The Impact of Social Mobilizations on Water Policy in the European Union: The Cases of Right2Water Movement, Spain & Portugal

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Abstract

Despite international recognition of the importance of water, there is a disparity between policy choices and the needs of the people. One method available for citizens in the European Union to voice their concerns about water policy is through mobilizing and finding avenues for protest. This is evident in three case studies: the Right2Water European Citizens Initiative and social mobilization efforts in Spain and Portugal. Social mobilizations focused on water are capable of impacting policy at both the European Union and national levels of governance with varying degrees of success. Water mobilizations generally focus around two primary issues: neoliberal approaches to policy making which favour a reduction in government spending and an over-reliance on the private sector to deliver services, and the process of depoliticization which hides the political nature of decisions made concerning water policy.

Water policy is shaped by economic, industrial, and social needs. This paper will elaborate on how neoliberal policy and depolitization impact water policy, stressing how social mobilizations can have tangible impacts. The paper elaborates on the topic through a literature review and case study analysis, and concludes that while water-based social mobilizations impact water policy, they are inconsistent, and they succeed because of significant pressure and effort.

Keywords: Social mobilization, European Union, Spain, Portugal, hydraulic policy, policy, governance, depoliticization, neoliberalism, privatization.

Dedication & Acknowledgments

In 2012, while visiting my grandparents in Serra de Santo Antonío, Portugal, my grandmother made me promise to always continue with education, because it is through education that we can find our voice. I would like to dedicate this major research project to my grandmother, Belmira Castela in fulfillment of our promise.

Avó - obrigada pelas memórias maravilhosas cheias de pastelaria, café, jogos de cartas, caminhadas e histórias. Essas memórias mantêm pensamentos positivos e você é uma inspiração do que é uma mulher forte e dedicada a sua vida e família.

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Acronyms

AdP	Águas de Portugal
ACUASUR	Sociedade Estatal Águas de las Cuincas del Sur
CBDRG	Coordinating Body to Defend Rio Grande
EC	European Community
ECB	European Central Bank
ECI	European Citizen Initiative
ENGOs	Environmental Non-Governmental Organizations
EPSU	European Public Service Union
EU	European Union
IMF	International Monetary Fund
MEPs	Member of European Parliament
NGOs	Non-Governmental Organizations
NHP	National Hydraulic Plan
NWC	New Water Culture
NWP	National Water Plan
RBM	River Basin Management
RBMPs	River Basin Management Plans
RBP	River Basin Plan
STAL	Sindicato Nacional dos Trabalhadores da Administração Local e Regional
UNGA	United Nations General Assembly
UN	United Nations
WFD	Water Framework Directive
WWF	World Wildlife Fund

Chapter 1: Introduction

Despite being a limited resource, water is necessary for day-to-day life. Water is required for survival, necessary for good hygiene and health, and in many cultures, water has both social and religious significance. It is used in industry to produce products, grow food and is fundamental for life and our health. The right to water has been internationally recognized and included in several documents, treaties, declarations and international norms or standards. The United Nations Economic and Social Council (2002) stated that there is a normative stance for the right to water as it touches on the rights, freedoms, and entitlements that a person has to the resource. Although people have the right and freedom to quality water, there is much discussion about the rights to efficient water management systems that make water accessible to all socio-economic classes.

Cristy Clark (2017; 2018) observes that rhetoric concerning the human right to water is often criticized for focusing too much on the individual right and taking out the inherently political nature of access to quality water. The human right to water is a legal basis supported by the United Nations General Assembly (UNGA) resolution 64/292. In this resolution, the UNGA specifically called on states and international organizations to bolster financial capacity and technological infrastructure to assist developing countries to provide affordable, accessible, and quality drinking water for all (United Nations General Assembly, 64/292, 2010). When the UNGA resolution passed, all member states made a commitment to provide quality water to the people who inhabit their lands. However, current challenges and problems, such as climate change and water crises with the COVID-19 pandemic, have exacerbated these struggles.

Although the idea that water is a human right is recognized in most nation states, it is not always actualized into law. Jerry van den Berge et al. (2021) mention that over two billion

people lack access to safe drinking water and over four billion do not have access to water and sanitation infrastructure. While access to water is an issue that mostly impacts the global south, the issue of access to water and sanitation remains a present-day problem in the global north for vulnerable groups such as migrant workers, homeless, illegal migrants, and citizens. When the 2008 financial crisis swept across Europe, the European Council and Commission began advising member states who had large deficits to privatize their publicly owned water services, among other publicly owned enterprises, in order to lessen the administrative burden on governments. This happened in Ireland, Italy, Greece, Spain, and Portugal. Another issue that impacts the European Union is the inclusion of austerity policies aiming to reduce government budget deficits through severe spending cuts which usually include water services. In effect, the European Council and Commission were promoting neoliberal policy approaches. The inclusion of these neoliberal policies, among other effects, effectively decreased the size of the government spending, favoured free-market capitalism, and theoretically allowed governments to save on costs of providing vital services.

These governance approaches to water policies favour free-market capitalism and reduce government spending at the cost of good service delivery to citizens are protested by social movements concerning water policies at the transnational governance and state levels. The influence that social mobilizations have on policy, and in particular, water policy, is ad hoc. The ad hoc meaning of this influence shows that mobilizations are created or activated when necessary, utilizing the temperature of the political climate as a catalyst. As evidenced by the Right2Water European Citizens Initiative (ECI) and social mobilization efforts in Spain & Portugal, social mobilizations focused on water successfully impact water policy at the transnational and national level to varying degrees. This paper will prove that these social

mobilizations on water have been successful because the calls to action resonate with the people; build upon decades of debate around the issue, and continue a long history of protesting for the human right to water.

To examine the impact that social mobilizations can have on policy, this paper uses three case studies of the European Union, Spain, and Portugal. The literature review looks at European Union policy process, neoliberalism, citizen networks, and depoliticization. Historical analysis provides context for the water policies in place, and critical analysis shows how those policies were impacted by social mobilization. The European Union opened the way for social mobilizations on water to influence EU level politics through the inclusion of the European Citizens Initiative participatory democracy tool.

While Spain and Portugal may share a peninsula, the contexts surrounding their water mobilizations are different. Spain is a well-studied country, and their social movements are well documented. However, Portugal does not share the same academic popularity and most studies on Portugal focus solely on the financial implications of water services, the financial crisis and water service inefficiency, with little focus on the social impact. Through examining these various social mobilizations, we can evaluate the tangible impact that social mobilizations can have on policy and decision makers who are often far removed from the day-to-day struggles citizens endure to access their human right to water. Looking at all three examples, we can see how neoliberalism and depoliticization impacts water policy and social mobilizations. Furthermore, by examining various social mobilizations in these case studies we can evaluate the tangible impact that social mobilizations have on policy making.

Chapter 2: Literature Review

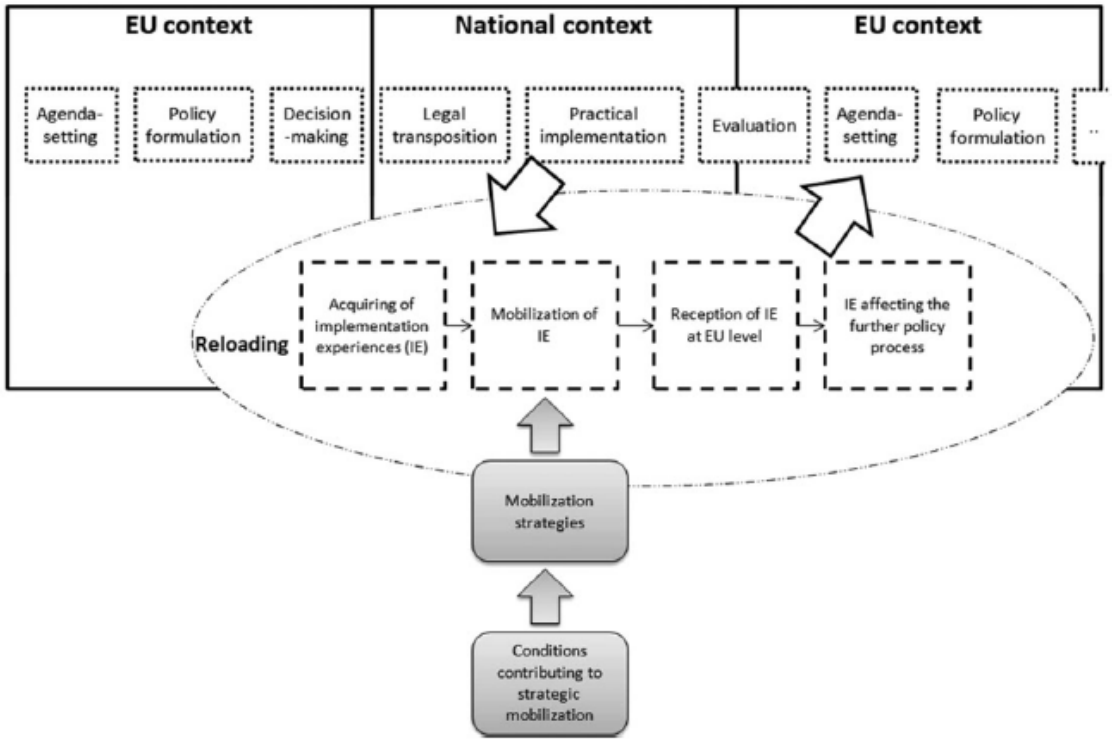
Social mobilization can be considered as a type of civic engagment, and its occurrence in society is seen as an indicator of a healthy democracy. Public participation plays an important role in policy or agenda-setting processes as it helps provide legitimacy and stability to existing governing bodies. Jens Newig, Daniel Shulz and Nicolas Jager (2016) explain that "input-oriented legitimacy refers to the constitution of the (participant) decision-making body" and that "the legitimacy of democratic decisions rests to a large degree on the procedures employed, referred to as throughput'" (p. 1000). Through social participation such as social mobilizations, democratic processes create space for different values, guarantee transparency, and the process is monitored by groups who are not usually involved in policy or agenda-setting capacities. When considering the importance of social mobilizations or movements in water policy, citizens or civil society who reside near the relevant body of water or deal with the day-to-day issues of water quality have the ability to contextualize the issue and represent the problem with more nuance. However, it is also necessary to consider the nature of EU decision-making, policy setting and European integration; neoliberal economic policies, the depoliticization that characterizes these processes, as well as the windows of political opportunity that open by the articulations of scales, particularly at the national level of policies and mobilizations.

