

Fighting for public water: the first successful European Citizens' Initiative, "Water and Sanitation are a Human Right".¹

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Abstract

Between May 2012 and September 2013 the European Citizens' Initiative (ECI) 'Water and Sanitation are a Human Right' successfully collected close to 1.9 million signatures across the European Union (EU), forcing the Commission into an official position on the role of water in the EU and wider world. Based on a historical materialist approach to social movement struggles, the purpose of this article is threefold. First it will analyse the reasons for why the ECI, initiated and co-ordinated by the European Federation of Public Service Unions (EPSU), was so successful. Second, the article will assess the impact of the ECI on EU policy-making. Finally, the article will reflect on the wider lessons to be learned for the struggle against neo-liberal restructuring. It will be argued that a combined focus on the commons as well as new forms of participatory democracy may provide the basis for a broader transformative project.

Keywords: EPSU, European Citizens' Initiative, neo-liberal restructuring, resistance, trade union – social movement alliance, water as a human right

Introduction

Against the background of the ongoing global economic crisis, the privatisation of public assets has created a global infrastructure market, considered to be 'a profitable source of private investment with a range of competing investment funds providing good returns relative to other types of investment' (Whitfield 2010: 91). Water services are no exception in this respect. 'A disturbing trend in the water sector is accelerating worldwide. The new "water barons" – the Wall Street banks and billionaire oligarchs – are buying up water all over the world at unprecedented pace' (Yang 2012, see also Abrams 2014).² And yet, from the Cochabamba water wars in 2000 to the United Nations declaration of water as a

¹ Many thanks for the comments by participants of the *ETUI Monthly Forum* in Brussels/Belgium, where a previous version of this paper was presented on 22 January 2015 (see <https://www.youtube.com/watch?v=sOYEjRbGis>). I also gratefully acknowledge the constructive feedback by two anonymous reviewers and Laurence Cox, as well as the support by EPSU and its General Secretary Jan Willem Goudriaan.

² The politics of water privatisation are extensively covered in the documentary *Blue Gold – World Water Wars*; see <https://www.youtube.com/watch?v=q8a2cbO2Ozc>; accessed 20/02/2017.

human right in 2010, from the re-municipalisation of water in Grenoble in 2000 to the re-municipalisation of water in Berlin in 2013, the struggle against water privatisation has picked up pace. Drawing on this experience of struggles around the world the European Federation of Public Service Unions (EPSU) submitted its request to organise a European Citizens' Initiative (ECI) on 'Water and Sanitation are a Human Right' to the European Commission on 2 April 2012. Once the ECI had been approved by the Commission on 10 May 2012, the collection of signatures started. Between May 2012 and September 2013, close to 1.9 million signatures were collected across the European Union (EU) and formally submitted to the Commission. The purpose of this article is to analyse the reasons for this success, the related impact on EU policy-making, as well as its wider implications for resistance against neo-liberal restructuring.

In the next section, through a critical engagement with liberal conceptualisations of social movements a historical materialist perspective on social movement struggles will be developed, which allows us to understand the ECI within the wider dynamics of global capitalism. The subsequent section will analyse the key reasons for the unprecedented success of signature collection. Then, the impact on EU policy-making will be evaluated, before the article reflects on the wider lessons for the struggle against neo-liberal restructuring. Methodologically, the empirical argument is partly based on a set of 24 semi-structured elite interviews with representatives of organisations, which participated in the ECI. All interviewees were guaranteed anonymity and that no direct quotes would be attributed to them. Interviews have the advantage of providing an insight into the internal decision-making process of an organisation in contrast to policy documents, which only state the outcome of a debate. The validity of information was cross-checked through the information from other interviews as well as the consultation of further primary and secondary printed sources.

Restructuring and resistance: a historical materialist analysis of social movements

Social movements and civil society more generally have been widely studied by liberal approaches in view of increasing levels of inequality against the background of globalisation. In line with Karl Polanyi's (1957) ideas about a double movement, in which a period of laissez-faire is followed by a period of regulation, liberal scholars discuss the possibility of establishing global governance institutions, which can ensure a more just distribution of increasing wealth, resulting from neo-liberal restructuring at the global level (e.g. Held and McGrew 2002: 135-6; Held et al. 1999: 449-52). There are, however, a number of problems associated with this. First, these scholars understand civil society as some kind of progressive force. 'The private sphere (i.e., civil society as distinct from and opposed to the state in the liberal scheme of things) ... is regarded as the terrain where freedom is exercised and experienced' (Buttigieg 1995: 5). It is, however, overlooked that civil society also includes pro-globalisation forces such as business associations, which are often a driving force behind global

restructuring (Sklair 1997). Of course, ‘the oppressed, the marginalized, and the voiceless are indeed important elements of civil society, and they merit special attention precisely because they are generally overlooked, even though they are in the majority; but to regard them as tantamount to civil society can only result in a false understanding of the complex dynamics of power relations within, among, and across States’ (Buttigieg 2005: 35).

Second, liberal analyses overlook the crucial importance of the capitalist social relations of production around the private ownership of the means of production and wage labour. As a result, different organisations have different levels of structural power available, with business organisations in times of transnational production networks being more powerful than national trade unions, for example (Bieler 2011: 165-70). ‘Civil society is not some kind of benign or neutral zone where different elements of society operate and compete freely and on equal terms, regardless of who holds a predominance of power in government’ (Buttigieg 1995: 27). Unlike in the liberal understanding, ‘civil society is not a level playing field’ (Buttigieg 2005: 45).

Furthermore, by neglecting the social relations of production, liberal approaches overlook in their emphasis on re-distribution of wealth that it is the hidden abode of production, where exploitation takes place (Barker 2013: 44). Emanuele Lobina et al in their focus on outcomes of water struggles utilise a policy networks approach in order to go beyond the dichotomy of agency and structure. ‘In fact, networks do not exist in a vacuum and both their origin and evolution are a result of the interdependence between agency and structure’ (Lobina et al. 2011: 20). Elsewhere, he develops a sophisticated approach around agency and institutional governance structures for the analysis of water struggles, which ‘promises to be more exhaustive than one based on agency as its sole interpretive key (Lobina 2012: 170).

