



26<sup>th</sup> May, 2016 Amsterdam

## **Petition on annulling Jakarta water privatisation: Citizens' final challenge in the Supreme Court**

To: Supreme Court Chief Justices  
Cc. Supreme Court Justices at Civil Chamber  
Cc. The Examining Judges for Civil Case by Tim Advokasi Hak Atas Air  
(Advocacy Team For The Right to Water).  
Supreme Court of Indonesia (Mahkamah Agung Republik Indonesia)  
Medan Merdeka Utara no. 9-13  
Jakarta 10110

We, the undersigned, are writing to express our support to the citizen lawsuit filed by Tim Advokasi Hak Atas Air (Advocacy Team For The Right to Water).

We are civil society and labour organisations from many countries and we share deep concerns about the issues regarding water and sanitation services in Jakarta during last several years.

We understand the problems of water privatisation in Jakarta, thanks to the numerous studies conducted by Jakarta citizens. Thus, we have supported the citizen lawsuit since 2012, which is now with your respected office. We share the common view with trade union affiliates in Jakarta, water workers in PAM Jaya, PT Palyja, and PT Aetra; that privatisation of water services in Jakarta has seriously failed to fulfil the residents' access to safe and affordable water.

We have reviewed evidence that private water management in Jakarta has not given priority to the social objectives: it has failed to make the necessary investments to deliver a sufficient volume of water and to improve water quality. Instead, private water operators in Jakarta have prioritised the interest of their shareholders.

Every resident of Jakarta has the right to access safe drinking water and sanitation services. This is based on the international recognition on the human right to water and sanitation through Resolution 64/292 of the United Nations General Assembly in 2010. Governments must ensure that people can enjoy sufficient, safe, accessible and affordable water, without discrimination.

In this regard, we reviewed the Indonesian Constitutional Court ruling of 20 February 2015, which annulled Law No. 7/2004 on Water Resources on the grounds that water resources must be controlled and allocated for the public benefit, and thus private companies cannot monopolize rights over water sources. We took note of the 24 March 2015 decision of the Central Jakarta District Court which annulled the privatised water contracts signed with PT Palyja and Aetra, finding these contracts with private firms to be negligent in fulfilling the human right to water for Jakarta residents. We welcome these consistent decisions to defend public interest.

As the Central Jakarta District Court ruled, the Jakarta government has to regain its responsibility for

water services provision and to plan appropriate investments in order to fulfil its obligations as a primary duty bearer. The financial debt created by the partnerships with private companies on public budget is enormous and undoubtedly unsustainable. This failed model, if continued, will prevent Jakarta from achieving universal access to water and sanitation.

**We have collectively conducted a number of studies and concluded that public management is better able to provide universal access to quality and affordable water and sanitation services.** In the latest research, we found that 235 cities over the world terminated private water contracts and returned to public services provision during the last 15 years.<sup>1</sup> The main reasons of this shift are: degradation of service quality, high transaction costs, lack of (financial) transparency and lack of investment under private management. These problems overlap with Jakarta. Many other capital cities including Berlin, Paris, Buenos Aires, Accra, Dar es Salaam and Kuala Lumpur experienced the similar problems and decided **to go back to public ownership and management.**

**Private water contracts in Jakarta are among the largest remaining contracts in the world. The world's population is carefully paying attention to the decision of Supreme Court of Indonesia to see if it will defend its peoples' right to water and allow Jakarta government to rebuild reliable public water systems or if it will defend the interests of two private water companies and allow them to continue making profit from water.**

We sincerely hope you will hear the voices from the Jakarta residents. We trust your decision will defend people in Jakarta and Indonesia and end unlimited profit seeking from this crucial resource for life that is water.

Yours faithfully

1. Afsar Jafri, Focus on the Global South (Thailand, India, Cambodia and Philippines)
2. Andreas Scheidt, Ver.di, Germany
3. Athina Teskou, SOSSto NERO, Thessaloniki, Greece.
4. Bobet Corral, the Philippines
5. Brent Patterson, Council of Canadians, Canada
6. Christa Hecht, Allianz der öffentlichen Wasserwirtschaft e.V., Germany
7. Claudia Campero, Coalición de Organizaciones Mexicana por el Derecho al Agua, México
8. Darcey O'Callaghan, Food & Water Watch, USA
9. David Boys, Public Services International, France
10. David Sánchez, Food & Water Europe, Belgium.
11. Emmanuel Poilâne, France Libertés - Fondation Danielle Mitterrand, France.
12. George Rubiik, Fracodep, Kenya
13. Gerardo Alatorre, La Asamblea Veracruzana de Iniciativas y Defensa Ambiental (LAVIDA), Mexico
14. Gloria T. de Garza, Saltillo Water Users Association AUAS, Mexico.
15. Jan Willem Goudriaan, European Federation of Public Service Unions (EPSU), Belgium
16. Jean Luc Touly, ACME France (Association pour le Contrat Mondial de l'Eau), France
17. Jean-Claude Oliva, Coordination Eau Île-de-France, France.
18. Kshithij Urs, People's campaign for right to water, Bangalore India.
19. Lazaros Aggelou, K136, Thessaloniki, Greece
20. Leonard Shang-Quartey, Integrated Social Development Center (ISODEC), Ghana
21. Luis Isarra Delgado, FENTAP, Perú
22. Marcela Olivera, Red Vigilancia Interamericana Para la Defensa y Derecho al Agua, The Americas
23. Maria Kanellopoulou, Save Greek Water, Greece
24. Maxime Combes, Attac France
25. Meera Karunanathan, Blue Planet Project, Canada

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<sup>1</sup> [https://www.tni.org/files/download/media\\_briefing\\_layout.pdf](https://www.tni.org/files/download/media_briefing_layout.pdf)

26. Olivier Hoedeman, Corporate Europe Observatory (CEO), Belgium
27. Olivier Petitjean, Multinationals Observatory, France
28. Pedro Moctezuma and Elena Burns, Coordinadora Nacional Agua para Tod@s
29. Pieter Jansen, Both ENDS, The Netherlands
30. Sammy Gamboa, Freedom from Debt Coalition, Philippines.
31. Satoko Kishimoto, Transnational Institute, The Netherlands
32. Sébastien Gondron, Ingénieurs sans frontières, France
33. Shayda Edwards Naficy, Corporate Accountability International, International
34. Shiney Varghese, the Institute for Agriculture and Trade Policy, USA.
35. Stéphane Melchiorri, Emmaüs International, France
36. The Environmental Rights Action/Friends of the Earth Nigeria
37. Yiorgos Archontopoulos, EYATH's Trade Union, Thessaloniki, Greece.