European Union Policy Process

The EU's policy process is composed by three multi-level stages (the EU, the member state and the municipality) where agenda-setting, policy formulation and decision making happen. These three actions happen at the EU governance level and interact with the national context as seen in Figure 1. Where Marjolein Van Eerd, Carel Diperink and Mark Wiering (2017) demonstrate that each of these sequences provides a feedback process where a policy's

"implementation [is] processed in the [EU] policy... [and] may lead to a reconsideration of the existing policy" at the national level (p. 427-428). This process is called reloading, and the cyclical perspective of policy implementation is utilized to demonstrate that creating and providing policy implementation feedback is not a linear process (Van Eerd, Dieperink, & Wiering, 2017).

Figure 1 Strategic Mobilization of Policy Implementation in the EU



Note: This image was originally in Van Eerd, Dieperink, C., Wiering, M. (2017). Opening the blank box of implementation feedback: An analysis of reloading strategies in EU water governance. *Environmental Policy and Governance, 28*(6), 426-440.

In this framework, social mobilizations have a strategic role in influencing the feedback process. Currently, a method for social mobilizations to interact and influence policy at the highest level in the EU is through the ECI mechanism which was included in the 2009 Lisbon Treaty (Van Eerd, Dieperink, & Wiering, 2017). For social mobilizations to impact change, there are three conditions which contribute to strategic mobilization choices: how and why

mobilizations are impacted by the preferences and interests of different actors (how are they influenced by the EU), the availability of resources and capacity building, and the political and institutional structure (Van Eerd, Dieperink, & Wiering, 2017). These three conditions make mobilizations flexible enough to impact the policy they seek to change. Considering that the EU has a multi-level governance system consisting of the EU, national, federal state, and municipality, the scalar dimension is not entirely considered (Van Eerd, Dieperink & Wiering, 2017). Jens Newig, Daniel Shulz and Nicolas Jager (2016) note that specific governance institutions are implemented on various scales that correspond to geographic boundaries, and the EU utilizes various institutions to make their policy decisions. Water governance relies on all four levels of government present in the EU system. Scalar dimension is critical, as it "refers to an analytical dimension of a problem under study," (p. 1000) and institutional scalar dimension can add an essential perspective to the study of water policy since the governance of water is primarily done through river basin management systems, EU frameworks and arrangements between national governments (Newig, Schulz, & Jager, 2016). While Figure 1 illustrates the intersection between the EU and national governments, it fails to represent the full impact of social mobilizations.

The Water Framework Directive (WFD) was created through agenda-setting priorities at the EU level to secure and deal with water quality and quantity concerns (European Commission, 2000). However, Jerry Van Den Berge, Rutgerd Boelens and Jeron Vos (2018) mention the WFD needs to be transposed into national legislation at the EU member state level. Implementing the WFD and its interactions with national and municipal governments is often discussed through the lens of "implementation experiences" (p. 427). Van Eerd, Dieperink & Wiering (2017) discuss the idea that implementation experiences can provide invaluable

information that can "trigger policy feedback and influence further steps in the WFD's policy process" (p. 427). The WFD has been modified over the years to acclimatize to different shifts in the European Union, making the WFD much more flexible and dynamic. Comprehending the continuous flow and ebb of policy formation is essential. EU governance over water policy has been questioned, and tensions have arisen between the EU and national domestic groups.

Neoliberalism, Citizen Networks & Austerity

Over time, social mobilization theory has adjusted and developed toolboxes to help understand how theoretical concepts impact the contentious politics of the day. Donatella Della Porta (2017c) believes that social mobilization scholarship and research assumes “that protest increases when political opportunities are more open, or, at least, opening up – especially when allies emerge in the political system” (p. 454). However, when the financial crisis began in 2008, austerity policies were utilized to address growing concerns with the financial crisis and “illiberal politics (from [neoconservatism] to repression of opposition) spread” (Della Porta, 2017c, p. 454). Political opportunities that usually present opportunities for social mobilizations were few and far between. Political parties that had often supported social mobilizations and different causes became occasional opponents. Due to new austerity policies, social mobilizations were cut off from social resources which had been eliminated through neoliberal policy mechanisms overtime (Della Porta, 2017c).

Furthermore, Donnatella Della Porta (2017c) states that, “material resources and symbolic recognition have been lost in the retrenchment of the welfare state, and the political illiberalism that accompanied economic neoliberalism” has further divided the overall capacity of social mobilizations (p.455). Social mobilizations that developed after the year 2000 worked within a world system dominated by neoliberal policies. Neoliberal political approaches present

problems because they emphasize free-market capitalism, deregulation and a severe reduction in government spending leading to a decrease in social safety nets for the population. Della Porta (2017b) argues that one sector where neoliberal approaches are most prevalent is in service provision, such as water and sanitation.

David Snow et al. (1980) and Della Porta (1988) introduce another aspect of social movements which is the existence of citizen networks. The assumption is that there are contentious politics with strong networks to support them (Snow et al., 1980; Della Porta, 1988) and citizen networks develop in response to political stimuli. Citizen networks are groups of stakeholders, often academics and civil society who mobilize and connect with other likeminded people on an issue. These citizen networks also tend to transcend generational boundaries as they are made up of people at a variety of stages in life, ensuring the continuity of the movement (Della Porta, 1988). In the case of water mobilization, there are strong citizen networks across the European Union and in both Spain and Portugal.

Social Movements & The European Citizens Initiative

Since 1973, scholars such as Peter Eisinger and Charles Tilly have shifted the paradigm of the studies of social movements, revolutions, and the interaction between social activities and the inherently political nature of state-building by taking a more detailed view of social mobilizations.[1] In their analysis of Eisinger and Tilly, Gary Marks and Doug McAdams (1996) recognize an assumption that there is "a close connection between institutionalized politics and the ebb and flow of social protest" and that "this close connection [is] reflected in both the

[1] For more information on social movements please see: Tilly, C. (2004). Social Boundary Mechanisms. *Philosophy of the Social Sciences, 34*(2), 211-236; Tilly, C. (1993). Social Movements as Historically Specific Clusters of Political Performances. *Berkley Journal of Sociology, 38,* 1-30; Tarrow, S.G. (2011). *Power in Movement: Social Movements and Contentious Politics* (Rev. & Updated 3rd ed.). Cambridge University Press.

dynamics of collective action and the historical origins of the modern social movement form" (p. 250). Eisinger (1973) argues that "protest signifies changes not only among previously quiescent or conventionally oriented groups but also in the political system itself" (p. 28) and proposes a causal relationship between political institutions and social movements. Eisinger concludes that social movements emerge and develop in response to policy changes, and that political institutions can be vulnerable or receptive to challenge or change. Meanwhile other scholars such as David Meyer, Valerie Jenness & Helen Ingram (2005) began considering the evolution of public policy and started to view the idea of agenda setting can come from external pressures, such as social groups. Therefore, social mobilizations can affect public policy and have helped to change the general political structure of the European Union (EU) through political opportunity.

One effect is European integration, which has been a long and drawn-out process where member states slowly integrate industrial, economic, political, legal, social, and cultural policies. Charles Tilly et al. (1975) explains that historically, social mobilizations emerged in response to the creation of modern nation-states. Modern nation-states, political institutions and social mobilizations grew simultaneously through an interactive political process similar to organizational restructuring. As modern nation-states and other groups develop, citizen responses to the politics of the day evolve. The integration of more European nation-states within the European Union required a constant deepening of integration amongst political and social institutions. However, this integration being mandated at the upper levels caused problems for the average person.

For example, trade unions began to establish themselves and took up several functions. Trade unionism is a type of social mobilization and is often one of the traditional actors who fight for the rights of laborers in the economy. Peter Fairbrother (2008) describes how trade

unions invoke solidarity, manifest to combat a perceived conflict, and, when compatibility between the system or the labour market no longer exists, takes action to resolve issues between the labour market and labourers. Union leaders and activists have the capacity to organize and activate their membership to mobilize around central issues concerning the economy (Fairbrother, 2008). In the process of co-construction, the first actors who were interviewed and questioned about social mobilizations on water policy were the trade unions since the jurisdiction of the EU on water policy also impacted economic outcomes. Trade unions began to lobby "for substantive state legislation of working conditions, maximum hours and minimum wages," and mobilize on different social issues affecting their communities (Marks & McAdams, 1996, p. 253). Van Eerd, Dieperink and Wiering (2017) mention that while trade unions take many different forms among EU member-states, the institutional and political channels they use at local, national, and transnational levels help to continue the state-building process and impact policy.

Strong citizen networks seek avenues where they can impact policy and, in the case of water mobilization, a Europe-wide trade union took the case of water to the European Commission through the European Citizens Initiative (ECI). The origin of the ECI, as explained by Jerry Van Den Berge, Rutgerd Boelens, and Jeroen Vos (2020), was an attempt to increase the perception of democracy and democratization at the highest level of transnational governance. Erik Longo (2019) observes that a democratic deficit has been a popular critique of the governance style employed in the EU and the deficit is one of the main obstacles towards a closely integrated and unified people in Europe. To counter perception of a democratic deficit within the EU, the European Commission introduced the ECI into the Lisbon Treaty in 2007. The ECI is a European Union policy mechanism aimed at increasing citizen participation in EU

policy and agenda setting by allowing citizen groups to gather statements of support (about a directive or policy that the European Commission has control over) to highlight policy issues for the European Commission to consider. While the ECI was introduced in 2007, it took several years of negotiation with member states and EU institutions to solidify the operational and legal basis of the ECI. Jale Tosun and Rita Triebskorn (2020) state that it was only after the adoption of Regulation 211/2011 and the Commission implementing Regulation 1179/2011 that the ECI became operational in 2012. Since then, there have been six successful petitions[2] with Right2Water being the first ECI to succeed (Van Den Berge, Boelens & Vos, 2020).

Depoliticization and Social Mobilization

One of the biggest challenges that social mobilizations and citizen networks face is depoliticization, which is a tool used by governments to create apathy in the public. At its core, depoliticization aims to remove the political nature of an issue for the public while maintaining political control over that issue. Matthew Flinders and Jim Buller (2006) synthesize the extensive range of literature available on the subject by defining depoliticization as "the range of tools, mechanisms and institutions through which politicians can attempt to move to an indirect governing relationship and or seek to persuade the demos that they can no longer be reasonably held responsible for a particular issue, policy field or specific decision" (p. 295-296). Depoliticization allows governing bodies to maintain a policy narrative that reflects effective and equitable governance that effects policy development and implementation.