In turn, Donatella della Porta and Luisa Parks focus on changing opportunity structures within the EU, when analysing whether social movements focus on the European or the national level in their campaigns on issues of social justice (della Porta and Parks 2016). Elsewhere, in order to account for the complex, multilevel institutional structure of the EU Parks develops a variable political opportunity approach, which ‘accounts not only for interaction between actors on multiple levels, but also for the interaction between opportunity structures on multiple levels, as well as admitting the continued importance, but not the exclusivity, of national governments on the international state’ (Parks 2015: 22). Nevertheless, these analyses locating agency within the wider (changing) institutional structures still overlook the crucial importance of the sphere of production for the outcome of struggles. Of course, institutional structures are important for understanding agency, but understanding why certain structures have been established in the first place and why they might be in the process of changing still requires analysing the underlying social relations of production and how they have conditioned institutional formations. Moreover, overlooking the structuring conditions of the capitalist social relations of production makes it impossible to reflect on whether the success of the ECI may contribute to a

broader transformation of the current system and the way production is organised. This will be discussed in the penultimate section of this article.

Donatella della Porta has gone furthest from a liberal perspective towards bringing capitalism and a focus on class back into social movement analysis. Drawing on the concept of political cleavage, she argues that this concept ‘can indeed be useful to discuss the extent to which capitalist transformations, in particular neoliberalism and its crisis, have contributed to the emergence of a new class (of losers of globalization, or precariat) or the re-emergence of old, formerly pacified conflicts’ (della Porta 2015: 16-17). Ultimately, however, the concept of cleavage is a liberal, pluralist theoretical approach, in which different social positions are determined through a number of equally valid, parallel characteristics.

Unsurprisingly, drawing on this approach, della Porta then focuses on the identification of the mobilizing bases for social movements along a number of categories including class, generations and educational levels (della Porta 2015: 42). She outlines the dynamics of capitalism and here especially the implications of neo-liberal restructuring, but who the agents are behind neo-liberal restructuring and why they pursue this strategy is left unexplored (della Porta 2015: 29-35). We end up with a very interesting picture of who participated in the global justice movement in contrast to current anti-austerity protests. ‘Bringing capitalism back into the analysis is an important move if we want to understand changes in the social bases of protest and movement’ (della Porta 2015: 60-2). She adopts a relational approach between the wider social structures and the agency of social movements in this identification of the social bases of movements (della Porta 2015: 224). Nevertheless, the dynamics of struggles, the strategies pursued and the outcomes secured remain outside the scope of investigation.

Hence, in order to analyse the dynamics underpinning the ECI this article is based on a historical materialist approach to social movements (Barker et al. 2013) with an emphasis on social class forces as main collective actors and a focus on class struggle as key to understanding economic-political developments (Bieler 2014). Emphasising the centrality of the social relations of production, it is understood that the way exploitation is organised within capitalism is crucial for the wider institutional formations of different political economies. By organising exploitation around the private ownership of the means of production and ‘free’ wage labour, those who do not own the means of production, i.e. workers, are indirectly compelled to sell their labour power (Wood 1995: 29, 34). Thus the political and the economic, state and market appear to be separate, and within the separate political sphere, at least within liberal representative democracies, all individuals appear to have the same rights and power. Of course, this masks the enormous differences in power resulting from the unequal distribution of the means of production. While liberal approaches conduct their analyses based on this assumed separation of the political and the economic, historical materialism goes beyond this and starts its analysis through a focus on the social relations of production. As a

result, different levels of structural power in class struggle within the state can be comprehended. It is understood that the underlying power structures and different levels of resources within the capitalist social relations of production engender asymmetries across business, trade union and social movement groups. Moreover, this focus on the social relations of production allows a historical materialist approach to analyse how institutional changes are conditioned by changes in these underlying structures.

Drawing on historical materialism, in this article civil society is understood in a Gramscian sense. Importantly, for Gramsci the form of state consists of ‘political society’, i.e. the coercive apparatus of the state more narrowly understood including ministries, the police and other state institutions, and ‘civil society’, made up of political parties, unions, employers’ associations, churches, etc. (Gramsci 1971: 257–63, 271). For Gramsci, civil society is the sphere of hegemonic struggle over the purpose of a particular state form. ‘Civil society is simultaneously the terrain of hegemony and of opposition to hegemony’ (Buttigieg 2005: 38). And while hegemony is initially constructed and established within civil society, it has to reach into political society to ensure a stable order. As Peter Thomas asserts,

Gramsci leaves no doubt that the exercise of hegemony, initially elaborated within civil society, also impacts upon that other superstructural ‘level’ of the integral state, ‘political society or State’. It must necessarily, because political society itself and the power concentrated in it are integrally related to civil society and its social forces, as their mediated, ‘higher’ forms (Thomas 2009: 194).

As a Marxist, Gramsci was, of course, aware of the internal relations between the political and the economic and how the underlying production structures resulted in different levels of structural power for agents in civil society. Equally, he understood that class struggle was more than simply the strategies by trade unions and employers’ associations. Class agency, by Gramsci was understood in a broad sense.

Such an understanding is also reflected in the work of Harry Cleaver. When reflecting on the increasing number of struggles of the late 1960s and 1970s, Cleaver asserts that ‘the reproduction of the working class involves not only work in the factory but also work in the home and in the community of homes’ (Cleaver 2000: 70). Hence, the analysis of class struggle has to cover the whole ‘social factory’, not just the workplace, and includes struggles against exploitation in the sphere of social reproduction (van der Pijl 1998: 46-8). The notion of ‘social factory’ is useful, first because it indicates the importance of the social relations of production reflected in ‘factory’. By adding ‘social’, however, it makes clear that production and reproduction of capital and labour is not only assured within production narrowly understood, but extends into the social and natural substratum.

Access to water is precisely such an issue. Privatising water, transforming water into a commodity to make profit, clearly affects the workplace and generally results in lower wages and deteriorating working conditions for workers employed in the sector. At the same time, however, it also goes beyond concerns related directly to the workplace and affects every worker as well as the wider community in their lives outside work, considering how crucial access to safe drinking water and sanitation is in daily life. In short, the struggle against the commodification of water as a tradable, economic good by an alliance of trade unions, social movements and NGOs is clearly an instance of class struggle within the ‘social factory’ against the commodification of the sphere of social reproduction. In the next section, the main reasons for the success of the ECI in collecting the required number of signatures will be analysed.

