3	
			Daily average estimation in the environmental document: 20.77m3 / day	
3 star hostel	61	2011	Data is not available	Monthly average: 460m3/month
3 star	65	1993	2 shallow licensed wells Well depth: First well: 9.88 meter; Second well: 9.1 metre. Water data is not available	PDAM data not available - admitted that PDAM was rarely used.
2 Star	28	2010	Data incomplete	Data is not available

Classification	Rooms	Operating since	Groundwater	PDAM
2 star	60	1999	1 shallow licensed well  Monthly average: 567 m3  Daily average: 19m3	Waiting for PDAM installation.
1 star	51	1991	Shallow unlicensed groundwater well  There is no well water meter	PDAM data not available - admittedly rarely used.
Non Star Hotel	17	2009	Shallow groundwater without water meter	PDAM data not available - admitted that PDAM was rarely used
Guest House/Dorm	1 House/ 9 Dorm rooms	1987	Shallow groundwater without water meter	Not using PDAM
Guest House/Dorm	6 rooms/2 dorm rooms	2012	Shallow groundwater without water meter	
Guest house/Dorm	6 rooms/ 2 dorm rooms	2018	Shallow groundwater without water meter	
Guest House/Dorm	7 rooms/2 dorm rooms	2010	Shallow groundwater without water meter	

With regard to groundwater, some star rated hotels are still using shallow groundwater, and all non-star rated hotels exclusively rely on shallow groundwater. Some of the wells already existed before the hotel began operating. That is often the case for old hotels or those that use older renovated buildings which are then turned into star rated hotels. One of the participating hotels has

used a shallow ground well since the 1990s. It is located in the area of a groundwater level survey conducted by the Risk Disaster Mitigation Forum (FPRB)<sup>3</sup>. Based on their survey, the FPRB found that there has been a significant decrease in the groundwater level, up to 8 meters in some areas, due to the use of shallow wells by the hotels which have been operating for decades (see Chapter Seven, section 7.6). For non-star rated hotels, shallow groundwater is used without a permit (unreported), and there is no monitoring from local government. There is even a non-star rated hotel that, despite having a PDAM meter, does not have a piped connection from the PDAM meter to the hotel.

### 6.5.2. Water Use Data Management

According to the International Tourism Partnership, data management and sub-metering is one of the important aspects of a hotel's water use responsibility. This is because the data from water sub-meters can provide a more comprehensive understanding of the use of water in the hotels. In addition, water data can be analysed for the whole property to find hotspots such as pipe leakages and water high water use in a particular section (ITP, 2018b).

However, as highlighted by one of the hotel engineers interviewed, the main flaws in hotel water management arise from a lack of water data. In star rated hotels, the common practice of water measurement relies simply on the groundwater or PDAM water meter. The main purpose is to control the water use costs and leakages. Moreover, there is no other specific form of monitoring for particular division uses, due to the cost of installing water sub-meters. Meanwhile, in non-star rated hotels, where all water needs rely on groundwater, no data management was found at all.

*I cannot analyse it (detailed water usage) because there is no measurement tool yet. [...] So because we do not have tools, we cannot give the data, [...]. So it is hard because I also need the data, but I do not have it yet. So for analysis purposes, the data is still general (NCXY 3).*

*The first is indeed for monitoring leakages, then for bills, for the tax office every month and daily monitoring. Also, for controlling costs, because we have a water budget every month (NCXY 2).*

Furthermore, as shown in Table 6.3, two hotels included an estimation of their water use in the environmental documents. However, in reality, the daily water use is more than that stated

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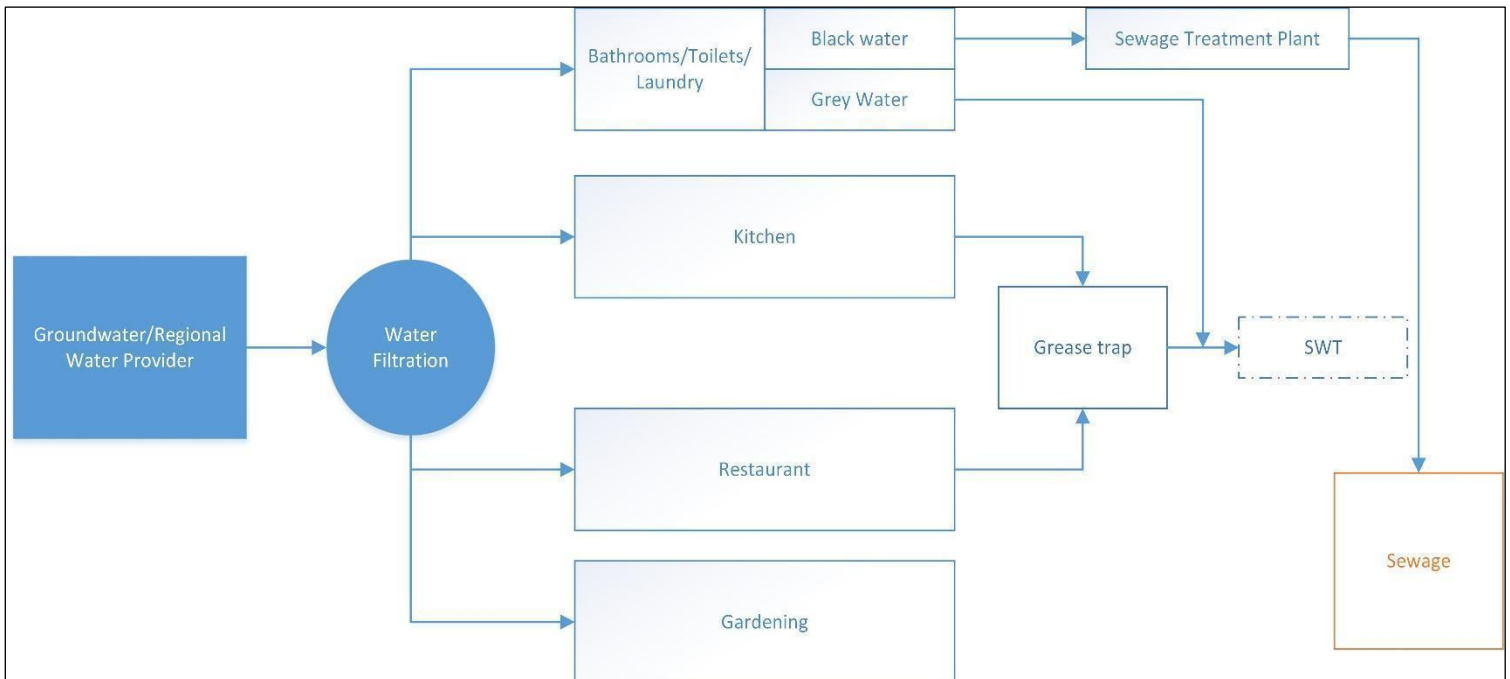
<sup>3</sup> FPRB is a multi-stakeholder forum consisting of a number of NGOs, community groups and academics in Yogyakarta. Part of their work is advocating for communities impacted by hotel development.

in environmental documents. Moreover, there was no reporting whatsoever on water saving efforts. This fact confirms the absence of water monitoring and periodic analysis of hotel water use as a basis to inform and improve hotels' water management.

### 6.5.3. Water Systems and Technology

Generally, the water distribution pattern in three-star hotels and above is as illustrated in Figure 6.1, whereas for two-star hotels and below, the distribution pattern is simpler using outdoor water containers as water hubs. At three to five-star hotels, groundwater is processed using a two-stage filtering process. This is commonly used by hotels in Yogyakarta. This filtering process uses sand and carbon. Periodically the quality of water that has gone through the filtering process is tested at government-appointed laboratories. The results must then be reported to the environmental department (ABXC 3). One and two-star hotels, even though they only use a simple or no filtering process, must also carry out the water lab test.

Figure 6.1. Typical water distribution system for three-star hotels in Yogyakarta



According to hotel engineers, there has been no attempt made to monitor water use in each sub-division in detail (e.g. laundry, kitchen, rooms, gardens, pools). Monitoring is focused primarily on energy intake. There is an energy-saving team (green team) in a three star hotel (CXY



3). This team is an application of the eco-green concept outlined by the hotel group operator. The goal is to minimise energy usage by installing energy-saving equipment in both public and staff only areas, continuously educating hotel workers, and encouraging everyone to work in an energy-saving environment (CXY 3). Their program covers energy saving campaigns for staff and daily reporting on energy saving efforts.

Moreover, with a primary consideration of cost efficiency, there are moves to adopt water-saving technologies. The water technology being implemented is as instructed by the franchise holder/corporate group in order to maintain standardized services i.e. to get the most efficient flows achievable, thus conserving water, cutting costs, and keeping their clients satisfied. The most common "water-friendly" forms of technology being implemented are aerated faucets, low-flow showerheads, and low-flush or dual flush toilets. The implementation of water friendly technology has the potential of achieving water conservation, through simple retrofits that do not disrupt the operations of the business and which do not need invasive physical interventions (Gatt and Schranz, 2015). In addition, there is also a self-initiative from hotel management to dismantle bathtubs in 2-star hotels and provide them only for premium rooms in 3-star hotels and above. In order to minimize their own water use, the majority of 3-star hotels outsource their laundry to a third party service.

#### 6.5.4. Reducing, Recharging, Recycling, and Reusing Water

Water conservation is another area of concern regarding water stewardship, especially if there is a water-saving provision in the groundwater use permit. As indicated previously (section 6.5.2), the only indicator of water saving is in the reduction of hotels' water bills. Nevertheless, without significant changes in water use monitoring and analysis, as well as the adoption of technology and water use interventions, hotel engineers consider water-saving targets difficult to achieve. As one said:

*Yes because from last year if we could, we save. If we keep on saving, keep going down, it is not possible. So it can later be zero, that isn't possible logically. If told to keep saving, let us put it down this year by 5%, meaning that in 20 years we will not use (new) water. However, it is not possible (CXY 1).*

The only participant hotel with its own goal of reducing water usage is a 5-star international chain hotel. Regarding the target given by the chain's central office, the hotel engineer stated that

it was challenging to reduce water consumption by 5% every year. The main reason is a lack of understanding of how to reduce water usage since there is no monitoring and evaluation of water use. Based on the quoted statement above there is an indication of ignorance (or confusion) from a hotel engineer, since if hotels are supposed to reduce water by 5% each year, that just means 5% of the previous year's use, and hence it will never reach zero.

It was found that the majority of participant hotels (star and non-star rated) use signs such as stickers, cards, and paintings to promote eco-friendly behaviour in guest rooms (e.g. the reuse of towels, water conservation) as well as for staff in their working areas (kitchen, laundry room, bathroom, and garden). Scholars have frequently identified improving water-saving public awareness as a “soft approach”. Through these approaches, tourists and tourism operators would be encouraged to save water (Cole et al, 2020). Yet, there is no careful tracking of the water saving results from the usage of the signs in any participant hotels. One informant said:

*Recharging wells are a bit strange, if it rains for a while, it's already full. So we choose to make it in the neighbouring village. We made a biopori, but the results are not optimal, if it rains, it's quickly full. (Because of the structure of the soil?). Yes, maybe. But I don't know. It should be sand. But even after many hours, the water is still not absorbed.*

Furthermore, linked to the discussion in Chapter Five (section 5.8.3.1) about water conservation, there is a requirement for hotels to build a number of recharging wells<sup>4</sup>. However, hotels still do not comply for several reasons. In terms of groundwater recharging, a participant stated that it is challenging to provide recharging wells, due to geological and landscape barriers. Hence building recharging wells inside the hotel compound is considered suboptimal. However, the participant stated that they built the water recharging wells in the neighbouring community area. Another reason is because hotels only have limited green space, so most of the rainwater flows directly into the city drainage system.

In terms of alternative water sources, in this study there were no hotels found which practiced water recycling. The hotel engineers consider reusing water by recycling greywater problematic, due to financial considerations. This is because the hotel owners want to see a precise break-even point on an investment made in water recycling technology. However, some hotel engineers hope to adopt a water recycling process in the future. Meanwhile, in terms of rain

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<sup>4</sup> A recharging well is “usually a precast concrete ring lined structure, typically a metre or 1.5 metres in diameter and going to a depth of 3 to 8 metres, a recharge well takes water run-off from rooftops, paved areas and roads, filters it and sends it underground to increase the water table” (Vishwanath, 2016).

harvesting, knowledge is minimal among hotel engineers, and there is reluctance because of concerns about the water quality. According to the Intercontinental Hotel Group, when assisted by ultra-low flow fixtures, rainwater harvesting can reduce up to 55 percent of potable water demand (Kasim et al., 2014). Furthermore, roof or underground tank rainwater harvesting is ideal for regions with a high level of precipitation and is a low-cost, efficient way to minimize reliance on the local water source (Kasim et al., 2014). In Jamaica, for example, hotels that supply approximately 90 percent of their water needs with rainwater are able to reduce their total utility costs by up to 35 percent (Meade and Gonzalez-Morel, 1999).

#### 6.5.5. Water Sharing

There is also a clause regarding water sharing in a hotel's groundwater permit letter. The most common water-sharing practice is to provide a water tap outside the hotel compound that is accessible to the local community. However, the water is often used not by the neighbouring community, but by traders around the hotel for business purposes, and, in one case, construction workers for a building project near the hotel area. In some cases, the water has never even been used by residents, or has not been provided at all.

In addition to sharing water, several hotels also provide clean water for several villages in the rural areas of Yogyakarta. Clean water assistance via water truck is given to villages that have difficulty in getting clean water for daily needs during the dry season. According to some of the hotel managers, clean water assistance is a part of their (corporate) social responsibility (Haffiyan, 2019). However, this water assistance activity is sporadic in nature and only lasts one day on each occasion (Tempo.co, 2019).

#### 6.6. Challenges for Hoteliers in Respecting the HRW

At this point, we can see that the majority of star hotels in Yogyakarta are included in the UKL-UPL category. In this study, only one star rated hotel was found to have an AMDAL document. Meanwhile, the majority of non-star rated hotels do not have environmental documents at all. This shows the existing problem in identifying the cumulative HRW impact from hotel development. Without the HRWIA, the accumulated impacts of the development of star and non-star rated hotels cannot be fully identified and managed. In addition, in this study, the pumping test, which is

designed as a tool to determine the impact of hotel groundwater use, is found only in 3-star hotels and above.

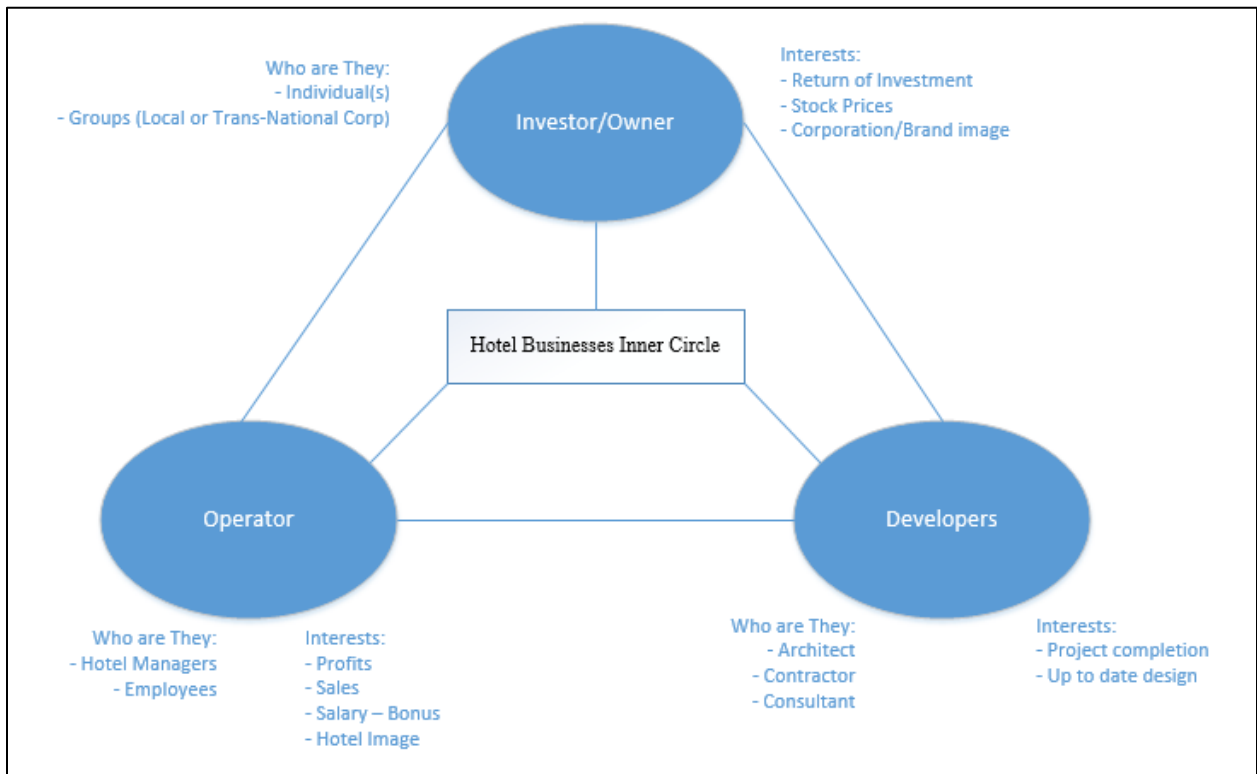
Moreover, amidst the lack of a thorough HRW impact assessment, hotels in Yogyakarta are still found to be behind in keeping up with the latest development in hotel water stewardship. The lack of transparency and management of water data among hotels is problematic. Hotel engineers admitted that the water data is only managed for overhead cost calculations, and there is not a water sub-meter in every hotel sub-division (e.g. laundry, kitchen, rooms, gardens, pools). Correspondingly, there is no systematic effort being made in reducing, recycling and reusing water. At the same time, some hotels do not comply with the water-recharging clause, which is a prerequisite of the Yogyakarta government regulation (Chapter Five, section 5.8.3.1). Despite there being evidence of water sharing and other water programs as a part of hotels Corporate Social Responsibility (CSR) scheme, it is considered an act of charity, rather than an integrative effort based on an impact assessment. Thus, the programs are arbitrary and inefficient. This is because most of the hotels are not required to perform environmental impact assessments (AMDAL). As such, although it needs to be appreciated, water sharing carried out by a minority of hotels is sporadic and does not solve the real problem, namely addressing the impact of hotel water use on residents' water access. I discuss below the challenges faced by the hoteliers in improving their water management practices as captured during a Green Building Council Indonesia (GBCI) forum and interviews with hoteliers. One participant said:

*We have to think now about 20-30 years later for our children. We (hotel businesses) sometimes just think for the sake of today (NCXY 1).*

Various groups, including organizations such as the Green Building Council Indonesia (GBCI), have highlighted the issue of the negative environmental impact of the increasing number of hotels operating in Yogyakarta. As an organization that promotes sustainable development including water conservation, for various types of buildings, the GBCI urges hotels to give critical attention to their role in the global environmental agenda (Observation, GBCI and hotelier forum, 15/3/2019). Moreover, hoteliers are being challenged by the GBCI to participate in addressing the SDG 6, (UN Sustainable Development Goals) namely to ensure the availability and sustainable management of water and sanitation for all. Concretely, the GBCI urges hotels to voluntarily participate in GBCI-GREENSHIP certification, which includes water conservation criteria (Observation, GBCI and hotelier forum, 15/3/2019).

Observing a “Green Hotel” forum organised by the GBCI for the hoteliers in Yogyakarta, I identified three main parties that have a direct relationship with hotel businesses. I identify these parties as a hotel's inner circle. The first one is the hotel investor or owner. Their main interests are typically return of investment, profits and hotel brand image. A hotel owner and investor can be an individual, or a group of investors incorporated in an investment company. The second party are hotel developers, which include a hotels architect, building contractor, and consultant. Their main interests are (hotel) project completion, and up to date (hotel) design for a standardised service. The last party that I identified is a hotel operator or management. They consist of the brand/franchise management, on site hotel managers, and staff. Their main interests are mainly on increasing the sales of products offered by a hotel, maintaining clients’ satisfaction, maintaining a good hotel image and increasing profits. Figure 6.2 illustrates the identified hotel businesses inner circle.

Figure 6.2. Hotel Businesses Inner Circle



Moreover, as I observed during the GBCI-Hotelier forum, there were three criticisms of hotel businesses' inner circle in Yogyakarta (Observation, 15/3/2019):

- Hotel architects, developers and consultants are too old fashioned and do not keep up with the current standards and innovations in environmental stewardship.
- Hotel investors are concerned only with maximising profits.
- Hotel operators lack the knowledge and expertise to address sustainability agendas and are not honest about their actual environmental performance/impact, either out of fear of being caught doing something wrong or wanting to be perceived as respectable in the eyes of other hotels (competitors) and the public.

From these criticisms, as well as seeing that the environmental impact assessment is a part of a hotel's developer and consultant's responsibility discussed in section 6.3, I consider that the challenges faced by hoteliers to respect the HRW are already happening at the very beginning of a hotel's development. In this regard, a hotel's developer and consultants have not voluntarily upgraded themselves and adopted human rights and environmental impacts assessments, which should then be applied in the hotel development and design decision making. In addition, valuing profit and hotels public image over a genuine environmental responsibility puts hoteliers in a stagnant position in terms of keeping up with the current development on water stewardship initiatives.

It was also revealed at the GBCI-Hotelier forum that only a small number of hotels (predominantly high star rated hotels) are certified as green hotels according to the GBCI-GREENSHIP criteria. Under the existing building GBCI-GREENSHIP criteria there are 9 components on water conservation i.e. water management policy, water sub-metering, water monitoring control, fresh water efficiency, water quality, recycled water, potable water, deep well reduction, and water tap efficiency. However, in terms of this green certification, one hotel engineer estimated that it would be quite costly to participate, and he had little confidence in the hotel's ability to achieve certification. For example, the cost of GBCI GREENSHIP certification for hotels ranges from IDR 87 million to 170 million (approximately 6000 to 11000 US dollar equivalent in 2021) excluding consultation and assessor operational expenses (Green Building Council Indonesia, no date).

Moreover, I observed that the adoption of voluntary standard initiatives such as GBCI-GREENSHIP or ITP Water Stewardship is challenging due to factors such as limited staff

capability and limited information and guidance. In the majority of cases, hotel engineers are not aware of the availability of voluntary water stewardship initiatives, and only GBCI GREENSHIP standards are available in the Indonesian language. Meanwhile, forums such as that arranged by the GBCI are rare. The only forum that regularly provides information for hotel engineers is The Hotel Chief Engineer (CE) Association forum. This forum meets every so often and invites panelists from academia, hotel appliance vendors and government agency representatives. Environmental agencies or other government agencies are also invited when they need to introduce a new regulation. However, unfortunately, in terms of a particular standard of water management or water stewardship for hotels, thus far there are no available regulations. Each hotel is given the freedom to apply their respective standards as long as they can meet the standardized service for tourists, namely in terms of water quality. In addition, despite the benefit from hotels' CE association the final decision to implement water stewardship is in the hands of the hotel management, particularly the owner. This means hotel engineers have to propose a thorough financial calculation for their hotel to adopt water stewardship initiatives.

Ultimately, the majority of participants mentioned the importance of law enforcement. During most of the interviews, I found that participants were constructive and cooperative, but occasionally some of them seemed a bit nervous when addressing specific, sensitive, questions regarding water data. The point that most participants wanted to make was that they manage water usage according to what has been regulated and they want to give correct information. In this respect, as discussed in the previous section, compliance is found in the aspect of the availability of environmental documents and groundwater use permits. However, there are hotels that still use shallow wells, do not perform pumping tests, use groundwater without a permit, and use the PDAM only as a formality. As such, in my view, the hotelier's attitude toward hotel water management correlates with the sentiment on law enforcement on hotels' permits (section 6.2). In other words, hotels are not complying with the law because they know that they can get away with non-compliance as there are no inspections and other enforcement activities. One participant said:

*Why do you think there is no other standard adoption (besides government regulations)? Because there are no consequences, there are no sanctions. For example, in terms of price arrangements between hotel classes, the agreed room rates were not obeyed. What happened then was that the hotels had prices that did not match their class. (The point is) because there are no consequences. (NSX1)*

## 6.7. Summary

This chapter has explored the hotels' perspectives on compliance and their efforts to respect the human right to water. Three major themes have been discussed. The first is the lack of voluntary adoption of water stewardship. Second is that most of the hotels are not required to perform rigorous environmental impact assessments. The third is regarding hotel water management, including the lack of measurement and management of water data.

All the themes above are linked to multiple challenging factors such as limited staff capacity, and shortcomings in accessing information/guidance on water stewardship. Moreover, despite a basic understanding of environmental sustainability, the actual application to water stewardship and respecting the human right to water is limited. Meanwhile, hotel proliferation and competition compound the challenges faced by the hoteliers. This brings more pressure for hoteliers to focus on squeezing some level of profit rather than improving their environmental responsibilities. As such, robust and clear directives via enforceable government regulations are necessary if hotels are to fulfil their responsibility to respect and protect the human right to water.



## Chapter 7. “Build Wells, Not Hotels”: The Community Struggle to Reclaim Their Right to Water.

### 7.1. Introduction

This chapter presents the actions taken by local communities to tackle water disputes with hotels. The findings presented in this chapter are derived from primary data such as interviews with community organization representatives and local NGOs, data drawn from observations of community organizations and NGO meetings, as well as a focus group discussion with government, hotel and community representatives. In addition, relevant secondary sources such as on-line media reports, community and NGO reports and archives provide supporting information.

This chapter will show that the various efforts made by Yogyakarta residents including those directly impacted by hotels’ water use, concerned outsiders, academics, etc. relate to the struggle to reclaim their right to water amidst the proliferation of hotels in Yogyakarta. These efforts include protests, campaigns, coalition building, lodging formal complaints, lawsuits, research, and community capacity building. These efforts to reclaim the rights to water are interconnected with the struggle for the right to participate in decision-making about water governance and the course of tourism development. After all, as discussed in Chapter Two, meaningful participation is one of the key principles of the human right to water.

### 7.2. Protests and Campaigns

*“Social advocacy, like campaigning (is one thing we can do), because the government will act when the people give attention to an issue. The power of the people is important to us.” (Interview, XYZ 4).*

On Wednesday morning, 6 August 2014, a Yogyakarta resident, Dodok Putra Bangsa, held a personal protest in front of a hotel on Kusumanegara Street, Yogyakarta. Dodok showered himself with sand to illustrate the impact of the drought that he and other residents living adjacent to the hotel were experiencing. *“For decades, the wells of Miliran (a district in Yogyakarta) residents have never been dry, including during long droughts. However, in the last two months, our wells have been dry. We suspect this has something to do with the activities of the hotel here”* (Wijoyono, 2017).

Figure 7.1. Sand Bathing Protest



Source: Empowered Citizens member archives

*"We at Empowered Citizens have a lot of support. But Empowered Citizens should not be considered a formal organization. But it has a voice in Yogyakarta. (Interview, XYZ 3)*

Dodok's protest marked the beginning of a community movement that raised awareness of water problems in relation to hotels in Yogyakarta. Dodok was not alone; his protest took place in coordination with various members of society such as academics, activists, journalists, artists and environmental/community organizations. As a group, they call themselves Empowered Citizens. Empowered Citizens is an open forum for citizens and anyone who supports the principles and practices of sustainable and equitable development in Yogyakarta (Warga Berdaya, no date).

Improving environmental conditions through the development of a critical understanding in the community is the ultimate goal of this movement. The group emphasizes creativity, positive initiatives, and peaceful protests such as Dodok's, carried out by residents who live in Yogyakarta. The emergence of the movement can be seen as a form of growing citizen democratic awareness,

as well as an effort toward pushing for a new social policy formulation. The movement initiated by the Empowered Citizens succeeded in triggering a number of projects, ranging from lecture assignments to dissertations, from series of discussions to the creation of art works as will be discussed below. All of those responses are expected to resonate across generations that can strengthen the message about the empowerment of citizens to face the threat of change that is now happening in Yogyakarta.

Protests have been taking place in Yogyakarta since 2014. Protests mainly take place in front of the Yogyakarta city government office compound. Progressing from his initial protest, in February 2016, Dodok performed another bathing ritual protest, this time based on a Javanese tradition, to illustrate soul cleansing, for government leaders. Further, in May 2018, another protest in the form of a traditional dance was performed. The latest was carried out in January 2019. Again, Dodok Putra Bangsa, representing Yogyakarta's Empowered Citizens, performed a ritual to expel evil and negative auras from the government office compound. This action took place to express disappointment over a policy made by the mayor of Yogyakarta which revoked the hotel permit moratorium (Somad, 2019).

Since Empowered Citizens began in February 2013, they have actively criticized various government policies that promote the massive development of hotels in Yogyakarta. In addition to protests, Empowered Citizens, in collaboration with Watchdoc (a documentary production organisation) have also produced a documentary film titled “Belakang Hotel” (translation: Behind the Hotel) (Watchdoc, 2014a). The film depicts how the residents of Miliran district seek water from neighbours or nearby markets for daily household needs, such as cooking and bathing, because their wells dried up after a hotel began operating near their community. This film was chosen by the media to raise awareness and bring together more people, both those affected by hotel development and those who want to contribute to Empowered Citizens. The film was screened in various community forums and also on campuses. The film screening was an effort to encourage the active involvement of citizens and anyone who had a concern for the conservation and fair use of environmental resources.

Besides the documentary films and screenings, the Empowered Citizens group also collaborated with arts organizations such as the Indonesian Visual Arts Archive (IVAA) and the Anti-Tank project in producing murals and posters using slogans such as "Yogja Asat" (meaning "Yogyakarta is drying up" in Javanese) and “Yogja ora di dol” (meaning “Yogyakarta is not for

sale” in Javanese). The murals and posters were a form of expression of the people who are experiencing drought as a result of the extensive construction of hotels in Yogyakarta. In the official release of the mural documentation, it was stated that the mural painting was an expression of the people's resistance to the construction of hotels through works of street art that brought voices of citizens' empowerment to the government and to greedy capital owners (IVAA, 2014). The murals proclaim, "Build wells, not hotels" and "Water = life". These murals were painted in 2014 under the Kewek bridge located in the central area of Yogyakarta city. There were two murals on each side of the bridge walls. Today, "Yogja Asat" and “Yogja ora di dol” murals no longer exist because murals for other campaign purposes or advertisements have been painted over the same spot.

Figure 7.2. Yogya Asat Murals



Source: Anti-Tank archives



Source: IVAA archives

Since 2014, the Yogya Asat slogan has been spread using on-line social media such as Twitter (#YogjaAsat). In December 2019, #YogjaAsat was being used to respond to instructions given by the regional water provider (PDAM) for residents north of Yogyakarta. Residents were instructed to start storing their own water due to high intensity use by hotels and shopping malls. Using Twitter, Empowered Citizens members and sympathizers lambasted the instruction, claiming that water services for hotels were being prioritized over water services for residents.

Figure 7.3.

Twitter passages from Empowered Citizens members quoting the PDAM instruction



In addition to the campaign methods discussed above, an art exhibition titled “Yogja is not for sale” spread their message. In 2019, a number of artists and students joined the WALHI ECO-Lab alliance and held an art exhibition. This alliance was initiated by WALHI Yogyakarta which is one of the foremost NGOs raising awareness of environmental impacts, including those from the tourism business. The WALHI ECO-Lab alliance presented various visual art works entitled

"Before all were sold out". The exhibition was created from the observation and documentation of situations in Yogyakarta related to the exploitation of natural resources that have caused various environmental crises. The visualizations used media such as photography, video, and posters. On the south coast of Yogyakarta (Gunung Kidul), for example, a photographer, Anang Saptoto observed how karst hills are shaped for tourism investment projects such as resorts. Meanwhile, Andrew Lumban Gaol, an Anti-Tank artist exhibited a street art collage that illustrated the indifference of investors that displaces poor city dwellers.

Figure 7.4. Andrew Lumban Gaol Street Art\*



\*Usir – Gusur – Dorrr (translation: Evict, Displace, Shoot). Investasi Harga Mati (translation: Investment At All Cost/Investment is the only choice). Source: Author's own.

In the exhibition's opening statement, WALHI asserted that Yogyakarta's community and environment are being threatened by both the mining and tourism industries. The exhibition took place at the WALHI Yogyakarta headquarters. Sadly, there is no available data about the number of visitors. Based on my observation the visitors were mostly university students. Unfortunately, there is no way of evaluating the impact of this exhibition apart from raising public awareness through mass media coverage and publicity (Maharani, 2019).

### 7.3. Partnerships

*"Actually, we are not only fighting for water. All kinds of things started from the land issue. Water and other environmental issues are still haunting the community. If the soil is healthy, the water will be healthy. "(Interview, XYZ 4)*

*"For the context of Yogyakarta, it (advocacy toward social and environmental issues) has been consolidated. We also have fluid alliances where there are NGOs, academics, and (university) students." (Interview XYZ 4).*

There are a number of partner organizations affiliated with the Empowered Citizens activist group. Organizations such as WALHI and the Risk Disaster Mitigation Forum (FPRB) are partners in the discussions on social and environmental issues (Wijoyono, 2017). Collaboration with WALHI focuses on the socio-environmental impact of land conflict and community participation, while the aim of working with the FPRB is to promote a sustainable development paradigm amidst the government tendency to promote mass tourism.

Tourism in particular is of interest for WALHI considering the extraordinary investment in new hotels and resorts. Frequently, these new tourism investments ignore protected and disaster-prone areas, and they remove the community's land and green spaces which then jeopardizes the community's livelihood. At Watu Kodok beach, for example, residents who sustain their livelihood around the coast were asked to step aside by investors. The reason was because the beach was privately owned and would be developed into an exclusive resort. As such, the residents could not continue their business that had been done for generations (Apriando, 2016). Ownership of coastal land by investors also occurs in other areas. Currently, investors in Seruni Beach have established a grand resort with an area of 20 hectares complete with a hotel building and a beachside gazebo (Ferri, 2018). WALHI also highlighted the impacts of tourism on water, and the intensification of air pollution in several Yogyakarta regions (Pranyoto, 2016; Wardhani, 2020).

Another NGO/community organization affiliated with the Empowered Citizens movement is FKWA (Winongo River Community Forum). FKWA is an important player in the governance of water in Yogyakarta. It consists of people highly committed to advocating for and educating the community along the riverbanks. The surface water sources, rivers and springs are important for the community. As such, FKWA focuses on issues of surface water management, especially in the face of the population and residence growth as well as hotels' water use. Key members of FKWA come from various backgrounds: ex-NGO members, corporation employees, and independent

consultants. FKWA is very active in mediating between the community and other key stakeholders. They are also allied with the FPRB and WALHI. One informant said:

*For the advocacy process there is a duty to shout out firmly. But sometimes we are not ready since we are lacking data, and we have to seriously work on that. Here is where our academic alliance comes to play, after that we will shout (based on data). So, this is our strength. (Interview, XYZ 1)*

There are two approaches to partnership between organizations and individuals. The first one is a tactical approach, focusing on knowledge sharing based on expertise or the research foci of an institution or individual. This form of partnership emphasizes the provision of assessments and evidence for advocacy through research and investigation, typically conducted with academics, journalists and institutions that have research resources and databases available to them (XYZ 4).

The second is a strategic approach, focusing on a long-term commitment to advocacy. This means that issues at hand are imminent and require durability such as dealing with hoteliers, government representatives, and judicial courts, as well as increasing awareness and the participatory abilities of citizens. This form of partnership is typically carried out with institutions that specialize in assisting with lawsuits, such as the Yogyakarta Legal Aid Institution (LBH), and other grassroots organizations dedicated to developing capacity building/training for the community, such as FKWA.

*Actually, WALHI's big vision is to recall the government's duties, especially regarding the right to a healthy environment which is related to the right to water ... but don't let WALHI take the responsibility of the state. It's been more than 30 years. This means that the government is not really serious about strengthening the capacity of citizens. (Interview, XYZ 4)*

I observed some instances of partnership between the Yogyakarta government and an organization such as FKWA, for example, in arranging green open spaces along the banks of the Winongo River (Admin Warta, 2016). However, organizations like WALHI do not want to take over the government's role. WALHI is more inclined to take a position as a force for community advocacy and as a watchdog of the government. Currently, there is an ongoing debate about whether WALHI needs to expand its work through structural political channels by establishing a green party (Hajiji, 2019). Meanwhile, for the first time, through this study, the FPRB has been able to reach out to the hoteliers to participate in a forum together with the government and the



community in discussing hotel water use impacts and water stewardship. I discuss this multi-stakeholder's forum further in Chapter Nine.

#### 7.4. Formal Complaints

*"Almost all residents, if complaining to the Independent Monitoring Forum (FORPI), the problem is about water." (Interview, ABXC 6)*

In addition to protests and campaigns, various community groups have also submitted formal complaints. One of the complaint channels available is through FORPI, a quasi-governmental agency responsible for monitoring government programs. Aside from the complaints from the residents of Miliran, there were also other complaints related to water and hotels. One of them is from the people in Jetis, a sub-district in Yogyakarta city. They reported that dozens of residents' wells have dried up. According to representatives of the community, they had never experienced a drought but they suddenly found that the water in their wells had decreased drastically "even though the wells have been deepened to a depth of 16-20 metres" (Wicaksono, 2014a). A new hotel in their neighbourhood was immediately suspected to be the cause of the decline in the water levels of wells. The residents were not informed or involved throughout the hotel development process, and the community lacked the knowledge about hotel water use and management. As a participant from FORPI said:

*"Sometimes the community does not understand (the hotel) permit (procedure). The complaint came after the building permit was published. That can't be cancelled". (Interview, ABXC 6)*

According to FORPI, there were a significant number of complaints related to hotel development, particularly in relation to socio-environmental impacts. Several complaints came after the construction permit had already been issued. FORPI then highlighted that often the community did not understand about the hotels permit procedures. Many times, formal complaints came after the building permit was published, and could not be cancelled. Hence, with regards to water related complaints, the community could only request and coordinate with the environmental agency to perform a pumping test of the hotel's well; a procedure to assess the impact of hotel well water use, which would, in some cases provide evidence that there was a water deficit in the residents' wells (Interview, ABXC 6).

## 7.5. Litigation

*Our argument is that there has been legal smuggling. Because the rules used are not in accordance with the rules of judicial consideration and are not in line with the law above. (Interview, XYZ 5).*

In addition to formal complaints, a lawsuit has also been filed against a condotel in Sleman Regency. A condotel is an establishment that sits between apartments and hotels. The units are ordinarily independently owned, and the proprietors have the choice of placing their unit within the hotel's rental program where it is leased out like a hotel room to paying visitors. The lawsuit was conducted by residents of Karangwuni District in collaboration with the Yogyakarta legal aid institute as their legal representative. The lawsuit was filed on Human Rights Day (10th December 2015) in order to highlight that the community's struggle for a good and healthy environment was tied to their human rights (Apriando, 2015).

There were three core arguments put forward in the lawsuit. First, the environmental permits that should have been issued at the planning stage were only issued at the time of construction. This was seen by LBH as being not in accordance with the Environmental Law 2009. As discussed in Chapter Five (section 5.7), Environmental Law 2009 clearly states that environmental permits are based on environmental impact assessments or UKL-UPL at the planning stage. Second, the environmental permit was not issued by the appropriate authorities since it was granted by the Sleman Environment Agency (BLH). In the process of issuing environmental permits, the BLH is only authorized to provide recommendations and inspect UKL-UPL. The authority of the environmental permit should be granted by the regent (a higher level of authority). Third, the determination of the basic building coefficient (KDB) requirements was not based on zoning regulations as described in the detailed plan of spatial planning (Apriando, 2015). The results of the LBH verification found that the KDB was not 40% of the 1,660 m<sup>2</sup> land area as claimed in the development planning document, but rather 70%. This exceeded the limit in the land use permit and were it allowed to be violated, it would have an impact on reducing water catchment areas. Despite all the legal arguments brought to the (administrative) court, both at the first and second degree, the lawsuit was rejected on the basis of a legal technicality (Mahkamah Agung, 2016).

*What has not been implemented properly is law enforcement. Environmental permits regulate various terms and conditions. These conditions are often violated. (Interview, XYZ 5).*

Furthermore, the LBH argued that there are tendencies to avoid the AMDAL environmental impact assessment among hoteliers by disregarding some of the AMDAL prerequisites, such as the total building area. As stated by a LBH staff member, “*in the (Condotel) UKL-UPL document the building area is stated to be 9,661.2 square meters. After we examined and verified it, it turned out to exceed 10,000 square meters. This means that buildings exceeding 10,000 m<sup>2</sup> are subject to AMDAL*” (Apriando, 2015). The tendency to avoid the AMDAL requirements is arguably to circumvent a long and costly impact analysis process that includes active community participation throughout the process (XYZ 5). Overall, the LBH highlighted a lack of law enforcement as a source of hotel development problems in Yogyakarta. The LBH also stressed that the main task of the government is to control hotel development via permit agencies and manage the development via spatial zoning.

## 7.6. Research

The activism movement that has been built by civil society still faces the problem of limited accountable and accurate data as the basis for building public claims. As revealed in the focus group discussion held by IIS (an academic organization that tackles the water security agenda in Yogyakarta), the limitations of the data mainly apply to issues of the availability, demand, and accurate distribution of water sources. Mapping at the grassroots level is still difficult because at the community level the data mobilization capacity is still very weak. Meanwhile, a top-down culture in public information circulation is still very dominant, so that public data is still difficult for the general public to access. The top-down situation therefore leads to elitism in information systems related to water management (Hapsari and Nurshafira, 2017). As experienced by one of the Empowered Citizens members, the Permit and Licensing agency has neglected requests for data on environmental permits and hotel construction (Wijoyono, 2017).

Against such a backdrop, research is one of the efforts undertaken by Empowered Citizens and the FPRB together with citizen representatives. Using a participatory action research approach, they surveyed the groundwater levels by measuring the residents' wells. The measured data parameters were:

- coordinates of the location and elevation of shallow wells from sea levels
- height of the well's edge
- diameter of the well's hole

- height of the groundwater level from the well's edge
- depth of the well from the well's edge

Based on groundwater level data obtained in the field, the water level was then calculated against the ground level elevation. This data was then compared with historical data of wells that have been deepened, in order to understand changes in groundwater level.

The survey was conducted for the first time in 2016 in the Karangwuni area as part of a data-based advocacy effort. From the measurement results, it was determined that there was indeed a groundwater anomaly in the region. This anomaly was clearly seen from the cross section of the residents' wells and in 3D using ArcGIS software. The data shows that there has been a significant decrease in groundwater level, up to 8 meters in some areas, due to the use of shallow wells by the hotels which have been operating for decades. The causality is determined by seeing the location of cones of depression (a generally concentric pattern of water table drawdown, (Schreiber, 1998)) that are centred at the hotels' location. Besides hotels, boarding houses also contribute to the decline in groundwater levels (Nugroho, Kusumayudha and Paripurno, 2016).

