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## Analysing the Evolution of Water Governance Models in Indonesia Through the *Economies of Worth* Framework

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**ABSTRACT:** The water governance model that currently dominates at the international level is based on the principles of the Dublin Conference (1992), one of which asserts that water is an economic good. Faced with growing environmental issues as well as increased demand for recognition of water as a human right or as a common good, this model is being contested both in international arenas and at national or local levels. This article aims to examine the justification discourses used by actors who either challenge or reinforce the dominant model. The focus is on water qualification issues, which we argue have a significant impact on policymaking and the renewal of water governance models. We employ the *Economies of Worth* framework (Boltanski and Thévenot, 1991) not only to decipher which values actors resort to when qualifying water – as a human right, an economic good, or a social good, for example – but also to understand the reasons why one qualification prevails over others in water-related debates. We examine these debates in the Indonesian context, where many disputes arising from water qualification have occurred, the 'tests of worth' in Boltanski and Thévenot's framework. Using a qualitative methodology, we conducted semi-structured interviews and reviewed legislation and operational documents to explore three such tests of worth. Our case study reveals the persistence of the governance model that promotes water as an economic good, despite extensive debate and new regulations that may have strengthened a model based on the qualification of water as a human right.

**KEYWORDS:** Water qualification, *Economies of Worth*, water governance model, justification, discourse, Indonesia

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### INTRODUCTION

On December 7, 2020, the Chicago Mercantile Exchange added water to its list of tradable commodities, reactivating the debate surrounding the commodification of water. This event can be seen as a further step in the process of qualifying water as an 'economic good', a concept inherent in the principles defined at the International Conference on Water and the Environment (ICWE) in Dublin (1992). The Dublin Statement set out recommendations for the establishment of integrated water resources management – including the participation of all stakeholders in this sector – and asserted that "water has an economic value in all its competing uses and should be recognised as an economic good".<sup>1</sup> The conference therefore valued the participation of the private sector and the implementation of market mechanisms (Woodhouse and Muller, 2017), as well as the sustainment of state regulation.

These principles have been regularly contested by actors denouncing the commodification and the privatisation of water both in terms of water services (Bakker, 2010; Lobina et al., 2019) and water resources.<sup>2</sup> Alternative governance models promoting water as a common good (Ostrom, 1990), as a

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<sup>1</sup> <http://www.un-documents.net/h2o-dub.htm>

<sup>2</sup> See for example the statement 'Water for life, not for profit', signed by more than 550 organisations and collectives from around the world: [france-libertes.org](http://france-libertes.org) [last accessed June 2, 2022].

public service (McDonald and Swyngedouw, 2019), as a human right (Sultana and Loftus, 2012),<sup>3</sup> or as a common patrimony (Petrella, 2001; Calvo-Mendieta et al., 2017) have been proposed.

We analyse the evolution of water governance models through the lens of the 'qualification of water' used in the discourses of various actors and in the main acts of legislation. Water qualification refers to the process of perceiving and defining water. We focus on debates related to the qualification of water because we argue that it is a major signal revealing either the ascent of one water governance model over another or the coexistence of multiple models. We chose to study not only the discourses but also the main legislative acts, given that the dominant discourses are reflected in the formal rules of water management.

We draw on Boltanski and Thévenot's (1991) *Economies of Worth* framework, which provides a theoretical matrix for analysing the way actors evaluate and justify their positions (and actions) in everyday situations to coordinate with each other. According to this matrix, actors refer to several 'conventions'<sup>4</sup> which all share the aim of the 'common good'. A convention can be defined as a collective reference that helps actors to coordinate with each other. The type of appeal to the common good is characteristic of a set of different 'orders of worth' called 'worlds', regarded as particularly legitimate (Thévenot et al., 2000). In defining several worlds, this framework allows us to identify a typology of the main conventions guiding the actors' behaviour and framing their discourse. It allows us to study the disputes between actors by analysing both their various arguments and their modes of justification to defend a specific water qualification. This framework makes it possible to understand why, with time, one particular type of water qualification prevails over another in debates.

In this paper, our objective is to explore how the Boltanski and Thévenot framework can help to document the arguments of actors who challenge or, alternatively, reinforce the governance model that promotes water as an economic good.

Indonesia provided an adequate case study because many forms of water qualification – as a fundamental human right, an economic good, a public good, or a social good – have been debated and overlapped over time. The water sector has undergone numerous reforms over the last thirty years, and some opposition has crystallised around water framework law number 7/2004, which was invalidated in 2015 following appeals that it violated the constitution, as well as around commercial water licenses granted to bottling companies and water service delegation contracts in Jakarta (Hadipuro, 2010; Lobina et al., 2019). We will analyse some of these to understand the predominance, over time, of some governance models over others, especially the ones promoting water as an economic good, which were strongly encouraged by the World Bank in the early 2000s.

This paper offers two main contributions. First of all, it contributes to *Economies of Worth* literature by applying this framework to water-related issues in the Global South. Indeed, the literature on *Economies of Worth* has mainly been mobilised to study water services (Passetti and Rinaldi, 2020) or the evolution of policy reforms (O'Neill et al., 2018) in Northern contexts, but it is still not widely used in work on the Global South (with notable exceptions such as the works of Baron and Isla, 2006, or Richard-Ferroudji, 2017). Second, this paper makes a contribution to water studies by considering, in the same analysis, water resources and water services through the lens of water qualification. We consider the debates on water qualification to signal the evolution of water governance models. This evolution can be seen not only in the discourse of the actors involved but also in changes in legislation.

We start with a presentation of the theoretical framework of the *Economies of Worth* and a short literature review of its application to water issues. We then describe the methodology and the context of the study, before reviewing the different water qualifications identified in Indonesia. The subsequent

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<sup>3</sup> Recognised by the United Nations General Assembly in 2010 in its resolution 64/292: <https://www.un.org/press/en/2010/ga10967.doc.htm> (last accessed June 2, 2022).

<sup>4</sup> The authors refer to 'higher common principle', but for the sake of clarity we use the generic term 'convention' in this paper.

section unpacks the debates around water qualification in Indonesia, while the final section discusses the application of this framework to the understanding of policy discourses and models and their changes over time.

## **THE ECONOMIES OF WORTH FRAMEWORK USED TO STUDY WATER QUALIFICATION ISSUES**

We first need to explain why *Economies of Worth* is relevant when considering the many values to which actors refer when they defend specific forms of water qualification. Second, a literature review is proposed on the application of Boltanski and Thévenot's framework in the water domain.

### **Economies of Worth: A reference to the concepts of 'convention' and 'test of worth'**

#### *The Boltanski and Thévenot framework*

In *Economies of Worth*, each actor refers to conventions named the 'higher common principle' in order to construct their representations and justify their actions. A 'convention' can be defined as a normative moral principle of evaluation, reflecting the values to which actors implicitly or explicitly refer in order to act or judge a situation or a behaviour according to ethical or political criteria. The word 'convention' therefore implies a value judgment. These principles influence the ways in which actors qualify water, with reference to values such as goodness and justice.

This conceptual framework proposes a set of different 'orders of worth' regarded as particularly legitimate and named the 'worlds'<sup>5</sup> (Boltanski and Thévenot, 1991). What these worlds have in common is a mutual appeal to the 'common good' and the 'fair', allowing actors abiding by these principles to seal agreements. The authors have identified six worlds, offering different bases for justification and involving several modes of evaluation of what is good for a common humanity. Each world is based on a political philosophy: Adam Smith's market world, Saint-Simon's industrial world, Rousseau's civic world, Hobbes' world of fame, Saint Augustine's inspired world, and Bossuet's domestic world (Boltanski and Thévenot, 1991). The "deeds, things and people" in a given world are judged according to these conventions (Boltanski and Chiapello, 1999: 163). This framework allows us to identify different conventions to which actors refer when they must, in a given situation, justify their actions and positions – in this case, when defending a particular water governance model.