The European Citizens’ Initiative “Water and Sanitation are a Human Right”

Three key objectives were stated at the launch of the ECI in May 2012: ‘(1) The EU institutions and Member States be obliged to ensure that all inhabitants enjoy the right to water and sanitation; (2) water supply and management of water resources not be subject to ‘internal market rules’ and that water services are excluded from liberalisation; and (3) the EU increases its efforts to achieve universal access to water and sanitation.’³ The start of the campaign had been slow and the targets proved challenging. Eventually, however, the campaign went well beyond the required 1 million signatures and also reached the quotas for the minimum of seven required EU member states in that 13 countries including Austria, Belgium, Finland, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, the Netherlands, Slovakia, Slovenia and Spain collected the required amount of signatures. Germany stood out as the country with the most signatures. 1,341,061 signatures were collected, of which 1,236,455 were considered valid.⁴ In this section, three key reasons for the success of the campaign are discussed: (1) the long history of water struggles preceding the ECI; (2) the special quality of water and how this was reflected in the three objectives of the ECI; and (3) the broad alliance of trade unions, social movements and NGOs present at both the European as well as various national levels.

Long history of water struggles

The ECI did not emerge out of the blue. Since the increasing push for the privatisation of water services from the early 1990s onwards, struggles over water had erupted around the world. Most well-known is the so-called water

³ See <http://www.right2water.eu/>; accessed 12/12/2014.

⁴ See http://www.right2water.eu/sites/water/files/table%20number%20valid%20signatures_21.pdf; accessed 12/12/2014.

war of Cochabamba. When water services were privatised in the Bolivian city, ‘one clause of the contract guaranteed a profit of 15 percent to the consortium; another indexed the profit rate to foreign currency exchange rates, as a protection against devaluation of the Bolivian currency’ (Bakker 2010: 166). Price hikes of 200 per cent or more were the result. Local resistance erupted and when peaceful protesters were met by police and soldiers, violent clashes ensued with one 17-year-old protester being killed. Eventually, in April 2000 the Bolivian government revoked the concession to Aguas del Tunari, a consortium led by the US construction giant Bechtel (Lobina 2000). The very fact that this struggle was directed against the super-profits of a transnational corporation (TNC) and for access to a vital source of life in the sphere of social reproduction indicates the importance of focusing on exploitation and class struggle across the whole ‘social factory’.

The second World Water Forum at The Hague in 2000 gave progressive groups an opportunity to make themselves heard publicly (Interview 1; see also Bakker 2010: 1). As a next step, also inspired by the success of the first European Social Forum in Florence in November 2002, the water movement organised the first Alternative World Water Forum in Florence in 2003 (Interviews 3, 5 and 9). It was intended to provide opposition to the official World Water Forum and its emphasis on public-private partnerships for the organisation of water distribution. The World Water Forum is organised by the World Water Council, which is accused of being ‘a mouthpiece for transnational companies and the World Bank.’⁵ The objective of the Alternative Forum is ultimately to de-marketise water and to democratize the government of water as a resource (Interview 9). A first major success was the adoption of a resolution by the UN in 2010 recognising water as a human right (Interview 14), sponsored by several governments from the Global South and here in particular Bolivia (Interview 9; Fattori 2013a).

Parallel to these international efforts, there were ongoing struggles at the national and sub-national level. Battles over re-municipalisation had been raging for some time in Europe. Water was first re-municipalised in the French city of Grenoble in 2000 (Avrillier 2005). The same occurred in Paris in 2010, followed by the re-municipalisation of water in Berlin in 2013 (Lobina, Kishimoto and Petitjean 2014: 7-8). Equally, resistance against water privatisation had started in the Italian cities of Arezzo, Florence and Aprilia in the late 1990s, early 2000s in response to drastic price increases after public companies had been turned into public-private partnerships (Interviews 8 and 11). Together with international developments around the first Alternative World Water Forum in Florence in 2003, these local struggles paved the way towards the establishment of the Italian Water Movement’s Forum in 2006 and the eventual successful country-wide referendum against water privatisation in June 2011 (Bieler 2015). In Germany, co-operation in struggles against water liberalisation at the national level goes back to 2000. The establishment of the network *Unser Wasser* already included trade unions and environmental NGOs

⁵ See <http://www.fame2012.org/en/>; accessed 17/06/2014.

at that time (Interviews 18 and 22). In turn, EPSU itself had been involved in struggles against water privatisation in Central and Eastern Europe in the early 1990s, establishing the Reclaiming Public Water Network together with the Public Services International and key Canadian trade unions at the end of the 1990s, but also successfully fighting privatisation of water as part of the EU Services Directive in 2002 as well as Public Procurement Directives in 2003/2004 (Interview 15). In short, the ECI has ultimately been the coming together of different struggles from local, national and global level, concretised in a European-level effort by EPSU.

The unique quality of water

The theme of water has significant symbolic power, with water being understood as a fundamental source of life and, therefore, as a human right, reflected in the very title of the ECI. This discourse, for example, resonated with the Catholic Social Doctrine, ensuring strong support from Catholic groups in the Italian referendum against water privatisation in June 2011. It helped to consolidate ‘a broad popular consensus over the principles of social justice and universality that should inspire water management’ (Fantini 2014: 37). The three broad objectives of the ECI incorporated well these various dimensions of the symbolic power of water, with different concerns being of more importance in different countries and for different types of movement partners.

For example, in Germany the opposition to the liberalisation of water services, Point 2 of the ECI, was crucial and directly linked to discussions around the Concessions Directive. While the ECI was ongoing, the Commission had also published the draft Concessions Directive, liberalising water services and forcing public entities to tender contracts openly across the EU. Liberalisation does not automatically imply privatisation (Interview 15). Considering the complex procedures and capital and technology intensiveness of such public tendering, it would, however, have been inevitable that these contracts would have been snapped up by large, private TNCs such as Veolia and Suez. In other words, liberalisation of water as part of the Concessions Directive would, for example, have implied privatisation of the many public water providers across Germany (Interview 17). The perceived danger was that the quality of water would deteriorate as a result, access to water made more difficult, the working conditions for employees worsened and the prices for consumers increased (Falk 2013). Especially the AöW, organising public, often small-scale water providers in Germany, made this link between the ECI and the draft Concessions Directive (Interview 21).