The second survey was conducted in 2019 in the Jongkang Region, Sleman Regency. This survey was conducted at the request of concerned residents due to hotel operations in their neighbourhood. From the measurement results, it was found that an anomaly had occurred not only directly related to the hotels' use of water but also related to the increasing density of settlements, and other types of water use such as boarding houses and poultry farms.

Figure 7.5. FPRB groundwater surface level survey



Source: FPRB archives

Based on the findings, the FPRB proposed that the government be stricter in granting hotels development permits and methodically include the community in approving and monitoring hotels groundwater use. Moreover, the FPRB also suggested that the government increase its efforts in assuring that all groundwater users are having infiltration wells according to the quantity of their water use. In addition, they also recommend further water advocacy and education programmes for the community. Study findings were disseminated at a focus group discussion attended by government representatives, hotel association members, hotel water managers, community representatives, and the researcher (multi-stakeholder's focus group, Chapter Nine section 9.4.1).

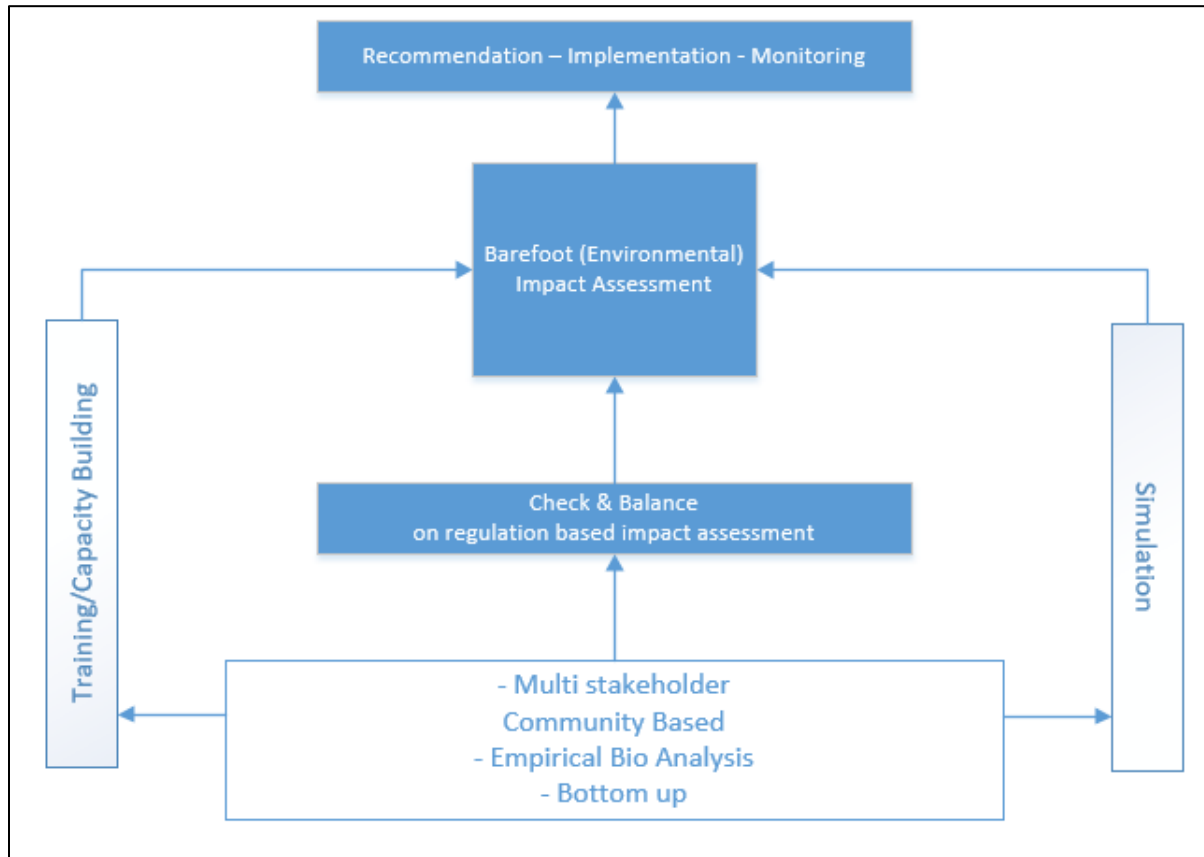
## 7.7. Capacity Building

*We try to strengthen the community's capacity. For example, with barefoot environmental impact assessments, a term to indicate that environmental impact assessments are not only performed formally by people with shoes but can also be done by people who live in the area. So citizens must also be able to analyse the effects of development around them. (XYZ 4).*

To address large scale hotel construction and the environmental impact it has caused, there have been efforts made by a coalition of civil societies in Yogyakarta to collectively increase the capacity of citizens. This is seen as strategic considering the socio-political context of the problem, in this case the lack of meaningful citizen participation.

One effort made to strengthen the capacity of citizens is through training. WALHI and FKWA cooperated in conducting a barefoot environmental impact assessment training, which emphasized the need for community participation in performing impact assessments. This kind of impact assessment adopted a participatory approach and employed empirical bio-analysis in the surrounding community. Bio monitoring itself is an assessment focused on the biodiversity of the natural environment. In this regard, water is seen not only as being for human consumption but also for the needs of other species. Bio monitoring is also more affordable in comparison to laboratory testing. Moreover, community-based impact assessments cover the lack of an environmental impact analysis of a development, or become a check and balance process for a regulation-based impact assessment which has been poorly conducted.

Figure 7.6. Conceptual framework of barefoot environmental impact assessment



Barefoot EIA training was carried out simply and in collaboration with individuals and organizations who have expertise on a variety of topics related to AMDAL. Training was attended by community members of various ages and backgrounds. The material covered included: disaster and development, the role of the community in AMDAL, AMDAL law, bio monitoring, participatory action research, and negotiation and conflict resolution. The training included simulation and bio-monitoring practices.

## 7.8. Dry Yogya Campaign as a Human Right to Water Struggle

*I keep reminding myself that we might never win (for now). Later generations will. If I think that we could win now, I must be crazy. I throw away the word victory. (XYZ 3)*

Hotel development, according to Empowered Citizens, has a detrimental impact on the environment, causing issues such as water depletion, degradation of water quality, and loss of public space, including green space, in Yogyakarta (Wijoyono, 2017). Meanwhile, the majority of

community water comes from groundwater sources (shallow wells). Water from PDAM (the municipal water provider) is still not accessible and is deemed unaffordable. At the same time, the groundwater quality is inconsistent, and extra efforts such as filtering or boiling are needed to make the water safe. As stated by a Yogyakarta resident at a community meeting, *"We experienced drought during the dry season, flooding and murky water during the rainy season"* (Observation, community meeting March 2019).

Since the first protest carried out by Empowered Citizens there have been a variety of follow-up efforts from various community groups to call on citizens' disappointment over their access (right) to water. These various efforts include protests, campaigns, coalition building, formal complaints, lawsuits, research, and collective capacity building training sessions. As encapsulated in the "Yogya Asat" slogan, the various efforts were carried out in order to reclaim their right to water which is interconnected with the struggle for the right to participate in decision making about water management and tourism development. As such, the "Yogya Asat" campaign has been transformed into a civic movement calling for greater water equity and the right to participate regarding (tourism) development decision making.

Various thoughts and solutions are continuously encouraged by the movement of Empowered Citizens through the process of critical education to the public, in particular, regarding spatial planning and the environmental impact monitoring that is held in villages/districts and campuses throughout Yogyakarta. The strategy is considered successful in strengthening networks between residents across villages. The "Yogja Asat" campaign was one of the opening points of communication to explore all the problems and solutions as a common interest of citizens in Yogyakarta. In fact, in its early days, the "Yogja Asat" campaign succeeded in making the government carry out investigations and legal actions related to violations of the use of groundwater by several hotels (see section 5.8.4.3).

However, at the same time, existing community and organizational initiatives have been sporadic. Although many efforts have been made in which activism can be identified, these efforts have not been well coordinated. The circulation of information about what has been and is being done by various communities and organizations is currently very limited, making it difficult to consolidate. Despite having several interesting ideas from the community in relation to tourism development hinging on the idea of sustainability, the status "Yogja Asat" as a movement in

Yogyakarta is stagnating. There were signs of frustration in dealing with the government and hotels, while meaningful community participation is still lacking.

## 7.9. Summary

We can appreciate that, corresponding to the extensive hotel development, various efforts have been made by various community groups, NGOs and concerned citizens in the struggle for water equity. Furthermore, this chapter has revealed that these various efforts were linked to the absence of a thorough impact analysis involving citizen participation (Chapter Five and Six). As a result, various community groups, NGOs and concerned citizens carried out an alternative impact analysis in order to obtain data as the basis for building public claims. This finding corresponds to the fact that the majority of hotels in Yogyakarta do not carry out an AMDAL (environmental impact assessment), which requires comprehensive community involvement (Chapter Six section 6.3). Although it seems to be facing stagnation, the struggle for water equity initiated by Empowered Citizens is continuing. Chapter Nine discusses the on-going trajectory of community efforts in tackling the tensions arising regarding water use between hotels and the community, including some potential future actions.



## Chapter 8. Hotels and the Responsibility to Respect the Human Right to Water: A Multi-Stakeholders Socio-Legal Analysis.

### 8.1. Introduction

This chapter presents a socio-legal analysis of the research findings. The socio-legal study critically assesses the interplay between law in books and law in action concerning the responsibility of hotels to respect the human right to water (HRW). Central to the discussion are the laws set out fully in Chapter Five, along with the findings discussed in Chapters Six and Seven. Below, Table 8.1 lists all the laws and regulations that I presented in Chapter Five.

Table 8.1 Legal framework related to hotels and water use

<b>Laws/Regulations</b>	<b>Level</b>
Water Resource Law 17/2019	National
Tourism Law 10/2009	National
Hotels Regulation 53/2013	National
Environmental Law 32/2009	National
Environmental Permit Regulation 27/2012	National
Yogyakarta Provincial Regulation 5/2012	Provincial

There are three main parts to this chapter. First, an evaluation of the law related to hotels and water management against the HRW-BHR framework set out in Chapter Two (section 2.9). This sheds light on the HRW and BHR principles that are enshrined in the legal framework discussed in Chapter Five (section 5.3 to 5.8). Second, a discussion of the HRW and BHR framework with regard to operating procedures and law enforcement discussed in Chapters Five (section 5.8.4), Chapter Six (section 6.2 to 6.4) and Chapter Seven (section 7.4 and 7.5). This section shows that the existing HRW and BHR legal provisions are both inadequate in their provisions and problematic in their application.

Finally, the third part presents a cross-examination between the law in books and law in action. This section brings about insight and understanding concerning hotels' responsibility in respecting the human rights to water (HRW) in Yogyakarta. I conclude that suggesting that hotels respect the HRW is not straightforward. The need for robust and responsive legal frameworks is

apparent given the evidence that the legislative-regulation framework is a determining factor for hotels to adopt the HRW-BHR approach. In addition, suggesting the HRW-BHR framework for hotels requires both political will and good governance in a way that enables meaningful community participation.

## 8.2. Evaluating the Hotels and Water Legal Framework from an HRW-BHR Perspective

### 8.2.1. Clear Expectation to Respect the HRW

As discussed in Chapter Two (section 2.2.1), the government is the primary entity responsible for the realization and protection of the HRW. The government holds the most power when it comes to managing fresh water in an equal, effective, and long-term manner (Andreen, 2011; Bohoslavsky, Martín and Justo, 2015). In essence, addressing the HRW is only as good as the government's word and governance approach (Brooks, 2007).

Within the HRW-BHR framework, one of the government's obligations in governing fresh water is to set forth a regulatory framework that could fulfil and protect the HRW, which includes protection against third parties such as hotels or other businesses (Noble et al., 2012). As such, the government needs to put in place a clear legal framework to ensure that the right to water is fulfilled and protected. The designated laws, regulations, and policies pertinent to water and hotel businesses need to set out a clear expectation that all hotel operators within a government's jurisdiction should respect the HRW.

#### 8.2.1.1. Water Resource Law 17/2019

Based on the findings discussed in Chapter Five (section 5.3), the existing umbrella legislation on Water in Indonesia (Water Resource Law 2019) specifically recognizes the HRW and provides a sufficient foundation for businesses to respect the HRW. As stipulated in Article 6, the state guarantees the people's right to water to meet the minimum daily basic needs for a healthy and clean life with sufficient quantity, good quality, and safe, sustainable, and affordable water. Moreover, as part of the obligation to obtain permission to use water for business purposes, businesses are required not to interfere with, nor negate the people's right to water (Article 46.1). These particular articles came into being arguably mainly to deflect criticisms related to the bottled drinking water industry that utilizes water sources on an industrial scale. This often conflicts with the needs of local communities (Kamala, 2015; Solidaritas Perempuan, 2019). The provision in

Article 46.1 applies to every type and scale of business, including hotels (Chapter Five section 5.6).

Under the notion that water is a public good, Water Resource Law 2019 underscores the principle that water cannot be owned and/or controlled by individuals, community groups or business entities (Article 7). This means that the use of water for business purposes must fulfil administrative requirements at the provincial level government including obtaining approval from representatives of community groups around the location of the water source that will be used for business activities (Chapter Five section 5.4). In sum, the Water Resource Law 2019 places the government and public in the principal roles in ensuring that business water use does not negate the HRW. However, as further discussed below, by law, full community involvement in ensuring that business water use does not negate the HRW is limited to the AMDAL mechanism (section 8.2.2). Meanwhile, at the Yogyakarta province level, the government's role in controlling hotel water use is constrained by the number of staff available amidst the government's plan to boost tourism businesses.

#### 8.2.1.2. Tourism Law 10/2009

Unlike the Water Resource Law 2019, tourism legislation (Tourism Law 2009) does not explicitly state the obligations of tourism businesses to respect the right to water. The obligation of businesses to respect the human right to water in the Tourism Law 2009 can only be inferred from Article 5(b), which states that tourism is carried out with the principle of upholding human rights, and Article 26 regarding the obligation of tourism businesses to refrain from violating the law in their operating area. In other words, the obligation of tourism businesses to respect the HRW is not explicit in Tourism Law 2009, and only applies on condition that there are laws that specifically make it mandatory (see Chapter Five section 5.5).

In addition, in Chapter Five (section 5.5), I argue that the term “human rights” in article 5(b) at the very least covers the accepted human rights such as those enshrined in the Indonesia Constitution and national laws, including the HRW in Water Resource Law 2019. This argument is justified since the Constitution and national laws provide a legal reference for the protection of human rights as Indonesia's two highest orders of regulation. Meanwhile, the only instances when the term “rights” is elaborated in Tourism Law 2009 is in Article 19.2 regarding the rights of local people i.e. the right to work, and the right to take part in managing a tourist destination. Ironically, in Article 21, provisions for tourist and business rights are more detailed, emphasizing the right of

tourists to receive excellent service, and rights to legal protections and facilities according to law. The fact that Tourism Law 2009 foregrounds the rights of tourists, and underplays the protection of and fulfilment of local community rights, corresponds with the idea that the customer is king, an idea promoted by the United Nation World Tourism Organization (UNWTO) (Castañeda, 2012).

Moreover, Tourism Law 2009 explicitly recognizes the right to travel, which is postulated as a basic right derived from the right to free time and the right to travel freely (Article 19). However, this emphasis on the right to travel as part of human rights is problematic. It is entangled with global tourism business interests and ignores the fundamental meaning of the human right to travel freely. Critics have raised concerns that the ease of mobility of tourists greatly contrasts with the movements of less affluent people that may be limited by prejudice, xenophobia and stringent border controls in different ways (Bianchi, Stephenson and Hannam, 2020). In addition, the 'right to tourism and freedom of tourist movements' is defined within the 'private enterprise and free trade' organizing system (UNWTO, 1999). In other words, tourism's designation as a right is not ornamental; rather it has priorities that are political and economic. As such, tourism as a human right is criticized as a frivolous claim that has been co-opted by neoliberal logic where the construction of the argument is proposed to uphold corporate freedom to benefit from tourist mobility (Gascón, 2019).

In that regard, business interests in Tourism Law 2009 are clearly expressed in Article 21, which specifically explains the rights of a tourism business. In addition, Article 50 recommends that the tourism businesses form associations as a channel of partnership with the government and to prevent unfair competition. In terms of obligations, the emphasis is on optimizing service quality and multiplying economic benefits. Overall, Tourism Law 2009 exemplifies the conceptualization of tourism in Indonesia as an industry wherein the expected positive contributions from tourism come from foreign exchange earnings, in government revenues, in generating employment and in regional development (Mason, 2008) (see also Chapter Three section 3.2.2).

The differences in articulating business obligations towards respecting the right to water in Water Resource Law 2019 and Tourism Law 2009 are arguably due to the different influences and backgrounds in their preparation. As discussed in Chapter Five (section 5.3), the birth of Water Resource Law 2019 was based on the Constitutional Court's decision (MKRI, 2015). Two of the decision's key points (MKRI, 2015, section 3.26) are: Article 33 of the Indonesian constitution

affirms that water is a public good, and business water use cannot be interpreted as the right to possess water sources. Moreover, the Constitutional Court ruled that the future Water Law must entail firmer stipulation on the public status of water, human rights to water, and the protection of the rights to water from private actors in terms of water utilization (Kamala, 2015). In other words, criticism from various groups against the previous water law - carried out through two judicial review processes in the Indonesian Constitutional Court - succeeded in encouraging legal reforms that reinforce business expectations to respect human rights.<sup>5</sup>

By contrast, Tourism Law 2009, which received minimal critical attention, is dominated by the government's vision of boosting tourism development all over Indonesia. Prior to passing Tourism Law 2009, Indonesia lacked an overarching and up to date tourism law. The previous Tourism Law 1990 was limited to the establishment of several aspects of the tourism industry (role and definition). As such, Tourism Law 2009 emphasizes planning, development, and tourism marketing by placing tourism businesses and associations as two key actors alongside the government. Consequently, the expectation for all tourism businesses to respect the HRW can only be found by implication in Articles 5(b) and 26.

#### 8.2.1.3. Hotel Regulation 53/2013

As a business that utilises a significant amount of water, it is fair to expect hotels to be included among the businesses governed by the Water Resource Law 2019. Accordingly, I have reviewed Hotel Regulation 2013 in Chapter Five (section 5.6). It is the only statutory regulation directly governing the hotel industry that is compliant with Tourism Law 2009. As explored in Chapter Five (section 5.6), Hotels Regulation 2013 focuses on standardising hotels' products, services, and management (Article 5). These product and service elements are dedicated solely to meeting tourist satisfaction, by setting out standardised criteria such as: accommodation facilities, food and beverages services, and other facilities (Hotels Regulation 2013 Appendix I.A). Meanwhile, the

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<sup>5</sup> Water activists, scholars, and NGOs have been raising concerns regarding the 2004 Water Law since the early stages of its development. The first thing that immediately drew their attention was that by using the term "resources", the 2004 Water Law echoes the government perspective on water, in which water is seen as a commodity. Furthermore, the 2004 Water Law has been criticized as having bias toward business interests and failing to represent the true interests of the people (Susilo et al., 2016). This critique followed the increasing number of people that are getting more dependent on packaged (bottled) water while the number of protected water sources is simultaneously decreasing (Interview ABX 11, (Gerintya, 2018). The objections raised by water activists, scholars, and NGOs against the 2004 Water Law were set out in two judicial review processes in the Indonesian Constitutional Court. The process began in 2004 and was followed by constitutional lawsuits in 2005 and 2013.

management element, which is defined as a hotel governance system in carrying out all activities for the achievement of business objectives, does not specifically articulate the word rights, or responsibilities. Rather, hotel management elements only provide a number of checklists to tick in order for a hotel to acquire certain class criteria such: as having a collective working contract with the union, having an employee health inspection program, and maintaining sanitation, hygiene and the environment (Hotels Regulation 2013 Appendix I.A). As such, in a similar vein to Tourism Law 2009, Hotel Regulations 2013 also display a focus on ensuring tourists' rights.

Conversely, Hotel Regulation 2013 does not clearly stipulate hotels' business responsibility to respect the HRW (or even human rights in general). Instead, made up of twenty-two articles and three baseline elements (product, service, and management), the expectation for hotel businesses to respect human rights in Hotel Regulations 2013 can only be inferred in some parts of the management element regarding workers and community rights. Meanwhile, the only entry point to interpret the hotels responsibility to respect the HRW is by connecting (one of) the hotel business objective in protecting the community (Article 2) with the requirement to preserve the environment in the management element (Hotels Regulation 2013 Appendix I.A.24). In this regard, I would argue that the hotel business responsibility to preserve the environment corresponds to the obligation to respect the community's right to a healthy environment and implies the responsibility to respect the HRW. This argument is based on the premise that environmental damage can and does infringe the full enjoyment of the HRW (Knox, 2015). Put differently, access to safe sufficient water is a precondition of a healthy environment, and hotel businesses therefore ought to respect the HRW.

Furthermore, it is worth mentioning that Hotel Regulations 2013 require a CSR programme for a three star and above classification as a part of management standards (see Appendix 6). As discussed in Chapter Two (section 2.4.1), the CSR and BHR both acknowledge a business responsibility beyond their shareholders (Deva, 2020). However, the requirement for CSR approaches the business social reasonability from a charity or philanthropic angle and focuses on how businesses can voluntarily contribute to society in return for the social license to operate given to them. In the BHR approach, the business moral imperative towards society is linked to their accountability in doing no harm to the peoples' basic rights through legally binding mechanisms, government oversight, and rigorous due diligence processes (Ramasastry, 2015). In essence, CSR and BHR come from different outlooks toward business responsibility. Thus, although both CSR

and BHR can co-exist, it cannot be argued that having a CSR programme is the same as respecting human rights (Wettstein, 2020).

#### 8.2.1.4. Environmental Law 32/2009 and Environmental Permit Regulation 27/2012

As previously discussed in Chapter Five (section 5.8), hotels' responsibility in respecting the HRW is linked to environmental regulations. In this respect, environmental regulations illuminate how the right of communities to a safe environment as enshrined in the Hotel Regulation 2013 can be upheld. In fact, Environmental Law 2009 acknowledges that a good and healthy environment is the basic right of every citizen (Article 3). The same law also aims to provide a legal foundation for the fulfilment and protection of these rights (Article 3).

However, there is no explicit statement in Environmental Law 2009 that businesses are obliged to respect the HRW. As such, the obligation to respect the HRW within the environmental regulations can only be advocated under the broader term of environmental rights that also cover the rights to water (Knox, 2015). Underpinning this argument is the inextricable link between the right to water and the right to the highest attainable standard of health, enshrined under Article 12(1) of the 1966 Covenant on Civil and Political Rights (McIntyre, 2019). In addition, Gleick (1998) posited that access to water could easily be inferred as a derivative right necessary to comply with both explicit health rights and an adequate standard of living.

Furthermore, environmental regulations require businesses to acquire an environmental permit at the planning stage and maintain regular environmental impact management reporting (Chapter Five section 5.7). Based on the type of business and/or activities, the environmental permit prerequisite is an environmental impact analysis (AMDAL), an environmental management and monitoring effort recommendation (UKL-UPL), or an environmental statement letter (SPPL). The AMDAL provisions are required for all forms of activities that may cause significant impacts on the environment (Environmental Permit Regulation 2012). The existence of environmental permit requirements, in my view, is a form of expectation for businesses (hotels) to respect the HRW. However, as I will discuss later in section 8.2.2, this expectation mainly applies to the AMDAL mechanism. In reality, the majority of the hotels in Yogyakarta are not required to carry out an AMDAL assessment (section 8.3.2).

#### 8.2.1.5. Yogyakarta Provincial Regulation 5/2012

Bearing in mind that the acknowledgment of the business responsibility to respect the HRW is recent, only since the Water Resource Law in 2019, it is unsurprising that the water regulations at the provincial level do not clearly expect hotels, or any business, to respect the HRW. The focus of the current water regulations at the provincial level (Provincial Regulation 5/2012) is to regulate groundwater management. The objective is to maintain a balance between the utilization and the conservation of groundwater. Accordingly, as discussed in Chapter Five (section 5.8.3.1), Provincial Regulation 5/2012 places great emphasis on the technical aspects of groundwater utilisation, which is also the largest water source for the community.

Provincial Regulation 5/2012 does not provide clear stipulations on business obligations. Nevertheless, this regulation places great responsibility on the government in many aspects of groundwater management, ranging from periodically monitoring groundwater conditions, to granting permits to use groundwater for business purposes. Article 20 details the government's obligation to carry out regular monitoring by means of direct observation, recording, and inspection reports. Meanwhile, Article 53 describes the government's obligation to examine technical recommendations for water use and exploitation permits. This means hotel groundwater utilization permits require several administrative and technical provisions (see Chapter Five section 5.8.3.1).

In Provincial Regulation 5/2012, businesses that are granted permission to use groundwater are required to install a water meter at each well, submit a monthly groundwater usage report, build infiltration wells, and implement water sharing or water saving up to 10 percent of the allowed water debit. These obligations enhance the protection of the right to water. However, as discussed further below (section 8.3.4), evidence from the field suggests that the authorized government agencies have limited staff for monitoring hotels' well and water use. On the other hand, the regional water company (PDAM) is still failing to meet the hotel water demand. In the meantime, Yogyakarta residents claimed that water services for hotels are being prioritized over water services for residents and consequently lambasted the PDAM (Chapter Seven section 7.2).

#### 8.2.2. Human Right to Water Impact Assessments and Community Participation

Up to this point, this chapter has shown that Water Resource Law 2019 is the only legislative enactment that clearly gives (hotel) businesses the responsibility to respect the human right to



water. As private entities that use water for business purposes, hotels are required not to interfere, nor negate the people's right to water (section 8.2.1.1). In that regard, as has been explored in Chapter Five (section 5.7), a hotel water use permit is bound to an environmental permit in which a business is required to carry out either an environmental impact assessment (AMDAL), an environmental management and monitoring effort recommendation (UKL-UPL), or an environmental management statement letter (SPPL) before the development phase. Yet, out of those three, as the discussion in Chapter Five has indicated, only an AMDAL assessment includes much of the human right to water impact assessment (HRWIA) components.

As previously discussed in Chapter Two (section 2.9), the second pillar of the GPs underscore businesses' responsibility to implement a due diligence process that incorporates the HRWIA. Key to the HRW-BHR approach, the HRWIA works as a robust, evidence-based process for hotels, or other businesses, to assess their impact on local water supplies, to be able to compare their water use against local and international benchmarks, and to act as the starting point for implementing improved water management. In that regard, as illustrated in table 8.2, the AMDAL assessment is the only environmental permit requirement that covers most of the HRWIA elements. The UKL-UPL requirements are clearly much weaker mechanisms and serve only as a basic analysis or prediction of potential threats for the environment based on secondary data, and are followed by a declaration of what measures are set forth to tackle the threats. Moreover, the SPPL is a mere statement of ability from the person in charge of the business to carry out environmental management and monitoring of environmental impacts.

There are, however, still deficiencies within the AMDAL assessment that need to be addressed in terms of access to remedial action, identification of the cumulative impacts on future water supply, as well as the identification of community structures and the socio-cultural dynamics that affect water availability. The environmental permit, therefore, has the potential to become an entry point for hotels to respect the HRW through (enhancing) the AMDAL procedure.

Table 8.2. Coverage of HRWIA elements in AMDAL, UKL-UPL and SPPL

<b>HRWIA Elements</b>	<b>AMDAL</b>	<b>UKL-UPL</b>	<b>SPPL</b>
• The impact of water use both on quality and quantity of available water supplies	Covered	Limited coverage	Not covered
• Other users being affected	Covered	Limited coverage	Not covered
• The present availability of water access including seasonality	Covered	Limited coverage	Not covered
• The cumulative impact and future water supply (including, for example, deforestation, major other planned developments and climate change)	Limited coverage	Not covered	Not covered
• Community structures and socio-cultural dynamics that affect water availability (including ethnicity, gender, minorities, vulnerable groups and their intersectionality)	Limited coverage	Not covered	Not covered
• Community participation	Covered	Limited coverage	Not covered
• Water efficiency, saving and innovation	Covered	Covered	Covered
• Access to remediation	Not Covered	Not covered	Not covered

Engaging the local community in a meaningful way is an important feature of the HRW-BHR approach to ensure accountability, transparency and openness. Hence, when conducted rigorously together with the community, the HRWIA is a potential tool to enable engagement between hotels and the communities in which they operate. Yet, community participation only meaningfully takes place within the AMDAL mechanism. This is because community representatives must be directly involved in the AMDAL review commission. As stipulated in the Minister of Environment Regulation (MoE) 17/2012, the community representatives include affected communities; the environmentalist community; and communities affected by all forms of decisions in the AMDAL process (Chapter II.A). Meanwhile, in the UKL-UPL, the degree of community involvement is limited to written suggestions, opinions and responses (SPT) or through

an ineffective public consultation process. Thus, in essence, it is only through the AMDAL mechanism that the community is directly involved thoroughly, including in the decision-making process in assessing the HRW impact and remediation (Chapter Five section 5.8).

### 8.2.3. Monitoring, Law Enforcement, and Access to Remedial action

Apart from the due diligence mechanism which includes HRWIA and community participation, there are three other important aspects of the HRW-BHR approach, namely monitoring, law enforcement, and access to remedial action. As two important features of the first pillar of the GPs, the role of monitoring and law enforcement is mandated to the government as the main duty bearer to protect and fulfil human rights (United Nations, 2011). Access to remediation is the main feature of the third pillar of the GPs which requires the availability of appropriate steps to ensure remediation, through judicial, administrative, legislative or other appropriate means (United Nations, 2011).

As illustrated in table 8.3 below, all the regulations that have been discussed affirm the central role of the government, national and local, in monitoring water use both for business purposes and tourism business activities. Tourism Law 2009 in fact has its own statutory regulation (President's Regulation 63/2014) that obliges the government to supervise and control tourism activities in order to prevent and mitigate various negative impacts on the community (Chapter Five section 5.5). Apart from stipulating the role of government supervision, Water Resource Law 2019 also provides for the community to report irregularities in groundwater management, and submit reports and complaints to the competent authority regarding losses resulting from management practices and utilisation (Article 61). Meanwhile Tourism Law 2009 does not provide specific stipulations on the community supervisory role. On the other hand, Provincial Regulation 5/2012 designates the community roles that include participation in the implementation of groundwater conservation; the reporting of irregularities in groundwater management; and provides suggestions for the preparation of a groundwater management plan (Article 63). In Provincial Regulation 5/2012, the business-monitoring role is regulated through a mechanism for reporting the results of groundwater drilling activities as well as the monthly discharge of groundwater use (Article 56).

In terms of sanction and law enforcement, only Water Resource Law 2019 and Provincial Regulation 5/2012 provide penal sanctions involving police authority (Table 8.3). Tourism Law

2009 and Hotel Regulations 53/2013 only stipulate administrative sanctions for tourism businesses that are enforced by the permit issuing agency and are related to the hotels' license. In Tourism Law 2009, penal sanctions only exist for actions that threaten tourist attractions (Article 64). Meanwhile, with the Provincial Regulation 5/2012, there are stipulations for businesses to carry out groundwater recovery, by, among others, making infiltration wells. Groundwater recovery is one of the sanctions for the use of groundwater or exploitation of groundwater without a permit, and failure to fulfil the license holder's obligations stipulated in Article 56.

With regard to remedial action, only Environmental Law 2009 provides a route to a non-judicial as well as a judicial environmental dispute resolution mechanism. In addition, Environmental Permit Regulations 2012 require businesses to provide a guarantee fund for environmental recovery, deposited in a government bank appointed by the Minister, Governor or Regent/Mayor in accordance with their respective authority. Both environmental dispute resolutions and guarantee funds are dedicated to remedial actions due to environmental pollution.

At this point of the discussion, we can see that both Tourism Law 2009 and Hotel Regulations 2013 do not adequately protect community rights in a destination. Although the state's role in overseeing the tourism business activity is grounded in existing laws, Tourism Law 2009 and Hotel Regulations 2013 emphasize the protection of tourism sites and service quality. Meanwhile, Water Resource Law 2019 focuses on providing protection for the community impacted by the construction of dams, embankments, canals and other water resource management infrastructure. That being the case, there is a void in addressing the protection of local community HRW from tourism business such as hotels in terms of access to remedial action.

Table 8.3. Provision of monitoring, law enforcement, and remediation

<b>Law/Regulation</b>	<b>Monitoring</b>	<b>Law Enforcement</b>	<b>Access to Remedial Action</b>
Water Resource Law 17/2019	State Duty is absolute in monitoring all kinds of water use.  Community role: Report irregularities in groundwater management (Article 61)	Police investigator coupled with appointed government official, and water professional to conduct examination of persons or business entities suspected of committing criminal acts on water resources.	Obtain adequate compensation for the losses incurred as a result of the construction of dams, embankments, canals and other water resources

Law/Regulation	Monitoring	Law Enforcement	Access to Remedial Action
		<p>Submitting the results of the investigation to the public prosecutor.</p> <p>Penal Sanction for using Water Resources for business needs without a license:</p> <p>Imprisonment for a minimum of 3 (three) months and a maximum of 6 (six) years.</p> <p>Fine up to 5 billion IDR (<math>\approx</math> 350.000 USD)</p>	<p>management infrastructure. (Article 61)</p>
<p>Tourism Law 10/2009</p>	<p>State duty: Supervise and control tourism activities in order to prevent and overcome various negative impacts for wider society (Article 23)</p> <p>Community role: Not provided</p>	<p>Administrative sanctions in failing to: fulfil business duties in article 26; and to register a tourism business with local governments:</p> <p>a. written warning; b. restrictions on business activities; and c. temporary freezing of business activities</p>	<p>Not provided</p>
<p>Hotel Regulation 53/2013</p>	<p>State duty: The government carries out guidance and supervision in the context of implementing Hotel Business Standards (Article 15).</p> <p>Community role: Not provided</p>	<p>Administrative sanction in failing to have a certificate and meet the requirements of the Hotel Business Standards.</p> <p>a. written warning; b. restrictions on business activities; and c. temporary freezing of business activities</p>	<p>Not provided</p>

<b>Law/Regulation</b>	<b>Monitoring</b>	<b>Law Enforcement</b>	<b>Access to Remedial Action</b>
<p>Provincial Regulation 5/2012</p>	<p>State Duty is absolute in monitoring all kinds of water use (Chapter VI).</p> <p>Community role: Participate in the implementation of groundwater conservation; report irregularities in groundwater management; and provide suggestions for the preparation of a groundwater management plan. (Article 63)</p> <p>Business role is regulated through a mechanism for reporting the results of groundwater drilling activities as well as monthly discharge of groundwater use.</p> <p>In addition, businesses are required to install a water meter on each production well in use; build infiltration wells in predetermined locations; and implement water sharing or water saving schemes (Article 56).</p>	<p>Police investigator coupled with appointed government official, and water professional to conduct examination of persons or business entities suspected of committing criminal acts re water resources. Submitting the results of the investigation to public prosecutor.</p> <p>Drilling and / or excavating groundwater without permission as well as changing the provisions in the permit, can be punished up to 6 (six) months imprisonment or a maximum fine of 50 million IDR (<math>\approx</math> to 3500 USD)</p>	<p>Groundwater recovery is an effort to improve conditions and groundwater environment in order, among others, by making infiltration wells (Article 54).</p>
<p>Environmental Law 32/2009</p>	<p>State Duty is absolute in monitoring and controlling environmental impacts.</p> <p>Community role: Conducting socio-environmental monitoring, inviting suggestions, objections or complaints related to environmental issues (Article 70).</p>	<p>Conducting business or activities without having an environmental permit can be punished with imprisonment for a minimum of 1 (one) year and a maximum of 3 (three) years and a fine of at least one billion IDR (<math>\approx</math> 70.000)</p>	<p>Non judicial as well as judicial environmental dispute resolution covers recovery measures due to pollution / environmental destruction (Article 85 and 87)</p>

Law/Regulation	Monitoring	Law Enforcement	Access to Remedial Action
		USD) and a maximum of three billion IDR ( $\approx$ 210.000 USD). (Article 109 paragraph 1)	
Environmental Permit Regulation 27/2012	Business role: Prepare and submit reports on the implementation of environmental monitoring and management.	In terms of violation of environmental permits, administrative sanctions consist of written warning; government coercion; freezing of environmental permits; or revocation of environmental permits.	For business to provide a guarantee fund for environmental recovery.

### 8.3. The Reality of Hotels and the HRW Based on the Existing Regulations in Yogyakarta

As discussed, the HRW enshrined in Water Resource Law 2019 at the national level, has not yet been passed into the provincial level water regulation. On the other hand, tourism legislation and the regulation of hotels demonstrate the government's commitment to provide the necessary legal basis for promoting the development of tourism, including the improvement of service quality provided by key industries such as hotels. At the same time, the impact analysis necessary for the tourism industry to respect the HRW is restricted only to the AMDAL process, which is bound by the environmental permit regime. Proceeding from the legal evaluation above, the next section will review the existing realities of hotels' water use from the viewpoints of the government, hotels, and the community.

#### 8.3.1. Improper Licensing Process

As discussed in Chapter Three (section 3.3.3), hotels in Yogyakarta have been proliferating since 2014. The government recognized such proliferation as part of the dynamics of tourism development in Yogyakarta with the passing of the Tourism Law that provides a legal basis for expanding tourism destinations and businesses (Wijoyono, 2017). Yogyakarta province was also designated as one of the new priority destinations in the national tourism master plan (Indonesian Tourism Development Project, 2021). From 2019 to 2020, the government spent IDR 8 trillion ( $\approx$

555 million USD) for infrastructure development in five “New Bali” locations, including in Yogyakarta Province (Kencana, 2020). In other words, both central and provincial governments have been planning for Yogyakarta’s accelerated development of infrastructure and its tourism industry, accompanied by increased promotional efforts.

Congruent with national and regional tourism designs, the Yogyakarta government continues to allow the proliferation of hotels operating in Yogyakarta. Hotels’ tax revenue is one of the regional government’s main sources of income and tourism is one of the economic drivers creating a multiplier effect. To facilitate this growth and as part of their strategy to attract investors, the government has simplified hotel construction permits. Convenience is provided through expediting the application for new hotel permits via a single agency (online) submission, and zoning flexibility for locations where new hotels are established (see Chapter Five section 5.8.4.1).

Moreover, in order to support government programs to develop the tourism industry, the licensing and permit agencies need to meet a certain target of granting business permits. In respect of that, as suggested by a government participant, there were instances where they were pressured from above to issue hotel permits (Chapter Five section 5.8.4.1). However, at the same time, there are still unauthorized hotels and their unregulated water use. From a hotelier’s perspective, such a condition is disappointing mainly in terms of price wars and a lack in standardized services for clients, whilst for the community, the existence of unauthorized hotels adds to the struggle for water equity and other socio-environmental problems (Chapter Seven).

### 8.3.2. Regulatory Loopholes in the AMDAL Obligations

As previously discussed in Chapter Five (section 5.8.4.2) and Six (section 6.3), referring to the provisions of land/building area in environmental regulations, only a small proportion of hotels are required to carry out an AMDAL assessment. Meanwhile, most star rated hotels fall into the UKL-UPL or SPPL category, while non-star rated hotels do not require an environmental permit at all. The fact that there are very few hotels that do an AMDAL assessment is a reflection of the regulatory loophole in terms of the responsibility of hotels to respect the HRW. In other words, even though there is a legal basis for impact analyses and environmental permits related to water use, the ease to set up a hotel is not accompanied by a strict impact analysis mechanism and environmental permits.



On the other hand, as discussed in section 8.2.2, there is room for improvement in the AMDAL process so that it can fully accommodate all of the HRWIA elements. In the area of cumulative impact and future water supply, the AMDAL process needs to take into account various aspects that affect water security. These aspects include tourism and other infrastructure developments in other localities, climate change, and deforestation. The AMDAL process also needs to analyse the specific socio-cultural impacts of water use. This is particularly concerned with the impact on vulnerable groups in society and their intersectionality where the result of water disruption can affect people of different genders, ages, social statuses, and economic situations. In addition, the AMDAL process needs to include a remediation clause in case of problems with community water access. For example, a commitment to temporarily shut down hotel activities and their water use while seeking or improving alternative water sources such as rainwater harvesting, grey water optimization/water recycling or desalination.

Furthermore, as discussed in Chapter Seven (section 7.5), there are tendencies to avoid the AMDAL assessment among hoteliers by disregarding some of the AMDAL prerequisites, such as the total building area. The tendency to avoid AMDAL requirements circumvents a long and costly impact analysis process that includes active community participation throughout the process. Meanwhile the lower tiers of environmental permits only require a public announcement of the project and partial resident consent (UKL-UPL, see Chapter Five section 5.7) and the impact assessment of a number of small businesses is absent from the environmental permit regulations (SPPL, see Chapter Five, section 5.7). Consequently, without a comprehensive impact analysis, the growth and licensing of hotels in Yogyakarta does not take into account the various factors that put pressure on water security in the long term.

In addition, the obligation of hotels to use the municipal water supply shows even more unfair priorities. This is because, without considering the ability of PDAM and the growth of community water use, hotel water use of the PDAM supply exacerbates competition for water. As previously mentioned in Chapter Seven (section 7.2), the PDAM has openly asked the public to anticipate water scarcity due to the increasing demand for hotel water during the high tourist season. Using their Twitter account, the PDAM warns its users to start storing water outside peak hours (06-09a.m. and 15-21p.m.). This is because of the high intensity of hotels and shopping malls water use and insufficient PDAM supply capacity (@PDAM Sleman, 7.09a.m. 30 December 2019).

### 8.3.3. Lack of Meaningful Community Participation

The rapid development of hotels in Yogyakarta with minimal impact analysis is directly related to the absence of community involvement. This is because it is only through the AMDAL mechanism that the community is placed as an affected subject with direct access to various impacts information, and is able to participate in assessing and determining the final outcome. As such, the absence of community participation weakens the bargaining position of the community in maintaining their livelihoods. In this regard, participation is related to access and control over the community's right to water as well as their environmental security.