Disputes involving justification modes from one or several worlds can occur at any time (Boltanski and Thévenot, 1991). When a dispute occurs between actors referring to the same world, the actors test their judgments by referring to the convention characterising the world. Each actor justifies his position and the legitimacy of his action with arguments consistent with the convention. This is the 'test of worth'. When they resort to different worlds, however, which occurs more often in reality, several possibilities arise. 'Compromise' efforts may occur, so that a given dispute – without being settled – is temporarily suspended (Boltanski and Thévenot, 1991: 337). Disputants focus here on work for the common good and find a solution that both may consider acceptable even if they do not refer to the same convention. Disputants may also conclude an 'arrangement' that does not necessarily aim at the common good; they put things into perspective and settle the conflict amongst themselves without aiming at the common good. Reference to other worlds can also strengthen an actor's arguments during the 'test'. It is plausible, too, that one convention takes precedence over another, depending on the context and the situation. For the sake of clarity, we also refer to these processes as 'tests', even though this is not the original terminology used by Boltanski and Thévenot (1991).

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<sup>5</sup> These 'worlds' are built through the enunciation of common axioms, providing legitimate justifications to which actors resort when tested (such as the axiom of 'common humanity', for example, or that of 'shared dignity').

### *The worlds*

We shall now give a short description of these worlds, pointing out for each of them its convention, prevailing values, 'valued actor', and the nature of its test of worth (see Appendix 1). Presenting these worlds will allow us to determine, with regards to Indonesia, the corresponding qualifications of water that we have identified in the stakeholders' discourses.

The 'market world' is characterised by the convention of competition. Competitiveness, freedom, and individualism are its prevailing values. The valued actor is represented by the entrepreneur or the consumer.<sup>6</sup> Coordination is based on the exchange of rare and transferable goods (Godard, 2004: 308). The test of worth takes place through an evaluation of the market based on prices.

Efficiency is the convention of the 'industrial world'. Action is guided by scientific knowledge, innovation, and technical capability, while coordination is achieved through hierarchical organisation. The expert is the valued actor of this world. Objectivity, scientific rigor, and performance are some of its values. Here, the test of worth is characterised by the establishment of 'scientific proof' (Boltanski and Thévenot, 1991: 253). Links with nature, including water resources, are thus instrumental.

The 'civic world' is organised around the convention of the collective. One of the values of this world is equality. Commitment, for example in obtaining civil rights, is valued. Coordination is achieved through collective action, understood as something beyond the aggregation of individual interests. Associative structures and trade unions are valued in this world. The test occurs through the expression of the general will, deployed in the law, which is seen as objective.

The 'domestic world' takes tradition as its convention. Wisdom, goodwill, authority, memory, and respect are some of its values, and the valued actor is the patriarch – the wise or traditional leader. Coordination takes place according to a hierarchical and traditional model, woven with personal dependencies. Tests often take the distorted form of a confirmation of authority.

Inspiration is the convention of the 'inspired world'. Depth, sensitivity, emotion, imagination, idealism, and contemplation are valued here. There is an assumed separation between the existing, material realm and the realm of the senses or of nature (Godard, 2004). The artist, the child, and the saint are valued actors. This world's inhabitants coordinate themselves using creativity and appeals to the senses. Authority is expressed through symbols, myths, or legends. The test is difficult to constitute because of a lack of objective reference points (Godard, 2004).

In the 'world of fame', the conventions are reputation and honour. Fame, notoriety, or recognition are seen as valuable here. The star or the thought leader are valued actors in this world, and its test is based on opinion.

More recent works have pointed out two additional worlds: the 'projective world' and the 'green world'. The projective world has been added by Boltanski and Chiapello (1999) to report the emergence of a new connexionist 'spirit of capitalism', characterised by a world of networked and globalised firms, where lasting relationships (the 'network') are valued. Mediation, autonomy, and flexibility are values of this world. Coordination is horizontal and flexible (Boltanski and Chiapello, 1999). The test of worth would then be based on the ability to mobilise a network and to react quickly to unforeseen events.

Finally, a green world organised around ecological analysis, renewability, future generations, and the planet as an integrated ecosystem has also been debated (Lafaye and Thévenot, 1993; Thévenot, et al., 2000; Godard, 2004; Patriotta et al., 2011; Blok, 2013). The convention might then be called 'green-ness' or 'environmentalism' (Thévenot et al., 2000). Values promoted in this world could be non-polluting, renewable, and in harmony with nature. These values can also be related to the economic notion of the 'existence value' (without use or consumption) of nature, i.e. that the existence of natural elements is intrinsically good for humanity. The valued actor would be the environmentalist, whereas the test is

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<sup>6</sup> More precisely, the authors speak of a 'state of worthiness' for the world actors responsible for the good and the fair.

based on an action's sustainability. In our paper we refer to the green world in order to take into account the nature preservation arguments used by certain actors in the sector to defend a certain model of governance.

### **Boltanski and Thévenot's framework applied to water studies**

The conceptual framework proposed by *Economies of Worth* (1991) has been largely used to address environmental issues such as controversial infrastructure projects (Thévenot et al., 2000), environmentally damaging industrial activities (Patriotta et al., 2011; Nyberg and Wright, 2012; Gond et al., 2016), fishery issues (Ignatius and Haapasaari, 2018), and debates on climate change (Ylä-Anttila and Kukkonen, 2014), on land-use conflicts (Eranti, 2017), or on biodiversity (Arts et al., 2018), mostly in Northern contexts.

In water utilities research, some works have provided insight on how public water service managers combine different moral principles through the use of accounting (Annisette et al., 2017; Passetti and Rinaldi, 2020). They showed the presence of competing moral principles, revealing the presence of different worlds in the justificatory process of water management decisions and, more broadly, organisational change. It has also been used to address water resource issues and to consider the diversity of arrangements for its preservation and use (Richard-Ferroudji, 2017) or to decipher the implementation of integrated watershed management and reveal institutionalised compromise in water governance (Buchs, 2016). Adopting a different perspective, Calvo-Mendieta (2005) combined *Economies of Worth* with a patrimonial approach and the framework of proximity economics (Torre and Zuideau, 2009) to identify water conflicts in the implementation of integrated water resources management. She showed that conflicts of use arise not only due to differing representation systems between water users and managers but also from contradictory policies affecting water management and spatial inequalities in access to resources.

There has been limited research using Boltanski and Thévenot's framework to discuss the qualification of water, both as a resource and as a service. Existing studies have examined the relevance of justifications deployed in policy debates to understand water sector reforms in Northern (O'Neill et al., 2018) or Southern contexts (Baron and Isla, 2006). Baron and Isla (2006) have applied this framework to study the historical evolution of water governance models in sub-Saharan African cities. After identifying four convention archetypes (human rights, community, general interest, and market), the authors demonstrate the increasing dominance of the market world in both the water resources and drinking water services sectors over time. Another line of enquiry has focused on the spatial management of water, drawing on the theory of justification to highlight discourses of justification used by water managers promoting a 'fluxial water management' that corresponds to a representation of the water resource as a flow – a water management model that is dominant today, unlike in the past (Narcy, 2004).

The above research has demonstrated the insights that *Economies of Worth* can offer for the understanding of the various registers of actor justification in water governance. However, to our knowledge, only a few studies (Baron and Isla, 2006; Richard-Ferroudji, 2017) have focused on both water resources and water services in Southern contexts. This paper aims to enrich this literature by proposing an analysis of the tests of worth through which several competing qualifications shape water governance models in Indonesia.