[2] While Right2Water is one of the most successful ECI's, there have been other groups who have petitioned the European Commission through the ECI mechanism. The 6 successful ECI's are: Right2Water, One of Us, Stop Vivisection, Ban Glyphosate and Protect People and the Environment from Toxic Pesticides, Minority Safepack and End the Cage Age.

See Appendix A for a visual representation of the dispersion of statements of support throughout the European Union.

The main driver of depoliticization of water issues by the EU is an economic rationale, or an attempt at cost recovery. According to Flinders and Buller, there are three crucial tactical elements to depoliticization, and these are relevant concerning the EU and its member-states: 1) institutional depoliticization, 2) rule-based depoliticization and 3) preference shaping depoliticization (Flinders & Buller, 2006). Fabio De Nardis (2017) explains that the most widespread tactical element of depoliticization used against water mobilization efforts is institutional depoliticization because "it is based on a formalized relationship between the elected [an] politician, dealing with the general policy, and the appointed official who enjoys a certain operational and managerial freedom, often within independent agencies in the broader parameters established by the ministries" (p. 342). However, while institutional depoliticization is most widespread, both rule-based and preference-shaping depoliticization are heavily utilized.[3] Rule-based depoliticization "is based on the adoption of specific policies that constrain political discretion in decision making" and preference shaping is when political elite resort to using "communicative, discursive, rhetorical, ideological strategies that aim [to justify] a political position" in order to make it acceptable (p. 342). In the arena of water policy and social mobilization, each of these tactics is used to deflect and detract from the inherently political nature of resource-based policymaking, especially concerning a resource that all livings things need to live, thrive and succeed.

[3] In France water services are classified as 'industrial and technical' services. France has also been a pioneer in the water service industry, often paving the way for the rest of Europe (Reynaud, 2010).

Chapter 3: Right 2 Water European Citizens Initiative & The EU

The UN and its agencies have been working towards the right to water since the 1998 premier report (Economic & Social Council Commission on Sustainable Development, 1998), and within the European Union mobilizations for water and the right to water have a long history; the ECI 'Water and Sanitation are a Human Right' (R2W)[4] did not emerge out of the blue. In the EU, water management policies have dated as far back as 1980s when the Helsinki Convention on the Convention on the Protection and Use of Transboundary Watercourses and International Lakes or the Water Convention which was adopted in 1992 and entered into force in 1996. David Aubin and Frédéric Varone (2004) state that the Convention was adopted by 20 countries reflecting the high degree of integration already achieved in the union (UNECE, 2021). The countries that adopted the Convention are the most economically and politically integrated countries in that region of the world. The Convention was initially negotiated as a framework for the European region which was later expanded to include all UN member states (UNECE, 2021).[5] Philippe Sands (1994) explained that the Convention contained a new approach to river protection by,

> Call[ing] for a range of new approaches to the protective regulation of watercourses, including the standardization of water quality, the use of legal and administrative measures and suitable economic incentives, and the adoption as far as possible of the

[4] For more information about the dispersion of statements of support amongst member states for the ECI Right2Water see Annex A, Figure 4. Figure 4 is a visual representation of all member states and the number of statements of support received.

[5] The Helsinki Convention was later expanded to include all the member states in the United Nations. The Convention held by the United Nations differs from the original convention held in Helsinki. The Helsinki Convention looks at limiting the transboundary impact of the use of international watercourses. Of note, Article 2 of the Convention discussed (Convention on the Protection and use of transboundary watercourse and international lakes done at Helsinki, 1992, Article 2) all appropriate measures that must be taken to protect international watercourses and includes precautionary principles against pollution along with principles guiding the stewardship of waterways for present and future generations (Convention on the Protection and use of transboundary watercourse and international lakes done at Helsinki, 1992, Article 5, a, b, & c). For more information see: Wouters, P., & Vinogradov, S. (2003). Analysing the ECE water convention: what lessons for the regional management of transboundary water resources? *Yearbook of international co-operation on environment and development*, *4*, 55-63.

> general principle that 'the direct and indirect costs attributable to pollution should be borne by the polluter (p. 357).

The Helsinki Convention on water was a revolutionary document that influenced the evolution of European water policy (Aubin & Varone, 2004). In the year 2000 some aspects of the Helsinki convention were formalized under the WFD which provides the basic scheme for water governance for the entire European Union and introduced a new governance model.[6] Stella Tsani, Phoebe Koundouri and Ebun Akinsete (2020) explain that the WFD aims to "achieve good ecological and chemical status in inland surface waters, transitional waters, coastal waters and groundwaters through the establishment of an integrated pan-European sustainable water management approach" (p. 570). While the international debate on water and the evolution of water policy is ongoing, the static issue of water infrastructure maintenance impacts the daily lives of millions of people.

Matching policy and infrastructure development is difficult in the EU as there are many layers of governance that must be accounted for. Water utilities across the EU have been facing numerous challenges related to the maintenance and modernization of infrastructure, ensuring water supply and water quality (Tosun & Triebskorn, 2020). If water infrastructure fails to adequately meet the needs of the population it can result in negative outcomes which include public health risks, lower levels of service, water shortages, price increases and a reduction in environmental protections (Tosun & Triebskorn, 2020). With respect to drinking water, there is a growing level of concern due to the presence of micropollutants especially in countries or regions where drinking water comes from either groundwater or surface water (Tosun &

[6] The WFD introduced the River Basin management system, which transcended geopolitical boundaries.

Triebskorn, 2020). Water governance and critical water infrastructure impacts people's quality of life on a daily basis.

A Historical Problem: Water in Europe

Water has been a central issue in every society, but in Europe there was a profound shift in discourse concerning water which brought the topic of water policy to the forefront of discussion. Vulnerable groups in Europe are currently suffering from a triple threat: climate change, water shortages and pandemic crises (Van Den Berge, et al., 2021). People in urban and rural communities suffer from a lack of clean quality water and sanitation. At first glance there appears to be little to no activism on the issue of water and sanitation as the overarching problem of access to water is focused on the global south. Karen Bakker (2008; 2013) states that in recent years, Europe has seen an increase in social mobilizations and protests against neoliberal water governance. However, there have been continuous protests, actions and mobilizations throughout Europe on the issue of water for decades.

The history of water mobilization in Europe can be traced back to the 1980s. David Hall and Emanuele Lobina (2012) describe how in the 1980s, the European Commission adopted former British Prime Minister Margaret Thatcher's practice of privatizing public sector resources and promoting neoliberalism governance to reduce government spending. Meanwhile, activists throughout Europe had been "struggling with a growing trend of simultaneous deprivation and privatization of water services" (Van Den Berge, et al., 2021, p.4). Treating water and water delivery services "as economic goods [was] promoted by neoliberal policy advisors" (European Commission, 2007) which resulted in several countries signing over their rights of water provision to private companies. Privatization in the EU was looked at to complete integration amongst the member states as it allowed a deepening of financial integration.

Once the financial crisis started in 2008, the European Commission continued to further advance and emphasize privatization of water and sanitation services, primarily in the structure of austerity policies that were put in place to respond to the economic crisis. Joseph Zacune (2013) remarks that among the conditions of any bailout package, the European Commission included the privatization of water services (Corporate Europe Observatory, 2012). In 2011, the European Commission proposed a 'Concession Directive' to further liberalize the services sector (European Commission, 2011a) and under this directive, the Commission looked to create a harmonized legal framework for procuring contracts in alignment with economic operators and market rules (European Commission, 2011a; Van Den Berge, et al., 2021). Water services are provided mostly by municipalities and regional bodies, but this directive would have led to privatization through a back door (Corporate Europe Observatory, 2013) by having municipalities offer water contracts through EU-wide procurement practices. According to UN Special Rapporteur Leo Heller (2020), the continued privatization of water services has three major hazards: 1) the natural monopoly of water services, 2) profit maximization and 3) the power imbalance between the public sector and private providers. Each of these issues is present in water service provision in different member states, for example in Spain and Portugal.

Water activists recognized these problems with water privatization and argued that it "would lead to infrastructure investment reductions and environmental degeneration" among other issues such as increasing water tariffs (Van Den Berge et al., 2021, p. 4). Water privatization was an ongoing issue in France, but in 2008 the city of Paris decided not to renew their contract with a private water provider, choosing to remunicipalize their services. The organizing committee of Right2Water looked to Paris as a demonstration of the problematic

nature of privatized water services such as the transfer of power, monopolistic behaviour at the expense of consumers and workers and restricted competition in local markets (Van Den Berge et al., 2021).[7] David McDonald (2018) stated that at the time of the Right2Water campaign, Paris had reverted its water services systems back to public ownership after the decision was made not to renew its contract with a private water service provider – Paris' remunicipalization was seen as a large win for publicly owned water services.

The European Citizens Initiative & Right to Water

The Right2Water campaign used the ECI policy mechanism to launch their Europe-wide campaign to petition the European Commission to change their policy on water services. The ECI offers an avenue for direct popular engagement in policy-making and agenda setting in the EU. The ECI has several thresholds for a campaign to be submitted and successful. The most critical is that a citizens committee is set up with the membership of a minimum of seven EU citizens who live in different EU countries. The people in the citizens committee must also be of voting age and one of the members must be elected the primary representative to speak and act on behalf of the campaign. The initiative or proposed topic cannot criticize politics or action taken by the Commission and should maintain a normative statement, namely the promotion of new laws, the amendment of existing laws, or the repealing of existing legislation (Longo, 2019). Following this, the subject and normative statement are submitted to the European Commission with information regarding financial support for the ECI. The Commission retains the ability to dismiss the ECI if it does not meet the specified criteria: the ECI must focus on a topic that the Commission has purview over, must receive over one million statements of support, and must

[7] At the time Right2Water was organizing its campaign, Paris had just remunicipalized their water services (McDonald, 2018).

reach a specific quota of at least seven different EU member states. If an ECI is successful, the Commission has an obligation under Article 10, paragraph 1 which requires it to send an acknowledgement in a formal response communique or act on the issue (or both) (Tosun & Triebskorn, 2020; Longo, 2019).