As discussed in Chapter Seven, various community groups have made efforts to voice concerns over the direction of development that are considered unsustainable and detrimental to the powerless community. These efforts include protests, campaigns, coalition building, the lodging of formal complaints, lawsuits, research, and community capacity building. These various efforts in reclaiming the right to water are interconnected with the struggle for the right to participate in decision-making about water governance and the course of tourism or other development. Encapsulated in the slogan “dry Yogya” and “Yogya is not for sale”, the people aimed to voice their opposition toward (tourism) development that disregarded both local community and environment alike. As such, beyond just a matter of water distribution, citizens organized themselves in order to create spaces for active participation. In fact, this study, part of a collaboration with the community group FPRB (Yogyakarta Risk Disaster Mitigation Forum) is intended to support their cause by generating multi-stakeholders’ perspectives on hotels’ responsibility in respecting the HRW as well as future advocacy strategies. The challenge of achieving meaningful local community participation and the on-going trajectory of community efforts in tackling the hotels-community tension with regard to water use is discussed in Chapter Nine.

### 8.3.4. Limited Government Personnel in Monitoring and Enforcing the Law

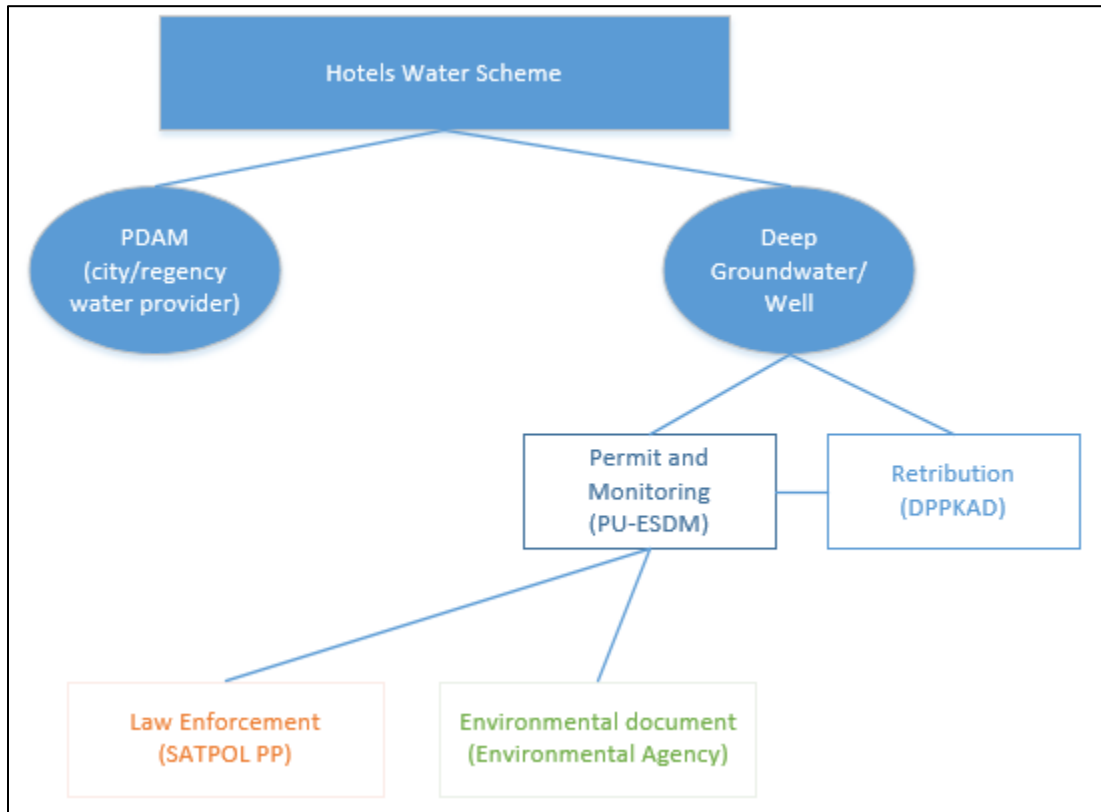
The rapid development of hotels in Yogyakarta has not been matched by the government's ability to assess and supervise existing developments. Yet, the proliferation of hotels in Yogyakarta happens concurrently with the increasing water demands of the public and the changing climate. While that continues, the government has not provided the environmental carrying capacity information as a basis of allowing the new hotel project (see Chapter section 5.8.4.2).

Furthermore, as discussed in Chapters Five (section 5.8.4.3) and Seven (section 7.4), the government tends to be reactive rather than proactive. This is exemplified in what happened in Miliran (among others) where the government's response was only given after community complaints. Meanwhile, a study conducted by the FPRB in Karangwuni district revealed that the government did not consider the generally concentric pattern of water table drawdown in the region as a basis for allowing a new condotel groundwater well. At the same time, the water table drawdown indicated the lack of monitoring toward existing groundwater use since the cone of depression was located adjacent to existing buildings such as hotels and boarding houses (see Chapters Seven section 7.6 and Chapter Nine section 9.4.1).

The lack of control and monitoring of hotels' groundwater well installation and usage is also evidence from hotels that they are still using unlicensed shallow groundwater (see Chapter Six section 6.5.1). Data from the Public Utility agency shows that, as of March 2019, out of a total of 1,773 identified wells, in Yogyakarta province only about 221 groundwater users were licensed (Dinas PU-ESDM, 2019).

As illustrated in Figure 8.1, hotel groundwater use is the only water source that requires a permit and monitoring by the PU-ESDM agency. However, as admitted by the PU-ESDM field officer, there are only five field inspection staff members for the whole province (Chapter Five section 5.8.4.3). Hence, enforcing the regulations regarding hotels water use is constrained by insufficient staff and limited financial support for overseeing and managing the hotel water use data in comparison to the vast number of hotels operating in Yogyakarta (see Chapter Five section 5.8.4.3).

Figure 8.1. Hotels water sources and related government agency



Except for taxation purposes, water use data are not used for other purposes such as evaluating hotels' water use. This shows a difference in motivation, between wanting revenue from water taxes from the regency and calculating water use and recharge. With regard to evidence from other destinations such as Bali (Cole & Brown, 2015), and Labuan Bajo (Cole and Tulis, 2016), the findings from Yogyakarta echo the gap between the government's willingness to promote tourism businesses and its ability to calculate and monitor the socio-environmental impact.

### 8.3.5. Challenges for Hotels to Voluntary Respect the HRW

It is noticeable that from the hotelier's perspective, there are several difficulties in addressing their responsibility to respect the HRW (see Chapter Six). The challenges are a hotel's limited staff capacity and shortcomings in accessing information and guidance on water stewardship. Furthermore, the lower the hotel classification the less the water management, and in these hotels there are no water stewardship measures taken (Chapter Six section 6.5.2). The lack of transparency and management of water data among hotels is problematic. As admitted by a number

of hotel engineers, the water data is not being recorded other than for overhead calculations, and there is not a water sub-meter in every hotel sub-division (Chapter Six section 6.5.1). Correspondingly, there is no systematic effort being made in reducing, recycling and reusing water (Chapter Six section 6.5.3). In fact, in most of the non-star rated hotels, there are no water meters, water use measurements, efforts to reduce water, or impact analyses. Meanwhile, despite there being evidence of water sharing and other water programs as part of hotel's Corporate Social Responsibility (CSR), it is considered an act of charity, rather than an integrative effort based on an impact assessment. Thus, because most of the hotels are not required to perform environmental impact assessments, the programs are arbitrary and inefficient.

Despite the evidence of a basic understanding of environmental sustainability among them, most of the hotels' participants admitted that a lack of thorough financial calculations and insufficient staff capacity are the key limitations to improving their water stewardship (Chapter Six section 6.6). Also, the proliferation and competition among hotels compounds the problem. Such conditions put more pressure on hotels to focus on attracting guests in order to maintain profits while neglecting their environmental responsibilities.

Based on the available information in Chapter Six (section 6.6), there is a possibility of disseminating guidelines and methods on water stewardship through the Hotel Chief Engineers Association. Nevertheless, hoteliers perceived that robust and clear directives via enforceable government regulations are necessary in order to increase a hotel's responsibility to respect the human right to water, because, without inspections and other enforcement measures, hotels can get away with non-compliance. For the time being, there are no regulations in terms of a particular standard of water management for hotels. Each hotel is given the freedom to apply their respective standards as long as they can meet the standardized service for tourists, namely in terms of water quality (Chapter Six section 6.6).

#### 8.4. The Interplay between Law in Books and Law in Action regarding the Responsibility of Hotels in Respecting the HRW

Thus far, this chapter has discussed the legal framework on hotels and water use. This chapter also summarizes the research findings on which of those legal frameworks operate in Yogyakarta province. There are five points with regard to the reality of hotels and the HRW based on the existing regulations in Yogyakarta namely: improper licensing process; loopholes/governance gap

in the AMDAL obligations and (ground) water use permits; lack of meaningful community participation; limited government personnel for monitoring and enforcing the law; and challenges for hotels to voluntarily respect the HRW. As such, in the sections that follow, I present a re-examination of the discussions in section 8.2 and section 8.3. The aim is to provide insight and understanding concerning hotels' responsibility in respecting the human rights to water (HRW) in Yogyakarta.

#### 8.4.1. Incorporating Human Rights Half-heartedly for the sake of easing Business Interests

The first point that immediately stands out from both assessing the law and empirical findings is the lack of a clear expectation for hotels to respect the HRW. The reality in Yogyakarta therefore is a reflection of such a shortcoming where the proliferation of hotels is not followed by a business obligation to strictly practice an impact analysis on the environment or the rights of local communities. This means, apart from the parlance of sustainable tourism development used by the government (Ketut and Dharmawan, 2012), the existing regulations and practice in the field display the gap between talking sustainable tourism and doing sustainable tourism. This corresponds with evidence from other destinations in Indonesia such as Bali (Strauß, 2011; Cole, 2012; Tarigan et al., 2013; Cole and Browne, 2015), Labuan Bajo (Cole and Tulis, 2016; Cole, 2017), and Malang (Mahrida, 2017), where unchecked tourism infrastructure development comes at the expense of local community water access. In fact, as recently exposed by the International Tourism Partnership, four tourism destinations in Indonesia (Bali, Surabaya, Bandung, and Jakarta) are facing extreme future water stress (ITP, 2018a). In other words, the business obligation to respect the HRW in Water Law 2019 and to uphold human rights in Tourism Law 2009 is still an "empty signifier" that has not received serious attention in secondary regulations and their implementation (Sultana and Loftus, 2012). As demonstrated in previous sections (8.2; 8.3) at the Yogyakarta province level, despite stipulating the priority use of groundwater for people's daily needs, Provincial Regulation 5/2012 does not explicitly articulate a business's obligation to respect the HRW and force a thorough impact assessment that includes community participation. As such, we need to think about and work on strategies for hotels to respect the HRW as suggested by Sultana and Loftus (2019): within, against and beyond written regulations.

Furthermore, the fact that the Law is weak in respect of community human rights (to water) is linked with the government's priority to promote mass tourism and facilitate the (hotel) business

operations in order to gain the economic multiplier effects. This view is predominant in mainstream tourism discourse, as well as in Indonesian law and policy settings, which increasingly bring into question the problematic nature of the expected “trickle-down effect” of such an approach (Meyer, 2010; Oxfam, 2017; Ahsinin et al, 2020). Studies have shown that the increase in Indonesia’s domestic and foreign tourism has raised concerns about income inequality (Mahadevan, Amir and Nugroho, 2016) and livelihood sustainability for local people (Lasso and Dahles, 2018). On the other hand, the absence of specific regulations or guidelines for hotels to take part in respecting the community rights to water shows the disregard of the government in encouraging responsible tourism business practices. After all, adequate legal provisions and enforcement are essential in influencing hotels’ water responsibility (Gössling, Hall and Scott, 2015).

#### 8.4.2. Problems with the Corporate Social Responsibility Approach

The second point that emerges from the socio-legal analysis surrounds the inadequacy of the Corporate Social Responsibility (CSR) approach provided in the Hotels Regulation 2013. As discussed in Chapter Two (section 2.4.1), there is a connection between the CSR and the BHR since the two discuss how companies can engage in responsible and socially beneficial activities (Ramasastry, 2015). However, Wettstein (2020) suggested that the CSR, which has permeated businesses, does not ensure business accountability and has the potential to justify inaction and the refusal to consider disclosure and accountability measures. As such, water sharing (see Chapter Six section 6.5.5) as the practice of a hotel’s CSR can be considered as mere “water philanthropy” that does not address the main issues related to people’s right to water. The crux of the matter is the lack of water stewardship as well as the lack of representation and participation in decisions concerning the tourism development path.

In a similar vein, Apsari and Rohman (2012) point out that hotel CSR activities in Yogyakarta are only implemented in the form of charity activities. Furthermore, despite positive responses to hotel CSR programs, the public expects direct involvement in deciding and executing CSR programs (Yoganindya et al., 2019). In most cases, the sub-district or village level authority determines the type of CSR programs. Existing CSR programs include the distribution of basic food packages, blood donations, and the cleaning of residential areas (Yoganindya et al., 2019). As such, through the BHR lens, the challenge for the hotel industry in Yogyakarta is to adapt to

an emerging reality in which businesses' responsibility for 'the social' is increasingly a question of accountability, participation and not just a mere superficial philanthropic act (Taylor, 2011).

All in all, placing the community as a mere object/receiver of "social assistance" is the core problem of water philanthropy under the cloak of CSR. In fact, all individuals impacted by hotels' activities have human rights and are considered rights holders. In addition, in the context of the BHR approach, the language of 'rights-holder' is used to refer to the local community participation as an integral part of shaping integrated impact assessments, and appropriate remediation measures. In short, the community should be seen as people who have entitlements for which they can hold a business accountable (IPIECA, 2013; Kemp and Vanclay, 2013; Götzmann, 2017).

#### 8.4.3. The Polycentricity of the HRW-BHR approach

The third point that can be stated from the socio-legal analysis is the polycentricity of the HRW-BHR approach. As discussed in Chapter Two (section 2.4.2), the GPs envisaged a polycentric governance that incorporated all the BHR key parties in differentiated but complementary responsibilities to uphold human rights (SRSG, 2008). As pointed out by Augenstein, Dawson and Thielbörger (2017), the polycentricity of the GPs are shaped by three different governance systems namely, a) a political governance system comprising the rules of domestic and international public law; b) a civil governance system in which stakeholders affected by business operations employ social and legal compliance mechanisms such as advocacy campaigns and strategic litigation; and c) a corporate governance system, which internalises pressures and expectations of the other two systems (p.2).

However, within the context of this study, such polycentricity needs further attention. Expecting tourism businesses such as hotels to voluntarily respect the HRW is not straightforward. As indicated by the study findings, the HRW-BHR approach requires strong checks and balances between public law and civil society governance to guide and put pressure on hotels to improve their environmental accountability. As such, considering water as a public good and obliging businesses to take responsibility to respect the HRW as enshrined in Water Resource Law 2019 requires law reform, particularly of hotel regulations and provincial level water regulations that clearly stipulate the responsibility to respect the human right to water. Put differently, allowing hotels to voluntarily adopt the HRW-BHR approach is not surprisingly ineffective given the technical and detailed guidance hotels need, backed up by legal compliance mechanisms. In



addition, beyond a clear stipulation of the responsibility to respect the HRW, there is also a need for specific regulations that demand hotels full accountability in respecting the HRW that includes an HRWIA, community participation, and guidelines for hotels to incorporate water stewardship criteria.

Furthermore, the government's failure to protect the human right to water does not eliminate the business's responsibility to respect it because the GPs emphasize government obligations and corporate responsibility together (see Chapter Two section 2.5). Unfortunately, the study findings indicate that there was no industry self-regulation such as voluntary codes of conduct or self-monitored certification schemes adopted by the majority of hotels. Despite the efforts of organizations such as the Green Building Council Indonesia (GBCI) in persuading hotels to adopt the green building standard that incorporated water stewardship criteria, its continuation and application remain to be seen (see Chapter Six section 6.6).

Seeing the monitoring and enforcement challenges on the ground, self-regulation is actually beneficial because it does not impose direct costs on the state treasury, nor does it require a great number of staff. Moreover, hotels that voluntarily adopt the HRWIA will understand the water problems generated by their business activities, and how to most efficiently counteract these problems (Kershaw, 2015). Nonetheless, continuous persuasion from civil society toward hoteliers remains necessary. This is because there are significant reasons, including competitive advantage, company reputation and fear of community backlash, why businesses might engage without legal enforcement (Ayuso, 2006; Leadlay, 2011; Cole, 2014). The UN Working Group on Business and Human Rights also identifies that for states to take coordinated action, affected communities and civil society must provide encouragement and pressure (UN Working Group on Business and Human Rights, no date). Indeed, an organisation such as the International Service for Human Rights have created tools and conducted training sessions with the goal of providing knowledge, skills, and resources to human rights defenders to assist in their work of keeping governments (and businesses) accountable (Ineichen et al., 2015). Therefore, civil society and community activism is important both in encouraging businesses to manage environmental risks as well as in pressing the government to protect the HRW.

#### 8.4.4. The Potential of Integrating the HRWIA and EIA

The fourth point that has come to light is the possibility of integrating the HRWIA within the existing AMDAL framework. The fact that there are similarities between the AMDAL and HRWIA processes begets the opportunity to link environmental stewardship and human rights language (Kemp & Vanclay, 2013). As such, the HRW is not only in the interest of humans but is also for the integrity of the ecosystem (see Chapter Two section 2.2.2 and 2.5). Focusing on the oil and gas industry, organizations such as IPIECA, for example, have been advocating for an integrated assessment where human rights (including the HRW) are embedded within the scope of environment, social and health impact assessments (IPIECA, 2103). In light of a rights-based approach, IPIECA insists that community participation that is more than consultation, or a technical add-on to development activities, is an integral part of shaping integrated impact assessments. This indeed, has important implications for how the individuals affected by the project would be seen as rights holders rather than as stakeholders (IPIECA, 2013).

However, in the context of the study findings, what needs to be considered is how the AMDAL process can be enforced. As discussed in Chapter Seven (section 7.5), there is a tendency to avoid the AMDAL requirements linked with the inclination to circumvent community participation, since the lower level of environmental permit requires only the publication of documents. On the other hand in Bali, Warren and Wardana (2018) warned that the AMDAL process could still serve powerful interests in the efforts of political and economic elites to maintain control of decision-making and to displace popular opposition forces to the margins. Meanwhile, the Yogyakarta Legal Aid Institution (LBH) observed that even with the AMDAL mechanism there are instances where the impacted community is not involved in the decision making process (Lembaga Bantuan Hukum Yogyakarta, 2019). In this regard, the LBH exposed a case that occurred in Wadas village, Purworejo. As a community affected by the construction of the Bener dam, the residents of Wadas village did not receive information about the dam construction plan and were unable to provide feedback and approval. This means that the environmental impact assessment in the Indonesian context is not simply a technical question but also an issue of the will to enforce it and the power dynamics between community, business and the government.

Seeing the potential relationship between the HRWIA and the AMDAL process, as well as the above-mentioned critical remarks, it is reasonable to make some recommendations. First,

enhance both the AMDAL and UKL-UPL requirements by translating and incorporating elements of HRWIA into the AMDAL and UKL-UPL components. This can be done at the provincial level by establishing a provincial water regulation that obligates hotels to include community participation in water impact assessments and the overseeing of hotel water use; access to remedial action; identification of the cumulative impacts on future water supply; and identifying community structures and the socio-cultural dynamics that affect water availability. In addition, the community has to have the final word to decide whether a business can access the groundwater in their area (see also Chapter Nine section 9.4.4).

Meanwhile, for small hotels that are required to have an SPPL document, the Yogyakarta government needs to facilitate a shorter and faster HRWIA which can be executed according to the capacity of the hotel manager. In the Indonesian context, PRISMA, a recent independent programme intended to help companies analyse the risk of human rights violations, can be promoted as an initial identification tool for small hotels to assess themselves (self-assessment). PRISMA includes mapping the real conditions of potential impacts or risks, establishing a follow-up plan from the results of the assessment, tracking the implementation of the follow-up action, and communicating this series to the public (for details see <https://prismaham.id/>). It also has the merit of further exploration to explore the possibility of combining a HRWIA with several small hotels in a certain area.

The second recommendation is to support the impact assessment enhancement with a form of regulation conditionality that contains not just penalties but also incentives. For example, in terms of sanctions, firmly reject a hotel's development or cease a hotel operation that cannot meet the enhanced impact assessment. In terms of incentives, the government and communities can help promote the hotels image to attract guests. Third, increasing the capacity of citizens to take part in (and influence) the impact analysis process, given the rights-based approach, distinguishes between rights holders and duty holders, and seeks to ensure that rights holders have the capacity to exercise their rights and that duty holders respect those rights accordingly. As local water users, citizens have direct knowledge of the location and types of wells, how intensively they are used and for what purpose and the conflicts that may arise from hotel operations. At this point, the support is directed at increasing knowledge about monitoring the quantity and quality of groundwater as well as supervising hotels' water use (see also Chapter Nine section 9.4.4).

#### 8.4.5. Paradigmatic Transformation

Ultimately, on top of all the previous points, the interplay between law in books and law in action reveals that the existing development paradigm intrinsic to government tourism regulations is problematic. The destination development paradigm that tends to prioritize economic growth, marked by the acceleration of infrastructure development to support the flow of foreign tourists, has implications for the rights of local communities. As demonstrated in this study, local communities are struggling to secure their right to water as well as to participate in water and tourism governance alike. As such, the tension between human rights and economic development needs to be resolved. In that regard, tourism businesses and corporations need to be seen as instruments to further society's goals and be made accountable to social and ecological limits. This means that the local community must be properly involved in identifying and deciding the types of tourism development. In unison, the government needs to prioritise and support small to medium local businesses in taking part in respecting human rights and the environment (Higgins-Desbiolles, 2020).

At this moment, despite recognising the importance of a sustainability agenda, the top-down approach applied by the Indonesian governments in initiating tourism development, without consulting local communities, is obstructing the human right to water protection. A paradigm transformation, therefore, needs to occur whereby “the people-centred development model in which plans and projects are formulated bottom-up by participation of – not consultation with – communities are being institutionalised” (Deva, 2020, p.12). As such, law reforms and consistent advocacy can serve to support a paradigm shift. After all, discussing the human rights impact of tourism needs to take into account a contextualisation of the dynamics of an economy driven by neoliberal principles (Higgins-Desbiolles and Whyte, 2015). Put simply, violations of human rights are not unfortunate side effects but a direct result of a neoliberal ideology (Kraak, 2017).

#### 8.5. Summary

Bringing together the discussion in the previous chapters, this present chapter has produced a multi-stakeholder socio-legal analysis on the subject of hotels' responsibility to respect the human right to water (HRW) in Yogyakarta. As such, this chapter has established that suggesting hotels respect the HRW is not straightforward. Given the evidence that the legislative-regulation framework is a decisive factor for hotels to implement the HRW-BHR method, the need for robust

and responsive legal frameworks is obvious. In that regard, attention needs to be paid to the formation of regulations and guidelines for hotels to carry out human rights due diligence including an HRWIA process. This endeavour can be attached to the environmental licensing process, only if the AMDAL and UKL-UPL processes are enhanced and aligned with elements of the HRWIA, simultaneously,

The tourism development paradigm promoted by Tourism Law 2009 and Hotel Regulation 2013 is dominated by neoliberal interests and is not explicitly pro-environment and human rights. For that reason, even though the communities of a destination are conceptualized as an integral part of the tourism system and industry, they remain vulnerable to human rights violations by tourism businesses. This is in fact contrary to human rights principles that claim to distribute the benefits of human rights universally (Lovelock and Lovelock, 2013).

Meanwhile, referring to the GPs polycentric notion, the importance of integrated cooperation between government, hotels and community groups is essential. In that context, community governance and collaboration in implementing a human rights-based approach on hotels' water use is imperative (LaVanchy & Taylor, 2015). In other words, suggesting the HRW-BHR framework for hotels requires both political will and good governance in a way that enables meaningful community participation, while addressing complex trade-offs in a transparent and accountable manner (Baillat, 2013; Harris et al, 2017). In the next chapter I deliver a reflection of the participatory action aspect of this study by examining the on-going and future trajectory of community capacity building. This endeavour is carried out in order to increase meaningful community participation in reclaiming their right to water in the Yogyakarta context.

## Chapter 9. With, Against, and Beyond Tourism (Business): A Participatory Action Research Discussion.

### 9.1. Introduction

As discussed in the methodology chapter (Chapter Four section 4.3.5), part of the strategy for this study was participatory action. The underlying idea of this approach is to make use of the research for participants (Chapter Four section 4.8). In this study, the researcher collaborated with a community group, the FPRB, Yogyakarta Risk Disaster Mitigation Forum. This collaboration was intended not just to include the participants as the investigated, but also to support their cause. Besides generating multi-stakeholders' perspective on hotels' responsibility to respect the HRW, this study therefore aims to make recommendations that can be used for future advocacy strategies.

Creating knowledge together and for community collaborators is at the heart of a participatory action research (Koirala-Azad and Fuentes, 2016). In Chapters One and Four, the researcher has disclosed his positionality as an instrument of activism at the disposal of the community group (Blomley, 2008). The involvement and expectation from the community participants in this study has occurred since the pilot study stage. As elaborated in Chapter Four (section 4.3.5), through our collaboration we brought together key stakeholders in a focus group to discuss the study's findings and to generate a conversation about hotels' responsibility to respect the HRW. In essence, through this study I have facilitated a multi-stakeholder learning process which addresses hotels' responsibility to respect the HRW.

Against this backdrop, this chapter provides a discussion of the actions that have been carried out throughout the study process. This chapter also discusses the on-going trajectory of community efforts in tackling the tensions arising about water use between hotels and the community. The first section will discuss the initiatives and involvement of different community groups in addressing competition with hotels for water. The second part discusses the conceptual intersection between community efforts. The third part discusses the participatory action implications of this research. Ultimately, using a term coined by Angel & Loftus (2019) –in the struggle for water justice-, I close this chapter by arguing that the current nature of community activism is a form of struggle “to work with, against, and beyond” tourism as an industry. The aim is to reveal the face of tourism development that serves the needs and agenda of tourism businesses, and undermines the power of tourism as socially beneficial (Higgins-Desbiolles, 2006).

## 9.2. Understanding the “Dry Yogya” and “Yogya is Not for Sale” Campaign

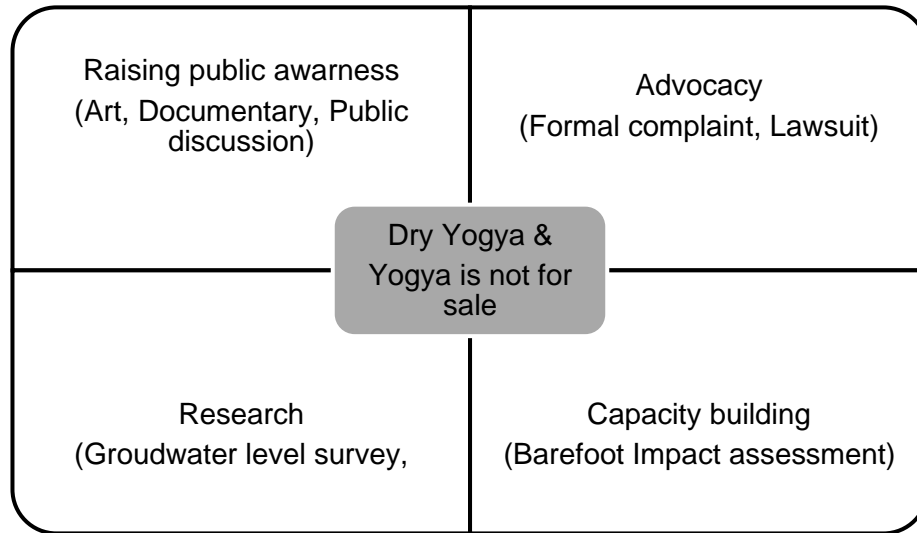
As a province with a long historical background, Yogyakarta is blessed with cultural heritage. Geographically, Yogyakarta is abundant with natural beauty since it covers highland on the north side (Mt. Merapi) and seashores in the south side (Indian Ocean). Overall, the blend of hospitality, traditional-modern arts and culture as well as beautiful countryside makes Yogyakarta a special province for tourism.

As discussed in Chapter Three, tourism is one of Yogyakarta’s economic drivers. As such, many Yogyakarta residents rely on tourism activities for their livelihoods. However, the tourism growth envisaged by the government has also caused various problems such as environmental degradation, land conflicts, water conflicts, and gentrification (Lembaga Bantuan Hukum Yogyakarta, 2019). As a result, for some critics, Yogyakarta has been gradually losing its appeal as a special province (Yuwono, 2018).

The negative impacts caused by the current trajectory of tourism development are summarized in two Empowered Citizens (Warga Berdaya) campaign slogans, namely, “Dry Yogya” and “Yogya is not for sale” (see Chapter Seven). Besides the water conflict that exists in several regions, the campaigns raised by the Empowered Citizens also call attention to the facts of various land conflicts. This land conflict is a result of spatial/zoning changes in favour of tourism business investors (Zakaria and Suci, 2017). In short, through their two slogans, the Empowered Citizens promulgated a call for water justice (and equitable development) for all Yogyakarta citizens (Wijoyono, 2017).

As discussed in Chapter Seven, various efforts have been made by several groups of people to campaign for sustainable and equitable development in Yogyakarta. The activities fall into four groups as illustrated in figure 9.1. The first is raising public awareness of the current situation. This category includes activities such as documentary filmmaking, public discussions, and art exhibitions. The second is advocacy, both through litigation and non-litigation channels. This category includes formal complaints and administrative court lawsuits. The third is research carried out to strengthen accountability and the accuracy of data, as the basis for building public claims/advocacy. The fourth is capacity building programs to equip citizens in terms of supervision and participation in the development of their environment. For example, the barefoot impact assessment discussed in Chapter Seven was a program designed to strengthen the capacity of citizens to perform impact assessments.

Figure 9.1. Four areas of Dry Yogya and Yogya is not for sale campaigns



These various activities identify struggles for “just tourism” (Higgins-Desbiolles, 2010). In this sense, just tourism is seen as a series of activities that focus on building relationships and fairer outcomes in tourism. This understanding focuses on a balance between economic and ecological benefits in a sustainable manner, especially for vulnerable communities (Desbiolles, 2010). As such, water and land conflicts between communities and businesses underline the lack of the government’s and tourism businesses’ commitment to, and responsibility for, realizing just tourism.

In addition, the call for water justice, conveyed by the “Dry Yogya” and “Yogya is not for sale” campaigns, is to represent communities who are negatively affected by hotel development and their water use. This representation reflects the lack of community agency in determining the model and direction of tourism development. As expressed by Dodok Putra Bangsa, a member of Empowered Citizens, *"the hotel construction permit is just an announcement, even though the residents refuse the (hotel) construction. The result will still be the same (the hotel will still be built)"* (SATUNAMA, 2016). Furthermore, Dodok revealed the importance of citizens’ direct participation (and deliberation) in tourism development. This is necessary to maintain cultural heritage, local wisdom, and to mitigate a crisis that is contextual. (SATUNAMA, 2016). In other words, the “Dry Yogya” and “Yogya is not for sale” campaigns are also efforts toward claiming the right to participate (Astuti, 2017).



Apart from the lack of active involvement from the community, claims to the right to participate can also reflect resentment over the detrimental consequences of tourism development (see Chapter Three section 3.4.2 and Seven section 7.2-7.3). This irritation then culminates in antagonism towards rampant hotel construction. If tourism development did not negate people's rights, the antagonism could perhaps be transformed into cooperation. Scholars have argued that the struggle for the right to water is often a political struggle to participate in ensuring equitable water policy and management (Sultana and Loftus, 2012, 2019; Bakker, 2013; Zwarteveen and Boelens, 2014; Clark, 2019). Bakker (2010) for example suggests the lack of participation from the poor (marginalised) is a causal factor in water governance failure. As such, water crises are not natural, rather they are a result of water governance agendas, principles and ideologies that determine the likelihood of equitable and sustainable outcomes (Bakker, 2010). In the context of Yogyakarta, the water disruption experienced by communities is a reflection of their incapacity in determining the direction of tourism infrastructure development in their localities. As a result, instead of receiving benefits from tourism development, the community is being disadvantaged. This condition disenfranchises the poor who cannot afford to subscribe to water from PDAM or deepen their wells. Moreover, during the high tourist season, PDAM users were also instructed by the company to start storing their water due to high intensity use by hotels and malls (see Chapter Seven section 7.2).

Referring to Article 63 of Water Resource Law 2019, public participation in water management is stipulated as an equal opportunity for channelling the aspirations, thoughts, and interests of the community through public consultation, deliberation, partnership, presentation of aspirations, supervision, and/or other involvement. However, as discussed in the previous chapters, the proliferation of hotels in Yogyakarta has omitted community participation and thorough impact assessments. This suggests that the community becomes an object rather than a subject in dealing with hotels' development and their water use. Thus, there is a discrepancy between legal provisions and reality that needs further resolution.

In the context of business and human rights, the potential resolution lies with the implementation of a due diligence mechanism. Principle 18 of the GPs states that the meaningful engagement of affected groups and other stakeholders is an important component of the due diligence process (Götzmann, 2017). In this regard, the GPs define a stakeholder as any individual whose human rights can be affected by the company's operations, products or services (Remmert,

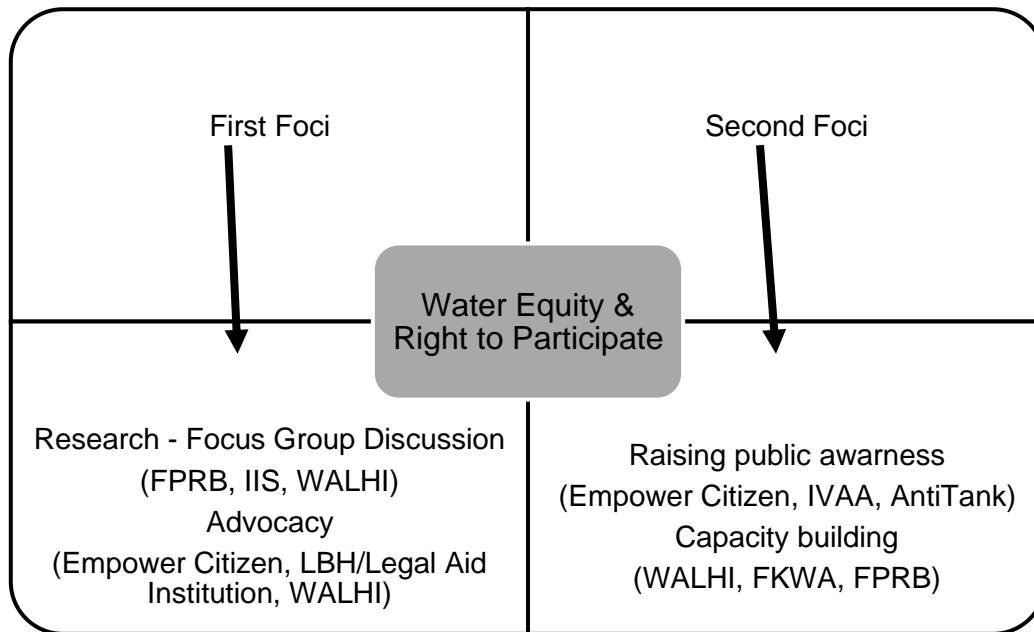
Koalick and Wilde, 2014). Thus, by adopting due diligence in respect of the human right to water, the involvement of rights holders as stakeholders can be increasingly implemented.

### 9.3. Community Activism

As discussed in Chapter Seven, the various efforts made to obtain water justice are being carried out collaboratively. Empowered Citizens openly invite anyone who supports the principles and practices of sustainable and equitable development in Yogyakarta to collaborate (Warga Berdaya, no date). Partnerships have been built between several organizations and community groups according to their respective fields of expertise. In terms of raising public awareness, partnerships have been built with art groups (Chapter Seven section 7.2). In terms of advocacy, collaboration is carried out with legal aid institutions (Chapter Seven section 7.3 & 7.6). In terms of capacity building, collaboration is carried out with environmental and grassroots organizations, and in terms of collaborative research, this is carried out with groups that have academic members (Chapter Seven section 7.3 & 7.5).

Figure 9.2 illustrates a map of the community movement's stakeholders concerning the water justice agenda and the right to participate in decision making. It can be seen that there are two foci of community movements. The first is to provide assessments and evidence for advocacy through research, investigation, and focus group discussions. The second is to continually raise public awareness about the impacts of unchecked tourism development, as well as to provide long-term assistance in terms of recovery efforts and to strengthen the capacity of residents.

Figure 9.2. Community movement's stakeholders mapping



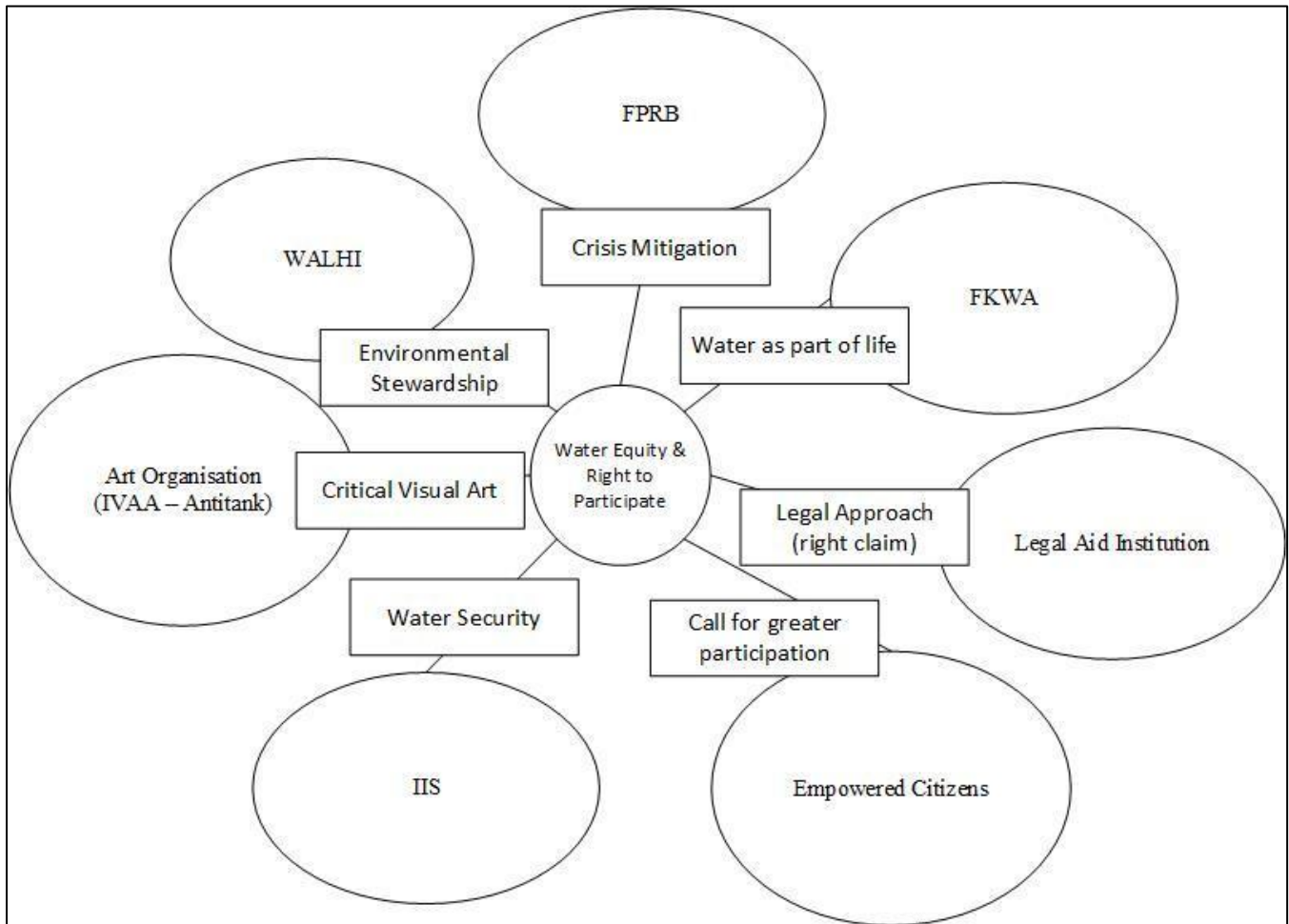
Here is a list of organisations that are collaborating with community groups for water justice in alphabetical order:

- Anti-Tank and IVAA (Indonesian Visual Arts Archive) are art organisations that use their work to address social issues.
- IIS (Institute of International Studies, Gadjah Mada University) is an academic organization. Among other agendas, two are related to water security in Yogyakarta, namely policy advocacy and community engagement.
- FKWA (Winongo River Community Forum) is one of the most active river community groups that focuses on river management and advocacy. The group also actively promotes community-based participation and barefoot impact assessments concerning environmental impacts.
- FPRB (Yogyakarta Risk Disaster Mitigation Forum) is a multi-stakeholder forum consisting of a number of NGOs, community groups and academics in Yogyakarta. Part of their work is advocating for communities impacted by hotel development. This forum created a partnership with the governing board for disaster management.
- LBH (Legal Aid Institute) is one of the prominent legal aid institutions in Yogyakarta, dealing with community class actions concerning hotel development.

- WALHI (Indonesian Forum for the Environment) Yogyakarta is one of the foremost NGOs in advocating for environmental protection and publicising environmental impacts, including the impacts of the tourism business. WALHI is a member of the Friends of the Earth network.
- Warga Berdaya (Empowered Citizens). This is a community group consisting of members impacted by hotel development, activists, journalists, artists, NGOs and the public. They initiated the #Yogjasat (dryyogja) and #yogjaoradidol (yogjaisnotforsale) campaigns in 2014.

Looking at the background and the approaches from each organization, figure 9.3 shows the various interests and focus of each group. From the mapping, we can see that the water conflict between residents and hotels brings together different narratives in the struggle for water equity and greater participation. For example, the “Dry Yogya” mural campaign (in collaboration with art groups) presented water as part of community life that needs to be maintained and preserved (water as a part of life). Within the framework of disaster mitigation (in collaboration with organisations such as WALHI and FPRB), negligence in managing water not only creates conflict but a broader ecological crisis. Meanwhile, collaboration with research institutions such as IIS produces narratives about the importance of a just water governance based on the community's perspective. In other words, as argued by an IIS fellow, the water problem in Yogyakarta is a reflection of the failure of governance in securitizing the commons (Nurshafira, 2017).

Figure 9.3. Multiple stakeholders working on water equity in Yogyakarta



Overlaps also occur in terms of narratives against the government’s tourism development approach. Coupling the “Dry Yogya” and “Yogya is not for sale” slogans highlights Yogyakarta government policies that are in favour of business interests, particularly tourism accommodation. Therefore, Empowered Citizens position organizations such as WALHI and the FPRB as forums to discuss social and environmental issues resulting from the growth of tourism infrastructure and accommodation.