### **METHODOLOGY**

Our methodology is based on a qualitative approach. We first analysed how water is qualified and defined within the discourses of various actors, but also how it is referenced in multiple legislative acts, in the national press, or in operational documents to identify the dominant discourses and disputes among them. We then conducted 24 in-depth, semi-structured interviews, ranging from one to three hours during two field missions of one to four months each in 2016 and 2017. We interviewed key actors who

were involved in the different tests identified: donors, activists, NGOs, representatives of the private sector, water public operators, experts, scholars, and ministers. To ensure anonymity, interviewees' names and positions are not revealed. Instead, we indicate a generic coding descriptor (see Appendix 2). The interviews were conducted either in English or, in most cases, with the assistance of an interpreter from Bahasa Indonesia to English. Some were not recorded in order to build a relationship of trust and to avoid the fear of misuse of what the respondents said. In this case, we transcribed the main points of the interviews and identified the various registers of justification amongst the actors. Verbatim quotations in this paper are therefore based either on transcriptions of the audio recordings or on the author's interview transcriptions.

The inquiry was complemented with a documentary analysis of the main water laws<sup>7</sup> and operational documents written in English or Bahasa Indonesia. In the case of the latter, native colleagues or an online software assisted with the translation. Most of the main water laws were available online in English. We used the ECOLEX and FAOLEX databases, which provide official translations in English. This step allowed us to analyse the main changes to water qualification and water management rules in the water laws over time. Newspaper articles<sup>8</sup> and operational documents such as reports, press releases, and statements were also used in our research. This step was useful for identifying the main tests which left a mark on the water sector in Indonesia, as well as the various water qualifications used by different actors over time and enshrined in the main water legislations.

## THE DIFFERENT QUALIFICATIONS OF WATER IN THE INDONESIAN CONTEXT

Based on the existing literature and our qualitative data, we apply the *Economies of Worth* framework to the Indonesian context by identifying a qualification of water that could fit with each of the worlds. It will allow us to study the tests of worth that have marked the water sector over time.

### Market world

In the market world, water could be qualified as a private good. In the field of public economics, such a good is defined by its characteristics of rivalry and excludability.<sup>9</sup> These characteristics imply that the good is tradable on a market, and coordination among actors can be achieved through the price mechanism. Matching supply and demand is a viable solution to the problem of water scarcity, as the price can be adjusted based on supply and demand. Water is then regarded as a (priceable) commodity, although it retains specific characteristics, as outlined by a donor: "Water (...) should be affordable and the service should be reliable, but water shouldn't be free" (DON2).

Water markets are currently promoted by certain actors in Indonesia. For example, some donors have aimed to set up a water-rights market, asserting that adjustments between supply and demand are the most efficient way to allocate water (World Bank, 2015). As one donor explained,

<sup>7</sup> In this paper, we focused our analysis on the Constitution of the Republic of Indonesia of 1960, Law 11/1974 on water resources development, Law 7/2004 on water resources development, both Elucidations of the Constitutional Court of the Republic of Indonesia published in 2004 and 2005, Decision Number 85/PUU-XI/2015 of the Constitutional Court of the Republic of Indonesia, Government Regulation 121/2015 on SPAM, and Government Regulation 122/2015 on the utilisation of water resources.

<sup>8</sup> Concerning the national press in Bahasa, we use the Australian government-funded Indonesia Infrastructure Initiative Program (Indii) platform, where translations of Indonesian articles into English were available (from *Kompas*, *Koran Tempo*, *Bisnis Indonesia*, *Investor Daily*, and *Media Indonesia*).

<sup>9</sup> Excludability occurs when a potential user can be excluded from the consumption or use of a good. Rivalry means that the use or consumption of the good by one agent will reduce its availability to others.

we aim to create a water market based on the Australian model. (...) This means that the BBWS<sup>10</sup> allocates an amount of water to each water user, but if the user prefers to sell his water rights, he can do so (...). It has already worked well in a basin of Lombok where farmers downstream were suffering from water shortages. The BBWS set up gates alongside the irrigation canal and initiated a dialogue with each farmer to assess their needs and ultimately allocate water more efficiently (DON2).

Public authorities may also play a role in the commodification of water. Indeed, in Indonesia, local governments, both municipal and regional, have tended – after decentralisation reforms – to consider natural resources to be under their purview as financial resources (Firman, 2014). Accordingly, they have tended to intensify the exploitation of natural resources to increase their income (op. cit.). As one respondent said, "Very often, municipalities don't care about impacts on the water source they use as long as it helps them with the financial resources they need" (PO4). This may explain the significant bottled water market in Indonesia. In 2018, it generated almost US\$10.7 million in corporate revenue,<sup>11</sup> and there are more than 500 bottling companies and over 2000 brands in the country (Valette, 2019).

### Industrial world

A qualification of water in the industrial world would be that of water as a resource or as an economic good. The qualification of water as a resource emphasises its instrumental value for human uses. Qualifying water as an economic good highlights the need to manage water efficiently and rationally, in line with the Fourth principle of the Dublin Statement (1992), which stipulates that

past failure to recognise the economic value of water has led to wasteful and environmentally damaging uses of the resource. Managing water as an economic good is an important way of achieving efficient and equitable use and of encouraging conservation and protection of water resources.

Such a qualification was widely promoted, for example, by donors who pushed for the reform of the water sector in Indonesia in the early 2000s. According to activists who opposed the reform, "one of the conditionalities of the World Bank loan was the drafting of a new water law with a conception of water as an economic good" (NGO4).

This orientation is confirmed by the preparatory documents for the reform of the water sector:

[The benefits of the proposed sector reforms] would result in (...) use of service fees for bulk water supply and control of wastewater discharge based on the recognition of the economic value of water and the 'polluter pays' principle (...) (World Bank, 1999: ii-iii).

The valued actors in this world are typically private actors, who are deemed to be the most skilled at responding to the logic of efficiency; those in the public sector, on the other hand, are often perceived as ineffective, as illustrated in the following quote:

Today, people do not pay for water because the service is bad (...). The private sector is the only way to provide financial investments. (...) Public structures do not take any investment risk. (...) The private sector is the only one that can standardise the system for collecting water charges or introduce a block-tariff system (DON2).

### Civic world

In the civic world, the political dimension of water is valued. In Indonesia, this political dimension is highlighted by the discourse of activists calling for Law 7/2004 to be annulled: "Water is not a technical or financial problem, it is a political one" (NGO3). This political dimension is reflected both in the

<sup>10</sup> The public basin agency in Indonesia (Balai Besar Wilayah Sungai).

<sup>11</sup> <https://www.statista.com/outlook/20010000/120/bottled-water/indonesia?currency=usd> (last accessed April 4, 2019).



recognition of water as a fundamental human right and in the significant role of the state – as the primary representative of the general interest – in guaranteeing this right to water. The qualification of water as a fundamental human right implies that access to water is inherent to all human beings with equal dignity and is inalienable (Baron and Isla, 2006). The Constitutional Court, in its legal review of the 2004 law, stipulated:

Considering that the recognition of the access to water as a human right entails two aspects: on the one hand, it is the recognition of the fact that water is such an important need for human life and, on the other hand, every person's access to water needs to be protected. For the sake of the aforementioned protection, the right to water shall be affirmed as the highest right in law, namely a human right. The further issue that arises concerns the position of the state in relation to water as a public good or social good, which had been recognised as a human right. As to the position of the state in relation to the obligation arising from the human right, the state has to respect, protect, and fulfil it like other human rights (Constitutional Court of the Republic of Indonesia, 2005: 24).

This quote highlights the significant role of the state in guaranteeing the right to water: hence, the frequent blurring between water as a public good and as a fundamental human right in the discourse of actors referring to the civic world.