Nevertheless, while the Concessions Directive was of equal concern for Austria, the issue of water as a human right was more prominent in the Dutch campaign (Interview 17). For Catholic groups, universal access to water and sanitation, demanded in Point 1 of the ECI, proved important as an issue of social justice in the Italian context (Fantini 2014: 37), while Point 3 about the EU pushing for water as a human right globally was relevant for development NGOs such as the

Comitato Italiano Contratto Mondiale sull'Acqua (CICMA) in Italy, which is part of the *World Water Contract movement* (Interview 14), or German groups such as the *Forum Umwelt und Entwicklung* or the church related organisation *Brot für die Welt*, arguing that Europe had a responsibility for the whole world (Interviews 21 and 22). Environmental groups including, for example, the Italian *Legambiente* (Interview 10) or the German *Grüne Liga* equally participated, because when water becomes privatised and the sector is dominated by the profit motive, the protection of the environment generally comes second, it was argued (Interview 22).

Trade unions in general were concerned about the potential privatisation of water and the potential implications for salaries and working conditions. 'Public sector workers tend to have higher protection through collective bargaining coverage and are less affected by precarious work' (Jakob and Sanchez 2015: 76). In turn, social movements organising consumers worried about the potentially higher prices and some people being cut off in case they are unable to pay. Thus, the struggle for water as a human right and against privatisation is precisely a struggle taking place in the wider 'social factory' against exploitation in the sphere of production and the organisation of the workplace, as well as the wider sphere of social reproduction and the importance of ensuring affordable access to water for everyone as well as the protection of the environment.

It would have been surprising, if there had been no tensions inside the movement. This is quite common considering the different constitution of trade unions and their internal representative democratic structure as well as high levels of bureaucratisation on the one hand, and the more flexible, but often also ad hoc social movements on the other (Bieler and Morton 2004: 312-16). Social movements have sometimes had exaggerated expectations about what unions can deliver in terms of finance, but also their flexibility of taking decisions quickly, trade unionists argue (Interview 18). There is a feeling at times that social movements just want trade unions' resources and credibility for their own campaign (Interview 15). In turn, some social movements feel that trade unions have imposed the ECI on the wider movement without enough possibilities of others to participate in the formulation of the ECI as well as the devising of the strategy.

For example, a representative of the Berliner Wassertisch stated that the wording of the ECI was drafted by EPSU together with the German service sector union ver.di and that it had been made clear that this was not negotiable. Some regret was expressed that in contrast to an initiative by the *World Water Contract movement*, the EPSU text did not include a concrete legislative proposal (Interview 20). From within the Italian water movement, some felt that the ECI had been imposed on them from the outside by EPSU and its local affiliate Funzione Pubblica-CGIL (Interview 14). Nevertheless, the unique quality of water, captured in its various ways in the three points of the ECI, ensured that this broad alliance of different types of actor could be brought together (Interviews 2, 3 and 5).

Importantly, the campaign on purpose excluded close connections to political parties. In Italy, the water movement had consciously decided not to portray the 2011 referendum as a left-wing campaign, but to provide it with a broad appeal. Hence, political parties were relegated to a secondary, supportive, committee (Interviews 2 and 5). In the referendum itself, many supporters of centre-right parties had also opposed water privatisation. In Germany too, as well as at the European level, political parties were not officially part of the movement in order to ensure the broadest possible support (Interview 18). There were, of course, contacts with MPs from the Left Party and the Greens in Germany, but the alliance overall did not want any of the political parties to dominate the campaign and make it into an electoral tool (Interview 19). Water is clearly an issue beyond political party divisions.

Broad alliance of actors at European as well as national level

The fact that the ECI had been based on and supported by a broad alliance of trade unions, social movements and NGOs across the whole ‘social factory’ was also crucial. At the European level, it was EPSU, which initiated the campaign and also sustained it with its administrative and financial resources. It formed a European level alliance together with other organisations such as the European Environmental Bureau (EEB), the European Anti Poverty Network (EAPN) and the Social Platform (Fattori 2013a).⁶ However, these EU-based groups ‘did little more than place banners on websites and publicise the ECI through their networks’ (Parks 2015: 71). It was EPSU, which had been the leading organisation co-ordinating and holding the campaign together (Interview 22). Its organisational structure, bringing together representatives of its national federations in the organising committee, provided the crucial backbone and leadership of the campaign (Interview 15). For example, when the unions organising workers in the water sector in Lithuania and Slovenia struggled to collect signatures, the energy federations in both countries, also EPSU members, stepped in and led the national campaigns (Interview 23; Interview 24). EPSU’s broad coverage of public services and utilities facilitated this strategic move. In short, EPSU

has a strong presence, expertise, and resources in Brussels, but can also rely on developed networks of national and local trade union chapters for the collection of signatures. During their campaign, the EPSU also drew on a the support of other national and local movement groups formed in long-term collaborations with water movement groups, particularly in those member states hardest hit by the effects of the financial crisis (della Porta and Parks 2016: 13).

Even more important, however, than the European-level alliance were the various alliances of unions and social movements at the national level. National

⁶ See also <http://www.right2water.eu/who-we-are-organizations>; accessed 12/12/2014.

quotas had to be reached in at least seven countries and the collection of signatures, therefore, had to be organised at the national level. When EPSU had organised a successful European level alliance of trade unions and green and social movements and NGOs in opposition to new Public Procurement Directives and the related attack on public sectors across the EU in 2000 to 2003, this alliance had been unable to establish similar alliances at the various national levels (Bieler 2011: 175). This time round, it was different. All the successful campaigns were based on strong national alliances.

Unsurprisingly, the success of the ECI was not the same across all EU countries. It was in Germany that the most signatures were collected. This was related to the perceived impact of the Concessions Directive on the German water industry (see above). Making the link between the ECI and the Concessions Directive proved to be crucial for the high number of signatures (Interviews 17 and 21). Moreover, there was a tightly organised campaign around the services trade union *ver.di*, supported by the German trade union confederation DGB, together with a whole range of local water movements such as the *Berliner Wassertisch*, the *Wasser Allianz Augsburg*, the *Working Group Water and Privatisation* of *Attac München* and the NGO *WasserInBürgerhand*, environmental movements such as the BUND, the *Grüne Liga* and the feminist group *EcoMujer*, as well as development NGOs including the *Forum Umwelt und Entwicklung* (Interviews 20, 21 and 22). Especially the organisational structure of *ver.di* in the various districts across the whole country was vital for the local presence of the campaign. Finally, the possibility to sign on the internet was significant. Around 80 per cent of all German signatures were online signatures. This possibility obtained additional importance through media presence, be it a discussion of water privatisation in the investigative programme *Monitor* in December 2012,⁷ be it the picking up of the campaign and portraying of the internet address in the comedy show ‘*Neues aus der Anstalt*’ in January 2013,⁸ or the coverage in the *ZDF heute* show in February 2013.⁹