The Right2Water ECI was created by the European Public Service Union (ESPU) (ESPU, 2009), who saw this water-based ECI as "socially urgent and strategically important since it would justify the demands of marginalized population groups for access to clean water and sanitation services and obligate governments to prioritize these services" (Van Den Berge, et al 2021, p.2). The ESPU is a EU-wide labour union that mobilizes workers for action and change. They represent approximately eight-million workers across Europe (EPSU, 2021). The organizers also wanted to change the popular discourse and attitude "towards water services for the poor, from a matter of mere charity to a matter of institutionally and politically grounded entitlement" (Van Den Berge et al, 2021, p. 2). The campaign had 3 main goals: to guarantee water and sanitation for all in Europe, to ensure no liberalisation of water services, and to guarantee the universal (global) access to water and sanitation (Van Den Berge, Boelens, et al, 2020; Water and Sanitation are a Human Right!, n.d.).

R2W's discontent with the EU's water policy and governance was with the attempt to apply internal market rules to water supply and the management of water resources. Privatization and liberalization of services can take several forms such as: "supply and civil works contracts to management contracts, leasing, and building-operate-transfer (BOT) and public-private partnership (PPP) concessions" (Van Den Berge et al., 2021, p. 2). Germà Bel's (2020) study on the outcomes regarding the impact of privatization in the drinking water sector shows that there

are mixed results in efficiency, prices, quality of service and product. Bel and other scholars such as Van Den Berge et al. (2021) have pointed to,

> the increasing regulatory costs for the government, many problems with contracting and monitoring private companies and increased tariffs. The Right2Water movement argued that a market approach [would deepen] water conflicts, threaten individual and collective rights to water (p. 2).

This increases water injustice overall and the threat of privatization or liberalization was a unifying feature of Right2Water. The ECI Right2Water campaign had immense outreach, financial backing, and support structures. The campaign was supported at large by over one hundred different NGOs and was also supported publicly by different workers unions across Europe, namely unions in Germany and Austria (Tosun & Triebskorn, 2020).

In March of 2013, Right2Water became the first ECI to collect over one million signatures (Tosun & Triebskorn, 2020) in seven countries, reaching the required threshold set out by the Commission. The R2W campaign demanded that the Commission: 1) ensure all inhabitants of the EU enjoy the right to quality water and sanitation; 2) prevent water supply and management of water resources from becoming subject to internal market rules and exclude water services from liberalization; 3) encourage the EU to increase its efforts to achieve universal access to water and sanitation. The campaign stopped collecting signatures in September 2013, and, according to Andreas Bieler (2017), ended with almost 1.9 million statements of support (EPSU, 2014; European Commission, 2014).

At the same time Right2Water was operating, a “Europe-wide movement [was] enabled … to put the water issue high on the European political agenda” (Van Den Berge, et al., 2021, p.3). Afterwards, as per the rules of the ECI, the organizing committee submitted the statements of support to the European Commission in December 2013 for ratification. This was later followed by a public hearing. In March of 2014, the Commission's response came in the form of

a communique (European Commission, 2014; Right2Water Citizens' Initiative: Commission must act, 2015). The communique published by the Commission was later followed by a document outlining the 'Roadmap' for the evaluation of the Drinking Water Directive which was originally published in 1988 (Legislation Directive Overview, 2019; European Union, 2015).

Many organizations and citizen groups felt that this was a lacklustre response from the Commission that did not indicate actual change. Due to this, Member of the European Parliament (MEP) Lynn Boylan, who is a MEP from Ireland, issued a report calling on the Commission to honour the ECI and "to recognize that affordable access to water is a basic human right" (News, European Parliament, 2015). MEP Lynn Boylan also expressed frustration over the Drinking Water Directive as it failed to meet the demands outlined in the ECI (News, European Parliament, 2015). Following suit, Progressive Alliance of Socialists and Democrats spokesperson Matthias Groote stated that "we want the exclusion of water and sanitation from market rules; against any privatization of these public services, and also the exclusion of these services from any international trade deal now and in the future" (Hinton-Beales, 2015). The organizers of Right2Water further asked that EU institutions ensure all people can enjoy the right to water and that water resources should not be subjected to single market rules and regulations (Right2Water, 2021). The Right2Water campaign has been the most successful ECI to date with the goal of stirring a public debate on water services, water privatization and access to water in Europe (Right2Water, 2021). The campaign had a diverse amount of support from a large alliance of trade unions, social movements, non-governmental organizations and citizens that collectively campaigned for the right to water.

Right2Water movement and its impact on the European Union

Just as the Right2Water ECI campaign reached one million signatures, the European Commission decided to exclude water from the Concession Directive, which responded to one of the campaigns key demands which was to stop the liberalization of water services in the European Union (EPSU, 2013; European Commission, 2013). In the Commissions official Right2Water response communique, they acknowledged Right2Water's statement that water is a public good (European Commission, 2014). While appearing as a success and win for the campaign, the Commission's acknowledgment had happened halfway through Right2Water's campaign, according to union organizers, to forestall the ECI (EPSU, 2013; European Commission, 2013; Van Den Berge, et al., 2021). The communique emphasized that they stand by the human right to water in the EU and outside its borders, but that they would not implement the human right to water as it is primarily within the jurisdiction of member states and regional or municipal authorities (European Commission, 2014). The Commission also mentioned that the issue of water affordability is important, but it is not something that they can control or effect (European Commission, 2014). The Commission's response affirmed that it had already done everything it needed to do to ensure improvements to access to water and sanitation in Europe. The Commission failed to recognize their own policy making and agenda-setting capacities, as well as their responsibilities as the primary policy making body for water in Europe. The Right2Water organizing group and movement pushed against this discourse as it was their belief that "creating a market in water services means allowing private companies to own and commercialize public water services, which exposed the double standard of the European Commission" (Van Den Berge, et al., 2021, p. 10; CEO, 2013). The European Commission was

attempting to subvert the Right2Water campaign and regain control over the narrative on water policy in the EU, neglecting their responsibility as a governing body.

The European Parliament took notice that the European Commission had failed in its responsibilities within the ECI structure and launched a campaign to put the demands of Right2Water on the policy agenda (European Parliament, 2015; Van Den Berge, et al., 2021). In response to the demands of the European Parliament, the European Commission announced that it would have a consultation on drinking water which was "something [the European Commission] could have done even without the ECI and which did not really address the main objectives of the ECI" (Van Den Berge, et al., 2021, p. 10). Subsequently, in 2018, the European Commission revised the Drinking Water Directive (Van Den Berge, et al., 2021; European Commission, 2018a). The new communication by the European Commission also acknowledged the impact of access to water on marginalized groups and the Commissions responsibility to set standards for the entire EU and to improve access to safe drinking water for all in its proposed Drinking Water Directive (European Commission, 2018a, 2018b). In 2019, the Commission stated that "it aims to improve the quality of drinking water" and access to it as well as provide better information to citizens' (European Commission, Press Release, 2019). The Right2Water campaign highlighted the double standard in the Commission's decision making, eventually forcing change through political pressure.

Conclusion

Right2Water and its social movement made the broader European community aware of the potential negative consequences of having water utilities fail. Rutgerd Boelens (2015) observed that the Right2Water campaign combined "struggles against water-based forms of dispossession, cultural discrimination and political exclusion with the

critical exploration of water governance and knowledge production" (p. 34). This also "meant an engagement across differences combining grassroots, academic and policy action" (Van Den Berge, et al., 2021, p. 11). The Right2Water campaign utilized union networks and the very political nature of the human right to water as a strategic political approach to combat privatization and to fight its institutionalization. In this way, the Right2Water movement's ECI campaign was a success. Right2Water's impact in Europe brought water services to the forefront of policy discussions and demonstrated why water services should not be liberalized or privatized. As a result of the Right2Water movement, the European Commission changed the Drinking Water Directive (European Commission, 2018a) and it also acknowledged and ascribed to the fact that water is a public good instead of a commodity (European Commission, 2013; European Parliament 2015). While it took time from when the campaign finished to the Commissions' eventual acknowledgment, there was a shift in policy as a result of the Right2Water campaign.

Chapter 4: Spain, Water Policy & Social Movements

In Spain, water movements have been a part of national conversation since the early 20th century through various types of social activism. Over the years, mobilizations have been started by farmers concerned by a lack of water for their fields, rural and urban communities who would like to see ecological protections placed, as well as academics and other groups who have a general concern about the environment and the human need for water. The water service landscape in Spain is characterized by near universal access to water with generally reliable water service. There are approximately 8131 municipalities in Spain that provide water services or award procurement contracts to private companies (European Committee of the Regions, n.d.). Nuria Font and Joan Subirats (2010) discussed how approximately half of the Spanish population receives its water from private or mixed private-public water companies who operate within the concessionary boundaries provided by local municipalities.

These concessionary boundaries result in several issues for the Spanish population, despite their near universal access to water. In the Spanish national government, there has been a strong attempt to depoliticize water management decisions, stating that water is not political (Font & Subirats, 2010). The process of depoliticization allows the Spanish government to veil themselves from the inherently political nature of water policy and the politics of water governance and the utility of enacting neoliberal policies ensures that there is a financial gain for the state. While privatization is seen as a modernizing force, in Spain the challenges of privatization are faced by rural farmers and urban populations. The depoliticization, neoliberal

style policy and privatization issues stem from a history of ecological manipulation beginning under the former Spanish Dictator Francisco Franco's rule.[8]

Franco's Spain, Industrialization & Water

In the late 19th century, Spain was in an economic and political post-colonial crisis. It had lost its empire, its people did not have a national identity, it was facing a worsening economic crisis and the nation was in decline. Bibiana Abadía, Rutgerd Boelens, and Lucas Du Pré (2019) discuss how the end of Spain's global empire and economic collapse brought an idea of recolonizing Spain itself by "building hydraulic projects, to interconnect the country's bodies of water, [mobilizing] them to achieve economic development, and build the nation's unity" (p. 4). This was part of a dominant political ideology called *regenerationism*, which was highly popular in Spain. This ideology sought to study Spain's decline and remedy it with innovations. The regenerationist and later Franco-ist ideologies were bent on reorganizing and creating self-sufficiency, increasing the nation's output, and supporting a return to its former colonial empire (Abadia, et a., 2019). Water and controlling water resources were central to this plan as it was necessary to create a hydraulic utopia. This manifested in various controversial dam projects attempted by dictator Francisco Franco that disrupted ecosystems and changed the biological landscape of the country.