### Domestic world

In the domestic world, water is viewed as an inherent resource to be preserved for all the people and from generation to generation. One qualification of water often used in Indonesia, and in line with this view, is that of water as a social good (or with a social function), as quoted in several legislative acts such as the former water law: "Water and water resources (...) have a social function and shall be utilised for the welfare and prosperity of the People" (Republic of Indonesia, 1974: art. 2).

This is consistent with the Indonesian Constitution, which states that "the land, the waters and the natural resources within shall be under the powers of the state and shall be used to the greatest benefit of the people" (Republic of Indonesia, 1945: art. 33(3)).

A hierarchy of use is established, with domestic needs having first priority and the industrial uses coming last. For example, the former water law, 11/1974, specified that

the interest of the People in all aspects according to established priorities includes: A. a. Drinking water; b. Domestic use; c. National Defence and Security; d. Religious purposes; e. Municipal uses (...); B. a. Agriculture; b. Animal husbandry; c. Plantation; d. Fishery; C. a. Energy (Republic of Indonesia, 1974: art. 8)

In addition, there is recognition in this world of the importance of the role of the community in water management through customary rules called *adat* laws. It means that water should be managed in a traditional way, according to custom, though management rules vary according to island and territory. This qualification is mobilised by some activists and by politically influential religious organisations. One of them explained that "we believe there is hope in community management, at least to stop the privatisation of water, especially in rural areas" (NGO3).

This qualification of water can also evoke the collective conception of the right to water. The 'individual' conception of rights, on the other hand, is that which is legitimised by international institutions and refers to an understanding of Rawlsian principles of justice (Bakker, 2007; Miroso and Harris, 2011). This right is focused on access to safe drinking water and sanitation, according to the recognition of the right to water by the UN General Assembly in 2010. The alternative is to consider human rights as collective rights, allowing the economic and social concerns of certain groups to be considered in a more global and inclusive way (Miroso and Harris, 2012; Sultana and Loftus, 2012). In Indonesia, the latter notion dominates activist discourses (Lobina et al., 2019) in line with *Pancasila*, the philosophical foundation of the Indonesian state, which includes social justice among its five principles.

### Inspired world

In the inspired world, water may be considered sacred, a gift from God. Water as a gift from God is systematically mentioned in the preamble of all water-related national legislation. As an example, Law 7/2004 stipulated that "water resources constitute a blessing from the One and Only God that provide benefit for the welfare of all the Indonesian people in all aspects of life" (Republic of Indonesia, 2004: Preamble a.).

In Islamic principles, this means that water access is inclusive (water should be shared by and for everyone), inalienable (we cannot revoke or remove the right to water access), and universal (for all people) (Suntana, 2021). Moreover, uses of water that concern the interests of the people should take precedence over uses by individual or private interests (op. cit.).

### Green world

In the green world, although water could be qualified as an untouched landscape (Thévenot et al., 2000), this did not appear in our research. Water was most often qualified as an endangered resource. For example, a member of an NGO mentioned that "water pollution is a national issue (...). The problem does not only concern surface water, but also – and we mustn't forget this – the quality of groundwater" (NGO2).

A public service provider also complained about this issue, as his organisation's operations were hampered by the poor quality of the raw water: "One of the main difficulties of the PDAM<sup>12</sup> is water quality. For example, water taken from the river requires more treatment [than volcanic spring water or groundwater] before it can be delivered to the population" (PO6).

A number of stakeholders pointed to the lack of hydrogeological data as contributing to this threat, both qualitatively and quantitatively.

Understanding the resources and the functioning of hydrosystems is a prerequisite. In Indonesia, however, we are starting from a blank sheet of paper. (...) Some areas are clearly being overexploited. But this is somewhat inevitable, because in order to define thresholds or maximum amounts of water that can be withdrawn, the data has to be based on exhaustive hydrogeological studies. (...) And if we don't have that data, it's a bit tricky for a local authority to define thresholds (PS2).

In the same vein, a member of an NGO mentioned not only this lack of data, but also the lack of enforcement of environmental plans:

There are already plenty of integrated water management plans, but none of them are being implemented, and overexploitation continues, as does pollution. Even though we don't have any data because it doesn't exist. There is no official information on the state of the water (quality, quantity) or on the number of licences granted. Not even on groundwater storage. Each ministry has its own statistics, and each ministry pays for its own data. It's impossible to build a policy without data (NGO4).

### World of fame and projective worlds

Last are the world of fame and the projective world. These worlds appear more difficult to transpose with regard to qualifying water.

In the world of fame, any item displaying the hallmarks of fame (such as a well-known brand of water) can align with this world, but we cannot ascertain a particular water qualification. Concerning the projective world, the functioning of water professional networks (such as ASPADIN, the Indonesian bottlers' association) could be consistent with this world. However, it is challenging to reconcile this with a water qualification.

<sup>12</sup> The public drinking water service providers (Perusahaan Daerah Air Minum).

From the above elements we can derive a typology of the water qualifications associated with the different worlds in Indonesia (see Table 1). This, in turn, allows us to study the discourses of various actors, making reference to different worlds, in order to understand why some approaches to water qualification prevail over others, over time. In the following section, we propose to decipher the issues surrounding the qualification of water by considering various tests of worth which have occurred within the Indonesian water sector.

Table 1. Water qualification in some worlds.

	Market world	Industrial world	Civic world	Inspired world	Domestic world	Green world
Qualification of water	Private good, commodity	Economic good, resource	Fundamental human right, public good	Gift of God	Social good	Endangered resource

### THE EVOLUTION OF WATER QUALIFICATION IN INDONESIA: AN ANALYSIS THROUGH TESTS OF WORTH

In *Economies of Worth*, actors argue or justify their positions during the test of worth, referring implicitly or explicitly to the conventions of one or several worlds. We studied three such tests in Indonesia involving disputes over water qualification, to better grasp how one world comes to predominate or coexist with another over time: the vote on the 2004 law, which was challenged in a constitutional appeal in 2004–2005; a second appeal in 2015, leading to the law’s repeal by the Constitutional Court; and a focus on the future of bottlers’ commercial water licences after the law was repealed.

#### First test of worth: The contested vote on the 7/2004 law and the rise in power of the market and industrial worlds

The end of the 1990s marked a major turning point in Indonesia that would have a significant impact on the water sector. The 1997 economic crisis precipitated the fall of Suharto’s authoritarian regime, followed in 1999 by significant legislation that vested decentralised authorities with unprecedented powers (Alm et al., 2005). With these changes, many prerogatives in the water sector became the responsibility of the decentralised authorities. The public drinking water service providers, called the PDAMs, were placed under the authority of the cities and counties. The latter were also given responsibility for water resources management. Given the evolving political context, donors led by the World Bank decided to support the water sector on condition that a new law would be passed that took into account the new challenges facing the sector (decentralisation and water degradation) (Hadipuro and Putri, 2020). In 1999, the World Bank then granted a US\$300-million structural adjustment loan, named WATSAL.<sup>13</sup> As soon as preparatory versions were drafted in early 2000, the law gave rise to forceful protest, both popular and political (Al’Afghani, 2006; Valette, 2019; Hadipuro and Putri, 2020). The leading organisation in the protest was the coalition KRuHA,<sup>14</sup> formed in 2002 and bringing together NGOs and activists for the defence of peoples’ rights, the right to water, and of the environment.

Despite the opposition, the law was adopted by a special parliamentary commission in 2004. It introduced five main changes. Firstly, the recognition of the social function of water in previous legislation was no longer more important than its economic function. Indeed, Article 4 stipulates that water has social, environmental, and economic functions that must be 'realised and organised' in harmony. Secondly, the new law confirmed the establishment of lucrative commercial water licences. In practice,

<sup>13</sup> Water Resources Sector Adjustment Loan.