Nevertheless, the fact that a large part of signatures was collected in Germany should not make one overlook the success of the campaign across the EU. In both Lithuania and Slovenia most of the signatures were also collected online. The Lithuanian campaign, led by the Lithuanian Industry Trade Unions’ Federation, had very good links with the media, providing space on a number of occasions for campaign leaders to state their case. Parallel to the ECI, the law on water management was amended and with effect on 1 November 2014, this law prohibits both water privatisation and the transfer of concessions for drinking water supply. The law also specifies that people should pay no more than four per cent of family income for water as a maximum (Interview 23). In turn, Facebook proved crucial in Slovenia. Led by the Trade Union of Energy Sector

⁷ See <https://www.youtube.com/watch?v=wYqYTtkE4Ds>; accessed 12/12/2014.

⁸ See <https://www.youtube.com/watch?v=gBg5AY5rfvQ>; accessed 12/12/2014.

⁹ See (<https://www.youtube.com/watch?v=3EtyYKXDvYQ>); accessed 12/12/2014.

Workers, the campaign succeeded at convincing politicians, artists, theatre stars and a famous Slovenian rock group, whose song 'Water' was used for the campaign, to accept that they post supporting material on their Facebook sites (Interview 24).

In Italy the water movement had already successfully collected signatures on a number of occasions. For the referendum against water privatisation in 2011, for example, 1.4 million signatures had been collected (Bieler 2015). When it came to collecting signatures yet again in relation to the theme of water, the Italian alliance of trade unions and social movements indicated a degree of fatigue with this particular way of organising opposition as well as disillusion with the lack of positive impact by the successful Italian referendum in June 2011 (Interviews 5, 9 and 10). They still managed to reach the national quota, with 65,223 validated signatures, but this was a relatively small number in comparison with past collections. Similar to other countries in the European periphery such as Portugal, Spain and Greece, linking the ECI to austerity policy and its negative consequences had been decisive in the final push. 'As various groups including national members of the EPSU, municipalities and movement groups worked to link the ECI to austerity issues signatures did pick up in these countries, with all but Portugal passing the threshold to pass the ECI' (Parks 2015: 76).

Other countries did not meet the national quota. In France, for example, trade unions were lukewarm towards the initiative, as the company trade unions of Suez and Veolia did not want to campaign against 'their' companies. From a narrower trade union perspective, they argued that it was their task to focus on salaries and working conditions of their members. Whether the company itself was private or public would be a secondary issue (Interview 1). And even the fact that water services had been re-municipalised in Paris in 2010 did not encourage a broader signature collection campaign (Interview 17). In the UK too, the ECI did not pick up much support. No trade union had been willing to make water one of their key campaigns, which may at least partly have been due to the fact that there were ongoing struggles against so many other attacks on the public sector (Interview No.15). Nevertheless, the fact that the quota was achieved in 13 countries is a sign of success. This was also due to the fact that the pan-European alliance managed to connect with local and national campaigns across the whole 'social factory', bringing together trade unions organising workers in the production process with social movements and NGOs mobilising people within the sphere of social reproduction.

Evaluating the ECI: what impact on EU policy-making?

As outlined above, for Gramsci any gains in civil society, and the successful collection of signatures is such an initiative in civil society, have to impact on political society within the integral state in order to result in concrete policy changes. In relation to the EU, it can be argued that over the years a distinctive European form of state, closely interrelated with national forms of state, has

emerged. To what extent then has the success of the ECI been translated into policy changes within the European form of state? On 17 February 2014, hearings of the ECI took place with the Commission and the European Parliament (EP). While the Commission representatives mainly asked questions during their hearing, the meeting with the EP was deemed more successful by the campaigners (Interview 17). It was four hours long and 60 MEPs, mainly from the environmental but also from some other committees, were present, with most of them talking at some stage.

The response by the Commission, delivered on 19 March 2014, however, was a disappointment. It argued that it would not introduce water as a human right into EU legislation, as the Commission was not responsible for this. This was a matter of national level legislation. Similarly, while the Commission confirmed that it would not further pursue the liberalisation of water, this too was not backed up by EU legislation. Instead, it declared that it had to remain neutral vis-à-vis national decision-making in the water industry. As a response by the AöW makes clear, however, the Commission had not observed this neutrality in relation to EU crisis countries (AöW 2014: 2), having pushed for further liberalisation and privatisation in Greece, Portugal and Italy. The Commission, moreover, announced that it intended to hold a consultation on drinking water, something they could have done even without the ECI and which does not really address the main objectives of the ECI, as some activists allege (Conrad 2014b). The Commission did not promise a general change in foreign policy in relation to pushing water as a human right in its dealings with other countries around the world either (Interview No.17). Observers also note that there is still an emphasis on market conformity in Commission statements (Interview 19). Finally, the AöW raised some concerns about a potential attack by the Commission on small public water companies under the pretext of poor water quality (AöW 2014: 1-2).

And yet, some success of the ECI can be noted. Especially in Germany and Austria, the Concessions Directive was a crucial point for the mobilisation of opposition. When the ECI had reached one million signatures in February 2013 and it became clear that it might actually be successful, Commissioner Barnier, responsible for the Concessions Directive, went to Berlin and discussed, with the German Chancellor Angela Merkel, an exception for the German water economy. When it then became clear that this would create even more difficulties for the Directive, water was excluded from the Concessions Directive (Conrad 2014a: 35). 'In short, the ECI on water [had] already achieved a significant political result and an extraordinary victory even before it formally arrive[d] on the Commission's desk' (Fattori 2013a; see also EPSU 2013). Of course, focusing on class struggle in the analysis, as argued above, it is no surprise that capital and here especially large TNCs had not been inactive. There was heavy lobbying by the private water industry on the Commission. Private water companies rejected the link made between the ECI and the Concessions Directive and expressed their disappointment about the exclusion of water, considered to make up half of the concessions within the EU (AquaFed 2013).

The fact that this pressure by capital was unsuccessful further indicates the success of the ECI.