Both the Spanish civil war and Francisco Franco had an immense impact on the economic and political capacity of Spain, and their legacy is still felt today. The Spanish civil

[8] Francisco Franco's rule in Spain is often characterized as brutal and oppressive. The bloody civil war and 40-year dictatorship left a legacy of political violence and human rights abuses. For more information see: Aguilar, P. (2013). Judiciary Involvement in Authoritarian Repression and Transitional Justice: The Spanish Case in Comparative Perspective. *The International Journal of Transitional Justice, 7*(2), 245-266; Davis, M. (2005). Is Spain Recovering its Memory? Breaking the "Pacto del Olvido." *Human Rights Quarterly, 27*(3), 858-880.

war of 1936-1939 economically and physically devastated Spain. Sarah Hamilton (2017) describes how in the early 1940s, Spain did not have any economic markets overseas for its products and could not even feed its own population. Franco, considering all possible policy options, opted to follow examples of other dictators such as Adolf Hitler and Benito Mussolini to increase national capacity "through forced industrialization, land reclamation, agricultural modernization and market intervention" (p. 259). Part of this plan was to ensure food security by transforming dry and arid areas of land into fields full of crops, that were kept hydrated through large dams and irrigation channels. Franco envisioned a hydraulic utopia for Spain following the ideals of *regenerationism* (Abadi et al., 2019). While Franco's ambitions were to secure self-sufficiency for Spain, the country lacked the financial capital to make any of these plans a reality. Many Spaniards refer to the 1940s as "'years of hunger' characterized by severe rationing, rampant inflation, and chronic underemployment" as Spain was still reeling from the devastating impacts of the civil war and was deeply divided (Hamilton, 2017, p. 259). Carlos Barciela (2015) and Miguel Angel Blanco (2010) described that during the time of hunger, which is when the majority of Europe was dealing with World War II and attempting to recover from the mass devastation left in its wake, Franco had decided to support the Axis powers and had committed several human rights abuses, which led to Spain's exclusion from any European reconstruction efforts and barred the country from entering friendly diplomatic relations.

Spain's exclusion caused the nation to rely on itself and be innovative, but the political nature of Franco's regime severally restricted innovation. Margarita de la Cruz (2009) explains that Franco's regime did not tolerate any type of dissent and generally marginalized any scientific thinkers, and critical researchers isolated themselves from the international research community at large. Regardless of any social and political constraints, scientists and engineers

were able to find ways to work with the Franco regime to bring Franco's ideas of self-sufficiency to life, especially within the agricultural and energy sectors, to life. Dams and large-scale hydraulic projects became symbolic for the Franco government and the dictatorship's legacy. The state drained wetlands, changed river directions, and transformed the Mediterranean coast (Hamilton, 2017), causing irreversible damage to ecological systems and natural habitats. The devastation brought to the Spanish environment caused many poor urban communities to protest and mobilize to protect the wilderness.

Under the 1964 Law of Associations, residents from slums and shantytowns created associations with the hopes of resolving chronic issues (Hamilton, 2017). These associations, defined by geographical location, provided critique against the Francoist state, its inability to solve issues and anti-democratic policy decisions (Hamilton, 2017). In the 1970s, the Francoist doctrine of industrialization was linked with Spain's "environmental, political, and economic structures" where environmental problems "were the result of nondemocratic, exploitative political and economic relationships" (Hamilton, 2017, p. 271). Many of these issues compounded, leading to more protests, and the themes present in the Franco era are still present in Spain's water mobilization landscape today.

On November 20th, 1975, Francisco Franco died and Juan Carlos became the king of Spain, beginning the country's subsequent transition to democracy. Spain became a constitutional monarchy with an elected parliament with autonomous governments for specific regions. Alberto Ruiz-Villaverde et al. (2015) hold the position that this substantial political shift was a chance to rebuild and create new rules of governance that would drive structural reforms. These reforms encompassed many different parts of the state, but the country was facing severe fiscal restrictions, political instability, increasing inflation and an economic crisis. David Sauri

and Leonardo Del Moral (2001) along with Jeanie Bukowski (2007) indicate that throughout Franco's rule and after the transition to a democratic state, Spanish water policy was governed by the traditional hydraulic paradigm used in other countries which consisted of publicly funded development of hydraulic capacity to serve growing irrigation, hydroelectric and civilian needs. Nicolas Jager et al. (2016) explains that Spain is a pioneer in water governance due to their long history of institutionalized water governance management. One of the legacies of Franco's regime arising from his water policy is the groups of citizens who started mobilizing for water under the Law of Associations.

Current Water Policy in Spain

Another legacy of Franco's regime is the hydraulic paradigm which considers water a productive input, handles water distribution through river basin management and limits participation of nongovernmental groups to economic water users. The hydraulic system was later phased out in certain parts and replaced by the Water Framework Directive (WFD). Julia Martínez-Fernández, et al. (2020) explain how in Spain, the traditional hydraulic paradigm governance system was outdated and the inclusion of the WFD into the EU played a pivotal role in the overall water related political agenda of the Iberian Peninsula. The shift in water management governance in Spain from the hydraulic paradigm to integrating the WFD "required a significant shift in priorities, goals and operational procedures" as it ensured the protection of ecosystems, emphasized the importance of good quality water, increased participation in policy setting for all, and promoted transparency in decision making which opened the policy process to new actors (Martinez-Fernandez et al., 2020, p. 557). Prior to the WFD introduction into Spain, River Basin Management Plans (RMBPs) were the main statutory regulatory instrument that worked to provide water resources (Hernandez-Mora et al., 2015). When the WFD was

introduced in Spain, it triggered a contentious debate about what kind of water paradigm should guide the new plans and what kind of plans should even be considered.

The WFD was approved by the European Commission in 2000 to "open up the policy-making process to get more people and organizations included in shaping and delivering EU policy" (European Commission, 2001, 2). To increase effectiveness and implementation or transition into national policies, the WFD requires consultation between governmental organizations and civilian populations. The inclusion of the WFD in member-state policy making represents a shift from "hierarchical-administrative management approach[es] to multilevel and participated governance" (Hernandez-Mora et al., 2015, p. 101). Governance for water needs a transitional approach which incorporates other levels of government, civil society groups and private sector actors in decision making processes (Hernandez-Mora et al., 2015). By allowing "all relevant players […] conditions of equal access to information and power" (Hernandez-Mora et al., 2015, p. 102), the playing field is evened so that all citizens have a chance to provide input, not just large economic water users. The WFD aims to provide a modern management system for all EU member states by providing a common goal of reaching good quality water for all water bodies in Europe.

When the WFD was first introduced to Spain it provided an alternative management and legal framework that could replace the traditional hydraulic management system. However, the WFD needed to be adapted to fit into Spanish law and water activists saw this as an opportunity to shift the priorities of the traditional economic-minded water management system to a more holistic approach that recognizes ethical, socio-economic, socio-political, and environmental water concerns. Dr. Pedro Arrojo (2006) discusses how the WFD allowed for a transition to take place towards a new governance approach known as the New Water Culture movement (NWC),

a movement which he helped to found. This approach was started in the 1990s in Spain by academics such as Dr. Pedro Arrojo (2006), citizens, and environmentalists as a response to years of negligible water management of the previous decades. The NWC also participated in many labour unions and citizen network mobilizations to share information and bring more people into the movement.

Since the 1990s a group of academics, coalition of social activists and water managers have been promoting a shift from the hydraulic paradigm to the New Water Culture Movement. The basic principles in the WFD coincide with some of the NWC movement and its goals. Figure 2 demonstrates what a shift from the traditional hydraulic system to a water management system using NWC policy alternatives would look like. The consolidation of the new water paradigm eventually happened when *Ley 62/2003, de 30 de noviembre* officially transposed the WFD into Spanish law. However, the complete consolidation of the WFD (which does share some goals with the NWC) faced obstacles. Pilar Paneque (2015) explains that while the Spanish government transposed the WFD into their national governance over water, the European Commission found several gaps concerning water management and planning, specifically concerning drought management. Gaps in governance were present in water policy, but there was no time to address these gaps as the 2008 financial crisis became the priority.

Figure 2 Hydraulic Paradigm Shift

HYDRAULIC PARADIGM	NWC IN TRANSITION	NWC CONSOLIDATED
Water as a productive input	Water as a socio-ecological good	Water as a common patrimony and human right
Increase supply through publicly funded hydraulic infrastructures	Demand management and ecological conservation	Good status of all waters through integrated river basin planning and management
River basin planning and management focused on water distribution	Integrated water resources management with water quality and ecological considerations	Integration and coordination of sectoral policies at the optimal scale to achieve ecological, social and equity goals
Long term River Basin Management Plans at the service of sectoral policies	River Basin Management Plans incorporate economic rationality, demand management measures, and ecological goals	Iterative, flexible and adaptive river basin planning based on evaluation, monitoring and control
Limited information on water budget, and not publicly available	Information on water quantity and quality, institutional and economic aspects publicly available	Publicly available information on all water management and planning aspects
Publicly funded water works and highly subsidised water resources for economic uses	Economic rationality and cost benefit analysis of water infrastructures	Cost recovery as a means to encourage sustainable water use and application of the polluter pays principle
Participation restricted to permitted economic water users	Limited inclusion of environmental interests in formal participatory bodies	Inclusive and open participatory deliberative processes for water planning and management
Limited social and political conflict	Recognition of territorial, social and political conflicts surrounding water management practices	

Note: This table was originally found in Martínez-Fernandez, J., Neto, S., Hernandez-Mora, H., del Moral, et al. (2020). The Role of the Water Framework Directive in the Controversioal Transition of Water Policy Paradigms in Spain and Portugal. *Water Alternatives, 13*(3), 556-581 and was adapted from Aguilera Klink, F. (1999). Hacia una nueva economia del agua: Cuestiones fundamentals. In Arrojo, P. & Martinez Gil, J. (eds). El agua debate desde la universidad. Hacia uma nueva cultura del agu,)pp.49-66). Institucion Fernando El Catolico/Diputacion de Zaragoza.

The domestic policy landscape in Spain was severely impacted by the 2008 financial crisis that hit southern Europe. While privatization of services has been on-going since the mid-1980s, the European Commission recommended that severely in-debted countries such as Spain consider reducing government spending at the national, regional, and municipal levels as well as privatize services to decrease spending. The harsh austerity measures meant to keep the national budget under control debilitated social services, a drop in real wages, a decline in public ownership over essential services and between 2008 to 2012 there was a 13% increase in unemployment in Spain (Van Den Berge, Boelens, Vos, 2020).[9] Carol Galais and Jasmine Lorenzini (2017) discuss how austerity related policies triggered many protests in Spain, and the privatization of water services

[9] Unemployment at the start of the financial crisis in 2008 was at 11.27% which later rose to 24.79% in 2012 (OECD, 2020a).

has generated more controversy than any other type of service privatization. The process of privatization started in earnest with the 1985 law, *Ley 7/1985 de Bases de Régimen Local* (Local Government Regulatory Law) which created the legal framework for contracting out local services (Ruiz-Villaverde et al., 2015). This piece of legislation allows for partial privatization of water service management.