<sup>14</sup> The People's Coalition for the Right to Water.

the law provided for two types of water use rights: (1) non-profit 'domestic use' rights, which did not require a license as long as the water was used for basic needs or for 'small' family farms; and (2) commercial rights, for profitable water use. Thirdly, private sector participation was facilitated in the governance of both water resources and the drinking water service. Fourthly, environmental issues were tackled in the law, with a whole chapter devoted to water conservation and financial penalties for water degradation specified.<sup>15</sup> Lastly, the principle of integrated water resources management (IWRM) was acknowledged, as evidenced by the establishment of river basin organisations (*Wilayah Sungai*) that would work together with the newly decentralised administrative authorities in overseeing the management of river territories.

However, a legal review of the law's constitutionality by the Constitutional Court was obtained by activists and political militants such as KRuHA, Walhi, and the Jakarta Water Consumers Community (Kompakta). They alleged that the law violated Article 33(3) of the constitution, which states that water should be controlled by the state for the greater benefit of the people – a domestic argument. In the end, the test was solved by the Constitutional Court, which confirmed the constitutionality of the water law – but only under certain conditions.

### *Discourses of justification mobilising several worlds*

The arguments of the pro- and anti-reform actors mobilised different qualifications of water. Actors in favour of the new legislation, especially the World Bank and the Indonesian government at that time, drew on arguments mainly from the industrial and the green worlds to justify the reform. Arguments from the industrial world centred on the increased demand for water, as well as the insufficiency and inadequacy of infrastructure investment and inefficiency of data collection systems. Those from the green world related to environmental degradation and the need to implement an integrated management of water resources (World Bank, 1999; DON1, DON2).

Governance issues and 'public failures' that disqualified the public management valued in the civic world were also highlighted:

Mitigating the water resources and irrigation sector's multi-faceted challenges and resolving its emerging issues is difficult because of (a) the growing inadequacy of policy, legal and regulatory frameworks, (b) the hitherto lack of political will to implement legal provisions (...); (c) weak sector institutions for integrated policy formulation, planning, governance, management, strategic allocation of scarce resources and water pollution control; (d) uncoordinated government agencies (...) (World Bank, 1999: 9).

Donors thus defended reform as an urgently needed step in improving sector efficiency and in rationalising uses of water that would create an enabling institutional context. The participation of the private sector was considered to be the most relevant option for improving the sector's performance and was a stated objective of the donors. For example, the objective of a loan from the ADB was three-fold: "Increase private sector participation in the provision of urban infrastructure investments and services; promote good governance, competition, and transparency in the selection of private project sponsors; and develop a municipal credit market" (ADB, 2001: 6).

These arguments demonstrated the prevalence of the industrial world, based on a qualification of water as an economic good by leaders of the reform movement. They also referred to the green world and disqualified the public sector – which is valued in the civic world – as a failure.

Those who opposed the reform claimed that the law was unconstitutional and asked for its legal review. To support this, they used a number of arguments from the civic and domestic worlds, based on a qualification of water indifferently as a human right, a public good, and a social good. As an activist against the reform said, "in our advocacy for the repeal of the 2004 Water Act, we said (...) that water

<sup>15</sup> Articles 94(1) and 95(1).

should be a public good and not an economic good. Secondly, we argued that water should stay in the public domain" (NGO3).

In their appeal to the Constitutional Court, they argued for the right to water, which is in keeping with the civic world. One of the law's controversial points concerned its insufficient guarantee of a basic right to water. Although the law stipulated the right of all persons to obtain water for their basic needs, there was no mechanism for implementation or enforcement of this principle. It was to be the responsibility of the counties and cities to meet these basic needs, not the central government.<sup>16</sup>

They also countered arguments from the market and industrial worlds and challenged the qualification of water as an economic good. Activists conveyed a critical discourse on the commodification of water and criticised the conditions of private sector participation without strong state control over water governance. With the new law, private actors were allowed to become involved in drinking water supply and water resources management, under conditions that remained unclear. Additionally, the new system of commercial water rights was criticised on the grounds that it made the appropriation of natural resources by the private sector possible:

If you take the example of commercial water licences, the law states that there can be direct arrangements between landowners and commercial water rights holders, without any state intervention. All that is required is that the private actors should be able to decide on the compensation for the aggrieved landowners, only needing their consent. But it seems likely that this will lead to land-grabbing from farmers who don't have the same capital as a multinational company (NGO4).

In such cases, it was argued, water would become a commodity like any other. The implicit enshrinement of 'full cost recovery' principles in the law was also criticised, as well as its lack of transparency with respect to price setting (Al'Afghani, 2006) and the manner in which water costs would be shared among citizens, operators, and the state.

A "fake IRWM" was denounced as another means of promoting private sector participation and the notion of water as an economic good.

Indonesia was pushed by the World Bank for a long time to implement an Integrated Water Resources Management (IWRM) model, but in reality, it is a false, not a genuine Integrated Water Management because it is not an integrated approach but only an economic approach to water (NGO3).

More broadly, an imbalance was perceived between, on the one hand, the minimal recognition of water access for basic needs afforded by the law and, on the other, the significant rights it granted to profit-making companies and industries (KRuHA, 2012; Hadipuro and Putri, 2020).

Finally, the role granted by the law to traditional communities vis-à-vis water management proved controversial. Article 6(3) stated that customary rights (*adat* laws) would only be recognised when they actually existed and were confirmed by decentralised regulations and not by the state. According to activists, this article violated the constitution, which recognises the rights and cultural identity of traditional communities. The activists' argument referred here to the values of the domestic world, including the importance of respecting traditional hierarchical authority.

### *The test resolution: Towards a juxtaposition of several worlds*

In its 2004 and 2005 opinions on the water law, the Constitutional Court found the law to be in line with the constitution. However, it warned that if the implementation differed from what it had outlined, the law could be subject to another legal review (Al'Afghani, 2006).

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<sup>16</sup> Although article 5 of the law recognises the right to water, its implementation is not even the responsibility of the state, but of the second administrative orders (EXP1).

In its verdict, the court oscillated between using several different qualifications of water, without commenting about their possible incompatibilities. The court characterised water as a fundamental human right, then as a public or social good. It then affirmed that water is also a common good, a "public good with social and economic functions", which gives rise to some ambiguity. In so opining, the court remained faithful to the vision of the state as one which had as its goals the satisfaction of citizens' primary needs and the "well-being and prosperity of the people" – goals consistent with the domestic world. The opinion of the court implicitly refers to the right to water, in line with the founding principles of Indonesian society, notably *Pancasila*. The court reaffirmed that the government was to be the guarantor of the right to water; at the same time, it ruled that the text of the law did not promote abusive privatisation:

The Court is of opinion that the concept of water use rights as formulated in the water resources law has to be interpreted as being derived from the right to life guaranteed by the 1945 constitution; considering that, except for water use rights, every exploitation of water must be subject to the state's right to control. (Constitutional Court of the Republic of Indonesia, 2005: 35)

It maintained the system of commercial licenses valued by the market and the industrial worlds. Finally, the court's decision did not call into question limits on customary rights.

The court thus sought a compromise between all the approaches to water qualification invoked in this test of worth, without establishing a hierarchy, resulting in a juxtaposition of the civic and industrial worlds.

### **Second test of worth: Repeal of the water law and recognition of water as a fundamental right and social good**

In practice, many of the local regulations following the 2004 law qualified water as an economic good or enabled the selling of water resources. By this logic, public water service providers (PDAMs) had to respect the principle of 'full cost recovery' (Hadipuro, 2010)<sup>17</sup> even if this came at the expense of service quality.