Moreover, as one interviewee pointed out, the ECI had changed the public discourse on water in Europe. Arguments about the importance of keeping water in public hands would no longer be laughed at or belittled. Prior to the 2013 national elections, all German parties committed themselves to retain water in public hands and this issue also featured in the coalition negotiations between the Christian Democrats and the Social Democrats (Interview 21). At the European level, the ECI campaign energetically lobbied the candidates for the new President of the Commission in 2014, and four out of five committed themselves to implementing the human right to water if elected (EPSU 2014c). The public consultation on the Drinking Water Directive, even if not demanded by the ECI, is also a reflection of the fact ‘that water has taken its place on the European agenda’ (Parks 2015: 95). Equally, the new rules established by the EU to improve the monitoring of drinking water across Europe in October 2015 indicate the high profile of water in EU policy-making. In its press release, the Commission explicitly stated that the public consultation and new monitoring rules are ‘part of the wider response to the European Citizens’ Initiative Right2Water’ (European Commission 2015).

Finally, the ECI successfully established links of transnational solidarity. Of course, the individual campaigns of collecting signatures had to be organised at the national level. Nevertheless, working on the same campaign simultaneously, co-ordinated in regular meetings in Brussels, established links across borders, which in turn facilitated international support for local campaigns. While witnessing the hearing of the ECI in the EP through a video link, activists from the Thessaloniki citizens’ movement against water privatisation decided to hold their own independent referendum about the privatisation of water services in their city on 18 May 2014. EPSU, the Italian water movement as well as others from the European water movement sent monitors in support (Interviews 2, 7 and 15). After a large turn-out and significant rejection of privatisation in this unofficial referendum, with 98 per cent of those who voted opposed to privatisation, the pressure on the Greek government not to privatise mounted. In the end, it decided to put a stop to the privatisation of water services in both Thessaloniki and Athens (MacroPolis 2014).

While the ECI has been successfully completed, struggles against water privatisation continue. Thus, there is a clear, ongoing legacy of the ECI. In the Spanish town of Alcazar de San Juan, mass mobilization of citizens resulted in the collection of 11,000 signatures and an occupation of the city council, opposing and eventually stopping the privatisation of the city’s water services in February 2014 (EPSU 2014a). In Ireland too, resistance has been mobilised against the imposition of new water charges by the Irish government together with the Troika (Fallon, 2014). ‘More than 150,000 people mobilized the 1st of November all over Ireland against water charges, following months of protests and resistance’ (European Water Movement 2014). More recently, Slovenia has amended its constitution to establish access to drinkable water as a fundamental

right (Guardian 2016). In general, people are no longer simply accepting the imposition of water privatisation and there is a continuing push for re-municipalisation. ‘In the last 15 years there have been at least 180 cases of water remunicipalisation in 35 countries’ (Lobina, Kishimoto and Petitjean 2014: 3; see also Kishimoto, Lobina and Petitjean 2015).

At the European level, the alliance behind the ECI and here in particular EPSU and some of its affiliates have pursued the issue of water further within the EU institutional set-up. In October 2014, the European Economic and Social Committee (EcoSoc) adopted by a large majority a supportive statement, in which the Commission was asked to implement the ECI’s demands urging the Commission ‘to propose legislation establishing access to water and sanitation as a human right as set out by the United Nations’ (EcoSoc 2014: 3). Additionally, it was demanded that access to water and sanitation are excluded ‘permanently from the commercial rules of the internal market by proposing that they be reclassified as a service of non-economic general interest’ (EcoSoc 2014: 6-7). Moreover, due to the Commission’s weak response to the ECI there has been a significant uptake of the initiative by members of the EP. The co-ordinators of the EP’s environmental committee decided in September 2014 to work on an initiative report as a follow-up to the ECI. In September 2015, a resolution passed in the EP states that the Commission’s response ‘lacks ambition, does not meet the specific demands made in the ECI, and limits itself to reiterating existing commitments’ (European Parliament News 2015). The lead MEP of this resolution Lynn Boylan (GUE/NG, IE), whose report was approved by 363 vote to 96 (with 261 abstentions), stated that ‘[o]wnership and management of water services are clearly key concerns for citizens and cannot be ignored’ (European Parliament News 2015). Water should neither be part of a revised Concessions Directive in the future, nor of any trade deals negotiated by the EU, the resolution demanded.

A predominant focus on EU institutions is, however, dangerous. It overlooks that the strategic selectivity of the EU form of state is heavily skewed towards the interests of transnational capital and the way they enjoy privileged access to the key Commission Directorates responsible for Competition, Internal Market, and Economics and Finances, while trade unions, social movements and NGOs are generally side-lined (Bieler 2006: 179-82). In the wake of the global financial crisis, as della Porta and Parks demonstrate, it has become even more difficult to impact on EU policy-making. ‘Power at the EU level has moved to the most unaccountable and opaque of the EU institutions, with opportunities closing down particularly (but not only) for groups active on issues of social justice’ (della Porta and Parks 2016: 6). An exclusive emphasis on EU institutions is in danger of forgetting that the liberal constitutional model facilitates the continuous enclosure of popular sovereignty. ‘There can be no constituent effort, nor liberation from corporate greed, outside of a radical critique of property rights, which is capable of going beyond the public-private dichotomy and of elaborating a genuine institutional structure for collective agency outside of parliamentary democracy’ (Mattei 2013: 375). Moreover, while the national campaigns around the ECI were often successfully used as a

tool of wider mobilisation, focusing on policy-making within the EU institutional set-up is likely to develop into an elite affair, risking to become delinked from the broader campaign. It could result in a demobilisation of forces, which are no longer needed for that process. In other words, a focus on EU institutions of representative democracy will neither help mobilising people nor result in a transformation of the current economic model.

Moreover, while a European opening of water services for more competition and leading to privatisation has been successfully halted, a new attempt is being made via trade agreements. A series of trade agreements are currently under discussion such as the Comprehensive Trade and Economic Agreement (CETA) (with Canada) or negotiations like the Transatlantic Trade and Investment Partnership (TTIP) (with the US) and Trade in Services Agreement (TiSA) (over 20 countries), which risk creating a web of interlinked trade agreements, the sole purpose of which is to open service sectors and possibly health, elderly care, education and water for more competition and private capital. Interestingly, even the limited implications of an ECI as a tool to further democratic participation in EU policy-making have been undermined by the Commission's decision not to permit an initiative in relation to the negotiations of TTIP. While TTIP has stalled at least for now, the EP signed CETA on 15 February 2017 despite widespread protests. In sum, struggling within the constraints of (EU) representative democracy is unlikely to result in a transformative agenda.