For the Empowered Citizens movement, citizens are the main actors in advocacy, in every learning process, and in every campaign. Hence, collaboration methods are voluntary and participatory (Wijoyono, 2017). The goal is that fellow citizens from across regions can connect, learn from each other and mutually strengthen the struggle for just and sustainable development. This is reflected, for example, in the initiative of residents of the Karangwuni district to conduct

groundwater level research jointly with the FPRB, followed by the community in the Jongkang district (Chapter Seven section 7.6 and below in section 9.4.1). The barefoot impact assessment training was also a form of collaboration between various organizations aimed at strengthening the citizens capacity to participate and monitor development impacts (Chapter Seven section 7.7).

Participatory methods were also carried out in focus group discussion forums facilitated by IIS (2017). Participants representing 19 communities and civil society organizations in Yogyakarta attended this forum. The communities and community organizations involved in this activity have experiences of activism in various localities and represent all districts and towns in the Yogyakarta district. This forum revealed that water is considered to have a strong cultural function referring to the long history of water in supporting the civilization of society in Yogyakarta (Hapsari and Nurshafira, 2017). This refers to the Javanese philosophy of the harmony and balance in the relationship between human and supernatural beings, humans and humans, and humans and nature, including water and other species (Balai Pelestarian Cagar Budaya Provinsi D.I. Yogyakarta, 2019).

Converging various positions of community movements, I argue that there is a desire to reposition the uniqueness of water by the Empowered Citizens through the Dry Yogya and Yogya is not for sale campaigns. By incorporating the understanding of water as part of life, it appears to me that the campaign is positioning water as an essential entity for life and a healthy ecosystem. Such an understanding is closely related to a visceral attachment between communities and ecosystems through not only the hydrological cycle but also the hydro-social cycle (Swyngedouw, 2009; Jepson, Wutich and Harris, 2019). Thereby, the claim for water equity and the right to participate, within the framework of the struggle for the right to water, ties to a call for greater command and control mechanisms, with the community as the managers or stewards. The ultimate goal of such a claim is to achieve and maintain the integrity of the ecosystems and social equity and livelihoods (Bakker, 2012). Hence, it is reasonable to assert that a relationship between community activism and the HRW is more appropriate by resolutely valuing water as biocentric - that is valuing all biotic life or the biosphere. In addition, having the right to water means activating the local people's right to participate in water governance and reimagining a politics that holds multiple possibilities for social and environmental justice (Sultana & Loftus, 2019).

Moreover, I observe that what the community groups are trying to do can be understood as giving the human right to water its public status or positioning the human right to water as a public

good. In my view, such an understanding needs to be equipped with the idea of water security capabilities that emphasize autonomy, self-determination and accomplishment (Jepson, Wutich and Harris, 2019). This means, the principal in realising and protecting the HRW is to enable citizens to realize their right to participate and engage in social and political collective action in securing sustainable and equitable hydro-social relations in all of its complexity (Jepson, Wutich and Harris, 2019). The water conflict between hotels and the community in Yogyakarta therefore, can be a starting point for reconceptualising the human right to water; a reconceptualization that not only pivots on positive rights (The state's duty to fulfil and protect) but also as a negative right (businesses' responsibility to respect), in the sense of securing the community's role and relation with water worlds as an intrinsic element of their livelihood (Jepson, Wutich and Harris, 2019). In short, beyond the state's duty to fulfil and protect, businesses also ought to respect the HRW by centring the community in their water management.

#### 9.4. Action Research within the GPs Framework

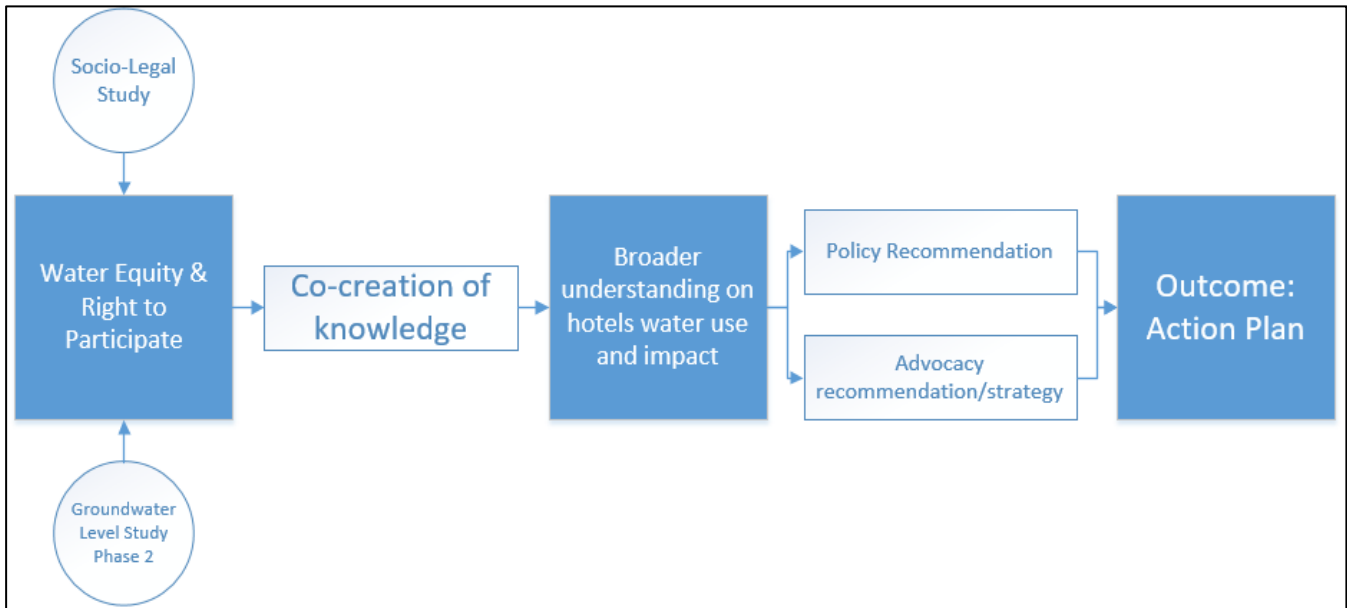
As discussed in Chapter Two, the GPs incorporated all the BHR key parties in a differentiated but complementary responsibilities relationship to address the human right to water (SRSG, 2008). The following sections will discuss several actions that have been taken by the researcher in partnership with community groups within the GPs framework (community, government, business). This section also discusses planned future actions.

##### 9.4.1. The Community: Supporting their cause

As a researcher, I supported and continue to support communities' struggles. Since our first meeting during the pilot study, the FPRB and I agreed to collaborate through participatory action research. As a partner, I expected to complement their cause, especially in the provision of data on the laws and practices of hotel water use. Given the lack of awareness of the GPs, through my study, I also introduced the FPRB to the BHR framework and its application to the right to water in specific connection with the hotel business. Figure 9.4 illustrates how our collaboration supports the struggle for water equity and the right to participate in decisions by official bodies to approve new hotels. Through this collaboration, we aimed to broaden the understanding of hotels' water use and its impact on multiple stakeholders (communities, hoteliers and government officials). As further explored below, this aim was achieved by engaging the stakeholders in a forum discussing

both aspects of our study. Consequently, we envisage providing policy recommendations and advocacy strategies.

Figure 9.4. Collaboration plan with FPRB



There were two main actions from our collaboration, first to mobilize and complement the FPRB's follow-up research on groundwater levels (see Chapter Seven section 7.6), and second, to bring together the government, hoteliers and the community in a discussion forum.

- Groundwater level study

In 2016, the FPRB researched the status of groundwater levels in the Karangwuni district, Yogyakarta. This research was part of the “Dry Yogya” campaign. The study aimed to provide a “data driven” advocacy for the community in rejecting a new condotel development in their district. Twenty-one households measured their wells. Based on groundwater level data obtained in the field, the water level was then calculated against the ground level elevation. This data was then compared with historical data of wells that have been deepened, in order to understand changes in groundwater level. The study results showed a cone of depression (a generally concentric pattern of water table drawdown, Schreiber, 1998) at several points.

Furthermore, the research results also indicated that the cone of depression was located adjacent to existing buildings such as hotels and boarding houses. In addition, the well history data shows that one-third of the residents' wells measured have been deepened. This means that the residents have been bearing additional difficulties in accessing water as a result of the declining ground water level. In their final report, the FPRB suggested that the government be stricter in



granting hotels development permits and methodically include the community in approving and monitoring hotels groundwater use. The FPRB gave the study results to a government agency (PU-ESDM) and published the study in an Indonesia peer-reviewed journal (Nugroho et al., 2019). Yet, there is still no feedback from the government agency, and the new condotel has been built and is currently operational. To date, there have been no further studies on the impact of water use from hotels in the Karangwuni district.

In addition to the FPRB groundwater levels study in the Karangwuni district, I provided complementary evidence, from one hotel. For example, the hotel admitted not using PDAM due to limited supply as well as the lower cost of using groundwater (Interview, NCXY 7). Moreover, the shallow wells, which have been used for the last 20 years, just recently obtained licensing in 2017. However, the hotel was not obliged to carry out a thorough environmental impact analysis (AMDAL). The hotel is only obliged to provide a rough estimation of its water use, source and impact. Further, the hotel has to make a declaration on how to address the impacts (UKL-UPL). Table 9.1 illustrates an excerpt from the UKL-UPL document that relates to the water use impact. The hotel was not willing to provide any data on its groundwater usage.

Table 9.1. Excerpt from a hotel environmental management and monitoring effort documents (UKL-UPL)

Type of impact	Source of impact	Management action	Management benchmarks	Management location	Period/Time of Management
Decrease in groundwater quantity	Use of water for bathrooms, toilets, swimming pools, kitchens, gardening and other operations.	<ul style="list-style-type: none"> <li>● Use water as needed</li> <li>● Plant trees that are oriented towards absorbing rain</li> <li>● Use a recycle system for the swimming pool to reduce the draining duration.</li> <li>● Make 17 rainwater infiltration wells. Each with a capacity of six m<sup>3</sup>.</li> </ul>	There is a significant decrease in the groundwater level in the location around the hotel.	At the hotel location	During hotel operations

Source: NCXY 7

Our collaboration launched the second phase of the groundwater study. The study was carried out at the time of my field study in 2019. The study was conducted with residents who were motivated to monitor the impacts of hotels' water use in their neighbourhood. The study surveyed the groundwater levels by measuring the residents' wells. The measured data parameters were coordinates of the location and elevation of shallow wells from sea level; height of the well's edge; diameter of the well's hole; height of the groundwater level from the well's edge; and depth of the well from the well's edge. Based on the groundwater level data obtained in the field, the water level was then calculated against the ground level elevation. This data was then compared with historical data, of wells that have been deepened, in order to understand changes in groundwater level. Nineteen households measured their wells. The majority have deepened their well, and there is one case where a resident had to make a new well. From the measurement results, there appeared a sign of a cone of depression reaching to -10.5 meter. The cone of depression is directly related to the hotels' water use as well as to increasingly dense settlements, boarding houses and poultry farms in the area. The study results were disseminated at the multi-stakeholders meeting discussed below.

- Multi-stakeholders meeting

The second action we took was organizing a multi-stakeholder meeting attended by government agencies, hotel engineers and citizen representatives. The meeting was held on 17 July 2019 at the Yogyakarta Disaster Management Operations Control office (Appendix 1). The event lasted for approximately two and half hours and was audio and visually recorded with consent from all participants. Besides the notes taken by the researcher, the meeting record had also been transcribed.

The meeting aimed to discuss the preliminary findings of both the FPRB and my research. In the discussion, a hotel engineer expressed the need for a closed meeting between the government, hotel management and the community to avoid the vilification of the hotel. Further, the hotel engineer also questioned the relationship between the FPRB research results, and the pumping test used by the government. From the discussion, I have learned that the pumping test could not fully identify the negative impact on the residents' wells. The reason is that the pumping test does not take into account the change in depth of residents' wells or the overall status of the groundwater level. Correspondingly, the International Committee of the Red Cross (2020) also

warned that the pumping test was not very good at predicting long-term aquifer behaviour (Chapter Five section 5.8.3.2).

A hotel engineer also disclosed the financial constraints of recycling grey and black water as alternative water sources. Meanwhile, the response from the hotel association points to the need for a legal basis as a means of controlling hotel water management. This voice emerged seeing that problems regarding hotels water management often centres on unregulated wells and the lack of compulsory in-depth impact assessments. In addition, instead of expecting awareness from hoteliers, the hotel association hoped that the FPRB could push the government to formulate new legal provisions for hotel water management that methodically involve the community.

From the community point of view, a participant raised concerns regarding boarding houses that are managed by a hotel company or hospitality brand. This response is interesting because it shows hotel investors' tenacity in growing their businesses without classifying themselves as a hotel. They could thus evade any required hotel permit and environmental responsibility. Such a point of view is in fact comparable with the Yogyakarta Hotel Association observation discussed in Chapter Six (section 6.2) where they highlight the failure of online accommodation services in complying with hotel permits. Both the community and hotel association point of view reflect the challenges faced by the Yogyakarta government in dealing with the rise of multinational hospitality chains as well as online short-term tourism accommodation platforms (e.g. AirBnB).

A participant also conveyed the experience of residents living adjacent to a hotel whose wells had lower water levels. At the same time, PDAM piped water has not yet reached the residents' houses. In my view, this illustrates the imbalance of government priorities between water as a human right and water as a recreational need. The community also told of the initiatives they have taken to increase groundwater recharging in their neighbourhood through adding recharge wells.

Figure 9.5. Multi-stakeholders meeting



Source: FPRB archives

During the meeting, a government official pointed out that the environmental documents produced by hotels were not of high quality. As indicated by the quote below, documents such as AMDAL certificates are not necessarily accurate. Such conditions occur because the AMDAL documents have become a bureaucratic requirement for the consultants working on them. In addition, the government expects the role of academia and the community to include the production of a high-quality impact analysis. I regard this expectation as an effort to call for wider public engagement in the process of environmental impact assessments. In my observation, this call is based on the assumption of academic and community credibility that could generate an unbiased impact analysis on business interests alone.

*The private sector (hotel) please check properly if you are making a document. I was once part of the AMDAL team and found a copy and paste from another document. So this means companies often do not double-check environmental documents. Therefore, hotels, universities, government and society must work together (a government official).*

The government also regretted the lack of ability to control new building permits and thus hoped for community participation in supervision. The idea is for the community to proactively report any indication about building construction in their localities to the government agency. Moreover, both the government and the residents expressed difficulties in supervising the location

of hotel infiltration wells. The government also conveyed the need for seeking alternative water sources for hotels other than groundwater. Regarding alternative water sources, the PDAM stated that they are seeking water from surface sources such as rivers and upstream areas on mountain slopes. However, it is not clear whether hotels can directly access surface water sources such as rivers.

Rainwater as an alternative source was not discussed at the meeting. In my view, the omission of rainwater harvesting indicates a lack of knowledge about it among the government, community and hoteliers. Correspondingly, researchers from the University of Gadjah Mada suggests that rainwater harvesting systems have not been popular despite their potential for domestic (Arijuddin, Purnama and Nurjani, 2019) and hotel water demand (Fathi, Utami and Budiarto, 2014). As discussed in Chapter Six (section 6.5.4), rainwater harvesting can reduce up to 55 percent hotels' potable water demand and can be an efficient way to minimize reliance on local water sources.

At this point, we can understand that, on the one hand, hoteliers think that they are already operating under existing procedures and hence expect to operate peacefully. On the other hand, as has been discussed in previous chapters, hotel operation becomes problematic when the regulatory framework does not provide clear expectations for hotels to respect the HRW. The situation is aggravated by an annual population growth rate of 1.8 percent in Yogyakarta, leading to an increase in rural development, water use and competition with business users (BPS Yogyakarta, 2020). Additionally, as indicated by the discussion in Chapter Five (sections 5.8.3; 5.8.4), the government appears overwhelmed by their responsibility in controlling and monitoring the proliferation of hotels. As a result, the direction of tourism development in Yogyakarta has been relentlessly criticized by Yogyakarta residents, including those directly impacted from hotels water use, concerned outsiders, academics, and non-government organizations. In the next section, I will discuss several actions taken, that have already taken place throughout my study, to influence the government in giving close attention to the human rights to water agenda within the tourism sector.

#### 9.4.2. The State: Attempts to influence

The business and human rights ideas contained in the GPs are relatively new in the Indonesian context. The Indonesian Ministry of Foreign Affairs is an institution that has become a pioneer in introducing and encouraging the implementation of the GPs nationally. The efforts made by the

Ministry of Foreign Affairs then were followed by other ministries/state agencies. In mid-2017, the National Commission for Human Rights and the Institute for Policy Research and Advocacy (ELSAM) took the initiative to launch the National Action Plan for Business and Human Rights (KOMNAS HAM and ELSAM, 2017).

Amidst these various developments, there are a handful of scholars that link BHR with the tourism business sector. Cole (2014) is one of the forerunners connecting the political ecology of water in Bali with the GPs for tourism businesses. In addition, before starting this doctoral research, I identified some follow-up that has been undertaken by tourism organisations and businesses in responding to the GPs (Sandang, 2015).

My interest in the topic of BHR and tourism then led me to collaborate with ELSAM, one of the human rights NGOs in Indonesia. I introduced ELSAM to the issue of tourism and human rights. Since 2015, I have taken part in various ELSAM activities focusing on the relationship between the GPs and the tourism sector. Together we are trying to encourage the government to push the human rights agenda within tourism policy, both through statutory instruments and planning instruments. In 2020, I took part as an editor of ELSAM's research report on four “New Bali” destinations, namely Lake Toba, Borobudur, Tanjung Kelayang and Bromo-Tengger-Semeru (Ahsinin et al., 2020). ELSAM's research reveals that human rights violations have been occurring in those four destinations.

In the pilot study phase, I started building relationships with the research and development division of the Ministry of Law and Human Rights (MoLHR). Officials of the ministry and I met and discussed the baseline study of the tourism sector business and human rights that was carried out by MoLHR (Jakarta, 17 July 2018). The study aims to describe the basic relationship between business and human rights in Indonesia's tourism sector. In this meeting, I conveyed some of my thoughts regarding the connection between tourism and the human right to water. Since this meeting, the relationship between business and human rights principles in the tourism sector began to receive greater attention from central government. Moreover, the baseline study reveals that the right to self-determination, the right to freedom of movement, and the right to work are basic human rights that are seriously affected. Meanwhile, the findings from the baseline study also indicate that local governments tend to neglect their duties in preventing the negative impacts arising from the operation of tourism businesses (Balitbangkumham, 2018).

Following the discussion with MoLHR, I submitted a peer reviewed article to a journal published by the MoLHR research and development division. In the article, I discussed the opportunities and challenges of mainstreaming the idea of BHR within Indonesian tourism and that the Indonesian aspiration of sustainable tourism would remain incomplete without including a human rights agenda. In addition, given the unclear stipulation of the business responsibility to respect human rights within Indonesian tourism law, I suggested a thorough analysis of all regulations that form the basis of tourism business operations (Sandang, 2019). My doctoral project is a part of this effort i.e. to scrutinise the law pertinent to hotel business, in particular those concerning the human right to water. Thus, part of my action research has been to introduce the issue of the human right to water to the national government through my collaboration with ELSAM.

Figure 9.6. Discussion with Ministry of Law and Human Rights (research and development division)



Source: Participant's archives

At the local level, through meetings and discussions with various government agencies, the FPRB and I opened a conversation about the responsibility of hotels to respect the human right to water. Our joint effort focused on the aspects of public participation as an inherent part of hotel development and water management. In essence, this dimension is related to the accountability principle intrinsic to the business and human rights approach (see Chapter 2.4 to 2.5). We also highlight the Yogyakarta government's commitment to implementing a sustainable development

agenda that is responsive to potential crises. We identified that for hotels to respect the human right to water requires pressure from the government. The FPRB and I also emphasized the importance of impact assessments which meaningfully involve the community. Here we underscored the need for transparency of information, active community involvement from the beginning of a hotel permit application, as well as a comprehensive impact analysis. Through our research collaboration, the government has begun to realize the importance of human rights-based development. As one government officer, after receiving the ELSAM (2020) study report, said, "going forward, a green economy and human rights-based development will increasingly become the standard" (ABXP 1).

#### 9.4.3. The Hotels: Difficulties in engaging

During the course of my engagement with hoteliers, I was able to share information about the existence of the HRWIA and the importance of calculating the intake and distribution of hotel water in more detail. Some hotels then started to consider installing sub water meters. Installing sub-water meters is pivotal in determining the hotel water usage in detail for targeted water-saving interventions (Gatt and Schranz, 2015). Significant variations in services, equipment types and the effects of occupancy and output levels (sheets and kilograms of linen) could only be determined when sub-meters are installed (World Wide Fund for Nature, 2005). However, hotel engineers are still constrained by bureaucratic problems and approval from owners or investors, especially in terms of seeking alternative water sources such as water recycling and rainwater harvesting. In terms of human rights due diligence and an HRWIA, encouragement is needed through regulation and assistance. As discussed in Chapter Six (section 6.6) limited staff capacity and shortcomings in accessing information and guidance on water stewardship are challenging factors for hotels to improve their water management. The information and guidance on water stewardship is not available in the Indonesian language and hotel engineers do not speak English.

Through discussion forums facilitated by the FPRB, at least open communication between hoteliers, government and community representatives has begun. This is the first step in transforming hotel water governance practices that respect people's right to water. Several factors that need special attention are the overall involvement of the community in environmental impact assessments and the clarity of hotels water use data. These are essential given that the monitoring and benchmarking of hotel water consumption is the first step to improving hotels' water



management. In addition, robust and clear directives via enforceable government regulations are also necessary for increasing hotels' responsibility toward the human right to water.

As a comparison, efforts to transform water governance in the tourism accommodation sector in Bali also began by disseminating research results and bringing together various key stakeholders. Cole's (2012, 2014 and 2015) studies of tourism and water in Bali initiated a series of actions to deal with the pending water crisis among key stakeholders. Following up on Cole's research findings, local NGOs have begun working on public education to act in saving and protecting Bali's freshwater. Furthermore, a charity organization in Bali took further action to install rainwater catchment and water pipes to the driest North East region and produced a film about water conservation which was screened at an international film festival (Equality in Tourism, 2015).

In respect of the impact of her studies, Cole et al (2021) concludes that, by creating a public dialogue, she has been able to attract the attention of the government, the tourism industry and key NGOs. In sum, the impact where policy makers and practitioners were alerted to Bali's water crisis was conceptual. Indeed, as suggested by Meagher et al (2008), the conceptual impact is primarily about increasing awareness and having an impact on policymakers and practitioners' knowledge, understanding, and attitudes. This type of impact may be less evident and recognised than instrumental, but it is just as significant (Cole, Wardana and Dharmiasih, 2021). Currently in Bali, the IDEP Foundation is taking the lead in transforming water governance. Under the banner of the Bali Water Protection (BWP) initiative, IDEP collaborates with various stakeholders' including hotels, government, academia, and community groups. The BWP program includes public education, public awareness, and aquifer rehabilitation. It also reaches out to hotel environmental and engineering managers in collaboration with the Bali Hotel Association (Bali Water Project, 2017).

#### 9.4.4. Future Actions

Seeing what has happened and accomplished by the Empowered Citizens movement, advocacy efforts still have to continue. This is because, framed as a struggle for water equity and a call for greater participation, water conflict between hotels and communities has provided the impetus to create a sustainable transformation. In this section, I discuss some potential future actions. These

actions fall into three categories: legal transformation, persuading hotels and community monitoring.

The first action relates to the water management bill proposed by the Yogyakarta Provincial Regional Representative Council (Chapter Five section 5.8.1; Interview ABX 11 & ABX 10). As indicated by the discussion in Chapter Eight, legal transformation is a crucial battleground. This is because the law can drive a paradigm shift. Evidence from a number of destinations suggests that the lack of clear regulation and government policy hinders equitable water distribution (Cole, 2012; Noble et al., 2012; Hof and Blázquez-Salom, 2015); and efficient and stricter regulation plays an important role in engaging hotels in water management issues (Kasim et al., 2014; Dinarès and Saurí, 2015; Tekken and Kropp, 2015; Razumova, Rey-Maqueira and Lozano, 2016; Alonso-Almeida et al., 2017). The FPRB therefore has to advocate recognition of the HRW in the Yogyakarta water management bill.

In addition, it is necessary to ensure that there is an articulation of the business responsibility to respect the HRW in the Yogyakarta water regulation. Clarifying the hotels responsibility for respecting the HRW will have further implications for hotel water management within and beyond legal prescription. The regulation therefore has to emphasise the active involvement of the community, particularly in terms of social licences to operate and the HRWIA, and emphasise the use of water for recreation and tourism purposes as secondary to the community right to water and the need for it to be strictly controlled and monitored. With such emphases, permission to use water for business purposes is thus moored in understanding the right to water as "securing the relations that support people and communities' relations with water worlds as inherent aspects to what they choose to do and be" (Jepson, Wutich & Harris, 2019, p.93).

Second, the FPRB should start building alliances with hotel engineers to pursue advocacy from within hotel management. This means, whilst seeking legal transformation, the FPRB should persuade hotels to transform their water management. As mentioned in Chapter Six, the final decision to implement water stewardship is in the hands of hotels' upper echelons, particularly the owners. The challenge is therefore to persuade hotel owners to take part in respecting the HRW.

As such, the FPRB can reach out to hotels and explain about hotels' responsibility to respect the right to water. This means introducing the GPs to hotel engineers, among whom environmental sustainability awareness already exists. This should include an explanation of the due diligence process; identifying potential and actual human rights impacts of their water

consumption; integrating findings into company processes; addressing impacts; and reporting on performance. An example transformation practice comes from the Mercure Convention Centre (MCC) in Jakarta, Indonesia. Amid Jakarta's ongoing struggles with water supply, as well as a governance gap in environmental impact assessments for hotels, the MCC thoroughly transformed their water management in a five-year program which started in 2015. Their efforts cover policy commitment, structural and technical transformation, impact assessment, and energy improvement and monitoring. Some of the key initiatives being taken include: closing a deep well and optimizing water usage from the government, optimizing the use of grey water, and conducting a transparent and comprehensive water audit (Green Hotelier, 2018).

To complement the overall water management transformation, the FPRB should encourage hotels to explore alternative water sources such as rainwater and greywater recycling. A study of the water performance of buildings suggests that water recycling can reduce water utilization by an extra 10%, after a 40% reduction in water utilization achievable from the execution of water efficiency measures (Styles, Schönberger, Galvez Martos, 2013). As an example, the Soneva Hotels group, based in the Maldives, not only participates in the ITP (International Tourism Partnership) Hotel Water Measurement Initiative, but is also 100% self-sufficient in its water supply, recycling wastewater through natural filtration and oxygenation. In addition, Soneva has onsite filtering and bottling of drinking water, and 10% of sales revenue is donated to the "WHOLE WORLD Water Fund", which is then distributed to partners to deliver local water and sanitation services. Between 2008 and 2014 this averted the production of 1.2 million plastic bottles and provided clean water and sanitation to over 610,000 people (Soneva Group, 2014).

The third action is striving for a greater community role as part of hotel water management. As I have demonstrated in this thesis (Chapter Eight section 8.4.4 and Nine section 9.3), there is sufficient justification to assert that systematic community participation is an essential part of hotel water management. In fact, initiatives such as the ITP water stewardship guidance have also begun to highlight the importance of community involvement in hotel water management. For example, the Inter-Continental Hotel Group in Chengdu, China have partnered with a local community organisation (Chengdu Urban Rivers Association) to develop plans to manage hotel water consumption as well as manage water scarcity and pollution in the local area (ITP, 2018b). Therefore, strengthening the capacity of citizens is crucial to shaping the way residents think and act in dealing with hotels in their community.

Strengthening the capacity of citizens also relates to the capacity of individuals or groups in managing their environment. As such, the barefoot impact assessment training needs to be multiplied. As discussed in Chapter Seven (section 7.7), the barefoot environmental impact assessment emphasized community participation and employed empirical bio-analysis in the surrounding community. This kind of impact assessment (training) situates water in its quality for other species and has the potential to increase citizen inclusion in groundwater use monitoring. Here the underlying idea is to consolidate and mobilize citizens in taking alternative pathways by which water equity and the right to participate can become manifest especially from bottom up initiatives (van den Berge, Boelens and Vos, 2019).

Additionally, the FPRB is able to train members of the community to perform the participatory groundwater level surveys. Through this method, the community will be more aware of the groundwater issues that affect them, and at the same time acquire a basic knowledge of the hydrogeological concepts involved in aquifer development. LaVanchy and Taylor (2015) suggest that, besides monitoring groundwater levels decreased by a rapidly growing tourism sector, it is also necessary to “track land-use changes (affecting infiltration and recharge), and integrate hydrologic dimensions of climate change” (p.776). Existing knowledge also suggests that a citizen science's approach to groundwater monitoring has the potential to be an effective and affordable tool for sustainable water resources management (Little, Hayashi and Liang, 2016).

Referring to the literature (Chapter Two section 2.2.2), we can consider actions such as barefoot impact assessments and groundwater level surveys as an exercise of community “practical authority” to win recognition within the impact assessment system which enables them to influence the behaviour of other actors (the government and hotels) (Meehan, 2019). Residents should also approach hotels and the government to disclose hotel water usage data. By making hotel water data transparent, water management could be placed as a public issue and discussed together with all stakeholders. Respecting the HRW means that hotel water management is not confined to the hotel domain only. Hotels’ water management is an issue that needs to be approached in a participatory and contextual fashion. For this reason, strengthening the capacity of citizens also needs to emphasize aspects of community leadership and initiatives.

## 9.5. With, Against, and Beyond Tourism (Business)

Thus far, I have discussed various aspects of citizen activism related to hotel proliferation and the concomitant concerns regarding the human right to water. The activism revolves around the call for water equity and the right to participate in development decision making. Further, I have pointed out that linking the HRW with the security-capabilities approach can provide conceptual support for the claim of responsibility for respecting the right to water of hotels based on citizen participation. In this regard, citizens and communities must be understood as political actors rather than flattened as only consumers of water (Jepson, Wutich and Harris, 2019). Put differently, realising the HRW is synonymous with democratic citizen participation (Clark, 2019). Thus, hotels' water management needs to be placed as a public issue and discussed together with all stakeholders. Furthermore, respecting the HRW means that hotel water management is not confined to the hotel domain only. Hotels' water management is an issue that must be approached in a participatory and contextual fashion. Correspondingly, previous sections also discussed several actions that came about during the study process as well as potential future actions.

As such, to close this chapter, I argue that the current nature of community activism is a form of struggle "to work with, against, and beyond" tourism as an industry. On the one hand, the community has long accepted tourism in Yogyakarta. However, the government's ambition to enhance tourism as a path to economic growth has caused various problems. The problems that arise reflect a failure to put society and the environment at the centre of tourism development and portrays water as a commodity. Under the neo-liberal policy, the private sector, such as hotels, is positioned as the main actor without an adequate framework or obligation for respecting HRW (see Chapter Eight section 8.2.1). As a consequence, hotel expansion is likely to reinforce inequalities for those who can afford to pay for water as opposed to those who find water costs prohibitive (Cole et al., 2020).

Moreover, the "Dry Yogya" and "Yogya not for sale" campaign coalition reflects civic resentment of the neo-liberal tourism model, which claims a business occupies a 'dominant' position in the industry (Scheyvens and Biddulph, 2018). Beyond mere expressions of resentment, activism from community groups seeks to present narratives (and evidence) of tourism impacts that cannot necessarily be traded off with economic growth. Efforts such as legal advocacy and strengthening the capacity of citizens also continue to be made in the struggle for water justice. Thus, community organizations play an important role in repositioning citizens as the main actors

of tourism development and water management. Overall, the discussion in this chapter has illustrated aspects of the political struggle in thinking through and bringing about water justice via the HRW. Where there is water conflict between hotels and communities, the reality of uneven power relations unfolds, and the pursuit of water equity tied with ecosystem integrity is necessary. In sum, the visceral attachment people have to water as a source of life can empower them to challenge the course of unchecked tourism development.

## 9.6. Summary

In this chapter I present an analysis of efforts made by local communities to tackle water disputes with hotels. I also present a reflection of the participatory actions that have been carried out throughout the study process. All told, through this study, both the FPRB and I have facilitated a conversation between government, hoteliers and community groups regarding hotel water management. Through this study, I also introduce a business and human rights (to water) framework in specific connection to the hotel business. Furthermore, foregrounding the BHR approach, I have been able to identify some potential future actions, namely legal transformation, persuading hotels to participate and community monitoring. This study of water conflict between hotels and communities, when framed as a struggle for water equity and a call for greater participation, has identified the roots of the problem, as well as the opportunities and processes for transforming water management in hotels to adopt a human rights-based approach.

## Chapter 10. Conclusion

Fresh water, a fundamental component of natural environments, is also essential for human societies and the tourism industry. As established in Chapter One, although often ignored, tourism is interlinked with the human right to water discourses. This research therefore focuses on the human right to water (HRW) and the UN Guiding Principles on Business and Human Rights (GPs) as it relates specifically to the hotel industry in Yogyakarta, Indonesia. This project has a two-fold rationale, one is empirical and the other is conceptual. The empirical rationale is concern with disruption to water supplies among local communities related to substantial hotel development in Yogyakarta, Indonesia. This issue, conceptually, requires an investigation positioned within a business and human rights approach to seek out a broader understanding on the prospects and challenges for hotels to respect the HRW. I formulated three research questions. In this concluding chapter, I put forward some answers towards the research questions based on the discussion in previous chapters. Furthermore, I present this study as a distinctive contribution to knowledge. I then highlight the implications for policies and advocacy. To close, I outline the strengths and limitations of my study approach as well as opportunities presented by this research for further studies.

### 10.1. Research Question One

This study foregrounds the business and human rights (BHR) approach in the realm of hotels and the HRW. As discussed in Chapter Two (section 2.9), the main research variables in examining hotels' responsibility in respecting the HRW are the regulatory-legislative framework; the HRWIA; the importance of monitoring, evaluation and disclosure of water use and impacts; and community participation. The first question posed is *to what extent does the legal framework applicable to the hotel industry in Yogyakarta recognize and implement the right to water within the UN Guiding Principles on Business and Human Rights?* The concise answer is that there are only limited legal provisions that require hotels to respect the HRW, and their implementation is problematic.

As previously discussed in Chapter Five, this research has shown that Water Resource Law 2019 is the only regulation that clearly stipulates the business responsibility to respect the HRW. Meanwhile, Indonesian Tourism Law 2009 and Hotel Regulations 2013 are not explicitly pro-

environment or concerned with human rights; rather, both are inclined toward the sustainability of the tourism business and their role in tourism development, such as optimizing service quality and multiplying economic benefits.

Moreover, at the Yogyakarta level, in conjunction with Water Resource Law 2019 and Environmental Law 2009, the regulations on groundwater management have stipulated prioritising daily basic needs as a major consideration for business water use. However, there is a loophole in the compulsory measures for hotels to perform human rights (to water) impact assessments and the local community does not have direct control over the use of groundwater in their surroundings. Thus, while the destination communities are conceived as being an integral part of the tourism industry, they remain vulnerable to human rights abuses by tourism businesses.

On the other hand, even though hotel businesses must comply with environmental regulations, it is only the AMDAL environmental impact assessment that has the necessary thorough impact assessment features, including appropriate community participation from the beginning of the impact assessment. In this respect, the AMDAL process is the only requirement that could be considered to resemble, or has the possibility of being integrated with, a human right to water impact assessment (HRWIA). However, the available data shows that only a small number of hotels satisfy AMDAL obligations. All these findings indicate that the HRW is brought into legislation without holding businesses such as hotels accountable for respecting the HRW or providing protection to local communities. In short, there is a failure to stipulate a clear expectation for hotel businesses to respect the HRW within the hotels' business standards.

Furthermore, in addition to the limited legal provisions that require hotels to respect the HRW, empirical findings suggest that challenges occur in realizing and protecting the HRW. These challenges are the government's inability to fulfil the HRW, a gap in compulsory measures for hotels to perform human rights to water impact assessments, and the government's inability to control and monitor hotels' water use alongside the government's aspiration to promote tourism development and hotel investments. There is some evidence to suggest that the government is trying to address the challenge of water scarcity through augmenting water supply and conservation. However, without the strengthening of legal provisions and the enforcement of rigorous impact assessments, ultimately, such approaches may only exacerbate tensions over water supply and produce unacceptable impacts on the environment.



Being reflexive in response to the first research question, I found that it is difficult to be in the official government position, particularly when dealing with the existing hierarchical development policy that intertwines with national and local political dynamics. Some of the government officials are aware of the problem and think that they need to do better. Yet, the direction of tourism development at the national and local level has created a permissive situation for hotel growth in the name of tourism and economic development. As pointed out in Chapter Five, there are instances where the government officials are under pressure to agree to permits for hotel construction. That being the case, and following the tourism development acceleration scheme, Yogyakarta will likely experience new hotels opening without an adequate legal framework to respect the HRW.

## 10.2. Research Question Two

Acknowledging the tensions and contradictions inherent in achieving equitable water access, in this study, I take into account the state-centric critiques (Angel & Loftus, 2019) by incorporating hoteliers' and communities' perspectives with regard to hotels water use. Hence, the second research question posed is *to what extent do hotels in Yogyakarta respect the community's right to water within the UN Guiding Principles on Business and Human Rights framework?* In this regard, the short answer would be only as far as the government regulates such obligation and enforces it.

As discussed in Chapter Six, the hotelier's attitude toward hotel water management correlates with the sentiment on law enforcement on hotels' permits (section 6.6). Simply put, hotels are not complying with the law because they know that they can get away with non-compliance, as there are no inspections and other enforcement activities. This means stringent regulation and enforcement are crucial to augment hotels' water responsibility.

Moreover, despite a basic understanding of environmental sustainability, voluntary application to water stewardship and respecting the human right to water is limited among hoteliers. The majority of hotel engineers are not aware of the availability of voluntary water stewardship initiatives even though a number of initiatives to transform hotel water management continue to grow on a global scale (Kim, Lindström and Weinberg, 2013; Styles, Schönberger and Martos, 2013; ITP, 2016, 2018b; Sustainable Hospitality Alliance, 2020). At this moment, none of the voluntary standards and guidelines are available in the Indonesian language, and the majority

of hotel engineers do not comprehend any language other than Indonesian. As such, the lack of voluntary action in addressing a hotel's responsibility to respect the HRW links to shortcomings in accessing information or guidance on water stewardship and limited staff capacity. In my view, the lack of initiatives in increasing staff capacity and accessing new information associated with how hotels value the water, not just only in terms of price (because the groundwater tariff for hotels is cheap), but also more importantly because water is not yet seen as an essential element of biotic life nor the environment. Overall, there is lack of awareness of the knock-on effects on system health among hoteliers.

Extant studies indicate that when it comes to water, hotel managers may be price sensitive (Razumova, Rey-Maqueira and Lozano, 2016; Deyà-Tortella et al, 2017). This means hotel managers may not be motivated to plan and monitor consumption closely when water resources are inexpensive (Popely, 2018). However, as suggested by Popely (2018), hotel water management standards and approaches should not just aim to reduce costs but also preserve water availability for the surrounding community and environment. For that to happen, evidence indicates that hotels can be motivated to adopt environmental strategies when pressured by external institutions (Ayuso, 2006), or where there is cooperative ownership (Timur and Timur, 2016).

In addition, I learned that hoteliers were not ready for the language of human rights to water, and that the same objectives need to be met using a different lexicon. The much more common terms are water stewardship (International Tourism Partnership) and green hotels (Green Building Council Indonesia). This indeed is true in terms of existing business initiatives. As discussed in Chapter Two (section 2.5), existing approaches in which businesses engage with their obligation to respect the right to water within the BHR framework are founded on the principles of stewardship.

### 10.3. Research Question Three

The third research question asks *what efforts are being made by the local community to address their right to water in relation to hotel development and activity? And how effective are the efforts?* This research has shown that there are multiple actions undertaken by a coalition of Yogyakarta residents including those directly impacted from hotels' water use, concerned outsiders, academics, and non-government organizations. These actions are protests, campaigns, coalition building, the lodging of formal complaints, lawsuits, research, and community capacity

building. As discussed in Chapter Nine (section 9.3), there are two foci of actions. The first action is focused on supporting data-driven advocacy by using research, investigations, and focus group discussions. Initially, these actions succeeded in making the government carry out investigations and take legal action related to violations of the use of groundwater by several hotels. On the other hand, the second focus is to create public awareness about the negative effects of unchecked tourism development, as well as to give long-term recovery aid and build people' capabilities. As a result, cooperation among citizens has been shaping and strengthening networks between residents across villages and communities to address water issues in their area.

Moreover, the "Yogja Asat" (meaning, "Yogyakarta is drying up" in Javanese) and "Yogja ora di dol" (meaning, "Yogyakarta is not for sale" in Javanese) campaigns succeeded in raising awareness of unchecked tourism and its impact in Yogyakarta. The campaigns triggered a number of projects, ranging from lecture assignments to dissertations of local students in universities, and from a series of discussions to the creation of art works. These projects include my doctoral study that utilises a participatory action approach. In this study, I collaborated with the FPRB (Yogyakarta Risk Disaster Mitigation Forum), a key organization that advocates on behalf of communities regarding hotel-community water disputes. This collaboration is intended not just to include the participant as the investigated, but also to support their cause. By using a participatory action approach, this research has succeeded in identifying opportunities for further advocacy and highlighting the role of the community, such as through the barefoot impact assessment and community-based groundwater level surveys (Chapter Nine section 9.4.4). In addition, the Yogyakarta Water bill is a crucial battleground in stipulating the business responsibility to respect the HRW. This endeavour indeed has attracted people to participate in political processes and is, as such, a prerequisite to co-operation and the formation of alliances between civil society organizations in influencing the regulation-making process.

In Chapter Nine, I demonstrated that the current nature of community activism is a form of struggle "to work with, against, and beyond" tourism as an industry, where the disruption to the water availability experienced by communities is a reflection of their incapacity in determining the direction of tourism infrastructure development in their localities. Such an expression confirms that citizen participation is one of the critical elements of the HRW. This finding echoes Jepson, Wutich and Harris' (2019) arguments that suggest citizens and communities have to be political actors of the HRW and not just water consumers. In other words, realising the HRW is synonymous

with democratic citizen participation. That being the case, in relation to the BHR approach, hotel water management needs to be placed as a public issue and discussed together with all stakeholders. Respecting the HRW means hotel water management cannot be confined to the hotel domain only but must be approached in a participatory and contextual fashion. As such, the answer to this third research question shows the overlap between the human rights to water, the right to participate and water equity; and the Yogyakarta context shows that the struggle over the HRW is inevitably adversarial with the existing tourism development approach.