Using this existing framework, further privatization continued to occur by two major business groups called *Aguas de Barcelona* which is a subsidiary of *Suez Environment* and *Aqualia* which is part of the *Fomento de Construcciones y Contratas* group (Ruiz-Villaverde et al., 2015). Satoko Kishimoto, Emanuele Lobina and Olivier Petitjean (2014) conclude that this privatization led to an over emphasis on profit margins and environmental degradation by not respecting ecological water levels or riverbank protections and failing to comply with the environmental terms and conditions in contracts. Since then, many municipalities have started to work towards remunicipalizing their water services as there is widespread disappointment with privatization and the service that is received (McDonald, 2018). Local municipalities want to take control over their local resources so they can better provide for the needs of their citizens. The NWC provides an alternative policy framework as it positions water not just as an economic good or commodity, but as a public good.

Social Mobilization in Spain

The treatment of water as an economic commodity is a remnant of Franco's attempt at using policies to create a hydraulic utopia. Civil society groups have been forming since Francoist times, starting with neighbourhood associations to combat problems and "civil society alliances have resurrected folk vernacular, knowledge, practices, and forms of social organization, to propose alternative ways to manage and use their rivers' water" (Abadía et al.,

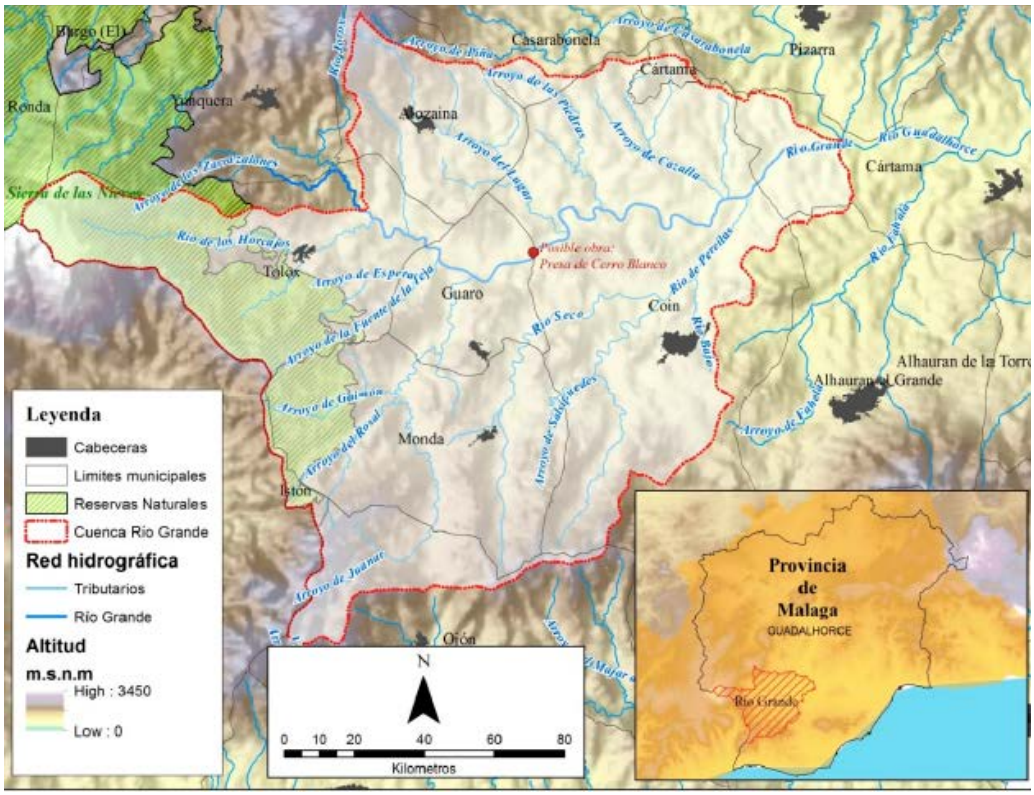
2019, p. 2). In Spain, the power balance for influencing water policy rests with large water users which often leaves the interests of the population or underrepresented people ignored. Donatella Della Porta and Lorenzo Mosca (2005) explain that civil society created citizen networks to connect different movements with union leaders, activists, academics, and different regions of the country. Nuria Hernández-Mora et al. (2015) establish that citizen networks have been using information and communication technologies (ICTs), and this idea has been built on by scholars as 'technopolitics' to highlight the critical role of appropriating ICTs for political action. While ICTs used social pressure to influence decision making, other strategies include the use of financial and legal pressure. By building on hydraulic history and citizen engagement, citizen networks have been able to spread across the country, share knowledge and find new avenues to influence current water policy.

An example of a water based social movement utilizing the new avenue of social networks to engage with activists, civilians and academics is the 'Coordinating Body to Defend the Rio Grande' (CBDRG) which belongs to the Guadalhorce base in Malaga Province (Abadía et al., 2019). The CBDRG movement wanted to challenge the national government's perception of hydraulic river basins, demonstrate the political nature of discourse on water and how manipulating the ecology of the region is damaging to geographical configurations. This movement eventually created the specific Rio Grande movement which looked at providing hydro-ecological democracy and sought to impact policy-making at the municipal and national levels. One of their main strategies was the use of ICTs to spread information and knowledge about the proposed dam project, its impacts and environmental degradation that would occur if the dam project passed. Using ICT's, the CBDRG was able to challenge "modernistic discourses backing dam building and hydrosocial transformation of the sub-basin" (Abadía et al., 2019, p.

2). Sheetal Agarwal et al. (2014) emphasize that ICTs have created a new political opportunity and avenue for water-based social movements to participate in decision-making, and allows different groups to influence the current power balance in the water industry in Spain. ICTs proved to be a powerful tool in the hands of these activists as the spread of information recentered the discourse on the Rio Grande dam project, stalling it for many years.

The damming project for the Rio Grande had been planned since the mid-1980s and had been part of the Hydrological Plan for the Southern River Basin from 1995 (Abadía et al., 2019). Nuria Hernández-Mora, et al. (2015) points out that the National Hydraulic Plans (NHP, also known as the National Water Plan) originally proposed by the national government in 1993 had been highly contentious and was met with rampant protest by regional governments, municipalities, civil society, scientists, some politicians and academics. The NHP proposed numerous “interbasin water transfers and more than a hundred new big dams” - including the dam on the Rio Grande (Hernandez-Mora et al., 2015, p. 105). While the NHP of 1993 failed, in 2001 the national government revisited the plan once again. The 2001 rendition of the plan was approved, but it still proposed a large dam on the Rio Grande. Following the approval of the 2001 NHP the *Sociedad Estatal Aguas de las Cuencas del Sur* (ACUASUR) company was established by the government and annoyed that the new project called ‘The Conquest of the Rio Grande’ would commence (Abadía et al., 2019). The Rio Grande dam would be built in the municipalities of Guaro and Coin (Figure 3).

Figure 3 The Rio Grande Location & Dam



Note: This image was originally in Abadia, D.B., Boelens, R., Du Pre, L. (2019). Mobilizing Water Actors and Bodies of Knowledge: The Muli-Scalar Movement against the Rio Grande Dam in Málaga, Spain. *Water*, *11*(3), 410.

In 2001, the Farmers in the municipality of Guaro created the 'Cerro Blanco Anti-dam Platform' (Abadía et al., 2019) which was later supported by several other citizen water networks in the region. The Cerro Blanco Anti-Dam Platform was later supported by environmental associations across the region and throughout Spain. These opposition social movements reflected the ideals of the New Water Culture (NWC) movement, which was composed of a group of activists and academics that wanted to offer another option to the current hydraulic paradigm management system in Spain. The NWC is "based on environmental conservation, public participation, economic rationality and demand management" (Hernandez-Mora et al., 2015, p. 105). At the national level, the anti-dam platform had decided to support and join another social mobilization to stop the water transfers from the Ebro River valley to the Mediterranean Sea. This demonstrates the inherently interconnected nature of the fight to preserve water in Spain. Memberships or connections to these citizen networks tend to grow as

new social mobilizations arise - these mobilizations or local groups will reach out to the citizen networks to receive organizational or technical support (Hernandez-Mora et al., 2015). ICTs have changed the landscape of social movements, and have made it easier to connect, share information and form a united coalition.

Many social mobilizations share information and base their policy advocacy strategy on the launch of campaigns against the NHP from 2001. These campaigns had three main goals:

> "First, putting pressure on the government to withdraw the plan; second, and closely related to the first, creating a climate of opinion among Spanish society; and third, based on the production of technical studies, proposing policy alternatives" (Font & Subirats, 2010, p. 25).

To accomplish these goals, social mobilizations and citizen networks created large-scale campaigns that incorporated many different types of calls to action. This included collaborations with other groups such as Greenpeace, WWF-Spain and local social mobilizations against large dam projects and anti-privatization groups (Font & Subirats, 2010). These groups would use a variety of political actions to achieve their goals, such as submitting complaints to the European Commission and questions to the European Parliament, creating petitions, organizing public protests, and publishing articles in newspapers. In complaints to the European Commission and questions to the European Parliament, submissions "alleged that the National Water Plan, which was expected to be co-financed with EU funds, went against several EU environmental directives" (Font & Subirats 2010, p. 25). The Spanish government attempted to depoliticize the issue, but activists pushed back against this rhetorical shift by highlighting the very political nature of the changes that the national government was attempting. Continuous protests, use of media to raise awareness of the issues, and the work of academics associated with the campaign resulted in more discourse among people. Additionally, out of these campaigns arose the NWC and it's set of policy alternatives and values. These campaigns accomplished all three goals that

were originally set out, and because of these social mobilizations, the proposed NHP was withdrawn.