Will this success of the ECI be enough to ensure that water remains permanently outside the market? As observers point out, a review clause has been included in the Concessions Directive, which could imply that the decision to exclude water might be revoked in five years' time (AöW 2014: 2). Moreover, the 'Commission's Communication makes no commitment to explicitly exclude these services from trade negotiations such as the Transatlantic Trade and Investment Partnership (TTIP)' (EPSU 2014b). Equally, does the success of the ECI represent a first step towards reversing neo-liberalism in the EU more generally? The next section will reflect on these issues.

Towards a transformative agenda?

There is some disagreement over the extent to which a human rights approach can help to counter neo-liberalism. Bakker, while accepting that a focus on human rights may be a good strategy, considers it to be rather individualistic and thus not conducive to a more collective response to privatisation (Bakker 2010: 13 and 158-9). 'Pursuing a human rights framework as an antiprivatization campaign thus makes three strategic errors: conflating human rights and property rights, failing to concretely connect human rights with different service-delivery models, and thereby failing to foreclose the possibility of increasing private-sector involvement in water supply' (Bakker 2010: 152). Linton, by contrast, does regard it as part of a hydrosocial cycle, directly opposed to neo-liberalism and, thus, part of a collective response towards a community based alternative. 'Rather than an "empty signifier", the right to water can thus be regarded as internally related to the political struggle against

neoliberalism' (Linton 2013: 117) and, thus, as a potential part of broader transformative politics, as a novel discursive terrain with the potential to resist TNCs. Thus, 'human rights have been considered a "master frame" that can appeal across borders and contexts' (Parks 2015: 79). The fact that the ECI was successful precisely at a time of increasing austerity pressures is not only testimony to its enormous success, but also indicates its fundamental, counter – neo-liberal dynamic. It also needs to be remembered that an ECI has to be formulated in a way that it is within the competency of the Commission to act. The campaign organisers would have preferred to rally around a slogan such as 'Keep Water Public' or even 'Return Water into Public Hands', but the result would simply have been that the request for an ECI would have been denied (Interview 15). Finally, the second objective of the ECI clearly goes against neo-liberal restructuring of water and, thus, includes a transformative dimension.

Importantly, just to return water into public hands does not automatically imply that the service is run better. 'We acknowledge', write David A. McDonald and Greg Ruiters (2012: 6) in the introduction to their book on alternatives to privatisation, 'that many existing public services are poorly run – or non-existent – and do not meet any of our "criteria for success". Defending these services is not an acceptable route to developing alternatives.' The very fact that water privatisation was presented as the best way forward during the 1990s came against the background that the traditional public model had failed in developing countries (Bakker 2010: 76-7). In developed countries too, public does not automatically imply efficiency. In fact, Italian state companies were often accused of being rather inefficient as a result of nepotism and corruption (Interview 7). Equally the traditional public, anthropocentric way of managing water had been highly exploitative of the environment (Bakker 2010: 87). In short, returning water into public hands can only be a first step. 'Remunicipalisation is not merely about returning to the pre-privatisation situation, but should be about reinventing public water management altogether' (Hoedeman, Kishimoto and Pigeon 2012: 107). The way water services are run has to be re-thought more fundamentally.

It is one of the key contributions of the Italian water movement that it has raised the issue of water as a commons beyond the dichotomy of private versus public (Carrozza and Fantini 2016: 110-14). The commons are understood as 'elements that we maintain or reproduce together, according to rules established by the community: an area to be rescued from the decision-making of the post-democratic elite and which needs to be self-governed through forms of participatory democracy' (Fattori 2011). Assessing the failures of public sector water provision during the 1980s, David Hall concludes that 'the problem of the 1980s public sector failures can ... be seen as a lack of democratic process in the public sector, rather than a problem with the public sector itself' (Hall 2005: 20). As Sergio Marotta observes, 'the case of water management is significant because the defence of public water has encouraged movements to intensify democratic participation' (Marotta 2014: 46). Thus, the focus on the commons in Italy is combined with an emphasis on a different, more participatory form of democracy, which had already been practised within the European Social

Forum process (della Porta 2009). A form of democracy which ‘guarantees citizens’ direct participation in local government and the administration of the commons, which goes beyond the mere participation in local public institutions’ [translation by the author] (Carrozza and Fantini 2013: 77). The mobilisation for public water around the Italian referendum in June 2011 ‘acquired the role of a paradigmatic battle in defence of democracy and against the commodification of life, powerfully synthesized in the movement’s motto: “It is written water, it is read democracy”’ (Fantini 2014: 42). In other words, it is the combination of a new understanding of democracy and a new understanding of how to run the economy and, importantly, of how these two dimensions are closely and internally related, which brings with it a transformative dimension. ‘Strengthening the democratic, public character of water services is fundamentally at odds with the currently dominant neoliberal model of globalisation, which subordinates ever more areas of life to the harsh logic of global markets’, concluded Bélen Balanyá and his colleagues already in 2005 (Balanyá et al. 2005: 248).

Discussing solutions around the notion of the commons has also been part of struggles against water privatisation in Greece and Portugal (Bieler and Jordan 2016). The citizens of the group K136 against water privatisation in Thessaloniki understood this dimension and viewed the crisis ‘as an opportunity to intensify the search for democratic alternatives’ (Steinfort 2014). Working on an alternative model of how to run the city’s water services, it emphasised the importance of a new form of democracy. ‘The model is based on direct democracy, meaning that decisions are taken at open assemblies and are based on the principles of self-management and one person, one vote’ (Steinfort 2014). Similar experiments are carried out elsewhere. In Paris and Grenoble, ‘civil society representatives sit on the Board of Directors together with local government representatives, and have equal voting rights ...; [moreover,] citizen observatories have been established to open spaces for citizens to engage in strategic decisions on investment, technology options and tariff setting’ (Lobina, Kishimoto and Petitjean 2014: 5).