#### 10.4. Research Contributions

In the realm of tourism and human rights discourse, this study is the first socio-legal research project to focus on hotels and the HRW. This study therefore has adopted the suggestion of taking the “rights-based approach” for hotels, particularly in relation to the HRW (Cole, 2014). From the study results, we can understand that it is overly simplistic to expect hotels to respect the HRW voluntarily. I have demonstrated the complexity surrounding hotels and the HRW. One of the problems hinges on the discrepancy and inadequacy of national and regional laws in the face of tourism development policy. In this regard, this study has shone a light on the gap between the rhetoric and reality of tourism development, particularly in relation to protecting the HRW. The government’s determination to expand tourism development is detached from ensuring the business responsibility to respect the HRW enshrined in the Water Resource Law 2019. Meanwhile, Hotel Regulations 2013 focus on ensuring tourists' rights, and the hotel certification system does not demand full accountability in respecting the HRW. As such, advancing Cole’s work (2014), this study adds to the knowledge that human rights concerns in the tourism sector remain peripheral and bound to the dynamics of an economy driven by neoliberal policies (Pritchard, Morgan and Ateljevic, 2011; Higgins-Desbiolles and Whyte, 2015; Kraak, 2017).

Furthermore, this study, by linking the BHR approach in the HRW discussion, adds to the knowledge that beyond the state's duty to fulfil and protect the HRW, businesses also ought to respect the HRW by centring the community in their water management. In this regard, the community as rights holder goes hand in hand with the community as a water steward. It implies that they should have full participation in hotel water management. This complements the current discussion of the HRW discourse. Expanding Jepson, Wutich and Harris’ (2019) argument, this study has demonstrated that the human right to water not only pivots on positive rights i.e. the

state's duty to fulfil and protect, but also on the business responsibility to respect the local community's rights, in the sense of securing the community's role and its connection with water as an intrinsic element of their livelihood.

This study also expanded Sultana & Loftus' (2019) concern about the political struggle in thinking through and materializing water justice via the HRW. In this respect, I have provided the socio-political tourism context in Yogyakarta and provided the first study to explore the tensions and contradictions of equitable water access for residents living in a city whose socio-economy is driven by tourism development. Furthermore, by framing water conflict between hotels and communities as a struggle for water equity and a call for greater participation, this study identified the opportunity to transform water management in hotels. By utilising a participatory action research approach, this study has presented an effort to effect changes whilst revealing the necessity of the public's role in realising and protecting the HRW. As such, this study has reinforced the understanding that non-state actors, social movements and alternative efforts are crucial in challenging the forces that undermine the community HRW.

Moreover, expanding Cole's (2014) discussion on tourism and the human right to water, this study has illustrated that the HRWIA could become an important entry point for hotels to reform their water management, allowing for a more comprehensive view on the hotel's water impact, and for management to act accordingly in every aspect of the hotel's water practices. Advocating the HRWIA therefore has the potential to enable engagement between hotels and their communities and go beyond merely reducing hotel water use or sharing water. This study has contributed to knowledge by identifying the challenges that hotels face to respect the HRW, and how these can be taken into account.

By foregrounding the HRW – BHR framework, this study has achieved its aims and opens the “conditions of possibility” suggested by Sultana and Loftus (2019), that is, to draw the state, hotels and communities closer together, to engage them in new conversations, new ways of understanding and acting, and to work towards protecting and respecting the HRW. In conclusion, this study has shown that community governance and collaboration for implementing a human rights-based approach on hotels water use is imperative. Simply put, promoting the HRW-BHR framework for hotels requires both political will and good governance in a way that enables meaningful community participation, while addressing complex trade-offs in a transparent and accountable manner.

## 10.5. Research Implications

The implications of this study are threefold. First, this study informs both central and Yogyakarta government on the limitations to the legal framework for making hotel businesses accountable to the HRW. As such, the law and regulations on hotel water management demand reimagination and redirection. In short, legal transformation is essential. Moreover, for the coalition of Yogyakarta residents, knowledge of the current limitations of the legal framework will help them to reorient their advocacy efforts for better effectiveness. As discussed in Chapter Nine, the Yogyakarta bill for water management, which has been postponed, is a possible entry point for voicing a demand for business to respect the HRW. Such a demand needs to emphasise two things. First, the local community should be actively involved in the process of hotel's social licenses to operate and its HRWIA procedures. Second, that the use of water for recreation and tourism purposes is placed as secondary to the community right to water and needs to be strictly controlled and monitored.

The second implication is seeing the potential relationship between the HRWIA and the AMDAL process. This implies that the government should enhance both the AMDAL and UKL-UPL requirements by translating and incorporating elements of the HRWIA into the AMDAL and UKL-UPL components. This can be done at the provincial level by establishing a provincial water regulation that obligates hotels to include community participation in water impact assessments and in the overseeing of hotel water use; access to remedial action; identification of the cumulative impacts on future water supply; and identifying community structures and the socio-cultural dynamics that affect water availability. In addition, the community has to be the final arbiter in deciding whether a business can access the groundwater in their area.

Third, the implications for advocacy are that the coalition of Yogyakarta citizens needs to present an alternative paradigm that redefines and reorients tourism in favour of local communities' and peoples' rights and interests. This is required to challenge current tourism development and it is necessary for tourism businesses to be held accountable to the planet's social and ecological limits. Therefore, a future advocacy agenda should include: persuading hotels to transform their water management; taking part in respecting the HRW; as well as enhancing community involvement in determining the forms of tourism that are developed according to processes that they identify. Moreover, as demonstrated in Chapter Nine, actions such as barefoot impact assessments and groundwater level surveys can be pathways to enhance community participation.

Moving beyond state duties, these actions are essentially an exercise of the community's autonomy to protect their HRW.

## 10.6. Strengths and Limitations of Approach Taken

In reflecting on the research contributions, the qualitative-interdisciplinary approach utilized in this study has significant merits in addressing the complex normative nature of the BHR-HRW framework for hotel business. By comprehending and incorporating elements of law and tourism studies into a single organic approach, this study is able to inform the BHR's policy-oriented platform and directives into a future advocacy and research agenda regarding hotels water management. Moreover, taking a participatory-action approach with the FPRB ensured that there was an on-going impact during the research process, and increased the likelihood of follow-up from this study. However, this mixture of approaches is still lacking a large sample of hotel participants and a quantitative analysis regarding hotels water consumption against local and international benchmarks, such as the Cornell Hotel Sustainability Benchmarking (Ricaurte, 2017) or Hotel Water Measurement Initiative (ITP, 2016). Knowing this caveat is beneficial for the development of further studies.

## 10.7. Suggestions for Further Study

Finally, there are further studies, in both academic and community-based environments, that can bring about a better situation for Yogyakarta and its residents. First, this study has not discussed aspects of criminal law enforcement from the perspective of the police and prosecutors. In addition, the legal verdict of the state administrative court on a citizen's lawsuit against the construction of a hotel has been absent in this study. This could be the subject of a separate study to see how legal institutions interpret the existing legal framework in water conflicts between residents and hotels.

Second, this study has not investigated the perspective of hotel customers. It is important to investigate how the tension in regard to water use between hotels and communities influences the willingness of tourists to stay in hotels or to visit a destination. Such a study would be useful to understand how to engage with and enable tourists to travel responsibly.

Third, this study was based on a representative yet small sample of hotel members, and further study, using quantitative as well as qualitative methods could include more establishments.

Having a large sample of hotels and its water data will be useful in knowing the total amount of hotel water usage and understanding hotels water consumption pattern in more detail.

Fourth, this study did not examine the impact of water disruption in society using intersectionality as an analytical framework where the result of water disruption can affect people of different genders, ages, social statuses, and economic situations. Further research into intersectionality may expose the multi-faceted effects of the tourism industry's water use on local communities as well as the broader impact on gender relations (Cole et al., 2020).

Fifth, another aspect that has not been discussed is related to citizen science –“active public involvement in scientific research”- (Aisling, 2018). It is important to explore this in order to understand how efforts such as bare-footed impact assessments and groundwater level surveys can be expanded, have more quality and be more networked. In addition, the fact that there is an intrinsic value in participating in the citizen science approach, particularly when the outcome of participation would have a direct impact on those who effectively participate, makes this kind of study interesting to pursue.

Ultimately, the challenge of action research is continuity and an ongoing evaluation of how impactful the research is. In the context of this study, continuity of the research and the ongoing evaluation ensures meaningful participation through a reflective-iterative process between every step taken and its emergent results. This occurs while engaging with the evolving literature and best practices on community participation. Holistic and interdisciplinary approaches are also crucial in addressing business and human rights (to water) given there are no possible solutions from a one-dimensional perspective. In addition, various follow-up efforts such as mobilizing the media and maintaining established partnerships need to be undertaken. Equally important are follow-up studies such as those conducted by Cole, Wardana and Dharmiasih (2021) where they report the longitudinal impact of their research and activism on water and tourism issues. To conclude this whole thesis, as a personal remark, I would like to point out that continuous endeavour takes dedication, the courage to ask challenging questions of public and private sector representatives, as well as consistent collaboration and learning together with local residents. In essence, one needs to care about the well-being of the local community and be bound to them by mutual reciprocity and passionate commitment.



## References

- Abbasi, T. and Abbasi, S.A. (2012) *Water Quality Indices*. 1st edition. Oxford, UK & Amsterdam: Elsevier.
- Adams, K.M. (2018) Revisiting Wonderful Indonesia Tourism. In: Robert Hefner (ed.). *Routledge Handbook of Contemporary Indonesia* 1st edition. London - New York: Routledge. pp. 197–207.
- Addo, M.K. (2014) The reality of the united nations guiding principles on business and human rights. *Human Rights Law Review*. 14 (1), pp. 133–147. doi:10.1093/hrlr/ngt041.
- Admin HI (2017) *Interest Aggregation Forum: Creating a Just Water Governance System in Yogyakarta / HI Fisipol UGM*. Available from: <http://hi.fisipol.ugm.ac.id/en/berita/interest-aggregation-forum-creating-a-just-water-governance-system-in-yogyakarta/> [Accessed 29 January 2018].
- Admin Warta (2016) *Pemkot Serius Menata Sungai Winongo*. Available from: <https://warta.jogjakota.go.id/detail/index/4830> [Accessed 27 May 2021].
- Ahsinin, A., Muttaqien, A., Setianti, B.L., Fuad, M.B., Nidyaningsih, P., Aji, S.B., Zakaria, S. and Yudhani, V.R. (2020) *Memetakan Mozaik Pelanggaran Hak Asasi Manusia Dalam Konteks Pembangunan Pariwisata Berdasarkan Perspektif Bisnis dan HAM: Studi Empat Destinasi Bali Baru* Yesaya Sandang (ed.). [online]. 1st edition. Jakarta: Lembaga Studi dan Advokasi Masyarakat (ELSAM).
- Aisling, I. (2018) *No PhDs needed: how citizen science is transforming research*. Available from: <https://www.nature.com/articles/d41586-018-07106-5> [Accessed 11 March 2021].
- Al'Afgani, M.M. (2006) Constitutional Court's Review and the Future of Water Law in Indonesia. *Law Environment and Development* [online]. 2 (1), . Available from: <http://www.lead-journal.org/content/O600.pdfdoi:10.3868/s050-004-015-0003-8>.
- Alonso-Almeida, M. del M., Robin, C.F., Pedroche, M.S.C. and Astorga, P.S. (2017) Revisiting green practices in the hotel industry: A comparison between mature and emerging destinations. *Journal of Cleaner Production*. 140 pp. 1415–1428. doi:10.1016/j.jclepro.2016.10.010.
- Aluta, E.O. (2017) *Participatory water governance in Nigeria: Towards the development of an effective legal framework for rural communities*. (Bristol) University of the West of England.
- Andreen, W.L. (2011) Water resources planning and management Water law and the search for sustainability: a comparative analysis. In: R. Quentin Grafton and Karen Hussey (eds.). *Water Resources Planning and Management* 1st edition. (Cambridge) Cambridge University Press. pp. 115–174.

- Angel, J. and Loftus, A. (2019) With-against-and-beyond the human right to water. *Geoforum* [online]. 98 (September 2016), pp. 206–213. Available from: <https://doi.org/10.1016/j.geoforum.2017.05.002>
- Antonova, N., Ruiz-Rosa, I. and Mendoza-Jiménez, J. (2021) Water resources in the hotel industry: a systematic literature review. *International Journal of Contemporary Hospitality Management*. doi:10.1108/IJCHM-07-2020-0711.
- Apriando, T. (2015) *Izin Lingkungan Banyak Kejanggalan, Warga Karangwuni Gugat Apartemen Utara*. Available from: <https://www.mongabay.co.id/2015/12/23/izin-lingkungan-banyak-kejanggalan-warga-karangwuni-gugat-apartemen-utara/> [Accessed 30 November 2020].
- Apriando, T. (2016) *Terlindas Kepentingan Pemodal, Beginiilah Nasib Warga Pesisir Watu Kodok*. Available from: <https://www.mongabay.co.id/2016/05/31/terlindas-kepentingan-pemodal-beginilah-nasib-warga-pesisir-watu-kodok/> [Accessed 1 December 2020].
- Apriando, T. (2018) *Tolak Lahan jadi Bisnis Pariwisata, Satu Warga Sumba Tewas Tertembak*. Available from: <https://www.mongabay.co.id/2018/04/29/tolak-lahan-jadi-bisnis-pariwisata-satu-warga-sumba-tewas-tertembak/> [Accessed 25 March 2021].
- Apsari, A.A. and Rohman, A. (2012) Perspektif Pelaku Bisnis Perhotelan Di D.I. Yogyakarta Terhadap CSR. *Jurnal Komunikasi*. 7 (1), pp. 43–54. doi:10.20885/komunikasi.vol7.iss1.art4.
- Ardea International (2014) *Comparative table explaining the key differences between the UN Global Compact and the UN Guiding Principles on Business and Human Rights*.
- Arijuddin, B.I., Purnama, I.L.S. and Nurjani, E. (2019) The sustainability of rainwater harvesting for supplying domestic water demand in Yogyakarta City. *E3S Web of Conferences*. 76 . doi:10.1051/e3sconf/20197604004.
- Knut Asplund, Marzuki Suparman, and Eko Riyadi (eds.) (2008) *Hukum Hak Asasi Manusia* [online]. 1st edition. Yogyakarta: PUSHAM UII.
- Astuti, W.K. (2017) Air dan Dialektika Kota Pariwisata: Merebut Hak atas Kota dan Air di Yogyakarta. *WACANA: Jurnal Transformasi Sosial*. (35), pp. 91–116.
- Atsmara, A.N. and Kusuma, B.M.A. (2014) Relevancy of Law No.10 Year 2009 about Tourism Towards Creative Economy as a New Platform of Tourism Development in Indonesia. *Journal of Indonesian Tourism and Development Studies*. 2 (1), pp. 33–39.
- Augenstein, D., Dawson, M. and Thielbörger, P. (2017) Implementing the UNGPs in the European Union: Towards an Open Method of Coordination for Business and Human Rights. *SSRN Electronic Journal*. doi:10.2139/ssrn.2905619.

- Ayuso, S. (2006) Adoption of voluntary environmental tools for sustainable tourism: Analysing the experience of Spanish hotels. *Corporate Social Responsibility and Environmental Management*. 13 (4), pp. 207–220. doi:10.1002/csr.103.
- Azhar, H. (2010) The Human Rights Struggle in Indonesia: International Advances, Domestic Deadlock. *SUR - International Journal on Human Rights*. (March 2014), pp. 226–235.
- Bachelet, M. (2019) *Global update at the 42nd session of the Human Rights Council: Opening statement by UN High Commissioner for Human Rights*. Available from: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24956&LangID=E>.
- Baillat, A. (2013) *Corruption and the human right to water and sanitation: Human right-based approach to tackling corruption in the water sector* [online] p.pp. 1–32. Available from: [http://www.waterlex.org/new/wp-content/uploads/2013/12/2013-WaterLex-WIN\\_Corruption-and-the-HRWS-.pdf](http://www.waterlex.org/new/wp-content/uploads/2013/12/2013-WaterLex-WIN_Corruption-and-the-HRWS-.pdf).
- Bakker, K. (2012) Commons Versus Commodities: Debating the human right to water. In: Farhana Sultana and Alex Loftus (eds.). *The Right to Water: Politics, governance and social struggles* 1st edition. (London & New York) Earthscan, Taylor & Francis. pp. 18–44.
- Bakker, K. (2013) *Privatizing water: governance failure and the world's urban water crisis*. (Ithaca, New York) Cornell University Press.
- Balai Pelestarian Cagar Budaya Provinsi D.I. Yogyakarta (2019) *Sumbu Filosofi Yogyakarta*. Available from: <https://kebudayaan.kemdikbud.go.id/bpcbyogyakarta/sumbu-filosofi-yogyakarta/> [Accessed 20 February 2021].
- Bali Water Project (2017) *IDEP was invited by the bali hotel association to present the bali water protection program to a pool of hotel environmental and engineering-managers*. Available from: <https://baliwaterprotection.net/idep-was-invited-by-the-bali-hotel-association-to-present-the-bali-water-protection-program-to-a-pool-of-hotel-environmental-and-engineering-managers/> [Accessed 24 November 2020].
- Balitbangkumham (2018) *Indikator Bisnis dan Hak Asasi Manusia: Studi Baseline Tentang Relasi Antara Bisnis Sektor Perkebunan, Pertambangan, dan Pariwisata Dengan Hak Asasi Manusia* [online]. Available from: <http://ebook.balitbangham.go.id/detail/indikator-bisnis-dan-hak-asasi-manusia-studi-baseline-tentang-relasi-antara-bisnis-sektor-perkebunan-pertambangan-dan-pariwisata-dengan-hak-asasi-manusia>.
- Banakar, R and Travers, M (eds.) (2005) *Theory and Method in Social-Legal Research*. 1st edition. Oxford: Hart Publication.
- Baskoro, H. and Sunaryo, S. (2010) *Catatan Perjalanan Keistimewaan Yogya*. 1st edition. Yogyakarta: Pustaka Pelajar.
- Batubara, B. (2014) *Analisis DPSIR terhadap Sumber Daya Air di Kota Yogyakarta dan Sekitarnya*.

- Baumann-Pauly, D and Nolan, J (eds.) (2016) *Business and Human Right: From Principles to Practice*. 1st edition. Abingdon, UK & New York: Routledge.
- Becken, S. (2014) Water equity – Contrasting tourism water use with that of the local community. *Water Resources and Industry* [online]. 7–8 pp. 9–22. Available from: <http://dx.doi.org/10.1016/j.wri.2014.09.002>
- Becken, S. and McLennan, C. lee (2017) Evidence of the water-energy nexus in tourist accommodation. *Journal of Cleaner Production* [online]. 144 pp. 415–425. Available from: <http://dx.doi.org/10.1016/j.jclepro.2016.12.167>
- Beers, S. (2013) Thinking globally, framing locally: international discourses and labor organizing in Indonesia. *Österreichische Zeitschrift für Südostasienwissenschaften: ASEAS*. 6 (1), pp. 120–139.
- Benge, L. and Neef, A. (2018) Tourism in bali at the interface of resource conflicts, water crisis and security threats. *Community, Environment and Disaster Risk Management*. 19 pp. 33–52. doi:10.1108/S2040-726220180000019002.
- van den Berge, J., Boelens, R. and Vos, J. (2019) Citizen Mobilization for Water: The Case of Thessaloniki, Greece. In: Farhana Sultana and Alex Loftus (eds.). *Water Politics: Governance, Justice and the Right to Water* 1st edition. London - New York: Earthscan, Taylor & Francis. pp. 161–174.
- Bianchi, R. V., Stephenson, M.L. and Hannam, K. (2020) The contradictory politics of the right to travel: mobilities, borders & tourism. *Mobilities* [online]. 15 (2), pp. 290–306. Available from: <https://doi.org/10.1080/17450101.2020.1723251>doi:10.1080/17450101.2020.1723251.
- Bigas, H., Morris, T., Sandford, B., and Adeel, Z. (eds.) (2012a) *The Global Water Crisis: Addressing an Urgent Security Issue. Papers for the InterAction Council 2011-2012*. Hamilton, Canada: UNU-INWEH.
- Blomley, N. (2008) The spaces of critical geography. *Progress in Human Geography*. 32 (2), pp. 285–293. doi:10.1177/0309132507084401.
- Bobylev, A. V., Bubín, M.N. and Rasskazova, N.S. (2016) The Geoecological Modelling of Small Water Reservoirs and River Catchment Areas as a Procedure in Urban Development. *Procedia Engineering* [online]. 150 pp. 2067–2072. Available from: <http://dx.doi.org/10.1016/j.proeng.2016.07.240>
- Bohoslavsky, J.P., Martín, L. and Justo, J. (2015) The state duty to protect from business-related human rights violations in water and sanitation services: regulatory and BITS implications. *International Law, Revista Colombiana de Derecho Internacional* [online]. (26), pp. 63–116. Available from: [http://www.scielo.org.co/scielo.php?script=sci\\_arttext&pid=S1692-81562015000100003&lng=en&nrm=iso&tlng=endoi:10.11144/Javeriana.il15-26.sdpb](http://www.scielo.org.co/scielo.php?script=sci_arttext&pid=S1692-81562015000100003&lng=en&nrm=iso&tlng=endoi:10.11144/Javeriana.il15-26.sdpb)

- Bourke, B. (2014) Positionality: Reflecting on the Research Process. *The Qualitative Report*. 19 (33), pp. 1–9.
- Bowen, G.A. (2009) Document analysis as a qualitative research method. *Qualitative Research Method*. 9 (2), pp. 27–40. doi:10.3316/qrj0902027.
- BPS (2019) *Statistical Yearbook of Indonesia 2019*. Sub-directorate of Statistical Compilation and Publication (ed.). (Jakarta) BPS-Statistics Indonesia.
- BPS Yogyakarta (2018) *Profil Provinsi D.I. Yogyakarta dalam Angka Tahun 2018* p.pp. 464.
- BPS Yogyakarta (2020) *Provinsi Daerah Istimewa Yogyakarta Dalam Angka 2020*. 1st edition. Yogyakarta: Badan Pusat Statistik Daerah Istimewa Yogyakarta (Yogyakarta Province Statistical Board).
- Braun and Clarke (2013) *Successful Qualitative Research: A Practical Guide for Beginners - Virginia Braun, Victoria Clarke - Google Books*. pp. 382. Available from: <https://books.google.co.za/books?hl=en&lr=&id=nYMQAgAAQBAJ&oi=fnd&pg=PP2&q=Successful+Qualitative+Research&ots=SpJABeI16x&sig=YAoimBoBAjSgohMlba22UTcrXe8#v=onepage&q=Successful+Qualitative+Research&f=false>.
- Breakey, N. and Breakey, H. (2013) Is there a right to tourism? *Tourism Analysis*. 18 (6), pp. 739–748. doi:10.3727/108354213X13824558470943.
- Brodsky, A.E. (2008) Researcher as Instrument. *The SAGE Encyclopedia of Qualitative Research Methods* p.pp. 766.
- Brooks, D.B. (2007) Human rights to water in North Africa and the Middle East: What is new and what is not; what is important and what is not. *International Journal of Water Resources Development*. 23 (2), pp. 227–241. doi:10.1080/07900620601097075.
- Buhmann, K., Festerling, B. and Voiculescu, A. (2018) Business & human rights research methods. *Nordic Journal of Human Rights*. 36 (4), pp. 323–332. doi:10.1080/18918131.2018.1547522.
- Business & Human Rights Resource Centre (no date) *Binding Treaty*. Available from: <https://www.business-humanrights.org/en/big-issues/binding-treaty/> [Accessed 22 December 2020].
- Cannas, R., Argiolas, G. and Cabiddu, F. (2019) Fostering corporate sustainability in tourism management through social values within collective value co-creation processes. *Journal of Sustainable Tourism* [online]. 27 (1), pp. 139–155. Available from: <https://doi.org/10.1080/09669582.2018.1501053>
- Card, J. A., Cole, S.T. and Humphrey, A.H. (2006) A comparison of the Accessibility and Attitudinal Barriers Model: Travel providers and travelers with physical disabilities. *Asia Pacific Journal of Tourism Research* [online]. 11 (2), pp. 161–175. Available from: <http://www.tandfonline.com/doi/abs/10.1080/10941660600727566>

- Carter, J.G. (2007) Spatial planning, water and the Water Framework Directive: Insights from theory and practice. *Geographical Journal*. 173 (4), pp. 330–342. doi:10.1111/j.1475-4959.2007.00257.x.
- Cashman, A. and Moore, W. (2012) A market-based proposal for encouraging water use efficiency in a tourism-based economy. *International Journal of Hospitality Management* [online]. 31 (1), pp. 286–294. Available from: <http://dx.doi.org/10.1016/j.ijhm.2011.05.007>
- Castañeda, Q.E. (2012) The Neo-Liberal imperative of Tourism: rights and legitimization in the UNWTO Global Code of Ethics for Tourism. *Practicing Anthropology* [online]. 34 (3), pp. 47–51. Available from: <https://doi.org/10.17730/praa.34.3.w0251w655647750j>
- Chalid, H. (2009) *Hak-Hak Asasi Manusia Atas Air: Studi Tentang Hukum Air di Belanda, India dan Indonesia*. (Depok) University of Indonesia.
- Charalambous, K., Bruggeman, A. and Lange, M.A. (2012) *The impact of climate change on water use in the tourism sector of Cyprus*. pp. 1–15. Available from: [http://www.cyi.ac.cy/node/698%5Cnhttp://www.clico.org/.%5Cnhttps://www.cyi.ac.cy/system/files/CyprusInstitute2012\\_tourism\\_water\\_survey\\_report.pdf](http://www.cyi.ac.cy/node/698%5Cnhttp://www.clico.org/.%5Cnhttps://www.cyi.ac.cy/system/files/CyprusInstitute2012_tourism_water_survey_report.pdf).
- Charara, N., Cashman, A., Bonnell, R. and Gehr, R. (2011) Water use efficiency in the hotel sector of barbados. *Journal of Sustainable Tourism*. 19 (2), pp. 231–245. doi:10.1080/09669582.2010.502577.
- Chilisa, B. and Kawulich, B. (2012) Selecting a Research Approach:Paradigm, Methodology, and Methods. *Doing Social Research: A Global Context*. (October), pp. 51–61.
- Chynoweth, P. (2008) Legal Research. In: Andrew Knight and Les Ruddock (eds.). *Advanced Research Methods in the Built Environment* 1st edition. (Chichester, England-Ames, Iowa) Willey-Blackwell Publishing. pp. 27–38.
- Clark, C. (2019) Race, Austerity and Water in the United States: Fighting for the Human Right to Water in Detroit and Flint, Michigan. In: Farhana Sultana and Alex Loftus (eds.). *Water Politics: Governance, Justice and the Right to Water* 1st edition. London - New York: Earthscan, Taylor & Francis. pp. 175–188.
- Clark, C. (2019) Water justice struggles as a process of commoning. *Community Development Journal*. 54 (1), pp. 80–99. doi:10.1093/cdj/bsy052.
- Cole, S. (2012) A political ecology of water equity and tourism. A Case Study from Bali. *Annals of Tourism Research* [online]. 39 (2), pp. 1221–1241. Available from: <http://dx.doi.org/10.1016/j.annals.2012.01.003>doi:10.1016/j.annals.2012.01.003.
- Cole, S. (2007) *Tourism, culture and development: Hopes, dreams and realities in East Indonesia*. 1st edition. Bristol: Channel View Publications.

- Cole, S. (2014) Tourism and water: from stakeholders to rights holders, and what tourism businesses need to do. *Journal of Sustainable Tourism*. 22 (1), pp. 89–106. doi:10.1080/09669582.2013.776062.
- Cole, S. (2017) Water worries: An intersectional feminist political ecology of tourism and water in Labuan Bajo, Indonesia. *Annals of Tourism Research* [online]. 67 pp. 14–24. Available from: <http://linkinghub.elsevier.com/retrieve/pii/S0160738317301123>doi:10.1016/j.annals.2017.07.018.
- Cole, S. and Browne, M. (2015) Tourism and Water Inequity in Bali: A Social-Ecological Systems Analysis. *Human Ecology*. 43 (3), pp. 439–450. doi:10.1007/s10745-015-9739-z.
- Cole, S. and Ferguson, L. (2015) Towards a gendered political economy of water and tourism. *Tourism Geographies* [online]. 17 (4), pp. 511–528. Available from: <http://dx.doi.org/10.1080/14616688.2015.1065509>
- Cole, S. and Tulis, M.I. (2016) *For the worry of water: Water, women and tourism in Labuan Bajo. Initial policy paper*. [online]. Available from: <https://www.equalityintourism.org/wp-content/uploads/2015/11/Stroma-For-the-worry-of-water-Final.pdf>
- Cole, S., Wardana, A. and Dharmiasih, W. (2021) Making an impact on Bali’s water crisis: Research to mobilize NGOs, the tourism industry and policy makers. *Annals of Tourism Research* [online]. 87 pp. 103119. Available from: <https://doi.org/10.1016/j.annals.2020.103119>
- Cole, S.K.G., Mullor, E.C., Ma, Y. and Sandang, Y. (2020) “Tourism, water, and gender”—An international review of an unexplored nexus. *WIREs Water*. (January), pp. 1–16. doi:10.1002/wat2.1442.
- Stroma, C., and Nigel, M. (eds.) (2010) *Tourism and inequality: problems and prospects*. 1st edition. (Oxfordshire,UK - Cambridge,USA) CABI Publishing.
- Constantino, T.E. (2008) Constructivism. In: Lisa M Given (ed.). *The SAGE Encyclopedia of Qualitative Research Methods* [online]. Thousand Oaks, CA: SAGE Publications, Inc. pp. 116–120. Available from: <http://methods.sagepub.com/reference/sage-encyc-qualitative-research-methods>doi:10.4135/9781412963909.
- Corbin, J. and Anselm, S. (2008) *Basics of Qualitative Research. Techniques and Procedures for Developing Grounded Theory*. 3rd edition. (Thousand Oaks, California) SAGE Publication.
- Cotterrell, R. (1998) Why Must Legal Ideas Be Interpreted Sociologically? *Journal of Law and Society* [online]. 25 (June 1997), pp. 171–192. Available from: <http://onlinelibrary.wiley.com.ezproxy.webfeat.lib.ed.ac.uk/doi/10.1111/1467-6478.00086/abstract%5Cn>

- Creswell, J.W. (2009) *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches. Research Design: qualitative quantitative and mixed methods approaches*. 3rd pp. 260. doi:10.1016/j.math.2010.09.003.
- Dahles, H. (2002) The politics of tour guiding: Image management in Indonesia. *Annals of Tourism Research*. 29 (3), pp. 783–800. doi:10.1016/S0160-7383(01)00083-4.
- Dahles, H. and Susilowati, T.P. (2015) Business resilience in times of growth and crisis. *Annals of Tourism Research* [online]. 51 pp. 34–50. Available from: <http://dx.doi.org/10.1016/j.annals.2015.01.002>
- Davitti, D. (2016) Refining the protect, respect and remedy framework for business and human rights and its guiding principles. *Human Rights Law Review*. 16 (1), pp. 55–75. doi:10.1093/hrlr/ngv037.
- Day, J. and Dallas, H. (2011) Understanding the basics of water quality. In: R. Quentin Grafton and Karen Hussey (eds.). *Water Resources Planning and Management* 1st edition. (Cambridge) Cambridge University Press. pp. 68–89. doi:10.1017/CBO9780511974304.007.
- Denzin, N. and Ryan, K. (2007) *Qualitative Methodology (Including Focus Groups)*. In: William Outhwaite and Stephen Turner (eds.). *The SAGE Handbook of Social Science Methodology* 1st edition [online]. London: SAGE Publications Ltd. pp. 578–594. Available from: <http://methods.sagepub.com/book/the-sage-handbook-of-social-science-methodology>doi:10.4135/9781848607958.
- Deva, S. (2020) From business or human rights to business and human rights: what next? In: Surya Deva and David Birchall (eds.). *Research Handbook on Human Rights and Business* 1st edition. (Cheltenham, United Kingdom) Edward Elgar Publishing. pp. 1–21.
- Deva, S. (2012) Guiding Principles on Business and Human Rights: Implications for Companies. *European Company Law* [online]. 9 (2), pp. 101–109. Available from: <http://www.ssrn.com/abstract=2083477>doi:10.2139/ssrn.2083477.
- Deyà-Tortella, B., Garcia, C., Nilsson, W. and Tirado, D. (2017) Analysis of water tariff reform on water consumption in different housing typologies in Calvià (Mallorca). *Water (Switzerland)*. 9 (6). doi:10.3390/w9060425.
- DH, A. (2017) *Marak Hotel & Apartemen di DIY Bikin Harga Tanah Gila-Gilaan*. Available from: <https://tirto.id/csJF> [Accessed 24 January 2021].
- Dick, B. (2014) Action Research. In: *Qualitative Methodology: A Practical Guide* 1st edition. London: Mills, Jane Birks, Melanie. pp. 50–66.
- Dietrich, L., Koalick, M. and Leisinger, M. (2017) *Human Rights Assessments in the Tourism Sector: A data collection guide for practitioners* [online]. Available from: [https://www.twentyfifty.co.uk/media/1385/practitioners-guide\\_human-rights-assessments-in-tourism.pdf](https://www.twentyfifty.co.uk/media/1385/practitioners-guide_human-rights-assessments-in-tourism.pdf).



- Dinarès, M. and Saurí, D. (2015) Water consumption patterns of hotels and their response to droughts and public concerns regarding water conservation: The case of the Barcelona hotel industry during the 2007-2008 episode. *Documents d'Anàlisi Geogràfica* [online]. 61 (3), pp. 623. Available from: <http://dag.revista.uab.es/article/view/v61-n3-dinares-sauridoi:10.5565/rev/dag.255>.
- Dinas PU-ESDM (2019) *Rakor Evaluasi Pengawasan dan Pelaporan Perizinan dan Non-Perizinan Air Tanah*. Available from: <http://dpupesdm.jogjaprov.go.id/berita/detail/rakor-evaluasi-pengawasan-dan-pelaporan-perizinan-dan-non-perizinan-air-tanah> [Accessed 24 July 2020].
- Dirjen SDA - Kementerian Pekerjaan Umum (2019) *SPAM Regional Kartamantul*. Available from: <http://sda.pu.go.id/bbwsserayuopak/wp-content/uploads/2019/08/SPAM-Kartamantul.pdf> [Accessed 20 July 2020].
- Dobinson, I. and Johns, F. (2007) Qualitative Legal Research. In: Michael McConville and Wing Hong Chui (eds.). *Research Methods for Law* 1st edition. (Edinburgh) Edinburgh University Press. pp. 16–45.
- Donnelly, J. (2013) *Universal Human Rights in Theory and Practice*. (Ithaca, New York) Cornell University Press.
- Dowling, M. (2008) Reflexivity. In: Lisa M Given (ed.). *The SAGE Encyclopedia of Qualitative Research Methods* 1st edition. SAGE Reference Publication. pp. 747–745.
- Eklöf, S. (1999) *Indonesian politics in crisis: the long fall of Suharto, 1996-98*. Robert Cribb (ed.). 1st edition. Copenhagen: Nordic Institute of Asian Studies (NIAS).
- Elliott, R. and Timulak, L. (2005) Descriptive and interpretive approaches to qualitative research. In: Jeremy Miles and Paul Gilbert (eds.). *A Handbook of Research Methods for Clinical and Health Psychology* 1st edition [online]. (Oxford) Oxford University Press. pp. 147–157. Available from: <http://www.google.co.uk/books?hl=en&lr=&id=kmZ3Yt5pY0YC&pgis=1doi:10.1093/med:psych/9780198527565.001.0001>.
- ELSAM (2018) *Tinjau Ulang Pembangunan Kawasan Industri Pariwisata di Sumba Barat: Kapolri Harus Usut Tuntas Peristiwa Penembakan di Pantai Marosi, Sumba Barat*. Available from: <https://elsam.or.id/tinjau-ulang-pembangunan-kawasan-industri-pariwisata-di-sumba-barat-kapolri-harus-usut-tuntas-peristiwa-penembakan-di-pantai-marosi-sumba-barat/> [Accessed 25 March 2021].
- Environmental Science for Social Change (2010) *Integrating Biopori in Drainage Management in Campuses*. Available from: <https://essc.org.ph/content/view/418/161/> [Accessed 29 June 2021].
- Epler-Wood, M. (2017) *Sustainable Tourism on a Finite Planet*. 1st edition. London: Routledge.

- Epler-Wood, M., Milstein, M. and Ahamed-Broadhurst, K. (2019) *Destinations at Risk: of tourism Destinations at Risk: The Invisible Burden of Tourism*. Available from: [www.thetravelfoundation.org.uk](http://www.thetravelfoundation.org.uk).
- Equality in Tourism (2015) *Stroma Cole's Bali presentation on tourism-related water shortages*. Available from: <http://equalityintourism.org/stroma-coles-bali-presentation-on-tourism-related-water-shortages-in-bali/> [Accessed 20 November 2020].
- Eriksson, J., Noble, R., Pattullo, P., Barnett, T., Eriksson, J., Noble, R., Pattullo, P. and Barnett, T. (2009) *Putting Tourism to Rights* [online]. Available from: [https://www.tourismconcern.org.uk/wp-content/uploads/2014/10/LowRes\\_Putting-Tourism-to-Rights\\_A-report-by-TourismConcern2.pdf](https://www.tourismconcern.org.uk/wp-content/uploads/2014/10/LowRes_Putting-Tourism-to-Rights_A-report-by-TourismConcern2.pdf).
- Fantini, E. (2019) An introduction to the human right to water: Law, politics, and beyond. *WIREs Water*. (November), pp. 1–8. doi:10.1002/wat2.1405.
- Fathi, A., Utami, S. and Budiarto, R. (2014) Perancangan Sistem Rain Water Harvesting, Studi Kasus: Hotel Novotel YOGYAKARTA. *Teknofisika*. 3 (2), pp. 35–45.
- Faulkner, B. (2001) Towards a framework for tourism disaster management. *Tourism Management*. 22 (2), pp. 135–147. doi:10.1016/S0261-5177(00)00048-0.
- Febriarni, U. (2014) *BLH Akan Ajukan Pumping-Test Ulang Hotel Fave*. Available from: <https://www.solopos.com/blh-akan-ajukan-pumping-test-ulang-hotel-fave-524690>.
- De Felice, D. (2015) Business and Human Rights Indicators to Measure the Corporate Responsibility to Respect: Challenges and Opportunities. *Human Rights Quarterly* [online]. 37 (37), pp. 511–555. Available from: <http://muse.jhu.edu/journals/hrq/summary/v037/37.2.de-felice.html>doi:10.1353/hrq.2015.0031.
- De Felice, D. and Graf, A. (2015) The potential of National Action Plans to implement human rights norms: An early assessment with respect to the UN Guiding Principles on Business and human rights. *Journal of Human Rights Practice*. 7 (1), pp. 40–71. doi:10.1093/jhuman/huu023.
- Ferri, R. (2018) *Sebagian Besar Lahan Pantai di Gunung Kidul dikuasai dan Diprivatisasi Investor*. Available from: <https://jogja.tribunnews.com/2018/03/14/sebagian-besar-lahan-pantai-di-gunungkidul-dikuasai-dan-diprivatisasi-investor?page=all> [Accessed 1 December 2020].
- Ford, J. (2015) Business and Human Rights: Bridging the Governance Gap *Research Paper: International Law Programme* [online] (September). Available from: [https://www.chathamhouse.org/sites/files/chathamhouse/field/field\\_document/20150922BusinessHumanRightsFordV2.pdf](https://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20150922BusinessHumanRightsFordV2.pdf).
- Fox, N.J. (2008) Postpositivism. In: Lisa M Given (ed.). *The SAGE Encyclopedia of Qualitative Research Methods*. SAGE Reference Publication. pp. 659–664.

- Franceys, R. and Hutchings, P. (2017) Governance and Regulation of Water and Sanitation Services Provision. In: Alistair Rieu-Clarke, Andrew Allan, and Sarah Hendry (eds.). *Routledge Handbook of Water Law and Policy* 1st edition. London - New York: Routledge. pp. 120–134.
- Gabarda-Mallorquí, A., Garcia, X. and Ribas, A. (2017) Mass tourism and water efficiency in the hotel industry: A case study. *International Journal of Hospitality Management* [online]. 61 pp. 82–93. Available from: <http://dx.doi.org/10.1016/j.ijhm.2016.11.006>
- Gascón, J. (2019) Tourism as a right: a “frivolous claim” against degrowth? *Journal of Sustainable Tourism* [online]. 0 (0), pp. 1–14. Available from: <https://doi.org/10.1080/09669582.2019.1666858>
- Gatt, K. and Schranz, C. (2015) Retrofitting a 3 star hotel as a basis for piloting water minimisation interventions in the hospitality sector. *International Journal of Hospitality Management* [online]. 50 pp. 115–121. Available from: <http://dx.doi.org/10.1016/j.ijhm.2015.06.008>
- George, B.P. and Varghese, V. (2007) Human Rights in Tourism: Conceptualization and Stakeholder Perspectives. *Electronic Journal of Business Ethics and Organization Studies* [online]. 12 (2), pp. 40–48. Available from: [http://ejbo.jyu.fi/pdf/ejbo\\_vol12\\_no2\\_pages\\_40-48](http://ejbo.jyu.fi/pdf/ejbo_vol12_no2_pages_40-48).
- Gerintya, S. (2018) *Bagaimana Mutu dan Akses Air Bersih di Indonesia?* Available from: <https://tirto.id/bagaimana-mutu-dan-akses-air-bersih-di-indonesia-cGrk> [Accessed 4 February 2020].
- Gewirth, A. (1996) *The Community of Rights*. 1st edition. Chicago: The University of Chicago Press.
- Gleick, P. (1996) Basic Water Requirements for Human Activities: Meeting Basic Needs. *Water International* [online]. 21 (2), pp. 83–92. Available from: <https://www.tandfonline.com/doi/full/10.1080/02508069608686494>
- Gleick, P. (2015) On methods for assessing water-resource risks and vulnerabilities. *Environmental Research Letters*. 10 (11). doi:10.1088/1748-9326/10/11/111003.
- Gleick, P. (1998) The human right to water. *Water Policy*. 1 (5), pp. 487–503. doi:10.1016/S1366-7017(99)00008-2.
- Goodson, L. and Phillimore, J. (2002) *Qualitative Research in Tourism* [online]. (London & New York) Routledge.
- Gössling, S. (2015) New performance indicators for water management in tourism. *Tourism Management*. 46 pp. 233–244. doi:10.1016/j.tourman.2014.06.018.