With the full cost recovery principle, local authorities expect the PDAMs to succeed in both bailing out the public coffers and meeting the needs of the population at the same time (...) knowing that if there is a profit, the PDAMs have to transfer it to the local authority (EXP2).

Local governments (cities and counties) were subject to the rules of economic viability, a fact reflected in the multiplication of water service contracts to private companies and the intensification of commercial activities related to the exploitation of water resources (Firman, 2014). In other words, the market world predominated during this period, with the consideration of water as a commodity.

Some activists then fought the law, but this time by documenting the consequences of private sector influence for water management and the lack of respect for the right to water. The qualification of water as a private good was then highly contested, with activists denouncing both the excessive role of the private sector in water governance and the implications of the commodification of water: "The reality is that the privatisation of water is much more advanced than in the legislation. (...) The fact is that the government is failing to control the liberalisation and privatisation of water in our country" (NGO5).

Some shifted their fight to the negative consequences of private sector involvement in the delegation of urban water services. Together with other activist networks and trade unions, they struggled in

<sup>17</sup> Decree No. 23/2006 of the Ministry of Internal Affairs.

particular against the private operators of Jakarta by filing a series of lawsuits against them.<sup>18</sup> This emblematic case has been well documented in the literature (Bakker and Kooy, 2011; Zamzani and Ardhanie, 2015; Lobina et al., 2019). These lawsuits were mainly initiated by the KMMSAJ coalition,<sup>19</sup> KRuHA, and Indonesian Corruption Watch. They focused once again on civic arguments, by asking that information related to the concession contracts be made public (transparency issues) and by denouncing cases of corruption within the two private operators, as well as the public owner of the infrastructure. Finally, they challenged the argument that the private sector is the most appropriate option for improving service by showing that prices had risen while the performance of the operators had been disastrous (no pro-poor policy, no continuity of service, and poor quality of water supplied) (Bakker and Kooy, 2011; Zamzani and Ardhanie, 2015). They then advocated for the re-municipalisation of the water service, which was seen as the best way to improve both the quality and the equity of the service (Lobina et al., 2019; Valette and Baron, 2020). To defend its position, one of the private operators distinguished between water as a natural resource and water as a service. This approach allowed for the construction of a viable argument that acknowledges the resource as a 'common' and a 'public good', in line with the civic world, with only the service being commercial and subject to pricing, in line with the market world:

Water is a common good, one of the basic public goods. At Suez, we are opposed to the private ownership of water resources precisely because, in our eyes, water is not a COMMODITY. We do not trade in water. We do not sell a product. We provide a service – the service of making clean water continuously available to all and returning water to the natural habitat once it has been treated. It is the price of that service that is billed, not the price of water as a raw material (Mestrallet, CEO of Ondeo/Suez, in KRuHA, 2012: 8).

The KMMSAJ's latest trial against the public owner and the private operators, a highly publicised lawsuit in the local media, culminated in the Jakarta Central Court's cancellation of concession contracts on these grounds in 2015.<sup>20</sup> This ruling may be interpreted as a form of opposition to handing over water sector control to foreign private investors and a reaffirmation of water as a basic human right – ideas consistent with the civic world. These legal struggles and their ensuing media coverage have considerably influenced the debates around the water law (Valette, 2019).

Other actors, this time focusing on the situation in rural areas where private actors operate, also mobilised against the law. Protests particularly targeted bottled multinational water companies that used volcanic spring water. This was due to unprecedented water shortages in some regions (Java, Bali), which were exacerbated by new forms of resource exploitation (Lidon et al., 2018) permitted by commercial rights.

The longstanding moderate Islamic political organisation Muhammadiyah became involved in these protests during the years 2008 – 2013 and actively lobbied against Law 7/2004 at the central level (Muhammad et al., 2016). In 2013, a second legal action against the law was filed, this time by Muhammadiyah and other political figures (Lobina et al., 2019).<sup>21</sup> These actors challenged the business-oriented tendencies of the water sector and the qualification of water as an economic commodity, drawing attention to the fact that the citizens' minimum access to water was no longer guaranteed. They called for state intervention against corporate land grabs (see below) and argued that the law, by encouraging and promoting the "privatisation and commercialisation of water", violated Article 33 of the Indonesian constitution and breached the people's right to water (Investor Daily, 2013), an argument

<sup>18</sup> Western Jakarta is served by Palyja (PT PAM Lyonnaise Jaya, majority-owned by the French firm Ondéo, now Suez), while PT Aetra Air Jakarta (Aquatico, now Aetra) is charged with responsibility for the eastern part.

<sup>19</sup> The Coalition of Jakarta Residents Opposed to Water Privatisation, created in 2011: *Koalisi Masyarakat Menolak Swastanisasi Air Jakarta*.

<sup>20</sup> The private operators appealed to the High Court of Jakarta and won in 2016. The activists appealed again to the Supreme Court, and definitively brought about the unilateral cancellation of the concession contract in 2017.

<sup>21</sup> Including the Muslim organisation the Indonesian Council of Ulema (MUI), former ministers, and political figures such as a daughter of the former President Sukarno (Lobina et al., 2019).

against the market world: "The rights to water as a human right have been ignored. Moreover, responsibility for water security and its fulfilment for people by the state has not been realised yet" (UMY, 2018).

The hierarchy of water uses no longer favoured the Indonesian people, who demanded control by the public authorities with respect to the use of spring water (NGO3, EXP1). Arguments from the inspired world were presented by these actors, including the qualification of water as a gift of God (Constitutional Court of the Republic of Indonesia, 2015), which went against its large-scale privatisation. Finally, the Constitutional Court repealed the water law in February 2015 after Muhammadiyah appealed against it, arguing that its recommendation had not been implemented in practice and that the law was therefore unconstitutional. The civic world thus seems to have prevailed over the market and industrial worlds. The idea of water as a human right and as a good with a social function was reaffirmed, as was the hierarchy of water uses and state control over its resources. In examining this test of worth, we have shown how the emergence of market and industrial worlds, which managed to prevail for some time, were ultimately contested and demoted in favour of the civic and domestic worlds.

### **Third test of worth: Behind the fate of the commercial bottling licenses, the compatibility of water as a commodity and as a human right**

After the water law was overturned by the Constitutional Court, the government cancelled all the commercial licenses once granted to foreign bottling companies, leading to a total shutdown of their activities (Muhammad et al., 2016). Following a lobbying effort on the part of these companies – represented by the association ASPADIN – the licenses would be reinstated 15 days later. However, bottling companies were not able to obtain new licenses until the adoption of transitional laws in December 2015 (PS1). This test then brings into confrontation the activists who contributed to the repeal of the law in favour of the right to water; the government, which cancelled the water licences of the bottlers; and the bottlers themselves.

We focus here mainly on the arguments advanced by the Danone-Aqua Group, the most active company in the ASPADIN lobby, to defend the reinstatement of its commercial licenses. The group dominates the bottled water market in Indonesia, controlling 80% of the sale of bottled drinking water (Selles, 2014). Moreover, it has positioned itself as a bottler of mineral water, which does not need potabilisation treatment, unlike other bottled water products, which do require treatment.<sup>22</sup> As a result, bottlers like Danone-Aqua have to buy large areas of land around their water catchment points – or at least have some control over the fertilizers used there – to ensure that the soil and groundwater are not contaminated. These land purchases have been the subject of conflicts all over the country, as local populations have sometimes lost their access to water sources altogether (Al'Afghani, 2006). Opposition to bottlers has particularly targeted companies with a majority of foreign shareholders (Valette, 2019). To mitigate the conflicts, the group has implemented and/or financed various activities in the affected areas (Baron and Valette, 2023). Eventually the Danone-Aqua Group, along with ASPADIN, created an exchange forum to produce proposals for transitional legislation, to lobby, and to initiate scientific research and guide debate (Muhammad et al., 2016).