During the process of building these campaigns against the NHP, project-specific social mobilizations also achieved different levels of success. The *Blue March* movement focused on legal and financial arguments against a massive water transfer project. In the late 1990s and early 2000s, the EU encouraged Spain to become the fruit provider of Europe during the winter months. To accomplish this, Spain would have to redistribute its freshwater resources from the northern reaches of the country to the south. This project culminated in the NHP of the early 2000s. Erik Swyngedouw (2014) explained that then Prime Minister of Spain José María Aznar, who was in power from 1996-2004, attempted to put a plan into action that would result in the construction of more than 100 new dams. In response to this plan, as David Tàbara and Akgun Ilhan (2008) describe, activists created the *Blue March* protest in 2002 and marched from the Ebro Delta in Spain all the way to Brussels, Belgium. One argument from environmental interest groups was that the NHP went against EU directives promoting the protection of nature (an example of which is the Habitats Directive) and the recently introduced WFD, because it would cause irreversible damage to nature sites already protected under EU and Spanish law (Europolitics, 2001; Erik Swyngedouw, 2014). Additionally, the protestors stressed that the Spanish authorities did not, as required by the Habitats Directive, assess the actual damage that the dams would cause to the climate, ecology and wild animals in the different regions implicated in the NHP. The protestors also requested that the European Commission stop financing the project (Europolitics, 2001; Tàbara & Ilhan, 2008). After two years of intense campaigning and garnering a lot of international media attention, the EU caved to the pressure and withdrew its financial support of the NHP in 2004.

Right2Water Campaign in Spain

While some social mobilizations fight against locally-focused concerns, others take an EU-wide approach. The organizers of Right2Water were able to monopolize on previous social movements focused on water in Spain and was successful in collecting the necessary statements of support. In addition, due to the financial crisis, the Right2Water campaign was also able to utilize the already present anti-privatization sentiments in the country. In Spain, Right2Water was able to collect 65,484 statements of support, which surpasses the national quota of 40,500 by 24,984 statements of support (Van Den Berge et al., 2018). With Right2Water's success in Spain, a clear message was sent to different governing bodies as the Right2Water movement was just one of many different social movements in the country pertaining to water. Later in 2015, as Juan José Ruiz Ruiz (2020) mentions the European Parliament acknowledged that some EU member-states such as Spain had seen a consistent loss of public ownership over water resources and services. The European Parliament further noted that under Article 14 of the *Treaty on the Functioning of the European Union* (TFUE) "which highlights the important of public services for social and territorial cohesion in the union" and recalls that "water supply and sewage enterprises are services of general interest and have the general mission of ensuring that the entire population is provided with high quality water" (Ruiz Ruiz, 2020, p. 137).[10] Currently in Spain, there is a growing trend of municipalities who are attempting to take back control of their water resources by remunicipalizing services.[11]

[10] The European Parliament's Resolution's purpose was to follow up on the Right2Water ECI (2014/2239 (INI)). The European parliament acknowledged the importance of the human right to quality water and sanitation and that water is a public good as it should not be seen as a commodity (Ruiz Ruiz, 2020).

[11] The trend of remunicipalization is global and there are a variety of examples from around the world.

Social Mobilizations' Impact on Policy

The current policy landscape in Spain is a mix between traditional power dynamics in the hydraulic paradigm, NWC movement influences, and the current European Commission policy of the WFD. Most relevant information on policy changes or implementation in Spain is shared to water mobilizations through citizen networks. By actively sharing the information, they are able to influence decision-making processes which help to shift the power balance in water reallocation and general water management decisions. Nuria Hernandez-Mora et al. (2015) outline the major areas where citizen networks in Spain influence decision making:

> The WFD river basin planning process … conflicts regarding major hydraulic infrastructures where [citizen networks] are active … conflicts regarding water allocation … and urban water services privatization processes and associated issues (p. 114).

While many of these protests were taking place, citizen network groups who followed NWC began to use the European Union's WFD as a "superior legal framework to support their arguments [of conservation and ecological protection to] challenge the existing institutional framework" of the hydraulic paradigm (Hernandez-Mora et al., 2015, p. 106). During the 2004 national election, the newly elected Spanish Socialist Workers Party canceled different dam and water transfer projects using the NWC as a policy tool, only to later relaunch a new national hydraulic plan (Hernandez-Mora et al., 2015). The newly elected Prime Minister José Luis Rodríguez Zapatero withdrew parts of the old NHP and added some new elements (Hernandez-Mora et al., 2015). The NHP was cancelled, mostly due to social pressure from different mobilizations, but the lack of EU funding was a large influence in the decision. The *Blue March* movement and its international pressure on the EU and the Spanish government demonstrated that social movements provide pressure which can influence outcomes.

One of the most influential social mobilizations in Spain has been the NWC Foundation, which is the group that began the NWC, and the "territorially based social movement such as the Association for the Defense of the Ebro River" (Font & Subirats 2010, p. 25). The NWC Foundation has a large influence on water mobilization campaigns by providing policy alternatives, generating ideas on how to create better systems and working to effect policy change. Environmental groups used NWC values to advocate against large-scale infrastructure plans, such as the Ebro diversion, which have an insurmountable number of negative effects on "Special Areas of Conservation and Special Protection Areas … that would have severe consequences for most water ecosystems" (Font & Subirats, 2010, p. 25). Frances Westley et al. (2013) describe how environmental groups submitted reports and complaints to the EU, stating that the NHP implemented by the Spanish national government did not comply with the WFD. The Spanish government attempted to depoliticize this issue by emphasizing the necessity of governance, but without much success as citizen networks were able to mobilize civil society and media maintained the spotlight on the issue of water.

The actions undertaken by various social movement groups started to create institutional change at the national level in Spain and at the EU level. At the national level, one of the main projects of the NHP political issue for the Spanish government was the highly contentious Ebro transfer plan. The Ebro transfer plan created a large issue for the government as they portrayed the transfer as a purely liberal economic issue, but the socio-political struggles associated with the project became a toxic political issue and the project was cancelled due to immense pressure (Hernandez-Mora, et al., 2015). Many saw this "as a sign that things were starting to change, and that new goals of ecosystem restoration, economic rationality, efficiency, transparency and public participation would now come to dominate Spanish water policy" (Hernandez-Mora, et

al., 2015, p. 106). The backtracking that the government had to do due to the pressure demonstrates the power of social mobilizations. At the EU-level, complaints and questions sent to the European Commission and European Parliament, caused a discussion between the European Commission and Spain's Ministry of the Environment about securing information to study the situation and develop a position (Font & Subirats, 2010; Swyngedouw, 2014). The European Commission, prior to the 2001 approval of the NWP, had already raised points of concern on compliance with Directive 79/409/EEC which deals with the conservation of wild birds,[12] Directive 92/43/EEC which discusses the conservation of natural habitats and Directive 97/11[13] which amends Directive 85/337/EEC which assesses the impact of public and private projects on the environment (Font & Subirats, 2010; Swyngedouw, 2014). The Commission had reminded Spain of their obligation to transpose directives and regulations into their national laws, and highlighted the 2000/60/EC Water Framework Directive's impact on member-states (Font & Subirats, 2010; Swyngedouw, 2014). This dialogue resulted in the "European Directorate-General for the environment issued a report expressing doubts about the viability of the [National Water] plan, its environmental impact, and its eligibility to receive Cohesion Fund money (Font & Subirats, 2010, p. 25). The social movements brought the Spanish government's inconsistencies about which laws they were following to the attention of the EU, resulting in pressure from above as well as below.

The pressure coming from both local social movements and governing bodies in the EU were a catalyst for policy change in Spain. The status quo was no longer acceptable, especially

[12] The directive on the conservation of wild birds has been substantially amended and updated several times since 2001. The current version of the directive on the conservation of wild birds is, Directive 2009/147/EC.

[13] This directive is no longer in force. It was repealed by Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011. For more information please see: Directive 2011/92/EU.

since groups such as the NWC Foundation had created policy alternatives, and citizens began to pay more attention to what was happening politically with their water. Policy making which favoured neoliberalism failed because it was tied to the destruction of the environment by the proposed construction of large-scale dams or water transfers, and strategies employed by the national government to depoliticize the topic of water were combatted directly by proactive social movements.

Conclusion

In Spain, the water mobilization movement has been active for several decades, stemming from the first neighbourhood associations under Dictator Francisco Franco to current day campaigns. Strong citizen networks work collaboratively, whether they have the same agendas or not, to achieve goals. Farmers, academics, scientists, regional governments, and more work collectively to ensure that issues facing water management are dealt with in a way that does not harm the environment or the lives of people. In Spain, when it comes to mobilizing over water, the primary motive is concerns over the environment, while other issues such as austerity policies or financial issues take a backseat role. Historically, the environment and environmental management of water has caused much uproar as there are very few living rivers left in Spain that have not been changed or damaged for industrialization and infrastructure. Spain's governments have had to backtrack several times and rescind certain water directives or policies due to the immense pressure of social mobilizations. Social mobilizations in Spain for water issues do impact public policy, but may not actually change the minds of governing officials who recycle old contentious plans instead of looking into different strategies, new innovations, and alternative policies.

Chapter 5: Portugal, Water Policy & Social Mobilization

Many of the issues and EU changes in water management policies which affected Spain had a similar effect in Portugal. In Portugal, water movements have only come into fruition after much disappointment in services. Historically, urban areas of the country have had water services much longer than rural areas, and it was not until the 1990s that water service coverage started to improve. Organized hydraulic services was not something all citizens could afford as the income disparity in twentieth century Portugal was drastic. Francisco da Silva Costa (2018) describes modern water services in Portugal as having existed since 1884, when the law approving a plan for organized hydraulic services was created. In 1919, under Decree No. 5787-III, the very first actual water law was put into place (MAOTDR, 2008). João Pato (2013) explains further that the purpose of this decree was to protect and reserve water for hydroelectric and in some cases for agricultural purposes. Water was reserved primarily for economic purposes by the central government and the needs of the people were not generally considered.

Water services exist in a tense relationship between the central government and municipalities. The central or national government sets general guidelines and domestic policy concerning water service provision, but municipalities often take on the burden of providing the service itself, or contracting services out, as per EU and national law. Portugal's fiscally conservative political history has led to current political unwillingness to change the water management system (an aged structure trailing behind most other EU states) and austerity measures that further pressure the water systems. This results in a policy approach to water that revolves around public-private management to limit the spending of the state, and an over reliance on private sector companies to deliver services which have become increasingly costly.