- Gössling, S. (2001) The consequences of tourism for sustainable water use on a tropical island: Zanzibar, Tanzania. *Journal of Environmental Management*. 61 (2), pp. 179–191. doi:10.1006/jema.2000.0403.
- Gössling, S., Hall, C.M. and Scott, D. (2015) *Tourism and Water*. 1st edition. Bristol: Channel View Publishing.
- Gössling, S. and Peeters, P. (2015) Assessing tourism's global environmental impact 1900–2050. *Journal of Sustainable Tourism* [online]. 23 (5), pp. 639–659. Available from: <http://dx.doi.org/10.1080/09669582.2015.1008500>
- Gössling, S., Peeters, P., Hall, C.M., Ceron, J.P., Dubois, G., Lehmann, L.V. and Scott, D. (2012) Tourism and water use: Supply, demand, and security. An international review. *Tourism Management* [online]. 33 (1), pp. 1–15. Available from: <http://dx.doi.org/10.1016/j.tourman.2011.03.015>
- Götzmann, N. (2017) Human Rights Impact Assessment of Business Activities: Key Criteria for Establishing a Meaningful Practice. *Business and Human Rights Journal*. 2 (1), pp. 87–108. doi:10.1017/bhj.2016.24.
- Grafton, R.Q., and Hussey, K. (eds.) (2011) *Water Resources Planning and Management* [online]. 1st edition. Cambridge: Cambridge University Press.
- Grant, D. and Sharpley, R. (2008) The Law and Tourism. In: Lesley Pender and Richard Sharpley (eds.). *The Management of Tourism*. London: SAGE Publications Ltd. pp. 150–160. doi:<http://dx.doi.org/10.4135/9781446214961.n10>.
- Green Building Council Indonesia (no date) *FAQ-Sertifikasi*. Available from: <http://www.gbcindonesia.org/faq-rating/25-faq/61-faq-sertifikasi> [Accessed 30 January 2021].
- Green Hotelier (2018) *Mercure Convention Center Ancol Jakarta: Saving water for efficiency and the community*. Available from: <http://www.greenhotelier.org/our-themes/water/mercure-convention-center-ancol-jakarta-saving-water-for-efficiency-and-the-community/> [Accessed 24 January 2019].
- GSTC (2013) Criteria for Hotel and Tour Operators *Global Sustainable Tourism Council* [online] (December). Available from: <https://www.gstccouncil.org/en/gstc-criteria/criteria-for-hotels-and-tour-operators.html>doi:10.1016/B978-0-7506-6438-7.50012-1.
- Guba, E.G. (1990) The Alternative Paradigm Dialog. In: Egon G Guba (ed.). *The Paradigm Dialog* 1st edition. (Thousand Oaks, California) SAGE Publications Ltd. pp. 17–30.
- Guba, E.G. and Lincoln, Y.S. (1989) *Fourth Generation Evaluation*. 1st edition. (Thousand Oaks, California) SAGE Publication.
- Hadiprayitno, I.I. (2010) Defensive enforcement: Human rights in Indonesia. *Human Rights Review*. 11 (3), pp. 373–399. doi:10.1007/s12142-009-0143-1.

- Hadjikakou, M., Chenoweth, J. and Miller, G. (2012) Water and tourism. In: Andrew Holden and David Fennell (eds.). *The Routledge handbook of tourism and the environment* 1st edition [online]. London - New York: Routledge. pp. 457–468. Available from: <https://www.taylorfrancis.com/books/e/9780203121108/chapters/10.4324/9780203121108-52>.
- Haffiyan (2019) *Swiss-Belboutique Yogyakarta Berikan Bantuan Air Bersih di Gunung Kidul*. Available from: <https://semarang.bisnis.com/read/20191128/535/1175418/swiss-belboutique-yogyakarta-berikan-bantuan-air-bersih-di-gunung-kidul> [Accessed 29 January 2021].
- Hajiji, M. (2019) *WALHI: Partai Hijau Indonesia solusi perlindungan lingkungan*. Available from: <https://www.antaraneews.com/berita/962736/walhi-partai-hijau-indonesia-solusi-perlindungan-lingkungan> [Accessed 30 November 2020].
- Hall, R.P., Van Koppen, B. and Van Houweling, E. (2014) The Human Right to Water: The Importance of Domestic and Productive Water Rights. *Science and Engineering Ethics*. 20 (4), pp. 849–868. doi:10.1007/s11948-013-9499-3.
- Hamele, H. and Eckardt, S. (2006) *Environmental initiatives by European tourism businesses. Instruments, indicators and practical examples* [online] p.pp. 39. Available from: <http://www.ecotrans.org/2010/publications.html>.
- Hampton, M.P. (2003) Entry points for local tourism in developing countries: Evidence from yogyakarta, Indonesia. *Geografiska Annaler, Series B: Human Geography*. 85 (2), pp. 85–101. doi:10.1111/1468-0467.00133.
- Hankte-Domas, M. (2017) Water Markets. In: Alistair Rieu-Clarke, Andrew Allan, and Sarah Hendry (eds.). *Routledge Handbook of Water Law and Policy* 1st edition. London - New York: Routledge. pp. 65–77.
- Hapal, K.A., Pagaduan, M. and Venarica, P. (2019) *Doing research with grassroots organizations : A participatory action inspired approach* 7448.
- Hapsari, M. and Nurshafira, T. (2017) *Membangun Tata Kelola Air Berkeadilan di Yogyakarta: Perspektif Masyarakat Sipil (Catatan Forum Pemangku Kepentingan Yogyakarta Yogyakarta, 2 Februari 2017)*.
- Harian Jogja (2020) *Antisipasi Munculnya Hotel Virtual, Pemkot Jogja Perketat Pengawasan Operasional Pondokan*. Available from: <https://jogjapolitan.harianjogja.com/read/2020/01/19/510/1029829/antisipasi-munculnya-hotel-virtual-pemkot-jogja-perketat-pengawasan-operasional-pondokan-> [Accessed 24 January 2021].
- Harris, L.M., McKenzie, S., Rodina, L., Shah, S. and Wilson, N. (2017) Water Justice: Concepts, debates and research agendas. In: R Holifield, J Chakraborty, and G Walker (eds.). *Handbook of Environmental Justice* 1st edition. London: Routledge.

- Hatta, M. (2000) *Karya Lengkap Bung Hatta, Buku 2: Kemerdekaan dan Demokrasi*. Sugiarta Sriwibawa (ed.). 1st edition. Jakarta: LP3S.
- Hefner, R.W. (2017) Christians, Conflict, and Citizenship in Muslim-Majority Indonesia. *Review of Faith and International Affairs* [online]. 15 (1), pp. 91–101. Available from: <https://doi.org/10.1080/15570274.2017.1284403>
- Higgins-Desbiolles, F. (2010) Justifying Tourism: Justice through Tourism. In: Stroma Cole and Nigel Morgan (eds.). *Tourism and Inequality: Problems and Prospects*. (Oxfordshire, UK - Cambridge, USA) CABI Publishing.
- Higgins-Desbiolles, F. (2006) More than an ‘industry’: The forgotten power of tourism as a social force. *Tourism Management*. 27 (6), pp. 1192–1208. doi:10.1016/j.tourman.2005.05.020.
- Higgins-Desbiolles, F. (2020) Socialising tourism for social and ecological justice after COVID-19. *Tourism Geographies* [online]. 0 (0), pp. 1–14. Available from: <https://doi.org/10.1080/14616688.2020.1757748>
- Higgins-Desbiolles, F. and Whyte, K.P. (2015) Tourism and human rights. In: C. Michael Hall, Stefan Gössling, and Daniel Scott (eds.). *The Routledge Handbook of Tourism and Sustainability* 1st edition. London - New York: Routledge. pp. 105–116.
- HILTON (no date) *Our Reporting*. Available from: <https://cr.hilton.com/our-reporting/> [Accessed 2 March 2020].
- Hof, A. and Blázquez-Salom, M. (2015) Changing tourism patterns, capital accumulation, and urban water consumption in Mallorca, Spain: a sustainability fix? *Journal of Sustainable Tourism* [online]. 23 (5), pp. 770–796. Available from: <http://dx.doi.org/10.1080/09669582.2014.991397>
- Høvring, C.M. (2017) Corporate social responsibility as shared value creation: toward a communicative approach. *Corporate Communications*. 22 (2), pp. 239–256. doi:10.1108/CCIJ-11-2016-0078.
- Hu, X., Ying, T., Lovelock, B. and Mager, S. (2019) Sustainable water demand management in the hotel sector: a policy network analysis of Singapore. *Journal of Sustainable Tourism* [online]. 27 (11), pp. 1–22. Available from: <https://doi.org/10.1080/09669582.2019.1652621>
- Hughes, J., Hunter, D. and Sheehan, M. (2010) *European Textbook on Ethics in Research* [online]. (Brussels) European Commission Directorate-General for Research Communication Unit.
- Human Rights Council (2010) *Resolution adopted by the Human Rights Council: Human rights and access to safe drinking water and sanitation* [online]. Available from: [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/15/9](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/15/9).

- HVS (2015) *Indonesia Hotel Watch 2015* [online]. Available from: <https://www.hospitalitynet.org/file/152005690.pdf>.
- ICRC (2020) *Technical review: practical guidelines for test pumping in water wells*. doi:10.2337/diacare.28.suppl\_1.s64.
- IHRB (2011) *More than resources: Water, Business and Human Rights* [online]. Available from: [https://www.ihrb.org/pdf/More\\_than\\_a\\_resource\\_Water\\_business\\_and\\_human\\_rights.pdf](https://www.ihrb.org/pdf/More_than_a_resource_Water_business_and_human_rights.pdf).
- Imenda, S. (2014) Is There a Conceptual Difference between Theoretical and Conceptual Frameworks? *Journal of Social Sciences* [online]. 38 (2), pp. 185–195. Available from: <https://www.tandfonline.com/doi/full/10.1080/09718923.2014.11893249>
- Indonesia Investments (2016) *Tourism Industry Indonesia*. Available from: <https://www.indonesia-investments.com/business/industries-sectors/tourism/item6051?> [Accessed 25 March 2021].
- Indonesian Tourism Development Project (2021) *RIPT (Rencana Induk Pariwisata Terpadu) Borobudur-Yogyakarta-Prambanan*. Available from: [http://p3tb.pu.go.id/en/main/project\\_location//borobudur/121/172/237](http://p3tb.pu.go.id/en/main/project_location//borobudur/121/172/237) [Accessed 20 May 2021].
- Ineichen, M., Lilliefeldt, A., Lynch, P., McEvoy, T., Starrenburg, O. and Toutou-Mpondo, F. (2015) *A Human Rights Defender Toolkit for Promoting Business Respect for Human Rights*.
- Ionescu, G.H., Firoiu, D., Pirvu, R. and Vilag, R.D. (2019) The impact of ESG factors on market value of companies from travel and tourism industry. *Technological and Economic Development of Economy*. 25 (5), pp. 820–849. doi:10.3846/tede.2019.10294.
- IPIECA (2013) *Integrating human rights into environmental, social and health impact assessments: A practical guide for the oil and gas industry* p.pp. 48.
- ITP (2016) *Hotel Water Measurement Initiative*. Available from: <https://www.tourismpartnership.org/resources/> [Accessed 2 March 2020].
- ITP (2018a) *ITP Destination Water Risk Index* [online]. Available from: [https://www.oneplanetnetwork.org/sites/default/files/itp-destination-water-risk-index-august-2018\\_1.pdf](https://www.oneplanetnetwork.org/sites/default/files/itp-destination-water-risk-index-august-2018_1.pdf).
- ITP (2014) *Know How Guide: Human Rights & the Hotel Industry* [online]. Available from: [http://www.fairtrade.travel/source/websites/fairtrade/documents/Green\\_Hotelier\\_Know-How-Guide-Human-Rights\\_2014.pdf](http://www.fairtrade.travel/source/websites/fairtrade/documents/Green_Hotelier_Know-How-Guide-Human-Rights_2014.pdf).
- ITP (2018b) *Water Stewardship for Hotel Companies* [online] p.pp. 1–24. Available from: <https://www.tourismpartnership.org/download/2212/>.

- IVAA (2014) *Video: Warga Berdaya-Jogja Asat*. Available from: [ivaa-online.org/sorotan-dokumentasi/video-warga-berdaya-jogja-asat/](http://ivaa-online.org/sorotan-dokumentasi/video-warga-berdaya-jogja-asat/) [Accessed 1 December 2020].
- Jepson, W., Wutich, A. and Harris, L.M. (2019) Water-Security Capabilities and the Human Right to Water. In: Farhana Sultana and Alex Loftus (eds.). *Water Politics: Governance, Justice and the Right to Water* 1st edition. London - New York: Earthscan, Taylor & Francis. pp. 84–98.
- Jordan, F. and Gibson, H. (2002) Let your data do the talking: Researching the solo travel experiences of British and American women. In: Jenny Phillimore and Lisa Goodson (eds.). *Qualitative Research in Tourism: Ontologies, Epistemologies and Methodologies* 1st edition. (London & New York) Routledge. pp. 216–235.
- Kamala, I. (2015) Harapan Baru Atas Pengelolaan Sumber Daya Air terkait Putusan MK (A New Hope on Management of Water Resources after the Decision of the Constitutional Court). *Jurnal Konstitusi*. 23 (3), pp. 422–446.
- Kamminga, M.T. (2016) Company Responses to Human Rights Reports: An Empirical Analysis. *Business and Human Rights Journal*. 1 (1), pp. 95–110. doi:10.1017/bhj.2015.2.
- Kasim, A. (2006) The Need for Business Environmental and Social Responsibility in the Tourism Industry. *International Journal of Hospitality & Tourism Administration* [online]. 7 (1), pp. 1–22. Available from: <http://www.informaworld.com/index/902958940.pdf>doi:10.1300/J149v07n01.
- Kasim, A., Dzakiria, H. and Ahmad, R. (2017) Does firm size influence innovative water management responses in the hotel sector? *Advanced Science Letters*. 23 (1), pp. 369–372. doi:10.1166/asl.2017.7189.
- Kasim, A., Gursoy, D., Okumus, F. and Wong, A. (2014) The importance of water management in hotels: A framework for sustainability through innovation. *Journal of Sustainable Tourism* [online]. 22 (7), pp. 1090–1107. Available from: <http://dx.doi.org/10.1080/09669582.2013.873444>
- Kemendagri (2013) *Menggali pentingnya air bagi pariwisata*. Available from: <https://www.kemendagri.go.id/post/menggali-pentingnya-air-bagi-pariwisata> [Accessed 28 June 2021].
- Kemp, D. and Vanclay, F. (2013) Human rights and impact assessment: Clarifying the connections in practice. *Impact Assessment and Project Appraisal*. 31 (2), pp. 86–96. doi:10.1080/14615517.2013.782978.
- Kencana, M. (2020) *Telan Dana Rp 8 Triliun, Pembangunan 5 Bali Baru Sudah Capai 33 Persen*. Available from: <https://www.liputan6.com/bisnis/read/4265840/telan-dana-rp-8-triliun-pembangunan-5-bali-baru-sudah-capai-33-persen>.
- Kershaw, D. (2015) Corporate Law and Self-Regulation. *SSRN Electronic Journal*. doi:10.2139/ssrn.2574201.



- Ketut, N. and Dharmawan, S. (2012) Tourism and Environment: Toward Promoting Sustainable Development of. *Indonesia Law Review*. 2 (1), pp. 23–44.
- Kharlie, A.T. (2013) Human Rights In Indonesian Constitutional Amendments. *Jurnal Cita Hukum*. I (Juni 2013), pp. 151–162.
- Kidd, M. (2017) Water Rights and Permitting: A South African Approach. In: Alistair Rieu-Clarke, Andrew Allan, and Sarah Hendry (eds.). *Routledge Handbook of Water Law and Policy* 1st edition. London - New York: Routledge. pp. 38–50.
- Kim, K., Lindström, A. and Weinberg, J. (2013) *International Tourism Partnership: Water Risk Assessment* [online]. Available from: [www.greenhotelier.org/wp-content/uploads/2013/09/ITP-Water-Risk-Assesement-Final.pdf](http://www.greenhotelier.org/wp-content/uploads/2013/09/ITP-Water-Risk-Assesement-Final.pdf).
- Kindon, S., Pain, R. and Kesby, M. (2007) Participatory Action Research: Origins, Approaches and Methods. In: Sara Kindon, Rachel Pain, and Mike Kesby (eds.). *Participatory Action Research Approaches and Methods: Connecting People, Participation and Place* 1st edition. New York: Routledge. pp. 9–18.
- Knox, J.H. (2015) Human Rights, Environmental Protection, and the Sustainable Development Goals. *Washington International Law Journal*. 24 (3), pp. 517–536.
- Koç, C., Bakış, R. and Bayazıt, Y. (2017) A study on assessing the domestic water resources, demands and its quality in holiday region of Bodrum Peninsula, Turkey. *Tourism Management*. 62 pp. 10–19. doi:10.1016/j.tourman.2017.03.024.
- Koirala-Azad, S. and Fuentes, E. (2016) Introduction: Activist Scholarship Possibilities and Constraints of Participatory Action Research. *Social Justice*. 36 (4), pp. 1–5.
- KOMNAS HAM and ELSAM (2017) *National Action Plan on Business and Human Rights*.
- KontraS (2018) *Usut Pembunuhan Warga Pesisir Marosi; Kembalikan Wilayah Kelola Rakyat*. Available from: <https://kontras.org/2018/05/17/usut-pembunuhan-warga-pesisir-marosi-kembalikan-wilayah-kelola-rakyat/> [Accessed 5 January 2021].
- Kraak, A. (2017) World heritage conservation and human rights in Bagan, Myanmar: ambiguity and complexity. *Historic Environment*. 29 (3), pp. 84–96.
- Kubsch, P., Lacombe, I., Leisinger, M., Monshausen, A., Plüss, C., Remmert, G., Reißland, J., Sahdeva, N., Schaper, M., Staffhorst, C., Thomas, P., Zotz, A., Zotz, A. and International, N. (2013) *Human Rights in Tourism: An Implementation Guideline for Tour Operators* [online]. Available from: [https://www.tourism-watch.de/files/rt\\_human\\_right\\_in\\_tourism\\_eng.pdf](https://www.tourism-watch.de/files/rt_human_right_in_tourism_eng.pdf).
- KUONI (2014) *Assessing Human Rights Impacts: India Project Report* [online] (February). Available from: [https://www.kuoni.com/docs/assessing\\_human\\_rights\\_impacts\\_0.pdf](https://www.kuoni.com/docs/assessing_human_rights_impacts_0.pdf).

- KUONI (2012) *Assessing Human Rights Impacts: Kenya pilot project Report November 2012* [online] (November). Available from: [https://www.kuoni.com/docs/assessing\\_human\\_rights\\_impacts\\_0.pdf](https://www.kuoni.com/docs/assessing_human_rights_impacts_0.pdf).
- Laksono, D. (2018) *Bagaimana Pariwisata Dibangun Dari Darah Warganya* [online]. Available from: <https://geotimes.id/kolom/bagaimana-pariwisata-dibangun-dari-darah-dan-pengorbanan/>.
- Lasso, A. and Dahles, H. (2018) Are tourism livelihoods sustainable? Tourism development and economic transformation on Komodo Island, Indonesia. *Asia Pacific Journal of Tourism Research*. 23 (5), pp. 473–485. doi:10.1080/10941665.2018.1467939.
- LaVanchy, G. (2017) When wells run dry: Water and tourism in Nicaragua. *Annals of Tourism Research* [online]. 64 pp. 37–50. Available from: <http://dx.doi.org/10.1016/j.annals.2017.02.006>
- LaVanchy, G.T., Romano, S.T. and Taylor, M.J. (2017) Challenges to water security along the ‘emerald coast’: A political ecology of local water governance in Nicaragua. *Water (Switzerland)*. 9 (9). doi:10.3390/w9090655.
- LaVanchy, G.T. and Taylor, M.J. (2015) Tourism as tragedy? Common problems with water in post-revolutionary Nicaragua. *International Journal of Water Resources Development* [online]. 31 (4), pp. 765–779. Available from: <http://dx.doi.org/10.1080/07900627.2014.985819>
- Lawford, R. (2011) Climate change and the global water cycle. In: R. Quentin Grafton and Karen Hussey (eds.). *Water resources planning and management* 1st edition. (Cambridge) Cambridge University Press. pp. 3–22.
- Leadlay, F. (2011) *Integrating ethics into tourism: beyond codes of conduct*. Available from: <https://www.theguardian.com/sustainable-business/blog/integrating-ethics-into-tourism> [Accessed 11 September 2019].
- Lembaga Bantuan Hukum Yogyakarta (2019) *Investasi Subur, Rakyat Digusur: Catatan Akhir Tahun 2019 LBH Yogyakarta*.
- Li, Y., Gong, M., Zhang, X.Y. and Koh, L. (2018) The impact of environmental, social, and governance disclosure on firm value: The role of CEO power. *British Accounting Review* [online]. 50 (1), pp. 60–75. Available from: <https://doi.org/10.1016/j.bar.2017.09.007>
- Linton, J. (2012) The Human Right to What? Water, rights, humans, and the relation of things. In: Farhana Sultana and Alex Loftus (eds.). *The Right to Water: Politics, governance and social struggles* 1st edition. (London & New York) Earthscan, Taylor & Francis. pp. 45–60.
- Linton, J. (2019) The Right to Bring Waters into Being. In: Farhana Sultana and Alex Loftus (eds.). *Water Politics: Governance, Justice and the Right to Water* 1st edition. London - New York: Earthscan, Taylor & Francis. pp. 54–67.

- Little, K.E., Hayashi, M. and Liang, S. (2016) Community-Based Groundwater Monitoring Network Using a Citizen-Science Approach. *Groundwater*. 54 (3), pp. 317–324. doi:10.1111/gwat.12336.
- Lonely Planet (2019) *Indonesia*. Available from: <https://www.lonelyplanet.com/indonesia> [Accessed 30 October 2019].
- Lovelock, B. and Lovelock, K. (2013) *The ethics of tourism: Critical and applied perspectives*. 1st edition. London: Routledge.
- Lumsden, K. (2013) ‘You are what you research’: Researcher partisanship and the sociology of the ‘underdog’. *Qualitative Research* [online]. 13 (1), pp. 3–18. Available from: <https://doi.org/10.1177/1468794112439012>
- Mahadevan, R., Amir, H. and Nugroho, A. (2016) Regional impacts of tourism-led growth on poverty and income inequality: A dynamic general equilibrium analysis for Indonesia. *Tourism Economics* [online]. 23 (3), pp. 614–631. Available from: <https://doi.org/10.5367/te.2015.0534>
- Maharani, S. (2019) *Kerusakan Karst Gunung Kidul Dipamerkan WALHI*. Available from: <https://tekno.tempo.co/read/1184513/kerusakan-karst-gunung-kidul-dipamerkan-walhi> [Accessed 13 April 2021].
- Mahkamah Agung (2016) *Putusan MAHKAMAH AGUNG Nomor 523 K/TUN/2016 Tanggal 13 Januari 2017 — IMAM NUGROHO, S.Ek, dkk vs KEPALA BADAN LINGKUNGAN HIDUP KABUPATEN SLEMAN* [online]. Available from: <https://putusan3.mahkamahagung.go.id/direktori/putusan/8b1a94c865628e8595f60137ab146682.html>.
- Mahrída, R.A. (2017) Strategi Gerakan Penolakan Pembangunan Hotel “The Rayja” di Kota Batu. *Jurnal Politik Muda*. 6 (3), pp. 201–206.
- Marzuki, P.M. (2011) *An Introduction to Indonesia Law*. 1st (ed.). (Jakarta) Setara Press.
- Mason, J. (2002) *Qualitative Researching*. 2nd edition. London: SAGE Publication.
- McCabe, S. and Diekmann, A. (2015) The rights to tourism: Reflections on social tourism and human rights. *Tourism Recreation Research*. 40 (2), pp. 194–204. doi:10.1080/02508281.2015.1049022.
- McCaslin, M.L. (2008) Pragmatism. In: Lisa M Given (ed.). *The SAGE Encyclopedia of Qualitative Research Methods* 1st edition. SAGE Reference Publication. pp. 671–675.
- Michael McConville and Wing Hong Chui (eds.) (2007) *Research Methods for Law*. (Edinburgh) Edinburgh University Press.

- McIntyre, O. (2019) The Emergence of Standards Regarding the Right of Access to Water and Sanitation. In: Stephen J Turner, Dinah L Shelton, Jona Razzaque, Owen McIntyre, and Jamer R May (eds.). *Environmental Rights: The Oxford Handbook of International Environmental Law* 1st edition. Cambridge: Cambridge University Press. pp. 147–173.
- McKechnie, L.E.F. (2008a) Naturalistic Observation. *The SAGE Encyclopedia of Qualitative Research Methods* p.pp. 550–551.
- McKechnie, L.E.F. (2008b) Participant Observation. *The SAGE Encyclopedia of Qualitative Research Methods* p.pp. 598–599.
- Meade, B. and Gonzalez-Morel, P. (1999) Improving water use efficiency in Jamaican hotels and resorts through the implementation of environmental management system. *Journal of Contemporary Water Research and Education*. 115 (1), pp. 39–45.
- Meagher, L., Lyall, C. and Nutley, S. (2008) Flows of knowledge, expertise and influence: A method for assessing policy and practice impacts from social science research. *Research Evaluation*. 17 (3), pp. 163–173. doi:10.3152/095820208X331720.
- Medlik, S. and Ingram, H. (2000) *The Business of Hotels*. 4th edition. (Oxford, UK- Woburn, USA) Butterworth-Heinemann.
- Meehan, K. (2019) Making Space for Practical Authority: Policy Formalization and The Right to Water in Mexico. In: Farhana Sultana and Alex Loftus (eds.). *Water Politics: Governance, Justice and the Right to Water* 1st edition. London - New York: Earthscan, Taylor & Francis. pp. 28–41.
- Meshel, T. (2015) Human Rights in Investor-State Arbitration: The Human Right to Water and Beyond. *Journal of International Dispute Settlement* [online]. 6 (2), pp. 277–307. Available from: <https://academic.oup.com/jids/article-lookup/doi/10.1093/jnlids/idv007>doi:10.1093/jnlids/idv007.
- Meulendijks, H. (2017) *Tourism and Imperialism in the Dutch East Indies*. pp. 144. Available from: [https://dspace.library.uu.nl/bitstream/handle/1874/353726/Tourism and Imperialism in the Dutch East Indies - MA Thesis Hans Meulendijks.pdf?sequence=2](https://dspace.library.uu.nl/bitstream/handle/1874/353726/Tourism%20and%20Imperialism%20in%20the%20Dutch%20East%20Indies%20-%20MA%20Thesis%20Hans%20Meulendijks.pdf?sequence=2).
- Meyer, D. (2010) Pro-poor Tourism: Can Tourism Contribute to Poverty Reduction in Less Economically Developed Countries? In: Stroma Cole and Nigel Morgan (eds.). *Tourism and inequality: Problems and prospects* 1st edition. Oxfordshire,UK - Cambridge,USA: CABI Publishing. pp. 164–182.
- Milano, C., Novelli, M. and Cheer, J.M. (2019) Overtourism and Tourismphobia: A Journey Through Four Decades of Tourism Development, Planning and Local Concerns. *Tourism Planning and Development*. 8316. doi:10.1080/21568316.2019.1599604.
- MKRI (2013) *PUU No 85/PUU-XI/2013 Tentang UU No 7 Tahun 2004 Tentang Sumber Daya Air*. (6).

- Morgan, D.L. (2008) Focus Groups. In: Lisa Given (ed.). *The SAGE Encyclopedia of Qualitative Research Methods* [online]. SAGE Reference Publication. pp. 353–354. Available from: <http://www.uk.sagepub.com/booksProdDesc.nav?prodId=Book229805>.
- Morinville, C. and Rodina, L. (2013) Rethinking the Human Right to Water: Water access and dispossession in Botswana’s Central Kalahari game reserve. *Geoforum* [online]. 49 pp. 150–159. Available from: <http://dx.doi.org/10.1016/j.geoforum.2013.06.012>
- Muryanto, B. (2014) *Over-exploitation of water a threat to Yogyakarta - National - The Jakarta Post*. Available from: <http://www.thejakartapost.com/news/2014/10/18/over-exploitation-water-a-threat-yogyakarta.html> [Accessed 1 February 2018].
- Neef, A. (2019) *Tourism, Land Grabs and Displacement: A Study with Particular Focus on the Global South*. (February), pp. 140.
- Neef, A. and Grayman, J.H. (2018) Conceptualising the tourism–disaster–conflict nexus. *Community, Environment and Disaster Risk Management*. 19 pp. 1–31. doi:10.1108/S2040-726220180000019001.
- Neimanis, A. (2014) Alongside the right to water, a posthumanist feminist imaginary. *Journal of Human Rights and the Environment*. 5 (1), pp. 5–24. doi:10.4337/jhre.2014.01.01.
- Noble, R., Smith, P., Pattullo, P., Brown, M., Cole, S., Slade, L., Latchford, R., Niang, D. and Gama, A. de (2012) Water equity in tourism: a human right, a global responsibility *Tourism Concern research report*.
- Nolan, J. (2016) Mapping the movement: the business and human rights regulatory framework. In: Dorothee Baumann-Pauly and Justine Nolan (eds.). *Business and Human Rights from Principles to Practice* 1st edition. Abingdon, UK - New York: Routledge. pp. 32–51.
- Nolan, J. (2013) The Corporate Responsibility to Respect Human Rights: Soft Law or Not Law?’ in S Deva and D (eds). In: Surya Deva and David Bilchitz (eds.). *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* 1st edition. (Cambridge) Cambridge University Press.
- Novira, N., Aini, S.D., Dewi, N.I.S., Rahayu, T.S., Wicaksono, A.P., Konig, H. and Schuler, J. (2012) Pressure on land in the Yogyakarta Region, Indonesia. In: Desmond McNeill, Ingrid Nesheim, and Floor Brouwer (eds.). *Land Use Policies for Sustainable Development: Exploring Integrated Assessment Approaches* 1st edition. (Cheltenham, United Kingdom) Edward Elgar Publishing. pp. 130–147.
- Nugroho, N.E., Kusumayudha, S.B. and Paripurno, E.T. (2016) *Anomali perubahan muka air tanah di daerah urban (studi kasus dusun Karangwuni dan Kumpulrejo, desa Caturtunggal, kecamatan Depok, kabupaten Sleman, Daerah Istimewa Yogyakarta)*.
- Nugroho, N.E., Kusumayudha, S.B., Paripurno, E.T. and Artikel, S. (2019) Anomali Perubahan Muka Air Tanah di Daerah Urban. *Jurnal Geografi*. 16 (1), pp. 1–6. doi:10.15294/jg.v16i1.17107.

- Nuraini (2014) *Pembangunan Sleman Dinilai Abaikan Tata Ruang*. Available from: <https://republika.co.id/berita/nasional/jawa-tengah-diy-nasional/14/05/16/n5mqqr-pembangunan-sleman-dinilai-abaikan-tata-ruang> [Accessed 29 June 2021].
- Nurshafira, T. (2017) Water Crisis and the Problems of Governance in Yogyakarta *IIS Brief Issue 2* p.pp. 1–6.
- O'Brien, C.M., Mehra, A., Blackwell, S. and Poulsen-Hansen, C.B. (2016) National Action Plans: Current Status and Future Prospects for a New Business and Human Rights Governance Tool *Business and Human Rights Journal* [online] 1 (1) p.pp. 117–126. Available from: [http://www.journals.cambridge.org/abstract\\_S2057019815000140doi:10.1017/bhj.2015.14](http://www.journals.cambridge.org/abstract_S2057019815000140doi:10.1017/bhj.2015.14).
- O'Neill, S. (2015) *Talking Point: ESG reporting in travel & tourism*. Available from: <https://www.greenhotelier.org/our-themes/community-communication-engagement/talking-point-esg-reporting-in-travel-tourism/> [Accessed 20 May 2019].
- Obani, P. and Gupta, J. (2014) Legal pluralism in the area of human rights: Water and sanitation. *Current Opinion in Environmental Sustainability* [online]. 11 pp. 63–70. Available from: <http://dx.doi.org/10.1016/j.cosust.2014.09.014>
- OECD (2018) *OECD Economic Surveys: Indonesia*.
- Office of the High Commissioner of Human Rights (no date) *Business and human rights*. Available from: <https://www.ohchr.org/en/issues/business/pages/businessindex.aspx> [Accessed 12 February 2021].
- Office of the High Commissioner of Human Rights (2014) *Frequently Asked Questions About the Guiding Principles on Business and Human Rights* [online].
- OHCHR (no date) *OHCHR and equal participation in political and public affairs*. Available from: <https://www.ohchr.org/EN/Issues/Pages/EqualParticipation.aspx> [Accessed 25 March 2021].
- Ohdedar, B. (2019) The human right to water in India: In search of an alternative commons-based approach in the context of climate change. In: Tobais Haller, Thomas Breu, Tine de Moor, Christian Rohr, and Heinzpeter Zonj (eds.). *The Commons in a Glocal World: Global Connections and Local Responses* 1st edition [online]. (Abingdon, UK - New York) Routledge. pp. 475–492. Available from: <http://www.ielrc.org/content/a1903.pdf>.
- Oliver, P. (2003) *The Student's Guide to Research Ethics*. 1st edition. (London) Open University Press.
- Ollivaud, P. and Haxton, P. (2019) Making the most of tourism in Indonesia to promote sustainable regional development *ECONOMICS DEPARTMENT WORKING PAPERS*. doi:JT03442792.

- Oxfam (2017) Towards a More Equal Indonesia: How the government can take action to close the gap between the richest and the rest. *OXFAM Briefing Paper* [online]. (February), . Available from: [www.oxfam.org](http://www.oxfam.org).
- Pahl-Wostl, C., Jeffrey, P. and Sendzimir, J. (2011) Adaptive and integrated management of water resources. In: R. Quentin Grafton and Karen Hussey (eds.). *Water Resources Planning and Management* 1st edition. Cambridge: Cambridge University Press. pp. 292–310. doi:10.1017/CBO9780511974304.016.
- Palys, T. (2008) Purposive Sampling. *The SAGE Encyclopedia of Qualitative Research Methods* p.pp. 697–698.
- Passmore, J. (1974) *Man's Responsibility for Nature. Ecological Problems and Western Traditions*. 1st edition. New York: Scribner's.
- Pemerintah Daerah Istimewa Yogyakarta (2018) *Peraturan Daerah D.I. Yogyakarta Tentang Pembangunan Jangka Menengah Daerah (RPJMD) Daerah istimewa Yogyakarta Tahun 2017-2022*.
- Picard, M. (1996) *Bali. Cultural tourism and touristic culture*. 1st edition. Singapore: Archipelago Press.
- Pitts, C. (2016) The United Nations' Protect, Respect, Remedy' Framework and Guiding Principles. In: Dorothee Baumann-Pauly and Justine Nolan (eds.). *Business and Human Rights from Principles to Practice* 1st edition. Abingdon, UK - New York: Routledge. pp. 51–63.
- Pleumarom, A. (2013) *Tourism and Water: Make the Human Right To Water A Reality!*
- Popely, D. (2018) *Strategies to Maintain Adequate Hotel Water Supplies*. (Minneapolis, Minnesota) Walden University.
- Pranyoto, V.S. (2016) *WALHI: Maraknya pembangunan hotel berisiko krisi air*. Available from: <https://jogja.antaranews.com/berita/337802/walhi-maraknya-pembangunan-hotel-berisiko-krisis-air> [Accessed 27 May 2021].
- Pritchard, A., Morgan, N. and Ateljevic, I. (2011) Hopeful tourism: A new transformative perspective. *Annals of Tourism Research*. 38 (3), pp. 941–963.
- PU-ESDM Provinsi Yogyakarta (2017) *Jenis dan Perizinan Air Tanah*. Available from: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjw3LP\\_\\_9jwAhUZBGMBHau0D-cQFjABegQIAhAD&url=http%3A%2F%2Fpupesdm.jogjaprov.go.id%2Fwp-content%2Fuploads%2F2017%2F05%2FIZIN-AIR-TANAH.pdf&usq=AOvVaw0vxofdePgjuwVxakXH](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwjw3LP__9jwAhUZBGMBHau0D-cQFjABegQIAhAD&url=http%3A%2F%2Fpupesdm.jogjaprov.go.id%2Fwp-content%2Fuploads%2F2017%2F05%2FIZIN-AIR-TANAH.pdf&usq=AOvVaw0vxofdePgjuwVxakXH) [Accessed 20 May 2021].

- Putri, S.C. (2021) *Pembangunan Borobudur Highland Terus Dikebut Diiringi Pendirian Hotel dan Resort*. Available from: <https://jogja.tribunnews.com/2021/04/13/pembangunan-borobudur-highland-terus-dikebut-diiringi-pendirian-hotel-dan-resort?page=3> [Accessed 20 May 2021].
- Putsanra, D.V. and Aziz, A. (2017) *Warga Yogya Menolak Pembangunan Hotel dan Apartemen - Tirto.ID*. Available from: <https://tirto.id/warga-yogya-menolak-pembangunan-hotel-dan-apartemen-csjG> [Accessed 7 February 2018].
- Rabbani, H. (2019) *Menikmati Nusantara: Tamasya di Hindia Belanda*. Available from: <https://pmb.brin.go.id/menikmati-nusantara-tamasya-di-hindia-belanda/> [Accessed 27 December 2020].
- RADISSON (no date) *Sustainability Report*. Available from: <https://www.radissonhospitalityab.com/responsible-business/reporting-and-compliance/sustainability-report> [Accessed 2 March 2020].
- Rahadi, M.Z. and Hasmarini, I.M.I. (2018) *Analisis Pengaruh Sektor Pariwisata Terhadap Penyerapan Tenaga Kerja di 5 Kabupaten/Kota Daerah Istimewa Yogyakarta*. Available from: <http://eprints.ums.ac.id/id/eprint/65866>.
- Ramasastri, A. (2015) Corporate Social Responsibility Versus Business and Human Rights: Bridging the Gap Between Responsibility and Accountability. *Journal of Human Rights*. 14 (2), pp. 237–259. doi:10.1080/14754835.2015.1037953.
- Razumova, M., Rey-Maqueira, J. and Lozano, J. (2016) The role of water tariffs as a determinant of water saving innovations in the hotel sector. *International Journal of Hospitality Management* [online]. 52 pp. 78–86. Available from: <http://dx.doi.org/10.1016/j.ijhm.2015.09.011>
- Remmert, G., Koalick, M. and Wilde, L. (2014) *Stakeholder Engagement in Human Rights Due Diligence: A Business Guide* [online]. Available from: [https://www.globalcompact.de/wAssets/docs/Menschenrechte/stakeholder\\_engagement\\_in\\_humanrights\\_due\\_diligence.pdf](https://www.globalcompact.de/wAssets/docs/Menschenrechte/stakeholder_engagement_in_humanrights_due_diligence.pdf).
- Ricourte, E. (2017) Hotel sustainability benchmarking index 2017: Energy, water, and carbon. *Cornell Hospitality Report* [online]. 17 (18), pp. 3–17. Available from: <https://scholarship.sha.cornell.edu/chrpubs/251/>.
- Rico-Amoros, A.M., Olcina-Cantos, J. and Sauri, D. (2009) Tourist land use patterns and water demand: Evidence from the Western Mediterranean. *Land Use Policy*. 26 (2), pp. 493–501. doi:10.1016/j.landusepol.2008.07.002.
- Ridarineni, N. (2019) *Yogyakarta Kekurangan Ruang Terbuka Hijau*. Available from: <https://republika.co.id/berita/nasional/daerah/17/11/23/ozvie2282-yogyakarta-kekurangan-ruang-terbuka-hijau> [Accessed 24 July 2020].