In the Italian city of Naples, the lawyer Alberto Lucarelli was not only given the task by the mayor to organise the re-municipalisation of water services, but also to include forms of direct citizen/consumer and worker participation in the public company (Carrozza and Fantini 2013: 95; Interview No.13). In Berlin, the Berliner Wassertisch, which had been the driving force behind the re-municipalisation of water, demands further democratisation of the local water company and has developed a water charter to this effect, including demands for the participation of citizens in the running of the company (Interview 20, Berliner Wassertisch 2014). In the Spanish city of Zaragoza, trade unions signed an agreement with other civil society organisations, political parties and the municipality for public water management in order to secure the human right to water (EPSU 2014d).¹⁰ While there is no blueprint of how a new form of democracy should be designed, experiments of the type in Naples, Grenoble,

¹⁰ See also see also <https://www.youtube.com/watch?v=SxCNIvvDm6g>; accessed 20/02/2017.

Paris and Zaragoza, in which trade unions, municipalities, public water managers, and citizen groups from across the ‘social factory’ are working together, can help to explore new democratic ways of managing water and sanitation successfully for all. As Fattori reminds us, ‘commons and communing are not an ideology but a set of practices, a fragmentary manner – and at the same time they are generating ideas, projects, and theories’ (Fattori 2013b: 386).

Conclusion

While impressive in itself, it is not only the large number of signatures, which is a sign of success. The ECI, based on a broad alliance of trade unions, social movements and NGOs, was successful at a time, when austerity policies were enforced across the EU member states, including pressures towards further privatisation especially on the countries in the EU’s periphery such as Greece and Portugal. It, therefore, went completely against the trend and in opposition to dominant forces pushing for further neo-liberal restructuring. When analysing the reasons for the success of this campaign, it was argued that we need to focus on class struggle across the whole ‘social factory’, including resistance at the workplace against privatisation and the inevitable worsening of working conditions resulting from it as well as resistance in the wider sphere of social reproduction for universal, affordable access to water as a key source of sustenance for human lives as well as the protection of the environment generally. This wider struggle is reflected in the broad alliances of trade unions, representing workers in the workplace, and social movements and NGOs, representing struggles against exploitation in the sphere of social reproduction.

Nevertheless, struggles against water privatisation have not only been defensive. They are also signs of struggles for a transformation beyond neo-liberal economics. A focus on the commons combined with a new understanding of democracy may provide the basis for a broader transformative agenda. From their establishment in water services, these new models can then be extended to other public services/commons such as health, education, energy and transport. Especially left-wing individuals and groups have been ‘willing to adopt water as an “entry point” to pursue a broader political strategy: exploring new forms of political engagement alternative to traditional left-wing parties and trade unions’ (Carrozza and Fantini 2016: 111-2). In the Italian region of Puglia, for example, the Rete dei Comitati per i Beni Comuni¹¹ was established in June 2012,¹² including also issues such as the cycle of refuse collection and recycling, as well as public transport, as part of the commons (Interview 16). The local water committee in Torino, a city in the North of Italy, also intends to expand the water movement into a Movement of Public Goods, including issues such as

¹¹ See <http://www.benicomuni.org/>; accessed 20/02/2017.

¹² See <http://www.youtube.com/watch?v=p2AbScJYRkU&feature=youtu.be>; accessed 09/01/2015.

public transport, refuse collection, and the No-TAV campaign against the construction of a high-speed railway line in the region (Interview 12). At the same time, however, while progressive forces attempt to extend further the sphere of the commons, forces of capital push back against the gains made. The third bailout agreement between Greece and the Troika of European Commission, European Central Bank and IMF in July 2015 included provisions for further privatisation of the Thessaloniki and Athens water companies (euobserver 2015). As always, class struggle is open-ended and successful transformation, therefore, a possibility but never assured.

Interviews¹³

Interview No.1: Deputy General Secretary, EPSU; Brussels, 23 January 2012.

Interview No.2: Two representatives of the Secretariat, Forum Italiano dei Movimenti per l'Acqua; Rome/Italy, 25 March 2014.

Interview No.3: Co-ordinator for Welfare State policies, FP-CGIL; Rome/Italy, 26 March 2014.

Interview No.4: Co-ordinator for wider networks, Cobas; Rome/Italy, 26 March 2014.

Interview No.5: Member of National Council, ATTAC Italia; Rome/Italy, 27 March, 2014.

Interview No.6: Member of the National Co-ordination Group; Unione Sindacale di Base (USB); Rome, 27 March 2014.

Interview No.7: Researcher on water movement, Fondazione Lelio e Lisli Basso; Rome, 31 March 2014.

Interview No.8: President of the Acqua Pubbico committee in Arezzo; Florence, 2 April 2014.

Interview No.9: Co-ordinator of International Section, Forum Italiano dei Movimenti per l'Acqua; Florence, 2 April, 2014.

Interview No.10: Co-ordinator in Tuscany for questions related to water, Legambiente Toscana; Florence, 3 April, 2014.

Interview No.11: Members of the Arezzo Water Committee; Arezzo, 4 April, 2014.

Interview No.12: Co-ordinator of the Water Committee in Torino; Torino, 7 April 2014.

Interview No.13: Researcher on water movement, University of Torino; Torino, 7 April 2014.

¹³ While the names of interviewees have been excluded, the particular position of individuals within organisations has been retained where relevant with the permission of the interviewees.

Interview No.14: President, Comitato Italiano Contratto Mondiale sull'Acqua Onlus; Milano, 8 April 2014.

Interview No.15: Deputy General Secretary, European Federation of Public Service Unions (EPSU); Brussels, 6 May 2014.

Interview No.16: Referent, Water Committee of the region of Puglia/Italy, interview via skype; 6 June 2014.

Interview No.17: Officer responsible for water economy since June 2013, ver.di; Berlin, 17 November 2014.

Interview No.18: Officer responsible for water economy until June 2013, ver.di; Berlin 17 November 2014.

Interview No.19: Director, Section of macroeconomic co-ordination, DGB; Berlin, 18 November 2014.

Interview No.20: Representative of Gemeingut in Bürgerhand (Common Goods in Citizens' Hands; GIB) and Representative of Berliner Wassertisch (Berlin Watertable); Berlin, 19 November 2014.

Interview No.21: Director, Allianz der öffentlichen Wasserwirtschaft (Alliance of Public Water Economy, AöW); Berlin, 20 November 2014.

Interview No.22: Officer responsible for water questions, Grüne Liga; telephone interview, 27 November 2014.

Interview No.23: President, Lithuanian Industry Trade Unions' Federation, interview via skype; 12 January 2015.

Interview No.24: President, Trade Union of Energy Sector Workers of Slovenia (SDE), interview via skype; 15 January 2015.

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