In this test of worth, the question arose of the compatibility or incompatibility between two approaches to qualifying water: as a commodity (bottled mineral water) and as a fundamental human right.

The bottling companies put forward several arguments to reinstate their license. First, they argued that they themselves were the only reliable suppliers of safe drinking water in the country, given that public service providers had failed Indonesian citizens in this regard. Indeed, public service providers do provide 'safe' but undrinkable water, requiring preliminary treatment (filtering or boiling) before

<sup>22</sup> Oxygenation, chlorination, and UV treatment.



consumption. Households generally consider the water from the public network to be unfit for consumption, a view shared by the public service provider interviewed, as well as the national government – despite their own responsibility to guarantee water access for all. Bottlers thus emphasised the negative public health consequences of ceasing the production of bottled water, which is widely consumed in Indonesia: more than 30% of the population regularly purchases bottled water (BPS, 2017), including the most vulnerable (Nastiti et al., 2017). If bottler activities were to cease, access to safe drinking water in Indonesia would be significantly compromised, given the lack of alternatives. Thus, bottlers used arguments from the civic world to defend their activities: that the maintenance of bottled mineral water production was in the public interest, providing drinking water and indirectly contributing to a mission of public health.

Okay, we are a private company, we make money and it is not a secret. But in some ways, we fill a gap and ultimately have a public health role to play. If we imagine that tomorrow we stopped marketing our products, the Indonesian government would be faced with a real public health problem. And I think we'd have people on the streets demanding that the supply of Aqua bottles be restored. Because for a lot of people it's the only way they can get access to quality water these days (PS2).

Another manager adopted a similar position, highlighting public health arguments:

Nobody in Indonesia drinks water from the PDAM directly [i.e. without pre-treatment]. Our main competitors are not PDAMs but refill stations, which are found all over Indonesia. They usually treat water with reverse osmosis before selling it, but these treatments are often insufficient. This is a real health risk, especially as they mislead consumers by saying the water is treated, but it's not necessarily drinkable! Our drinking water standards follow the guidelines of the European Union, as we are a multinational company (PS1).

The bottling company also mobilised arguments from the industrial world, arguing that their own drinking water met international and European standards of safety, which are more stringent than Indonesian national standards (Valette, 2019). Furthermore, they denied responsibility for water shortages despite the volumes of water withdrawn. They emphasised their own history of financing hydrological research, which refined the knowledge of aquifer dynamics (Selles, 2014; Baron and Valette, 2023). In doing so, they again mobilised industrial world logic, for which the test is based on scientific evidence:

We are only using a fraction of the renewable part of the aquifers. At plant XX, [a study] showed that only 10% of the renewable capacity of the aquifer was being withdrawn. These are messages that are difficult for the average person to understand because they are convinced that we are using non-renewable resources in the same way as mining or oil companies, but that is not the case at all (PS2).

Thirdly, arguments from the green world were put forward. The quality of the raw water is a constraint, but it also creates opportunities for implementing corporate social responsibility (CSR) initiatives that can have a positive impact on the surrounding catchment area.

We sell mountain spring water that comes from protected aquifers. We cannot modify the water's mineral composition or treat it. That's why we have a strong water conservation policy: not just to secure our business's long-term future, but also to promote the common good. To my knowledge, there are few businesses that care as much about water quality as we do and are doing something to improve it (PS1).

Finally, the bottlers alleged a discriminatory element in the Court's decision, because it only targeted bottlers – essentially foreign companies operating in Indonesia – and not all industries using commercial water licences, such as the textile or petrochemical industries. They argue that they were politically targeted, specifically because their well-known brand made them the most conspicuous users of spring water (world of fame).

At one point there was a wish to distinguish the activities of bottlers from other industrial activities. Therefore, we lobbied and asked, 'Why?' Knowing that compared to other industries, we are very small users. We're visible. The reason we're so decried is that we're everywhere, on every street corner; our trucks are seen everywhere because we make the water static, but in terms of use we don't use anything compared to energy, mining, heavy industry, everything petrochemical, except that we don't see this water. Our visibility results in our bad reputation (PS2).

By enacting a production ban, the bottlers argued, the court's decision undermined free competition and ran contrary to the convention of the market world. It is worth noting, though, that arguments concerning pricing or market competitiveness were absent from these debates.

More broadly, for the representatives of ASPADIN, the satisfaction of essential needs – in accordance with the right to water – was an unalterable principle, and there was no opposition between water as a private and commercial good and water as a right. This argument runs contrary to the one made by their opponents. Moreover, ASPADIN's lobbying did not focus on the conflict between water as a commodity and water as a human right, but on the critical need to maintain private sector participation through commercial licensing in order to overcome the 'failures' of the public sector with regard to the provision of drinking water. This finding is consistent with Bakker's (2007) thesis that human rights claims may be of limited use in fighting against the 'privatisation' of water in Southern countries. Indeed, as long as the conception of human rights remains individualistic, its realisation is not incompatible with water commercialisation. On the other hand, such activities are more problematic if the right to water is conceived as collective, such as the right of people to dispose of natural resources according to their needs. In this case, commercial water activities can be contested as soon as they impede the satisfaction of the population's water needs.

By drawing on arguments from the industrial world, the green world – and above all by using arguments from the civic world – in response to their critics (mission of general interest, compatibility of their activity with the right to water), the bottlers obtained the restoration of their commercial business licenses. They thus won the test by advancing arguments which reconciled the market and industrial orders with the civic order.

The two 2015 transitional laws – one on drinking water supply systems and the other on the utilisation of water resources – aim primarily at clarifying the terms and conditions of the allocation of licences and remain close to the 2004 law, which referred to the qualification of water as an economic good (Valette and Baron, 2020). These laws nevertheless include a reaffirmation of the right to water (but still without details on the conditions for its realisation) and a hierarchy of water uses, according to which the industrial use of water is at the bottom. The activities of bottling companies also remain distinct from other industrial activities.

Developments in recent years suggest that the tendency to qualify water as an economic good continues in Indonesia, at the same time as the reaffirmation of water as a human right. Indeed, the process of formulating the country's newest law took place behind closed doors, mainly within the Ministry of Public Works, excluding activists but including bottlers (Hadipuro and Putri, 2020). On September 21, 2019, after four years of negotiation, a new water law was finally passed. This new law is about fostering partnership amongst the government, the community, and the private sector. In it, the principle of a tax on water-related commercial activity was rejected, even though it was considered during the law's development as a means of limiting the hoarding of water resources by private companies. These recent dynamics deserve to be explored further in future research.

## DISCUSSION

The first part of the discussion shows how this article enriches the current literature on water governance issues in Indonesia, while the second part deals with the advantages and limits of the *Economies of Worth* framework when studying water qualification.

### **What does this contribute to the literature on water governance in Indonesia?**

This paper addresses several water-related issues and contributes to the literature on water governance in Indonesia in at least three ways. We first complement the abundant literature on private sector participation in the water sector, most prominently in Jakarta (Bakker and Kooy, 2011; Zamzani and Ardhanie, 2015; Lobina et al., 2019). The role of private actors has also been analysed in the implementation of integrated water resources management policies (Cavelle, 2013) or mega infrastructure projects such as dams (Hadipuro et al., 2014). These works criticise, implicitly or explicitly, the water governance model based on the qualification of water as an economic good or as a commodity. Through an analysis of water qualifications in the discourses of various actors, this paper deciphers the arguments of those who defend private sector participation in water governance, as well as those who fight against it. We show that promotion of the private sector is guided by values derived from the industrial world and the market world. More generally, we highlight the entrenchment of this private sector participation once its proponents have integrated the criticisms coming from the civic world, as we have seen in particular with the third test. These findings can help explain the persistence in Indonesia of a water governance model based on the qualification of water as an economic good instead of a paradigm shift, despite contestations from the civic and domestic worlds.