- Robet, R. (2008) *Politik Hak Asasi Manusia dan Transisi di Indonesia: Sebuah Tinjauan Kritis*. Eddie Sius Riyadi and Erasmus Cahyadi (eds.). Jakarta: ELSAM.
- Robson, C. and McCartan, K. (2011) *Real World Research*. 4th edition. (Chichester, England) Wiley Publisher.
- Rodina, L. (2014) *Implementation of the Human Right to Water in Khayelistsha, South Africa: Lessons from a 'Lived Experience' Perspective*.
- Ruggie, J.G. (2008) Protect, Respect and Remedy: A Framework for Business and Human Rights. *Innovations: Technology, Governance, Globalization*. 3 (2), pp. 189–212. doi:10.1162/itgg.2008.3.2.189.
- Rusqiyati, E.A. (2020a) *Drainase Kotagede Yogyakarta akan dilengkapi 100 sumur resapan*. Available from: <https://www.antaranews.com/berita/1752937/drainase-kotagede-yogyakarta-akan-dilengkapi-100-sumur-resapan> [Accessed 14 February 2021].
- Rusqiyati, E.A. (2020b) *PDAM Yogyakarta sesuaikan tarif air bersih*. Available from: <https://jogja.antaranews.com/berita/406756/pdam-yogyakarta-sesuaikan-tarif-air-bersih> [Accessed 20 January 2021].
- Salter, M. and Mason, J. (2007) *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research*. 1st edition. Essex: Pearson Education Limited.
- Sandang, Y. (2015) After UNGPs on Human Right and Business: Study on Several Follow-Up in Tourism. In: *Developments of the New Tourism Paradigm in the Asia Pasific Region*. 2015 (Kuala Lumpur, Malaysia) Asia Pasific Tourism Association (APTA). pp. 277–280.
- Sandang, Y. (2019) Pengarusutamaan Prinsip-Prinsip Bisnis dan Hak Asasi Manusia Bagi Sektor Pariwisata di Indonesia. *Jurnal HAM* [online]. 10 (1), pp. 1. Available from: <https://ejournal.balitbangham.go.id/index.php/ham/article/view/657>doi:10.30641/ham.2019.10.1-17.
- Santoro, M.A. (2015) Business and Human Rights in Historical Perspective. *Journal of Human Rights*. 14 (2), pp. 155–161. doi:10.1080/14754835.2015.1025945.
- SATUNAMA (2016) *Saya Serukan ke Publik: Jogja Ora Didol!* Available from: <http://satunama.org/2838/saya-serukan-ke-publik-jogja-ora-didol/> [Accessed 29 June 2021].
- Scheyvens, R. and Biddulph, R. (2018) Inclusive tourism development. *Tourism Geographies* [online]. 20 (4), pp. 589–609. Available from: <http://dx.doi.org/10.1080/14616688.2017.1381985>
- Schmid, P.F. (2019) The power of hope: person-centered perspectives on contemporary personal and societal challenges. *Person-Centered and Experiential Psychotherapies* [online]. 18 (2), pp. 121–138. Available from: <https://doi.org/10.1080/14779757.2019.1618371>

- Schreiber, C. (1998) Drawdown, cone of depression. In: *Hydrology and Lakes* [online]. Dordrecht: Springer Netherlands. pp. 203–204. Available from: [https://doi.org/10.1007/1-4020-4513-1\\_67](https://doi.org/10.1007/1-4020-4513-1_67)
- Scott, D., Hall, C.M. and Gössling, S. (2019) Global tourism vulnerability to climate change. *Annals of Tourism Research* [online]. 77 (May), pp. 49–61. Available from: <https://doi.org/10.1016/j.annals.2019.05.007>
- Sesanti, A.D. (2016) *Jogja-ku (dune ora) didol: Manunggaling Penguasa dan Pengusaha dalam Kebijakan Pembangunan Hotel di Yogyakarta*. 1st edition. Sleman: STPN Press.
- Setiawan, A., Utama, Y.J. and Lisdiyono, E. (2020) *Sosial Justice and Water for All: Constructing a Local Legal Framework for a Good Governance*. 11 (1), pp. 209–216.
- Simons, P. (2012) International law’s invisible hand and the future of corporate accountability for violations of human rights. *Journal of Human Rights and the Environment*. 3 (1), pp. 5–43. doi:10.4337/jhre.2012.01.01.
- Simpson, B. and Simpson, C. (2007) The End of Tourism, the Beginning of Law? In: Peter M Burns and Marina Novelli (eds.). *Tourism and Politics: Global Framework and Local Realities* 1st edition. Oxford, UK - Amsterdam: Elsevier. pp. 369–387.
- Smith, M. and Duffy, R. (2003) *The Ethics of Tourism Development*. 1st edition. (London & New York) Routledge.
- Solidaritas Perempuan (2019) *Pengesahan Undang-Undang Sumber Daya Air: DPR dan Pemerintah Abaikan Putusan MK dengan Tetap Libatkan Swasta*. Available from: <http://www.solidaritasperempuan.org/penge-sahan-undang-undang-sumber-daya-air-dpr-dan-pemerintah-abaikan-putusan-mk-dengan-tetap-libatkan-swasta/> [Accessed 24 July 2020].
- Somad, A. (2019) *Maraknya Hotel, Warga Yogya Gelar Ritual Tolak Bala Bumi Yogyakarta*. Available from: <https://www.gatra.com/detail/news/379109-Maraknya-Hotel-Warga-Yogya-Gelar-Ritual-Tolak-Bala-Bumi-Yogyakarta> [Accessed 1 December 2020].
- Soneva Group (2014) *Soneva Sustainability Report 2014-2015* [online] 66. Available from: <https://s3-eu-west-1.amazonaws.com/websites-wordpress-uploads/www.soneva.com/wp-content/uploads/2019/01/Soneva-Sustainability-Report-2014-15.pdf>.
- SRSO (2008) ‘*Protect, Respect and Remedy: A Framework for Business and Human Rights*’, *Report of the Special Representative of the Secretary General on the issue of Human Rights and Transnational Corporations and Other Business Enterprises*.
- Staddon, C., Appleby, T. and Grant, E. (2012) A Right to Water? Geographico-legal perspectives. In: Farhana Sultana and Alex Loftus (eds.). *The Right to Water: Politics, governance and social struggles* 1st edition. (London & New York) Earthscan, Taylor & Francis. pp. 61–77.

- Stonich, S.C. (1998) Political Ecology of Tourism. *Annals of Tourism Research*. 25 (1), pp. 25–54.
- Strauß, S. (2011) Water Conflicts among Different User Groups in South Bali, Indonesia. *Human Ecology*. 39 (1), pp. 69–79. doi:10.1007/s10745-011-9381-3.
- Styles, D., Schoenberger, H. and Galvez-Martos, J.L. (2015) Water management in the European hospitality sector: best practice, performance benchmarks and improvement potential. *Tourism Management*. 46 pp. 187–202. doi:10.1016/j.tourman.2014.07.005.
- Styles, D., Schönberger, H. and Martos, J.L.G. (2013) *Best environmental management practice in the tourism sector*.
- Sudirja, P., Markeling, I.K. and Pujawan, I.M. (2013) Mogok Kerja Yang Mengakibatkan Pemutusan Hubungan Kerja (PHK) Massal Pada Hotel Patra Jasa Bali. *Kertha Semaya*. 10 pp. 1–5.
- Sultana, F., and Loftus, A. (eds.) (2012). *The Right to Water: Politics, governance and social struggles* [online]. 1st edition. (London & New York) Earthscan, Taylor & Francis.
- Sultana, F., and Loftus, A. (eds.) (2020) *Water Politics: Governance, justice and the right to water*. 1st edition. London - New York: Earthscan, Taylor & Francis.
- Suntoro, A. (2019) Tinjauan Hak Asasi Manusia terhadap Regulasi Pengadaan Tanah bagi Kepentingan Umum. *Jurnal HAM*. 10 (2), pp. 217. doi:10.30641/ham.2019.10.217-232.
- Susanti, B. (2001) *Constitution and Human Rights Provisions in Indonesia: An Unfinished Task in the Transitional Process*. (December).
- Susilo, D.A., Sarwoprasodjo, S., Hubeis, M. and Ginting, B. (2016) *Diskursus Pengelolaan Sumber Daya Air di Indonesia (Studi Kasus Tahun 2002-2015)*.
- Sustainable Hospitality Alliance (2020) *Business Case for Sustainable Hotels*.
- Swyngedouw, E. (2009) The Political Economy and Political Ecology of the Hydro-Social Cycle. *Journal of Contemporary Water Research & Education* [online]. 142 (1), pp. 56–60. Available from: <http://doi.wiley.com/10.1111/j.1936-704X.2009.00054.x>
- Tarigan, H., Dharmawan, A.H., Tjondronegoro, S.M.P. and Suradisastra, K. (2013) *Persaingan Akses Sumber Daya Air di Yeh Ho, Tabanan, Bali (Access Rivalry to Water Resources in Yeh Ho, Tabanan, Bali)*. pp. 143–159.
- Taylor, M.B. (2011) The Ruggie framework: Polycentric regulation and the implications for corporate social responsibility. *Etikk i Praksis. Nordic Journal of Applied Ethics*. 5 (1), pp. 9–30. doi:10.5324/eip.v5i1.1731.

- Tekken, V. and Kropp, J.P. (2015) Sustainable water management - perspectives for tourism development in north-eastern Morocco. *Tourism Management Perspectives* [online]. 16 (March), pp. 325–334. Available from: <http://dx.doi.org/10.1016/j.tmp.2015.09.001>
- Tempo.co (2019) *The Alana Yogyakarta Salurkan Bantuan Air Bersih*. Available from: <https://inforial.tempoco.co/info/1001836/the-alana-yogyakarta-salurkan-bantuan-air-bersih> [Accessed 29 January 2021].
- Terry, G., Hayfield, N., Clarke, V., Braun, V. (2017) *Thematic Analysis In: The SAGE Handbook of Qualitative Research in Psychology Thematic Analysis* [online].doi: <http://dx.doi.org/10.4135/9781526405555>
- The Economist Intelligence Unit (2015) The Road from Principles to Practice: Today’s Challenges for Business in Respecting Human Rights. *The Economist*. pp. 25.
- Thomas, S., Hall, D., Lethbridge, J., Lobina, E., Popov, V., Corral, V. and Van Niekerk, S. (2012) Conflicts, companies, human rights and water -A critical review of local corporate practices and global corporate initiatives. *Public Services International Research Unit (PSIRU)* [online]. 44 (March). Available from: [http://www.world-psi.org/sites/default/files/documents/research/psiru\\_conflicts\\_human\\_rights\\_and\\_water.pdf](http://www.world-psi.org/sites/default/files/documents/research/psiru_conflicts_human_rights_and_water.pdf).
- Tickner, J.A. (2005) Gendering a Discipline: Some Feminist Methodological Contributions to International Relations. *Signs: Journal of Women in Culture and Society* [online]. 30 (4), pp. 2173–2188. Available from: <http://www.journals.uchicago.edu/doi/10.1086/428416>
- Tignino, M. (2017) Private Investments and the Human Right to Water. *SSRN Electronic Journal* [online]. Vol. 7. Available from: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3093591](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3093591)doi:10.2139/ssrn.3093591.
- Timur, S. and Timur, A.T. (2016) Employee Ownership and Sustainable Development in Tourism: A Case in North Cyprus. *Sustainable Development*. 24 (2), pp. 89–100. doi:10.1002/sd.1610.
- Tourism Concern (2011) *Tourism Concern Industry briefing Why the tourism industry needs to take a human rights approach: The business case* [online]. Available from: [https://www.tourismconcern.org.uk/wp-content/uploads/2014/10/TourismConcern\\_IndustryHumanRightsBriefing-FIN-4.pdf](https://www.tourismconcern.org.uk/wp-content/uploads/2014/10/TourismConcern_IndustryHumanRightsBriefing-FIN-4.pdf).
- Tribe, J. (2002) Knowing about tourism: Epistemological issues. In: Jenny Phillimore and Lisa Goodson (eds.). *Qualitative Research in Tourism: Ontologies, Epistemologies and Methodologies* 1st edition. (London & New York) Routledge. pp. 46–62.
- UN Working Group on Business and Human Rights (no date) *Human rights defenders and civic space – the business & human rights dimension* [online] p.pp. 1–8. Available from: [https://www.ohchr.org/Documents/Issues/Business/ForumSession6/UNWG\\_ProjectHRDsBackgroundNote12052017.pdf](https://www.ohchr.org/Documents/Issues/Business/ForumSession6/UNWG_ProjectHRDsBackgroundNote12052017.pdf).

- UN Working Group on Business and Human Rights (2020) *UN Guiding Principles at 10 Business and human rights: towards a decade of global implementation* [online]. Available from: <https://www.ohchr.org/EN/Issues/Business/Pages/UNGPsBizHRsnext10.aspx>.
- United Nations (2011) *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework* [online] p.pp. 1–42. Available from: [https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr\\_eN.pdf](https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf).
- United Nations (2017) *Integrated Approaches for Sustainable Development Goals Planning: The case of Goal 6 on water and sanitation* p.pp. 1–57.
- United Nations General Assembly (2010) *Resolution adopted by the General Assembly on 28 July 2010: The human right to water and sanitation* [online]. Available from: <http://www.un.org/es/comun/docs/?symbol=A/RES/64/292&lang=E>.
- United Nations Global Compact (no date) *InterContinental Hotels Group Water Stewardship Programme*. Available from: <https://wateractionhub.org/projects/455/d/intercontinental-hotels-group-water-stewardship-prog/> [Accessed 10 March 2020].
- UNWTO (2017) *UNWTO Tourism Highlights 2017 Edition* [online]. Available from: <http://www.e-unwto.org/doi/pdf/10.18111/9789284419029>.
- Utomo, B. (2021) *Infografis Bandara YIA Jadi Daya Tarik Investasi Perhotelan di Kulonprogo*. Available from: <https://yogya.inews.id/infografis/infografis-bandara-yia-jadi-daya-tarik-investasi-perhotelan-di-kulonprogo> [Accessed 20 May 2021].
- Var, T., Yeşiltaş, M., Yaylı, A. and Öztürk, Y. (2011) A Study on the Travel Patterns of Physically Disabled People. *Asia Pacific Journal of Tourism Research* [online]. 16 (6), pp. 599–618. Available from: <http://www.tandfonline.com/action/journalInformation?journalCode=rapt20%5Cnhttp://www.tandfonline.com/loi/rapt20%5Cnhttp://dx.doi.org/10.1080/10941665.2011.610143>
- Vatikiotis, M. (1998) *Indonesian Politics Under Suharto: The Rise and Fall of the New Order*. 3rd edition. New York: Routledge.
- Veal, A.J. (2015) Human rights, leisure and leisure studies. *World Leisure Journal* [online]. 57 (4), pp. 249–272. Available from: <http://www.tandfonline.com/doi/full/10.1080/16078055.2015.1081271>
- Veal, A.J. (2002) *Leisure and Tourism Policy and Planning*. 2nd edition. (Oxfordshire,UK - Cambridge,USA) CABI Publishing.
- Vila, M., Afsordegan, A., Agell, N., Sánchez, M. and Costa, G. (2018) Influential factors in water planning for sustainable tourism destinations. *Journal of Sustainable Tourism* [online]. 26 (7), pp. 1241–1256. Available from: <https://doi.org/10.1080/09669582.2018.1433183>

- Vishwanath, S. (2016) *Recharge wells to the rescue*. Available from: <https://www.thehindu.com/features/homes-and-gardens/recharge-wells-to-the-rescue/article6469210.ece> [Accessed 21 May 2021].
- Voiculescu, A. (2018) Intersecting spheres of analysis in business and human rights: Developing a new socio-legal research agenda and methodology for UN guiding principle no 9. *Nordic Journal of Human Rights*. 36 (4), pp. 333–352. doi:10.1080/18918131.2018.1547524.
- Wardhani, C.M. (2020) *Kualitas Udara Baik, WALHI Minta Pemkot Yogya Perhatikan Fasilitas Pesepeda dan Pejalan kaki*. Available from: <https://jogja.tribunnews.com/2020/06/07/kualitas-udara-baik-walhi-minta-pemkot-yogya-perhatikan-fasilitas-pesepeda-dan-pejalan-kaki> [Accessed 27 May 2021].
- Warga Berdaya (no date) (*si)apa Warga Berdaya*. Available from: <https://wargaberdaya.wordpress.com/about/> [Accessed 1 December 2020].
- Warner, B.P. (2019) Explaining political polarization in environmental governance using narrative analysis. *Ecology and Society*. 24 (3). doi:10.5751/es-10999-240304.
- Warren, C. and Becken, S. (2017) Saving energy and water in tourist accommodation: A systematic literature review (1987–2015). *International Journal of Tourism Research*. 19 (3), pp. 289–303. doi:10.1002/jtr.2112.
- Warren, C. and Wardana, A. (2018) Sustaining the unsustainable? Environmental impact assessment and overdevelopment in Bali. *Asia Pacific Journal of Environmental Law*. 21 (2), pp. 101–125. doi:10.4337/apjel.2018.02.02.
- BELAKANG HOTEL (English Subtitled) - YouTube* (2014a) [online]. Directed by Watchdoc. Youtube. Available from: <https://www.youtube.com/watch?v=u8MhD3iy4rs> [Accessed 1 November 2017].
- Watchdoc (2014b) *Onde Mandeh* [online]. Available from: <https://www.youtube.com/watch?v=x7EQurb2-eQ>.
- Wettstein, F. (2012) CSR and the Debate on Business and Human Rights: Bridging the Great Divide. *Business Ethics Quarterly* [online]. 22 (04), pp. 739–770. Available from: [https://www.cambridge.org/core/product/identifier/S1052150X00005261/type/journal\\_article](https://www.cambridge.org/core/product/identifier/S1052150X00005261/type/journal_article) doi:10.5840/beq201222446.
- Wettstein, F. (2020) The history of ‘business and human rights’ and its relationship with corporate social responsibility. In: Surya Deva and David Birchall (eds.). *Research Handbook on Human Rights and Business* 1st edition. (Cheltenham, United Kingdom) Edward Elgar Publishing. pp. 23–45.
- Wicaksono, P. (2019) *105 Investor Incar Dirikan Hotel di Yogya*. Available from: <https://bisnis.tempo.co/read/1161314/105-investor-incar-dirikan-hotel-di-yogya/full&view=ok> [Accessed 4 January 2021].

- Wicaksono, P. (2014a) *Belasan Hotel di Yogya Diperiksa Izin Penggunaan Air Tanah*. Available from: <https://nasional.tempo.co/read/621799/belasan-hotel-di-yogya-diperiksa-izin-penggunaan-air-tanah/full&view=ok> [Accessed 1 December 2020].
- Wicaksono, P. (2014b) *Sumur Hotel Disegel Warga Kembali Nikmati Air*. Available from: <https://koran.tempo.co/read/berita-utama-jateng/355803/sumur-hotel-disegel-warga-kembali-nikmati-air/> [Accessed 24 July 2020].
- Wijoyono, E. (2017) *#JogjaAsat, Seruan Keadilan Air untuk Rakyat*. Available from: <https://elantowow.wordpress.com/2017/08/05/jogjaasat-seruan-keadilan-air-untuk-rakyat/> [Accessed 29 June 2021].
- Winkler, I. (2014) *The human right to water: significance, legal status and implications for water allocation*. 1st edition. (London) Bloomsbury Publishing.
- World Leisure and Recreation Association (1970) *Charter for Leisure*.
- World Wide Fund for Nature (2005) *Why Environmental Benchmarking will help your Hotel*. pp. 1–25.
- Wright, T. (2015) Water, Tourism, and Social Change: A Discussion of Environmental Perceptions in Bali. *Jurnal Kajian Bali*. 05 (5), pp. 1–22.
- Yin, R.K. (2016) *Qualitative Research from Start to Finish*. 2nd edition. New York: Guilford Publications.
- Yoeti, O.A. (1987) *Komersialisasi Seni Budaya dalam Pariwisata*. 1st edition. Bandung: Angkasa.
- Yoganindya, M., Agung, A., Sri, P. and Widyatmaja, I.G.N. (2019) *Persepsi masyarakat kelurahan ngupasan terhadap program corporate social responsibility ( csr ) meliá purosani hotel yogyakarta*. 3 (2), pp. 69–83.
- Yusuf, M. and Purwandani, I. (2020) Ecological politics of water: the ramifications of tourism development in Yogyakarta. *South East Asia Research* [online]. 0 (0), pp. 1–17. Available from: <https://doi.org/10.1080/0967828X.2020.1821580>
- Yuwono, M. (2018) *Dosen UMY: Pariwisata Yogyakarta Mulai Kehilangan Rohnya*. Available from: <https://travel.kompas.com/read/2018/02/02/193000027/dosen-umy--pariwisata-yogyakarta-mulai-kehilangan-rohnya> [Accessed 15 November 2020].
- Zakaria, F. and Suci, P.E. (2017) *Konflik dalam pembangunan pariwisata Yogyakarta*. Available from: <https://www.balairungpress.com/2017/03/konflik-dalam-pembangunan-pariwisata-yogya/> [Accessed 15 November 2020].
- Zwarteveen, M. and Boelens, R. (2014) Defining, researching and struggling for water justice: some conceptual building blocks for research and action. *Water International* [online]. 39 (2), pp. 143–158. Available from: <http://dx.doi.org/10.1080/02508060.2014.891168>

Zwarteveen, M., Kemerink-Seyoum, J.S., Kooy, M., Evers, J., Guerrero, T.A., Batubara, B., Biza, A., Boakye-Ansah, A., Faber, S., Cabrera Flamini, A., Cuadrado-Quesada, G., Fantini, E., Gupta, J., Hasan, S., et al. (2017) Engaging with the politics of water governance. *Wiley Interdisciplinary Reviews: Water* [online]. pp. e01245. Available from: <http://doi.wiley.com/10.1002/wat2.1245>



## Appendices

### Appendix 1. Research Participants (in chronological order)

No.	Participants	Remarks	Date (2019)
1.	Wahana Lingkungan Hidup (WALHI) / Indonesian Forum for the Environment. A member of Friends of the Earth network - Bali chapter	WALHI is a prominent and consistent environmental NGO in Indonesia. Their branches spread in every province. Bali province is the number one tourism destination in Indonesia facing a water crisis.	13 February (interview)
2.	Institute of International Studies (IIS)	IIS is an academic organization. Among other agendas, two are related to water security in Yogyakarta, namely: policy advocacy and community engagement.	15 February (interview)
3.	5 star chain (CXY 1)	Confidential	18 February (interview) 12 April (interview, observation, water related documents)
4.	Indonesia Ministry of Law and Human Rights central office (MoLHR)	In recent years, MoLH started to look closely into the business and human rights agenda, including in the tourism sector.	18 February (interview)
5.	Dewan Sumber Daya Air Yogyakarta/DSDA (Yogyakarta Water Board)	Yogyakarta water board is a coordinative, consultative quasi-government body consisting of water-related stakeholders.	19 February (interview)
6.	Forum Pengurangan Risiko Bencana/FPRB (Yogyakarta Risk Disaster Mitigation Forum)	FPRB is a multi-stakeholder forum consisting of a number of NGOs, community groups and academics in Yogyakarta. Part of their work is advocating for communities impacted by hotel development. This forum is a partner of the governing board for disaster management. FPRB is the local partner of this study.	19 February (interview) 6 March (brainstorming) 22 March (brainstorming-coordination) 29 April (coordination) 9 May (coordination-observation) 14 May (coordination-observation)

No.	Participants	Remarks	Date (2019)
			18 May (brainstorming-coordination) 27 May (observation) 12 June (observation) 15 June (coordination)
7.	Forum Komunikasi Winongo Asri/FKWA (Winongo River Community Forum)	FKWA is one of the most active river community groups that focuses on river management and advocacy. They also actively promote community-based participation and impact assessment concerning environmental impact.	19 February (interview) 21 February (observation) 24 February (observation)
8.	Wahana Lingkungan Hidup (WALHI) / Indonesian Forum for the Environment. A member of Friends of the Earth network - Yogyakarta chapter	WALHI Yogyakarta is one of the foremost NGOs in advocating environmental impact, including from the tourism business.	21 Feb (observation) 23 Feb (interview) 26 Feb (observation) 30 March (observation) 27-28 April (observation) 1 May (interview) 29 May (observation)
9.	Warga Berdaya (WB)	Warga Berdaya means empowered people. They are a community group consisting of members impacted by hotel development, activists, journalists, artists, NGOs and the public in general. They initiated the #yogjasat (yogyadry) and #yogjaoradidol (yogjaisnotforsale) campaign in 2014.	4 March (interview)
10.	Indonesia Ministry of Law and Human Rights (MoLHR) provincial office	MoLHR provincial agency in charge of assuring the legal coherency and guiding the format of the Yogyakarta water bill draft.	5 March (interview)
11.	Non-star hotel (NSXY 1)	Confidential	8 March (interview, observation)

No.	Participants	Remarks	Date (2019)
12.	4 star non-chain hotel (NCXY 1)	Confidential	11 March (interview) 21 March (interview, observation, water related documents)
13.	Perhimpunan Hotel dan Restoran Indonesia/PHRI Yogyakarta (Indonesia Hotels and Restaurant Association Yogyakarta chapter)	An organization from and for hotel management in Yogyakarta. Also, a vessel for hoteliers in Yogyakarta to advocate hotel classification, fair competition, promotion and hotel CSR (community social responsibility). They also work to lobby on behalf of hotels to the government and in return publicise government programs for hoteliers.	12 March (interview) 26 March (interview)
14.	Non-star hotel (NSXY 2)	Confidential.	12 March (interview) 18 March (observation)
15.	Yogyakarta province planning board	Government perspective about planning at a provincial level, including tourism and hotel development.	14 March (interview)
16.	Green Building Council Indonesia (GBCI)	A non-profit NGO aiming to persuade government and business (including hoteliers) to adopt green building criteria.	15 March (observation) 25 March (interview) 4-5 (observation)
17.	Non star hotel (NSXY 3)	Confidential.	18 March (interview, observation)
18.	Yogyakarta province tourism agency	A government agency in charge of coordinating tourism planning and marketing.	19 March (interview)
19.	Yogyakarta city planning board	Government perspective about development planning at the regency level, including tourism and hotel development.	20 March (interview)
20.	Non star hotel (NSX 1)	Confidential	26 March (interview, observation, water related documents)

No.	Participants	Remarks	Date (2019)
21.	2 star chain hotel (NCXY 2)	Confidential	26 March (interview, observation, water related documents)
22.	4 star chain hotel (CXY 2)	Confidential	28 March (interview, observation, water related documents)
23.	Government consultant on water law and infrastructure.	This participant has been involved in multiple water projects and is one of the advisers on water law both at the national and regional level.	29 March (interview)
24.	4 star chain hotel (NSXY 4)	Confidential	2 April (interview)
25.	Yogyakarta Province Public Works and Utilities agency	Government agency responsible for developing infrastructure for water supply, distribution, groundwater permits and monitoring, including building standards and permits.	8 April (interview) 25 April (interview) 15 May (observation)
26.	Yogyakarta city Public Works and Utilities Agency		9 April (interview) 10 April (interview) 14 May (Focus group)
27.	FORPI (Integrity Pact Monitoring Forum)	A quasi-governmental agency responsible for monitoring government programmes.	9 April (interview)
28.	3 star national chain hotels (CXY 3)	Confidential	10 April (interview, observation, water related documents)
29.	Housing Resource Centre	A think-tank for urban and rural planning. They have experience researching the carrying capacity of accommodation facilities in Yogyakarta city.	11 April (interview)
30.	Water division of Yogyakarta province Public Works/Utilities	A government agency responsible for developing infrastructure for water supply and distribution.	15 April (interview)

No.	Participants	Remarks	Date (2019)
31.	Yogyakarta city environmental board	A government agency responsible for monitoring water quality and environmental impact assessment.	16 April (interview)
32.	Yogyakarta province environmental board		14 May (Focus group)
33.	Yogyakarta Royalty member	Confidential.	18 April (interview)
34.	PDAM Yogyakarta city (Yogyakarta city water company)	Local operator for water distribution.	24 April (interview)
35.	Yogyakarta city permit and licensing agency	A government agency responsible for managing and issuing permits for hotel development.	25 April (interview and secondary data)
36.	Two star hotel (NCXY 4)	Confidential	26 April
37.	Lembaga Bantuan Hukum/LBH Yogyakarta (Yogyakarta Legal Aid Institution)	One of the prominent legal aid institutions in Yogyakarta, dealing with community class action concerning hotel development.	14 May (Focus group)
38.	Non star hotel (NCXY 5)	Confidential	26 April (interview)
39.	Satuan Polisi Pamong Praja/SATPOL-PP	Regional law enforcer	30 April (interview)
40.	Yogyakarta city tourism agency	A government agency in charge of coordinating tourism planning and marketing.	8 May (interview, observation, water related documents)
41.	1 star hotel (NCXY 6)	Confidential	14 May (Focus group)
42.	Environmental Impact assessment (AMDAL) assessor	A member of the environmental impact assessment team, including for hotels.	16 May (interview, observation)
43.	Pusat Studi Lingkungan Hidup Universitas Gadjah Mada/PSLH UGM (University Living Environment Study Centre Gadjah Mada)	A respectable research center in Yogyakarta, which has produced studies related to the tourism-water problem.	17 May (interview)
44.	3 star hotel (NCXY 7)	Confidential	20 May (interview)
			23 May (interview, observation, water related documents)

No.	Participants	Remarks	Date (2019)
45.	Yogyakarta city tourism agency	A government agency in charge of coordinating tourism planning and marketing.	11 June (interview)
46.	Yogyakarta province investment and permit agency	A government agency responsible for coordinating investment and business permit at the provincial level.	
47.	Multi-stakeholders	Public discussion/Focus group discussing preliminary research findings attended by government agency representative from the provincial level, Sleman regency and Yogyakarta city, hotel association, hoteliers representative, and community. (See the attendance sheet below)	17 June



### DAFTAR HADIR

HARI/TANGGAL : Senin, 17 Juni 2019

TEMPAT : Ruang Rapat Pusdalops PB DIY

JAM : 09.00 WIB - selesai

ACARA : LOKAKARYA HASIL PENGUKURAN MUKA AIR TANAH

NO	NAMA	LEMBAGA	HP DAN EMAIL	PARAF
1		MOCCUXE HOTEL		
2		IWE BRUIDL		
3		PSMB - UPN YK		
4		Crystalokry work		
5		PTMI		
6		PTMI		
7		SPSD MY		
8		Dinkas elana		
9		GJB		
10		PDAM Slam		



FORUM PRB DIY

DAFTAR HADIR

HARI/TANGGAL : Senin, 17 Juni 2019

TEMPAT : Ruang Rapat Pusdalops PB DIY

JAM : 09.00 WIB - selesai

ACARA : LOKAKARYA HASIL PENGUKURAN MUKA AIR TANAH

NO	NAMA	LEMBAGA	HP DAN EMAIL	PARAF
11		PBM Slem		
12		Bappeda Slem		
13		DLK Slem		
14		Forum PRB		
15		FRB		
16		Bappeda D17		
17		DLK Slem		
18		Hotel Jayakarta		
19		DLK Sleman		
20		DLK Sleman		





## Appendix 2. Research Ethics Approval

UWE REC REF No: FET.18.10.013 Sandang

6 December 2018

Yesaya Sandang  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Yesaya

**Application title: Hotels and the Right to Water in Yogyakarta City: A Business and Human Rights Perspective**

I am writing to confirm that the Faculty Research Ethics Committee are satisfied that you have addressed all the conditions relating to our previous letter sent on 21<sup>st</sup> November 2018 and the study has been given ethical approval to proceed.

Please note that any information sheets and consent forms should have the UWE logo. Further guidance is available on the web <http://www2.uwe.ac.uk/services/Marketing/about-us/doc/one-page-portrait-UWE-word-doc-with-colour-logo.docx>

The following standard conditions also apply to all research given ethical approval by a UWE Research Ethics Committee:

1. You must notify the relevant UWE Research Ethics Committee in advance if you wish to make significant amendments to the original application: these include any changes to the study protocol which have an ethical dimension. Please note that any changes approved by an external research ethics committee must also be communicated to the relevant UWE committee. <http://www1.uwe.ac.uk/research/researchethics/applyingforapproval.aspx>
2. You must notify the University Research Ethics Committee if you terminate your research before completion;
3. You must notify the University Research Ethics Committee if there are any serious events or developments in the research that have an ethical dimension.

The Faculty and University Research Ethics Committees (FRECs and UREC) are here to advise researchers on the ethical conduct of research projects and to approve projects that meet UWE's ethical standards. Please note that we are unable to give advice in relation to legal issues, including health and safety, privacy or data protection (including GDPR) compliance. Whilst we will use our best endeavours to identify and notify you of

any obvious legal issues that arise in an application, the lead researcher remains responsible for ensuring that the project complies with UWE's policies, and with relevant legislation. If you need help with legal issues please contact [safety@uwe.ac.uk](mailto:safety@uwe.ac.uk) (for Health and Safety advice), [REDACTED] (for data protection, GDPR and privacy advice).

Please note: The UREC is required to monitor and audit the ethical conduct of research involving human participants, data and tissue conducted by academic staff, students and researchers. Your project may be selected for audit from the research projects submitted to and approved by the UREC and its committees.

We wish you well with your research.

Yours sincerely

## Appendix 3. Topic Guide

### Topic guide (semi-structured) interviews and observation related to government agency:

Government agency participants:

Representative (Chief of agency/board or appointed staff) from:	Ethical consideration
1. Yogyakarta city/province planning board	1. Research recommendation letter 2. Informed consent (verbal and written) 3. Information sheet
2. Yogyakarta city/province water board	
3. Yogyakarta city/province environmental board	
4. Yogyakarta city/province permit and licensing agency	
5. Yogyakarta city/province Law agency	
6. Yogyakarta city/province Cipta Karya	
7. Yogyakarta city/province Bina Marga	
8. Yogyakarta city/province tourism agency	

Topic guide:

1. What are the latest legal reference/frameworks in addressing potable water provision at local level?
2. Asking about Yogyakarta city master plan for the water sector.
  - a. Is there one?
  - b. What is inside?
  - c. Is it coherent with national and regional policy?
  - d. Does it involve the private sector?
3. What is the status of potable water provision in Yogyakarta city? (availability and quality)
  - a. Surface and ground water condition
  - b. Pipe water reach and condition
  - c. Data source
4. Asking about problems and challenges in fulfilling the human rights to water in terms of:
  - a. Economical (project funding, private involvement, pricing)
  - b. Social (competing sectors, unequal distribution, transboundary, urbanization, overpopulation, consumption patterns)
  - c. Political (Power relation in water policy and decision making, water allocation and prioritization, water governance, law enforcement)
  - d. Health (Quality and quantity of water)
  - e. Environmental (Causal effect of climate change, land use)
  - f. Hydro-geography (Valid measurement and accurate water data)
  - g. Engineering (Access and infrastructure, technology innovation, spatial planning)
  - h. Law (Setting principles, duty and responsibility, regulations, permits, monitoring and assessment).
  - i. Philosophical (Conceptual debate, ethical justification, mind set)

5. Asking about the water competition between hotels and community:
  - a. Why and when it happens?
  - b. Beside community action, is there any report or other source of complaint?
  - c. Effort in tackling water competition between hotels and community?
  - d. Is there any remedies?
  - e. Who takes the lead or is in charge?
  - f. Is there any future planning?
6. Asking about the role of the local water board, particularly in relation to tourism's use of water, including hotels.
7. Asking about hotels' environmental permit, assessment and monitoring:
  - a. What are the procedures and requirements?
  - b. Is it transparent?
  - c. Is there any community involvement / participation?
  - d. What are the monitoring and surveillance efforts?
  - e. Is there any threat of corruption?
  - f. How many staff/officer?
  - g. May I look at the report?
  - h. How many permits are issued? And what kind of permit?
8. Is there any coordination with tourism agency or hotel association or other agency and body in addressing water competition between hotels and community?
  - a. What kind of coordination?
  - b. What's been implemented?
9. What are future plans in addressing water competition between hotels and the community?
10. Asking about whether they think there are governance gaps in addressing the HRW and water competition between hotels and the community?
11. Asking about application of sustainable tourism destination criteria?

What to observe?

1. Hotel surveillance and control.
  - a. Following government officer in monitoring the hotels.
2. Forums between government, hotels and community

**Topic guide (semi-structured, in-depth) interviews and observation related with hotels:**

Hotel participants:

Hotel representatives (General Manager, Water or Engineering Manager):	Ethical consideration
1. Chain star hotels	1. Research recommendation letter 2. Informed consent (verbal and written) 3. Information sheet
2. Non-chain star hotels	
3. Non-star rated hotels	
4. Yogyakarta hotels association	

Topic guide:

1. Asking about history of the hotels
2. Do you know about (hotels) business responsibility on human rights?
  - a. What knowledge
  - b. Source of knowledge
  - c. Implementation or implication
3. Do you know about *Guiding Principles on Business and Human Rights*?
  - a. What knowledge
  - b. Source of knowledge
  - c. Implementation or implication
4. Are there any other guidelines being used in general and in terms of water management?
  - a. What guidelines?
  - b. Source of knowledge
  - c. Implementation or implication
5. Asking about compliance
  - a. Environmental assessment and reporting
  - b. Water permit
6. Asking about water policy:
  - a. Is there any?
  - b. What is the reference?
  - c. How is the policy made?
  - d. How is it implemented?
7. Asking about water (impact) assessment:
  - a. Is there any?
  - b. What kind of assessment?
  - c. What are the references?
  - d. Who is in charge?
  - e. What are the elements of assessment?
  - f. Is it accessible to the public?
  - g. Can I see the document?
8. Asking about water management:

- a. Is there any standard operating procedure?
  - b. Source of water?
  - c. Technology and innovation being used?
  - d. Water data?
  - e. Water cost?
  - f. Water quality?
9. Asking about water monitoring:
- a. What kind of effort?
  - b. Who is in charge?
  - c. Relation with government agency?
  - d. Method and source of data?
10. Asking about water competition:
- a. Is there any complaint?
  - b. Is there any disruption?
  - c. Prevention effort?
  - d. Remedy effort?
11. Asking about community relation (participation) in terms of water management
12. Asking about problems and challenges in managing the water.
13. Asking sensitively about threats of corruption and manipulation
14. Implication of water conflict toward hotel standard.

What to observe:

1. Hotels' standard assessment.
  - a. Following assessment officer in evaluating hotels' standard criteria.
2. Hotel water management:
  - a. Observing water management practice and monitoring process

**Topic guide (semi-structured, in-depth) interviews and observation related with the community:**

**Community participants:**

Representatives from:	Ethical consideration
1. Warga Berdaya (Empower People): a community group who advocate for communities that face competition with hotels for water	1. Research recommendation letter 2. Informed consent (verbal and written) 3. Information sheet
2. FPRB: Yogyakarta Risk Disaster Mitigation Forum	
3. Wahana Lingkungan Hidup Yogyakarta (WALHI): environmental non-governmental organization	
4. Academic/Researcher: Expert in Yogyakarta water research	
5. Community figure or leader in the area of water conflict	

**Topic guide:**

1. Hotels and community relation?
2. What kind of effort taken in addressing water competition between hotels and community?
3. Who are involved in that effort?
4. Impact of the effort? Indicator?
5. Is there any approach both from government and hotels? When? What kind approach? Elaborate the details: Who is involved, the process, the dynamic of the approach and process.
6. The current status of community movement regarding water and hotels.
7. Water data? Source of water? Water quality and quantity?
8. Water Governance?
9. Rights to water in local perspective?

**What to observe:**

1. Community forum regarding water concern.



#### Appendix 4. Informed Consent Form

Title of research : Hotels and the Right to Water in Yogyakarta city: A Business and Human Rights Perspective  
Name of researcher : Yesaya Sandang  
Email : [REDACTED]  
Phone : [REDACTED]  
Supervisor : Dr. Stroma Cole  
Email : [REDACTED]

1. I have understood the attached information sheet/leaflet giving details of the project.
2. I have had the opportunity to ask the researcher any questions that I have about the project and my involvement in it, and I understand my role in the project.
3. My decision to consent is entirely voluntary and I understand that I am free to withdraw at any time during the interview/observation without giving a reason and without consequence.
4. I understand that photos might be taken during observation excluding human object.
5. I understand that I have the right to withdraw my information within 7 (seven) days after the interview transcript/observation summary provided to me via email.
6. I understand that data gathered in this project may form the basis of a report or other form of publication or presentation.
7. I understand that my name will not be used in any report, publication or presentation, and that every effort will be made to protect my confidentiality.

Place and Date :

Participant's signature  
signature

Researcher's

(Participant's name)

(Researcher's name)

## Appendix 5. Participant Information Sheet

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Thank you for taking the time to read this participation information sheet. In this sheet, you will find information regarding a research project in which I kindly ask you to participate. Please read this sheet carefully and feel free to ask me questions face-to-face, email me at [REDACTED] or telephone me on [REDACTED]

### Basic Information

Research title : Hotels and the Right to Water in Yogyakarta City: A Business and Human Rights Perspective  
Researcher : Yesaya Sandang  
Affiliation : Doctoral researcher, University of the West of England, Bristol, UK

### Purpose of Research

The project rationale is two-fold, one empirical and the other conceptual. In essence, there is concern regarding water disruption among local communities related to substantial hotel development and activity in Yogyakarta city. This tension requires an alternate viewpoint, offered by a business and human rights approach, in order to seek out novel understanding that could lead to a workable solution. Hence, this particular project aims to provide insight and understanding from a multi-stakeholder perspective concerning the responsibility of hotels in respecting the human rights to water (HRW) in Yogyakarta city. This project is expected to draw the attention of multiple tourism stakeholders including academics, hotels, third sector organizations and the government in Yogyakarta city, in terms of the responsibility of hotels in respecting the HRW.

### Your Position in the Research

#### **Why you?**

You have been selected to participate in this research because you are a representative voice for one of the three main water-tourism stakeholders in this study, namely: government, hotels and community. In other words, your participation in this study is determined by your agency in shaping an exhaustive understanding and future water-tourism practice.

### **Research engagement**

#### Interview:

- If you decide to take part in this research, a face-to-face interview will be scheduled at a time and location convenient for you between 1st of February and 29th of May 2019.
- With your consent, the interview will be recorded and the transcription will be provided to you for the purpose of your approval or amendment. The interview and the transcription will be delivered in Bahasa Indonesia.
- You are free to withdraw at any time during the interview without giving a reason and without consequence.
- The interview duration is approximately 90 minutes.
- The interview will cover area such as: aspects of law and legal enforcements in protecting community rights to water in relation to hotel activity, hotels' compliance and effort taken in terms of respecting the human rights to water, community efforts in tackling water competition with hotels as well as efforts made in pursuing remedies.

#### Observation:

- For hotel participants, there is an addition in terms of observing the water management practice in the hotel premises (water network, pump, water meter, etc). With your consent (and that of hotel management) the observation will be undertaken without interfering with the hotel operations and service activities. This observation will require an escort/guide from hotel staff since it might cover staff permitted area. The duration of the observation is approximately 90 minutes. Photos might be taken during observation excluding human object.
- For government agencies, the addition is observing the government officer in monitoring the hotels and forums between government, hotels and community. The observation will be undertaken without interfering with the government official duty. It requires no escort/guidance, and will take all the time necessary as is shadowing the government official. Photos might be taken during observation excluding human object.
- You are free to stop the observation without giving a reason and without consequence.
- Observation summary will be provided for participants' approval and amendment in Bahasa Indonesia.

#### ***Voluntary and Risk Assessment***

There is no obligation to take part in this research, and you can withdraw from the interview at any time or decide to cancel the observation process at any time without giving a reason and without consequence. In short, your participation is voluntary. Furthermore, prior of deciding to participate in this research, or permitting the researcher to conduct an observation, it is important for you to assess whether any potential risk exists from taking part in the research.

#### ***Confidentiality***

No detailed personal information will be collected besides your name, affiliation and perspective (government, hotels, community). In order to protect your confidentiality, this research will not mention specific names of participants either in the data analysis sheet or in any report. In the final report and publications, there will only be mention of stakeholders in an aggregated manner (government, hotels, and community), without revealing the specific identity of hotels, government agency, or community organization.

#### ***Consent***

In order to take part in this research, you need to give your consent either verbally (recorded) or by signing the consent form. Please retain this information sheet for future reference.

#### ***Withdrawal***

You are able to withdraw your involvement and information up to 7 (seven) days after the interview transcript/observation summary provided to you via your designated email. This effort is reasonable in terms of giving you enough time to reflect upon and assess your involvement. Furthermore, if you want to cancel your involvement after the seven days period, then the researcher will evaluate the reason behind your withdrawal. There are possibilities to pull out the information that you have given should it affect your safety and wellbeing. As such, please contact me via email, telephone or face-to-face in this case so I can respond immediately (no more than three days period).

#### Further information

#### ***Research findings and dissemination***

In order to disseminate the findings and as a form of academic responsibility, the results of this research will be submitted to international journals and conferences, as well as in a dissertation

report. The results of the research will also be shared with the entire body of participants in order to open the opportunities for communicating the results and recommendations as well as to gain feedback. Your anonymity in these documents is assured.

***Study organization and funding***

The principal researcher of this study is a doctoral researcher, Yesaya Sandang, who is being supervised by Dr. Jennifer Hill and Dr. Stroma Cole. This research is supported by an Indonesian Endowment Fund for Education (LPDP), the University of the West of England, and Satya Wacana Christian University.

***Conflict of interest***

There is no conflict of interest in undertaking this study since this particular research is going to support sustainable tourism development in Indonesia by inducing alternative conceptualizations of the right to water within the triadic relationship between the hotel industry, the local community, and the government. Moreover, this project will enhance human rights awareness in the Indonesian tourism industry and draw further attention to multiple tourism stakeholders such as community, academia, tourism businesses and also the local government, particularly in the rights to water issue.

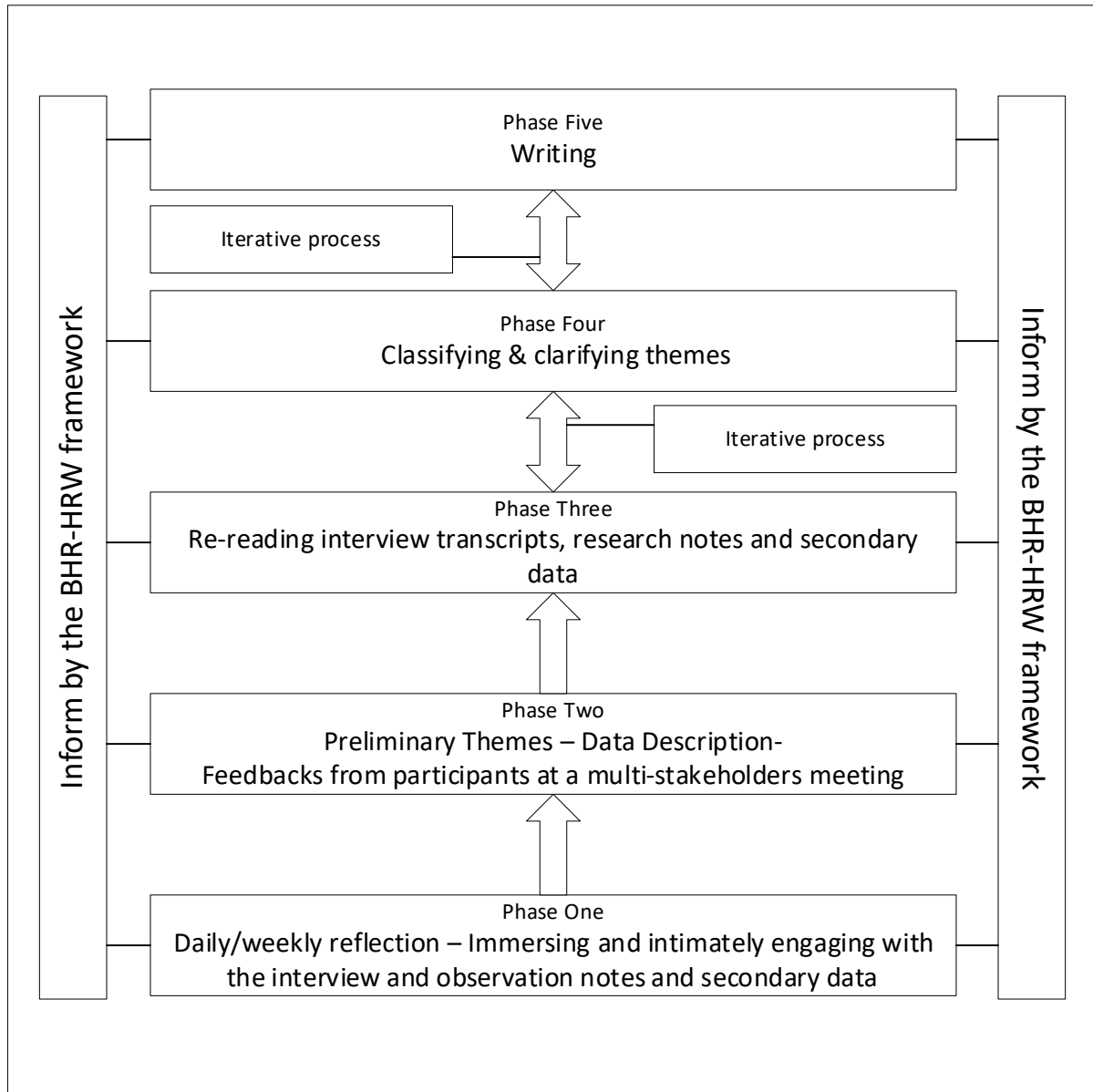
Appendix 6. Baseline and class type criteria for hotel business standards in Hotel Regulation 53/2013

<b>Baseline Criteria for Classified Hotels</b>	<b>Product Elements</b>	<b>Service Elements</b>	<b>Management Elements</b>
All classified hotels	15 sub-elements	5 sub-elements	5 sub-elements
Rights and Duties Relationship	<p>Tourist rights: receive certain products</p> <p>Hotel business duty: deliver certain products</p>	<p>Tourist rights: receive certain services</p> <p>Hotel business duty: deliver certain services</p>	<p><b>Worker rights:</b> Medical check-up program</p> <p>Collective working agreement as regulated in applicable law(s)</p> <p>Certification program</p> <p><b>Hotel business duty:</b> Provide certain facilities and conditions for employees</p> <p>Maintain sanitation and hygiene, preserve the environment</p>
<b>Class Type Criteria for Classified Hotels</b>	<b>Product Elements</b>	<b>Service Elements</b>	<b>Management Elements</b>

One Star Hotel	Extra 31 sub-elements	Extra 4 sub-elements	Extra 1 sub-element
Two Star Hotel	Extra 36 sub-elements	Extra 7 sub-elements	Extra 3 sub-elements <b>Worker rights:</b> Participate in K3 program (Work Safety and Health) <b>Hotel business duty:</b> Have a workplace health and safety program.
Three Star Hotel	Extra 96 sub-elements	Extra 18 sub-elements	Extra 12 sub-elements <b>Worker rights:</b> Participate in human resource development program <b>Community Rights:</b> Receive CSR program <b>Hotel business duty:</b> Human resource development program Clear organizational policy Have CSR program
Four Star Hotel	Extra 111 sub-elements	Extra 24 sub-elements	Extra 16 sub-elements <b>Hotel business duty:</b> Partnership with SMEs
Five Star Hotel	Extra 132 sub-elements	Extra 35 sub-elements	Extra 16 sub-elements
<b>Baseline Criteria for Non-Classified hotel (Non Star)</b>	<b>Product Elements</b>	<b>Service Elements</b>	<b>Management Elements</b>

All Non-Classified Hotels (Non-Star)	7 sub-elements	5 sub-elements	4 sub-elements
Rights and Duties Relationship	<p>Tourist rights: receive certain products</p> <p>Hotel business duty: deliver certain products</p>	<p>Tourist rights: receive certain services</p> <p>Hotel business duty: deliver certain services</p>	<p>Worker rights: Medical check-up program</p> <p>Collective working agreement as regulated in applicable laws</p> <p>Certification program</p> <p>Hotel business duty: Provide certain facilities and conditions for employees</p> <p>Maintain sanitation and hygiene, preserve the environment</p>

## Appendix 7. Thematic Analysis Process





Appendix 8. Working paper (Originally written and presented in Indonesian).

# The Challenges of Hotels and the Human Rights to Water: Findings from Yogyakarta<sup>6</sup>

**Yesaya Sandang<sup>7</sup>**

Working Paper  
2019

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<sup>6</sup> Prepared for public consultations held by FPRB (Forum for Disaster Risk Reduction) Yogyakarta. (The original version is in Bahasa Indonesia).

<sup>7</sup> This working paper prepared by Yesaya Sandang (yesaya.sandang@uwe.ac.uk). He is a PhD researcher at the University of the West of England (UWE-Bristol). His study sponsored by the LPDP (Indonesia Endowment Fund for Education).

## Highlights:

- *Tourism is one of the sectors that is being actively developed by the Indonesian government, including in Yogyakarta. Subsequently, hotels growth and the number of guests in Yogyakarta has increased significantly over the past years and causing widespread concern linked to water disruption/competition with the local community.*
- *This study takes into account the (hotel) business responsibility to respect the human right to water principles, and uses a multi-stakeholder perspective to explore the challenges in resolving the water disruption/competition between hotels and the local community in Yogyakarta.*
- *This study utilized a qualitative approach. Semi-structured interviews and observations were undertaken with (eight) stars hotels, (six) non-stars hotels (theory-guided sampling), (ten) related government agencies, as well as community and advocate groups.*
- *Based on the thematic pre-analysis, there are three main themes identifies — first, the challenge of the regulatory instrument, technical guidance, implementation, and monitoring. Second, the challenge of voluntary adoption of standards for water stewardship. Third, the challenge of local community meaningful participation.*
- *The paper ends with some considerations of how to elevate the hotels' water stewardship in Yogyakarta.*

## Ethical declaration:

- *All participants in this study were voluntary and anonymous.*
- *This research is part of a doctoral study funded by the LPDP (Indonesia Endowment Fund for Education).*
- *This paper is a working paper and is not the final result*

## Introduction

### Study Background

Freshwater is an essential component of the environment, including for humans and their various activities. However, often overused and mistreated, human activities such as tourism could negatively affect the water quantity and quality in a destination (Stonich, 1998). In result, tourism activities could jeopardizing the livelihood and sustainability of local communities (Becken, 2014; Cole, 2012; Noble et al., 2012). Moreover, Gössling & Peeters (2015) calculates that there will be an increase of water consumption due to tourism by 92% in the period 2010 to 2050. Hence, the tourism industry needs to respond in tackling their future water demand and mitigate the potential risk (Epler-Wood, Milstein, & Ahamed-Broadhurst, 2019).

However, the problem of water and tourism is not solely about the use of water but also interconnected with the context, relations and dialectical processes of the multi-faceted reality of water (Linton, 2012). In a report, Tourism Concern pointed out a major flaw in the tourism industry's approach to the water issue (Noble et al., 2012). They stated that stakeholders, in the tourism industry, in this case hotels, resorts, and tour operators;

tend to reduce water consumption without recognizing the wider context of business water impact. Furthermore, using case studies in several tourist destinations (Zanzibar, Goa, Gambia, Bali, Kerala), Tourism Concern highlighted several key factors that contribute to water inequity between the tourism sector and local communities (Figure 1). In the end, Tourism Concern's report highlights the necessity of adopting and exercising business and human rights principles by the government and the tourism industry alike.



Figure 1. The range of causal factors and impacts undermining water equity and sustainable tourism development (Source, Noble, et al, 2012)

Looking at Indonesian context, the recognition of water as a human right in its public status by Indonesian Constitutional Court has opened a new possibility in terms of water governance (Harkrisnowo et al., 2012; MKRI, 2013; United Nations, 2008; United Nations General Assembly, 2010). It pushes the government to create a tractable "hard law" that covers and guarantee the entire aspects of the right to water of their citizens. Notwithstanding the ongoing process of the Indonesia Water Act, the governments planned to achieve universal water access (cit). However, in order to achieve the target of universal access, among other problems, the government needs to find a solution concerning the competing water user such as tourism industry (cit). To this end, the tourism industry should take a human rights approach to unravel water issues related to the industry. This effort is vital to bring alternative approaches to address water justice in relation to particular tourism industry stakeholders, not least hotels. Consequently, the relationship between tourism

businesses and human rights to water is important to investigate, particularly taking into account the principles of water stewardship and business responsibility in respecting the human rights to water (Table 1) (Institute for Human Rights and Business, 2011; International Tourism Partnership, 2018).

**Table 1. Principles of water stewardship and hotels responsibility in respecting the human right to water**

<b>Version</b>	<b>Principles</b>
(IHRB, 2011)	<ol style="list-style-type: none"> <li>1. <i>Non-discrimination and equality. This principle essentially urges businesses to seriously consider how water concerns (such as water collection, hygiene, and access to sanitation) may be affected by business activities.</i></li> <li>2. <i>Participation and empowerment. The main goal of this principle is to make sure that communities are engaged effectively in business water management.</i></li> <li>3. <i>Accountability and transparency, which highlights the need for honest reports on water management from businesses. In essence, this principle means that businesses must improve their integrity in their relationships with all their counterparts and stakeholders</i></li> </ol>
(ITP, 2018)	<ol style="list-style-type: none"> <li>1. <i>Understand your relationship with water</i></li> <li>2. <i>Set targets and create a plan of action</i></li> <li>3. <i>Manage water sustainably in your operations</i></li> <li>4. <i>Work with suppliers on water</i></li> <li>5. <i>Build resilience to extreme events and water shortages</i></li> <li>6. <i>Collaborate on sustainable water management</i></li> </ol>
(GSTC, 2013)	<ol style="list-style-type: none"> <li>1. <i>legal validity of water use in respect of local communal and indigenous rights;</i></li> <li>2. <i>not jeopardizing the provision of neighbouring community basic water services;</i></li> <li>3. <i>monitoring of water use impact;</i></li> <li>4. <i>assuring communication/feedback/grievance mechanisms are available;</i></li> <li>5. <i>water risk assessment and measuring water use periodically</i></li> </ol>

#### Study Objective

1. Provide insight and understanding from a multi-stakeholder perspective concerning the responsibility of hotels in respecting the human rights to water (HRW) in Yogyakarta.
2. Bringing closer three main stakeholders' point of view to help shape a way forward for more equitable hotels water policy and practice that is feasible to execute in their cultural context.

## Research sites

This research conducted in hotels in the administrative area of the city of Yogyakarta and Sleman regency, Yogyakarta province.

### Non-Star:

- Sosrowijayan, Sosromenduran, Yogyakarta City
- Prawirotaman, Brontokusuman, Yogyakarta City
- Ngadinegaran, Mantrijeron, Yogyakarta City
- Kaliurang Street, Besi, Sleman Regency

### Star:

- Kutu Dukuh, Sinduadi, Sleman Regency
- Mangkubumi, Gowongan, Yogyakarta City
- Maguwoharjo, Sleman Regency
- Sosrowijayan, Sosromenduran, Yogyakarta City
- Kotabaru, Gondokusuman, Yogyakarta City
- Nayan, Maguwoharjo, Kec. Depok, Sleman Regency
- Ambarukmo, Caturtunggal, Kec. Depok, Sleman regency
- Manggung, Caturtunggal, Sleman Regency
- Ngampilan, Yogyakarta City, Special Region of Yogyakarta

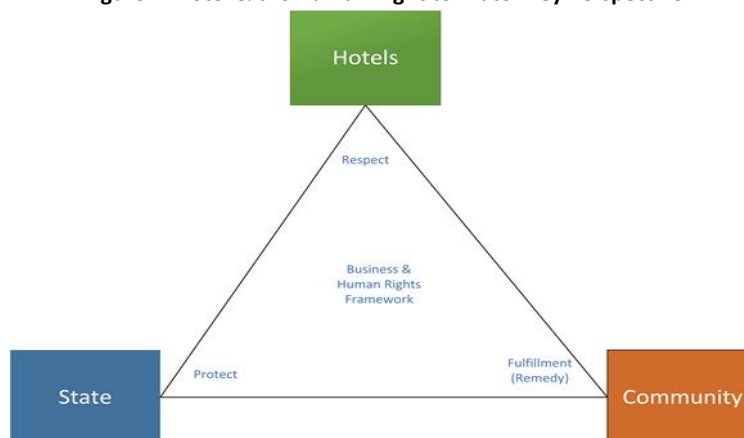


Map 1. Research site (Source: Google Map)

## Research method

This research utilized a qualitative approach. The data collection were using semi-structured interviews, and observation. To gain multi-stakeholders perspective, interviews and observations were also carried out with relevant government agencies and various organizations and community groups related to the topic of water governance (Figure 1). Preliminary analysis was conducted in the field through saturation and thematic identification. The entire process in the field took place from mid-February to the end of mid-June 2019.

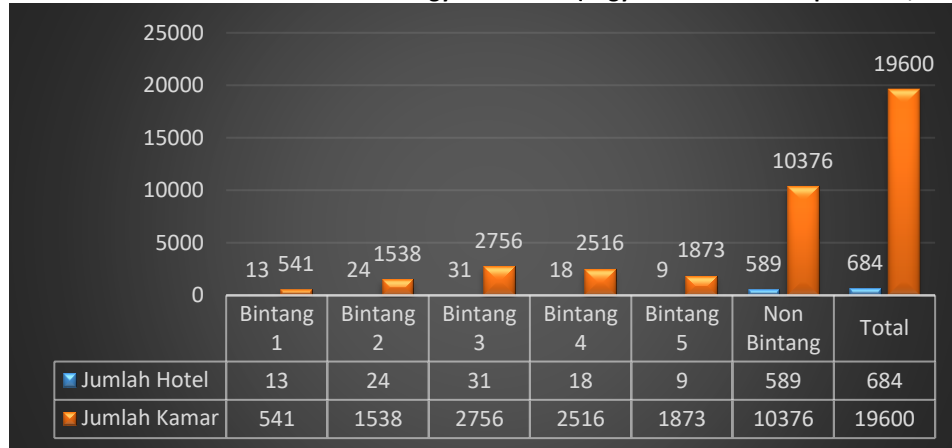
Figure 2. Hotel & the Human Right to Water Key Perspective



### Yogyakarta context

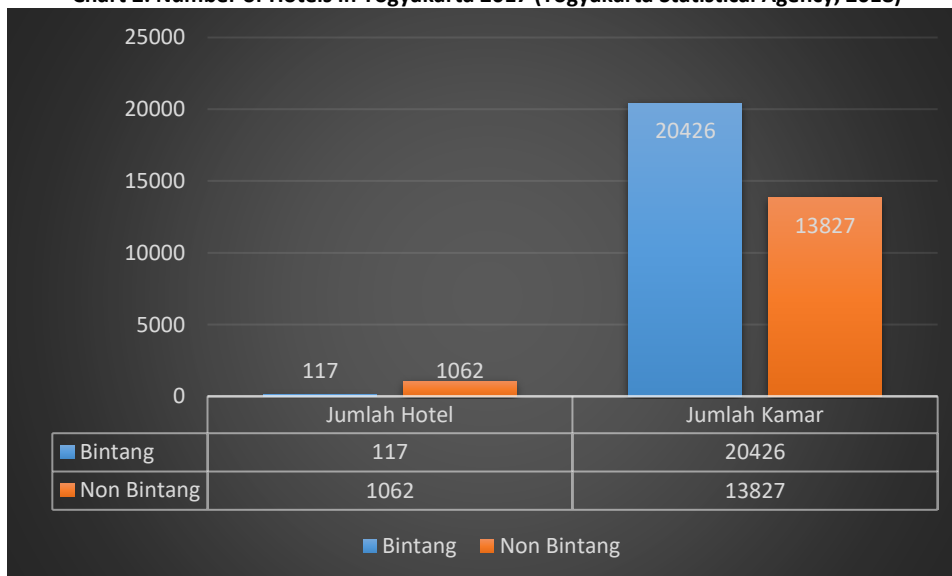
Along with the direction of tourism development policies in the province of Yogyakarta (RPJMD D.I Yogyakarta, 2005-2025, RIPPARDA D.I Yogyakarta, 2012-2025), the hotel sector continues to experience significant growth. Data from the Yogyakarta Provincial Tourism Office shows that until 2016 there were 684 operating hotels consisting of 96 starred hotels with 9224 rooms, and 589 non-star hotels with 10,376 rooms (Chart 1).

**Chart. 1 Number of Hotels and Rooms in Yogyakarta 2016 (Yogyakarta Tourism Department, 2017)**

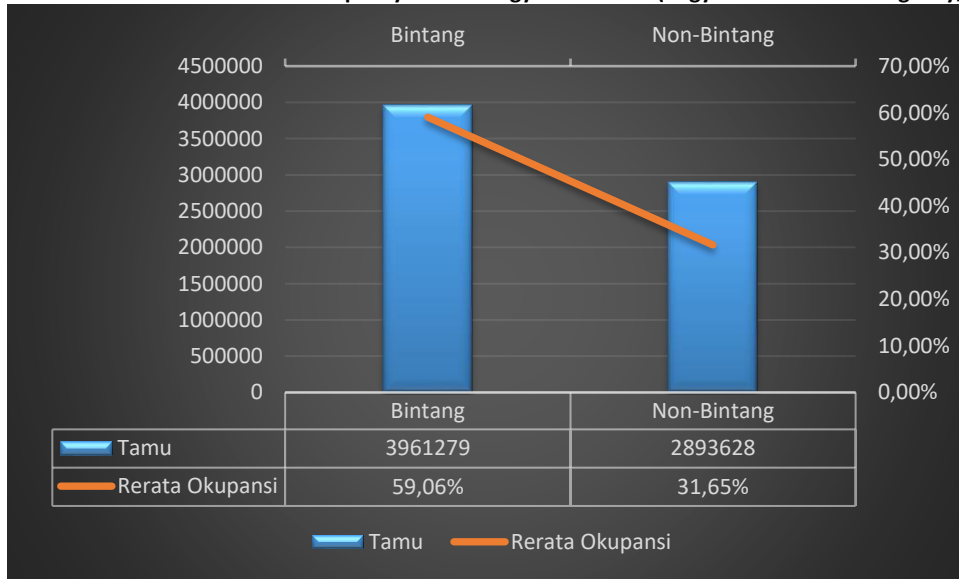


Furthermore, in 2017, the Yogyakarta Central Statistics Agency D.I noted that the number of starred hotels had increased to 117 with 20,426 rooms, while for non-star hotels increased to 1062 hotels with 13,927 rooms (Chart 2). Whereas star and non-star hotel users in 2017 reached 6.8 million guests, with an average occupancy rate of 59.06% for star hotels and 31.65% for non-star hotels (Chart 3).

**Chart 2. Number of Hotels in Yogyakarta 2017 (Yogyakarta Statistical Agency, 2018)**

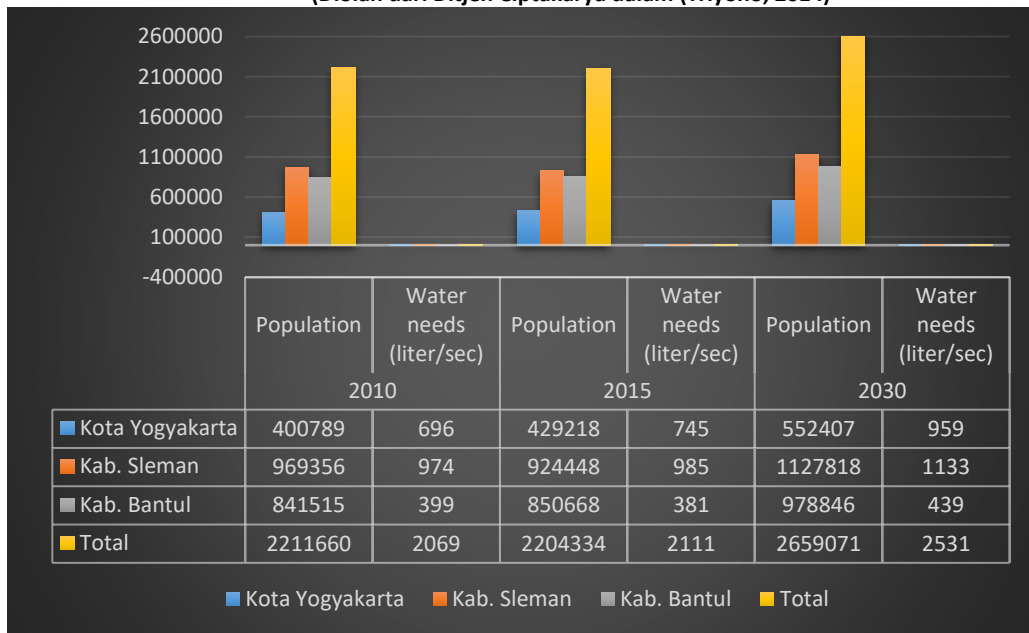


**Chart 3. Hotels Guest Number and Occupancy Rate in Yogyakarta 2017 (Yogyakarta Statistical Agency, 2018)**

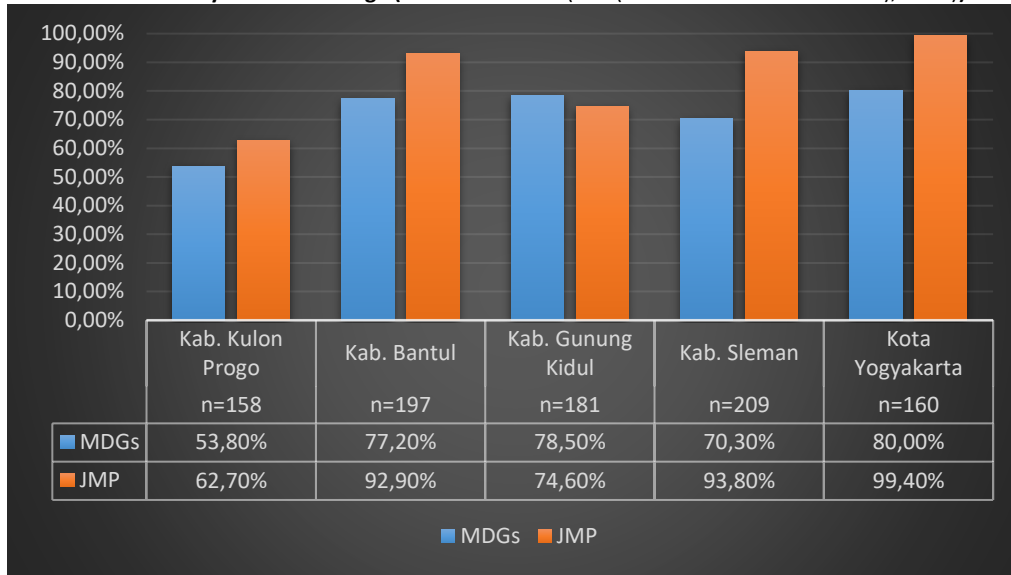


One of the consequences on the increasing number of guests is the intensification of fresh water demand (Chart.3) and the challenge of equal distribution of water (Chart.4). Warnings of water deficit due to the rapid development of hotels have raised particularly in the city of Yogyakarta (Table.2).

**Chart 4. Proyeksi Peningkatan Kebutuhan Air Kota Yogyakarta, Kab.Sleman dan Kab.Bantul (Diolah dari Ditjen Ciptakarya dalam (Triyono, 2014)**



**Chart 5. Survey Akses Air Warga (Diolah dari data (BPS (Indonesian Statistic Center), 2015))**



**Table 2. Kalkulasi defisit air di kota Yogyakarta (Sumber: PSLH UGM, Ditjen Cipta Karya, dalam (Refdi, 2016))**

2013 Calculation		Total
Community (C)	144 liter/day x 394.012 x 365 days = 20.134.103.200 liter/year= 20.134.103 m3/year	20.134.103 m3/year
Hotels (H)	Non star 492 x 52m3/day x 365 days = 9.338.160 m3/year Star hotel 84 x 104 m3/day x 365 days = 3.188.640 m3/year	11.526.800 m3/year
Dynamic groundwater reserve (DGR)		28.052.450 m3/year
Result		DGR – (C+H) = - 3.608.453 m3/year

Furthermore, the tension between community and hotels concerning water use have sparked responses from various community groups who want to reclaim their rights to water. Their struggle are also intertwined with the struggle for the right to participate in decision-making about water governance and socio-cultural values (Astuti, 2017). These claims and struggles are articulated in the slogans of Yogya is not for sale and dry Yogya (cit). In response to the community movement, the government implement several *ex-post* policy, such as

1. Limited hotels moratorium.

In 2014, the Yogyakarta city government ruled a moratorium on hotel development, which was extended until 2018. However, in 2019 the regulation was revised limitedly by allowing the



construction of new hotels in four and five star classes, guesthouses, and homestays. Whereas in Sleman regency the moratorium on hotel development in 2015 (Sleman Regent Regulation No.63 2015) was revised in 2016 (Sleman Regent Regulation No.6 2016) which allows limited hotel development. These efforts were unfavourable and deemed ineffective because hotel development has and continues to increase even during the moratorium (Ahnaf & Salim, 2017; Sesanti, 2016).

## 2. Regulation, Controlling, Supervision, and Guidance

Concerning water management in the hotel sector, there have been several efforts taken by the government. The emphasis of these efforts is limited to the issuance of regulations governing fresh water sources for hotels along with various environmental responsibility provisions (Table 2). Meanwhile, the government is also trying to restrain hotels deep wells, particularly the unlicensed well. Furthermore, these efforts were followed by supervision and guidance on the use of fresh water sources in hotels. <sup>8</sup>

Tabel 3. Perangkat regulasi terkait pengelolaan air sektor perhotelan di Yogyakarta

Aturan	Tingkat/Jenjang
Peraturan Daerah Provinsi DI Yogyakarta No 5 Tahun 2012 tentang pengelolaan air tanah	Provinsi (Perda)
Peraturan Gubernur DI Yogyakarta No 49 Tahun 2014 tentang alokasi penggunaan air tanah	Provinsi (Pergub)
Peraturan Gubernur DI Yogyakarta No 71 Tahun 2016 tentang Penyelenggaraan Pelayanan Perizinan dan Non Perizinan Terpadu Satu Pintu	Provinsi (Pergub)
Peraturan Walikota Yogyakarta No 28 Tahun 2013 tentang penyelenggaraan perizinan air tanah di pemerintah Kota Yogyakarta	Kota (Perwali)
Peraturan Walikota Yogyakarta No 3 Tahun 2014 tentang Penyediaan air baku usaha perhotelan di Kota Yogyakarta	Kota (Perwali)

## 3. Increasing water service capacity

In response to the challenges of fulfilling fresh water for both the community and businesses, the government continues to strive in expanding access to water with the aim of meeting growing needs. One of the programs currently underway is the KARTAMANTUL Regional Drinking Water Supply

<sup>8</sup> <http://dpupesdm.jogjaprov.go.id/2017/09/24/koordinasi-pembinaan-dan-pengawasan-pengelolaan-air-tanah/>; <http://dpupesdm.jogjaprov.go.id/2019/05/03/rakor-evaluasi-pengawasan-dan-pelaporan-perizinan-dan-non-perizinan-air-tanah/>; <http://dpupesdm.jogjaprov.go.id/2017/04/27/rapat-koordinasi-pengendalian-pengambilan-dan-pemanfaatan-air-tanah-di-cekungan-air-tanah-yogyakarta-sleman/>

System (SPAM), which is a combination of the Bantar and Kebonagung SPAM.<sup>9</sup> Moreover, various efforts to improve existing water infrastructures' and networks have also been carried out.<sup>10</sup>

## Findings

### *The challenges of regulations, technical guidance, implementation and control.*

- a. The existing regulatory instruments, albeit minimally, have accommodated several parameters of water service management, in this case: monitoring of water use impacts, water sharing, water saving, water recharge, and treating wastewater.
- b. Hotels have tried to comply with all existing regulations, especially when if accompanied by supervision and sanctions.
- c. Although most hotel managers know the importance of water service management in the framework of sustainability, they are lacking in technical instructions, mainly related to water saving and sharing.
- d. On the other hand, the use of PDAM is still minimal due to high prices and supply capabilities that are not sufficient for hotel needs. The use of groundwater thus becomes dominant without a clear regulatory framework for restrictions and control other than technical violations of the well specifications.
- e. Another problem is that there are hotels that are still using shallow wells.

### *The challenge of voluntary adoption of standards for water stewardship*

- a. Amid the rapid development of various efforts to transform water management in the hotel sector on a global scale, hotels in Yogyakarta are still lacking in adopting water stewardship standard or business responsibility to respect the human right to water. Government regulations are the only reference for water management in hotels.
- b. Only the international chain-hotels that already have a water stewardship framework. Nevertheless, this is not a guarantee that in practice, the principles on the framework can be met.
- c. Some notable highlights are the lack of openness and management of water data as well as innovation practices among hotels. It is admitted that the water data is not treated other than for financial purposes, and there is no water sub-meter in the hotel sub-division.

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<sup>9</sup> <http://sda.pu.go.id/bbwsserayuopak/wp-content/uploads/2017/04/SPAM-Kartamantul.pdf>

<sup>10</sup> <https://www.harianmerapi.com/news/2018/12/31/47636/digelontor-modal-rp-278-miliar-pdam-tirtamarta-ganti-pipa-tua>; <https://jogja.antaranews.com/berita/353649/bupati-kinerja-pdam-sleman-menunjukkan-peningkatan>; <https://radarjogja.jawapos.com/2019/01/09/pdam-bakal-pasang-1-800-sambungan-baru/>

- d. No systematic adoption and implementation was found in terms of water reducing, recycle and reuse.
- e. There is also no alternative water source innovation practice other than groundwater and PDAM.
- f. Only the hotel engineer association and the Office of the Environment are the gates for periodic information about water management.
- g. The obstacles to adopting and implementing water stewardship at the operational stage are related to the hotels initial design stage, limited land, and limited staff capacity.
- h. Although most hotel managers know the importance of water service management in terms of sustainability, financial calculations remain the most significant determinant in determining innovation practices.

Tabel 3. Samples of hotel water sources and data

Classification	Rooms	Operating since	Groundwater	PDAM
5 star	246	1997	2 licensed deep wells	Monthly average (PDAM): 304 m3. Cost: IDR.3,218,766 Daily average: 11 m3
			A total of 2 wells in two years 290,475 m3, Monthly average of 2 wells 12,103 m3. Cost: Data not available Daily average: 403m3	
			Estimation of daily average of water use in environmental documents: 337.5 m3 / day	
4 star	115	2014	2 licensed deep wells Total usage of 2 wells in two years: 79,583 m3	Data of PDAM usage is not available. Based on the MoU, 20m3 / day of PDAM water must be used at high occupancy and

Classification	Rooms	Operating since	Groundwater	PDAM
			<p>Monthly average of 2 wells: 3,315 m<sup>3</sup></p> <p>Daily average: 110 m<sup>3</sup></p>	4.5 m <sup>3</sup> / day at low occupancy.
4 star	139	2014	Data incomplete	Data incomplete
4 star	129	1992	<p>2 licensed deep wells</p> <p>*Only data from one well is available</p> <p>Yearly average: 3,523 m<sup>3</sup>;</p> <p>Monthly average: 294 m<sup>3</sup>;</p> <p>Daily average: 9.8 m<sup>3</sup> per day</p>	There is no PDAM network
3 Star	75	2014	<p>2 licensed deep wells</p> <p>Monthly average: 1002m<sup>3</sup>.</p> <p>Cost: IDR.622,312</p> <p>Daily average: 33.m<sup>3</sup>.</p> <p>Cost: IDR. 20,744;</p> <p>Groundwater price per m<sup>3</sup>: IDR 621.06</p>	<p>MoU with PDAM: 25m<sup>3</sup>/day</p> <p>PDAM monthly average: 26.25m<sup>3</sup>.</p> <p>Cost: IDR 371,477;</p> <p>PDAM daily average: 0.875m<sup>3</sup>. Cost: IDR 12,383;</p> <p>PDAM price per m<sup>3</sup>: IDR 14151.50</p>

Classification	Rooms	Operating since	Groundwater	PDAM
			Total daily average (both deep well and PDAM) : 34.m3  Daily average estimation in the environmental document: 20.77m3 / day;	
3 star hostel	61	2011	Data is not available	Monthly average: 460m3/month
3 star	65	1993	2 shallow licensed wells  Well depth: First well: 9.88 meter; Second well: 9.1 meter.  Water data is not available	PDAM data not available - admitted that PDAM was rarely used.
2 Star	28	2010	Data incomplete	Data is not available
2 star	60	1999	1 shallow licensed well  Monthly average: 567 m3,  Daily average: 19m3	Waiting for PDAM installation.
1 star	51	1991	Shallow unlicensed groundwater well  There is no well water meter	PDAM data not available - admittedly rarely used.
Non Star Hotel	17	2009	Shallow groundwater without water meter	PDAM data not available - admitted that PDAM was rarely used.
Guest House/Dorm	1 House/	1987	Shallow groundwater without water meter	Not using PDAM

Classification	Rooms	Operating since	Groundwater	PDAM
	9 Dorm rooms			
Guest House/Dorm	6 rooms/2 dorm rooms	2012	Shallow groundwater without water meter	
Guest house/Dorm	6 rooms/2 dorm rooms	2018	Shallow groundwater without water meter	
Guest House/Dorm	7 rooms/2 dorm rooms	2010	Shallow groundwater without water meter	

### Summary

1. There is a regulatory gap in terms of hotels to implement water stewardship standards and respecting the right to water, especially in terms of technical guidelines (a guide to action).
2. Some of the obstacles is a combination of hotels management incapacity and lack of encouragement from the government.
3. Groundwater is still the largest source of clean water in hotels without a robust human right to water impact assessment.
4. The cost of using groundwater is still too low compared to the PDAM.

### Discussion

1. Findings from various destinations have shown that the regulatory and policy framework is one of the critical elements in overcoming the problem of fair distribution of water (Hof & Blázquez-Salom, 2015; Cole 2012, Noble et al., 2012). Appropriate regulation also could drive the water stewardship of the hospitality sector (Alonso-Almeida, Fernández Robin, Celemín Pedroche, & Astorga, 2017; Dinarès & Saurí, 2015; Kasim, Gursoy, Okumus, & Wong, 2014; Razumova, Rey-Maqueiera, & Lozano, 2016; Tekken & Kropp, 2015). It is crucial to understand that the use of water for recreation and tourism purposes is not part of the right to water; hence, it is not a priority and needs to be strictly restricted and monitored.

2. The Indonesian Tourism Law has emphasized the principle of environmental protection and respecting human rights. Furthermore, the Ministry of Tourism has issued Regulation No.14 / 2016 on guidelines for sustainable tourism destinations that have adopted four Global Sustainable Tourism Council criteria for governments and destination managers, which includes water stewardship administration. Thus, extra effort needs to deliberate in order to move local governments in encouraging hotels to respect the human rights to water.
3. Impact monitoring and analysis have an essential role. In fact, impact analysis needs to be accompanied by valid and accurate water use data and taking into account the cumulative impact of the region. All needs to be done integrally as part of hotel operating standards, which include a. Managerial Commitment. b. Structural and technical transformation and c. Independent impact analysis, monitoring of water use and audits.
4. Gradually closing groundwater sources and optimizing the use of PDAM water or alternative clean water sources (rainwater and water recycling)
5. Revision of groundwater tariffs for the hotel can be an effort to encourage changes in hotel water management (Razumova et al., 2016).

## Reference

- Ahnaf, M. I., & Salim, H. (2017). *Krisis keistimewaan: kekerasan terhadap minoritas di Yogyakarta* (2nd ed.). Yogyakarta: CRCS.
- Alonso-Almeida, M. del M., Fernández Robin, C., Celemín Pedroche, M. S., & Astorga, P. S. (2017). Revisiting green practices in the hotel industry: A comparison between mature and emerging destinations. *Journal of Cleaner Production*, 140, 1415–1428. <https://doi.org/10.1016/j.jclepro.2016.10.010>
- BPS (Indonesian Statistic Center). (2015). Water Quality Survey in Yogyakarta (Hasil survei kualitas air di Daerah Istimewa Yogyakarta). Retrieved from <https://www.bps.go.id/publication/download.html?nrbvfeve=MjZkZDQyNGYxYzczOTFhNmM2MmFkZjMz&xzm n=aHR0cHM6Ly93d3cuYnBzLmdvLmlkL3B1YmxpY2F0aW9uLzlwMTYvMTEvMDMvMjZkZDQyNGYxYzczOT FhNmM2MmFkZjMzL2hhc2lsLXN1cnZlaS1rdWFsaXRhcy1haXI0ZGktZGFicmFoLWlzdGltZXdhLXlvZ3lh>
- Dinarès, M., & Saurí, D. (2015). Water consumption patterns of hotels and their response to droughts and public concerns regarding water conservation: The case of the Barcelona hotel industry during the 2007-2008 episode. *Documents d'Anàlisi Geogràfica*, 61(3), 623. <https://doi.org/10.5565/rev/dag.255>
- Epler-Wood, M., Milstein, M., & Ahamed-Broadhurst, K. (2019). Destinations at Risk: of tourism Destinations at Risk: The Invisible Burden of Tourism. Retrieved from [www.thetravelfoundation.org.uk](http://www.thetravelfoundation.org.uk)
- GSTC. (2013). *Criteria for Hotel and Tour Operators*. Global Sustainable Tourism Council. <https://doi.org/10.1016/B978-0-7506-6438-7.50012-1>
- Hof, A., & Blázquez-Salom, M. (2015). Changing tourism patterns, capital accumulation, and urban water consumption in Mallorca, Spain: a sustainability fix? *Journal of Sustainable Tourism*, 23(5), 770–796. <https://doi.org/10.1080/09669582.2014.991397>
- IHRB. (2011). *More than resources: Water, Business and Human Rights*. Retrieved from [https://www.ihrb.org/pdf/More\\_than\\_a\\_resource\\_Water\\_business\\_and\\_human\\_rights.pdf](https://www.ihrb.org/pdf/More_than_a_resource_Water_business_and_human_rights.pdf)
- ITP. (2018). Water Stewardship For Hotel Companies. Retrieved from <https://www.tourismpartnership.org/download/2212/>
- Kasim, A., Gursoy, D., Okumus, F., & Wong, A. (2014). The importance of water management in hotels: A framework

- for sustainability through innovation. *Journal of Sustainable Tourism*, 22(7), 1090–1107.  
<https://doi.org/10.1080/09669582.2013.873444>
- Noble, R., Smith, P., Pattullo, P., Brown, M., Cole, S., Slade, L., ... Gama, A. de. (2012). *Water equity in tourism : a human right, a global responsibility. Tourism Concern research report.*
- Razumova, M., Rey-Maqueira, J., & Lozano, J. (2016). The role of water tariffs as a determinant of water saving innovations in the hotel sector. *International Journal of Hospitality Management*, 52, 78–86.  
<https://doi.org/10.1016/j.ijhm.2015.09.011>
- Refdi, F. S. (2016). *Responsivitas pemerintah Kota Yogyakarta dalam menangani kasus kekeringan air di Kota Yogyakarta (Studi kasus: kekeringan air yang disebabkan oleh Hotel Fave, Kusumanegaran).* University of Gadjah Mada.
- Sesanti, A. D. (2016). *Jogja-ku (dune ora) didol: Manunggaling Penguasa dan Pengusaha dalam Kebijakan Pembangunan Hotel di Yogyakarta (1st ed.).* Sleman: STPN Press.
- Tekken, V., & Kropp, J. P. (2015). Sustainable water management - perspectives for tourism development in north-eastern Morocco. *Tourism Management Perspectives*, 16(March), 325–334.  
<https://doi.org/10.1016/j.tmp.2015.09.001>
- Triyono, J. (2014). *Studi Ketersediaan Sumberdaya Air Untuk Memenuhi Kebutuhan Air Bersih di Provinsi DI. Yogyakarta.* Gadjah Mada University.