Our research indicates a lack of distinction between water as a resource and water as a service in the discourses of activists until their failure to overturn the law in 2005. Subsequently, there was a gradual split between the qualification of water as a service (with the focus of some activist struggles shifting to this issue) and water as a resource (with struggles in rural areas mainly targeting bottlers). The split gave new life to the struggles against the commodification of water, but it also served as a line of defence for the Jakarta water operator, as documented in the second test. The split would then be enshrined in the two 2015 transitional laws – one relating to the service and the other to the resource. Using Boltanski and Thévenot's framework, it is then possible to demonstrate the consistency of the justification discourses used by actors who promote solutions both for water resource management and access to drinking water services.

The findings also enrich the literature on the evolution of the Indonesian institutional context and public policies. The concept of a test of worth can contribute to understanding the nature of the barriers to change by focusing on conventions that shape representations of the actors who oppose reform. More broadly, it provides a contribution to research on institutional change in the water sector by analysing the evolution of the dominant water governance model over time.

### **Feedback on Economies of Worth in deciphering water qualification issues in Indonesia**

*Economies of Worth* has allowed us to associate the values referred to by actors when justifying their opinions with several worlds. While this framework is useful in describing the evolution of different representations of water over time, above all, it allows us to ponder the coexistence of several conventions, which leads to either their conflict or equivalence over time; it provides insight into the imbalance, hybridisation, or confrontation between worlds, revealing the dynamics at a given moment.

Moreover, this framework makes it possible to clarify certain semantic indistinctions found in the discourse of some activist coalitions or in the Constitutional Court's 2005 opinion. For example, both the court and KRuHA qualify water variously as a human right, as a public good, or as a social good. Reference to the civic world helps to explain this indistinction: these three ways of qualifying water all adhere to the values of general interest and fairness. Such indistinctions are further employed by KRuHA, which tries to assert a "holistic" qualification of water as a "source of life" (*semesta air*, literally "water universe") for humans and the environment (Lobina et al., 2019). The key principle remains that water must above all serve the people.

However, such semantic ambiguity is more problematic in debates which focus on water as a public good or as a public service, qualifications which differ from that of water as a fundamental human right.

Indeed, the characterisation of water as a human right involves notions of inalienable rights and freedoms, while that of water as a public good refers to the state's role as the guarantor of equitable access (Baron and Isla, 2006). In the Indonesian case, activist discourses in favour of qualifying water as a public good tend to obscure the role of public authorities in the exploitation of natural resources. Indeed, it is local governments who authorise the sale of land to bottling companies, the zoning of industrial activities on their territories, and even the delegation of services to private operators.

Moreover, we were not able to transpose a type of water qualification to the projective world or the world of fame, even though certain lines of justification might be related to them. For example, certain coordination modes among ASPADIN-affiliated actors could refer to the projective world, as they are based on the activation of a network of knowledge among decision-makers.

We also found that actors justifying the importance and effectiveness of the private sector with respect to water governance almost systematically associated arguments from the market world (market efficiency) and the industrial world (scientific evidence).

A limitation of this framework relates to the integration of power relations. One of the main criticisms levelled against *Economies of Worth* concerns its alleged relegation of power relations between actors to the background during tests (Juhem, 1993; Ramaux, 1996). Indeed, by not considering societal asymmetries of power in their seminal book, Boltanski and Thévenot (1991) overlook cases where justifications are *not* based on achieving the good and the just. Including these elements would lead to the admission that such tests are not necessarily resolved solely based on argument, but rather according to relationships of coercion and power between actors (Juhem, 1993). For Ramaux (1996), one of the framework's main limitations lies in its reduction of conflicts to their cognitive dimension (wherein conflicts are resolved only by simple exchanges of arguments), whereas, in his view, they are fundamentally asymmetrical and lead to the unequal control of resources. However, through a pragmatic approach, some authors (Blok, 2013; Gond et al., 2016) mixed this framework of justification with power relation issues to analyse how actors interact and coordinate with each other. In more recent works, Boltanski (2011) also recognises specific forms of power such as domination. Associating the worlds framework with other frameworks focused on power relations could help in understanding conflicts and in addressing the gaps between the various actors' justification discourses and water governance practices in Indonesia.

## CONCLUSION

This article offered an analysis of water qualification both in the discourses of the actors involved and in the main acts of legislation. It examined the justification discourses of actors who challenge or defend the dominant governance model based on water as an economic good. To explain the values to which actors appeal when they act, we have mobilised a conventionalist framework, *Economies of Worth* (Boltanski and Thévenot, 1991), which defines several worlds, each guided by conventions with a corresponding qualification of water.

This conceptual framework allowed us to decipher the ways in which water is qualified in the Indonesian context. Through the analysis of three tests, in which the various qualifications of water have been set in opposition, we have analysed the arguments mobilised by the actors involved, as well as the worlds to which they refer. This has allowed us to identify, for different periods, the worlds that are imposed, juxtaposed, or contradicted. The emergence of the market and industrial worlds was highly contested by activists during the reform of the sector, but managed to prevail until 2015, when there was a reaffirmation of the civic world and a legal reaffirmation of water as a fundamental human right. The test over the legitimacy of commercial bottler water licenses revealed the attempts by such companies to assert compatibility between the industrial and the civic worlds. Their success is evidenced by the content of the subsequent transitional laws.

Consequently, although some actors have challenged the governance model based on the qualification of water as an economic good, we can see that this qualification is likely to adapt to criticism from the civil and domestic worlds, and even to be strengthened if it incorporates these criticisms. Nevertheless, critical discourses have enabled the formal reaffirmation of the fundamental right to water, providing a legal basis for potential future struggles to challenge this model.

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**APPENDIX****Appendix 1: The worlds in the Boltanski and Thévenot's framework**

	Market world	Industrial world	Civic world	Inspired world	Domestic world	World of fame	Projective world	Green world
Convention	Competition	Performance and efficiency	The general will, the collective	Inspiration	Tradition, heritage, hierarchy	Reputation and honour	Relationship and network	Green-ness, environmentalism
Values	Freedom, individualism	Technical skills, scientific knowledge	General interest, participation, commitment	Depth, sensitivity, emotion, imagination, contemplation	Wisdom, authority, benevolence, respect	Fame, notoriety	Mediation, autonomy, and flexibility	Existence value of nature, non-polluting, in harmony with nature
Coordination modes	According to the market	Hierarchical	Through collective action	According to the senses	Hierarchical, authoritative	According to the fame	Horizontal	Environmental friendliness
The test	Based on monetary valuation	Based on scientific inquiry, proof	Through the ballot, elections, democracy	Difficult to establish due to lack of objective benchmarks	More a confirmation of authority than a real test	Based on opinion	Based on reactivity and the ability to mobilise a network	Based on sustainability, renewability
The 'Great Being' (valued actor)	The contractor, the consumer	The expert	The representative the citizen	The artist, the holy, the child	The traditional leader, the patriarch, the wise man	The star, thought leader	The entrepreneur	The environmentalist

Source: adapted from Boltanski and Thévenot (1991) and Thévenot et al. (2000).



## Appendix 2: Summary of the interview participants

Type of actors	Number	Code
Private actors	4	PS
Activists, NGOs	5	NGO
Experts, scholars	2	EXP
Donors	2	DON
Ministers	5	MIN
Water public service providers and basin agencies	6	PO
<b>TOTAL</b>	<b>24</b>	

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