Historical Context of Water Policy in Portugal

Portugal's current policy approach balances decades worth of increasing layers of governance, each of which were created to fix each problem as it arose. As did Spain, Portugal was using the traditional hydraulic system. Luísa Schmidt, Tiago Saraiva and João Pato (2012) point out that in the latter quarter of the nineteenth century, the base scheme for contemporary water policy was set so that "most waters are public, the state bears the responsibility for its administration, and its private use is regulated under two different regimes – license and concession contracts" (p. 69). Municipalities in this scheme "assumed administrative and management responsibilities, and the central government would provide financial and technical support through the hydraulic services and its regional branches" (Schmidt, et al., 2012, p. 69). However, municipalities across Portugal were dissatisfied with the central government as it did not show interest in increasing water and sanitation coverage for inhabitants in rural communities. Moreover, the central government was not interested in giving municipal governments more responsibility to build large infrastructure because of the lack of technical capacity and the consistent mismanagement of funds (Schmidt et al., 2012). Throughout the last part of the nineteenth and early twentieth centuries, Portuguese water services were characterized as slow and severely behind the development of other European countries (Schmidt et al., 2012). The central government lacked provision for much investment or funding in increasing those services for rural communities which kept water and sanitation coverage stagnant.

In 1926, after several water-based epidemics including cholera outbreaks, political instability ensued. This political instability created the environment for a dictatorial regime in 1932: the conservative fascist dictator Antonio de Oliveira Salazar who believed in the traditional values of the church, the state, and the family. Under Salazar's rule, Portuguese water

services were managed by the Ministry of Public Works, which in 1944 created the *Direção Geral dos Seviços Urbanos*, or the Bureau of Urbanization Services to "survey the needs in urban water infrastructure, [design any] projects, and [force] municipalities to implement them" under the careful watch of the central government (Schmidt et al., 2012, p. 71). Water plays a large cultural role for people, and Salazar feared that if people stopped convening around water their traditional values would disappear (Schmidt et al., 2012). This fear propelled Salazar to increase municipal budgets to facilitate the infrastructure development required to bring water services up to par with other European countries. Several interventions and subsidies were provided to municipalities, but the roll out was very slow. Between the 1940s and the 1960s, the central government's interventions were still behind and not having the impact that was initially anticipated. The system was inefficient and was not functional, but there was no political will to implement a new water management system (Schmidt et al., 2012). Adam Standring (2018) observes that under Salazar's regime, the government recognized that the governments water infrastructure plans were inadequate but could not meet the state's need to modernize and provide water and sanitation services. At this time, citizens were not in a strong position to protest or show their discontent since they were living in an authoritarian dictatorship with limited free speech.

On April 24th, 1974, the Carnation Revolution took place which displaced the authoritarian regime and started the transition to a democratic republic. During this political upheaval, radical left-wing politics took over which impacted socio-political values across the country.[14] José Silva Lopes (2005) demonstrates how the flip from authoritarian conservative

[14] The 1974 Carnation Revolution led to the rapid decolonization and independence of former colonies. In the 1960s many independence movements were started and the Portuguese colonial wars in Africa lasted from 1961 to 1974. For more information see: Mabeko-Tali, J.M. (2020). Dreaming Together, Fighting for Freedom Together: African

policies to radical left-wing policies created high expectations within the population, especially concerning the creation of an effective welfare state which was an aspiration of the new government. This welfare state included plans to implement accessible water infrastructure across the entire nation, and the new democratic government decided to redesign the old water governance scheme. The government further opted to divide the country into sanitation regions that would geographically correspond to districts where public companies under the control of the government would be created to "[promote] scale economies and technical cooperation" (Lopes, 2005, p. 268). Additionally, the river basin was made an essential administrative management unit (Costa, 2018). However, municipalities did not approve of these changes because they incorporated an avenue for potential privatization which shifted the power balance on water service provision. This potential power imbalance appeared to many as going against the political spirit and values of the Carnation revolution which had "promised to promote democratic institutions at the local level" (Schmidt, et al., 2012, p. 72). The inability of this system to incorporate democratic institutions at the local level proved to be the reason why the regional model failed (Schmidt, et al., 2012). While the democratic government's efforts to improve water services was noticed, the high expectations that were placed on their ability to enact wide reaching changes were not met.

Water Policy and the Water Framework Directive

Democracy brought a lot of changes to Portugal and its governance systems. Municipalities received more responsibilities as their capacities grew but there was still no

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Progressive Nationalism and the ideology of Unity in Portugal's African Colonies in the 1950s & 1960s. *Journal of Southern African Studies 46*(5), 829-844; Arenas, F. (2011). *Lusophone Africa: beyond independence*. University of Minnesota Press.

technical ability to create a universal water and sewage system. The solution came in the form of joining the European Union, which in 1986 was the European Community (EC). Entering the EC provided an exogenous financial stimulus, access to structural funds to support environmental protections, and access to technical knowledge from other EU member states that were more technologically advanced (Schmidt, et al., 2012). In 1987, one year after joining the EC and after 103 years of water governance, Portugal's use of traditional hydraulic service ended and the *Instituto da Agua* (Water Institute) was started.

The Water Institute's main goal was to harmonize and transfer EC policies on environmental protection into domestic water policies. Evelyn Zucco Soares (2016) outlines that although this transition started in 1987, due to Portugal's complex bureaucratic process it only came into law in 1994 under Decree-Law No. 45/94. This law allowed the Portuguese government to have the presumption of legality since it helped to build an "integrated model, embodying decentralized and participative water management and planning in Portugal" (Costa, 2015, p. 65). This decree was later built upon with other policies that ensured licensing and concession policies were followed (APA, 2015). In 1993, a state-owned company called *Aguas de Portugal* (Portuguese Waters) was created to assist in water service provision. It is through *Aguas de Portugal* (AdP) that the centralized government would intervene in domestic water provisions and AdP would "create, manage and finance water companies … that would serve multiple municipalities in water supply, drainage and treatment" (Schmidt, et al., 2012, p. 72; Marques, Simões, 2020). AdP was the first state-owned company to be created, soon followed by new companies to better serve different regions. The division of water services defined the new working relationship on water service provision between the government and municipalities. Rui Cunha Marques and Pedro Simões (2020) discuss how water service delivery was split into two:

the wholesale or upper system, and the retail or lower system. In the 1990s, private sector participation increased, especially in the retail division of water provision. Municipalities were very concerned because AdP allowed private companies access to government contracts. Private or semi-private companies paved the way for modernization and increased capacity for water services, but due to several financial crises and economic problems private water providers began to increase the tariffs.

Privatization concerns persisted into the latter half of the 1990s. In 1995, the NWP and the River Basin Plans (RBP), along with the founding of the National Water Resources Information System, were created which further changed the water management system (Costa, 2018). The NWP helped to modify Portuguese water management in three key ways: 1) it created integrated solutions for river basin management problems, 2) it harmonized and transferred EU policies into regional and national water development plans which combined aspects of social well-being, equity and environmental protection, and 3) it attempted to deal with the needs of different economic sectors on water usage (Costa, 2018). These changes did not solve the overarching issues in water service provision in Portugal as many problems still lingered. The nation was still lagging behind in modernization efforts and had many financial problems associated with modernization, privatization and national debt.

The financial problems of the twentieth century carried on into the twenty-first century. From 2000 to 2006, Portugal attempted to transition its water policy to align with the WFD with "the first Strategic Water Supply and Sanitation Plan" (Heller, 2017, p. 6), which included aspects of the WFD. The WFD and its implementation was controversial in Portuguese politics since this move to a more modern framework with new and different requirements came at a time when people had become used to the old and complicated system and were resistant to

change. The WFD includes “a framework for the development of integrated policies aimed at protecting and improving water resources by the member-states, applying the principle of subsidiarity” and the approval of the WFD “marked a profound shift in Portugal’s water policies" (Costa, 2018, p.4), especially since urban city populations had been growing (Martinez-Fernandez et al., 2020). The main challenge of the WFD in Portugal was the modernization of services, but an overarching issue for the country throughout the process was ensuring financial stability, which was difficult for a nation that had spent a lot of money during their development of a social welfare state. To counter these challenges, private service delivery, which had been introduced in the 1990s, became important in modernization efforts because it allowed for private investment (Pato, 2013). Another step Portugal took to modernize the water service system was by approving river basin plans for four of Portugal’s international rivers: Minho, Douro, Tagus, and Guadiana. Following this, many of Portugal’s river basin management (RBMs) plans were approved as a way of integrating the national water plan into the RBM. In 2005, Decree No. 58/2005 (otherwise known as the Water Law) transposed the WFD into national legislation, adopting RBM, the NWP and other water management schemes.

Contentious Politics: Municipalities and Private Companies

The decentralized aspect of the NWP and other water management schemes counters the centralized Portuguese government which comprises approximately 308 municipalities and the 2 autonomous governments of Azores and Madeira. Both autonomous regions have systems of self-government, but between the Azores, Madeira and the central government communication is difficult (United Nations General Assembly, 2017). Additionally, the lack of dialogue between the central government and the autonomous regions have caused issues in water and sanitation service delivery, leading to lower levels of access and discontent amongst residents of the islands

still plagued by issues of modernization. The privatization introduced in the 1990s was an attempt to solve this problem. Through severe reductions in government spending, the private sector (at the national, regional and municipal levels), provided the general "capacity and effectiveness of investment, efficiency and innovation and know-how, the high quality of service provided to the end user, or even the increased social awareness" (Marques & Simões, 2020, p. 4). However, increased private sector participation and ownership over time eventually provided less effective water service with higher prices, worse quality, and an emphasis on profits for the private company at the expense of the public (Marques & Simões, 2020). Even though the national government was attempting to address concerns and fix issues, the lack of communication and reliance on privatization negatively impacted Portugal's ability to effect change.

Anti-Austerity Protests and Water Privatization

The 2008 global financial crisis sent Portugal into a deep recession, causing an increase in the amount of debt. Filipe Teles (2016) describes how the Portuguese government was forced to request financial assistance from the *troika* (the *troika* is comprised of the European Commission, the European Central Bank and the International Monetary Fund) in order to refinance its public debt which kept on expanding, eventually reaching 131% of its national GDP in 2013. As part of the bailout package, a set of austerity policies were recommended by the European Commission (as part of the *troika*), including a requirement for further privatization of water utilities in Portugal, which was already not popular amongst the people and municipalities.

Collective actions as a response to austerity policies became a norm in southern European countries such as Portugal. Donatella Della Porta and Alice Mattoni (2014) point out that labour unions and the participation of workers impacted by large swaths of privatization, especially in

the water service industry, grew under conditions of deep inequality, and the welfare state that Portugal had created was retracting at a fast pace. At the start of the 2008 financial crisis approximately 20.7% of Portuguese labourers were unionized (OECD, 2021b).[15] Donatella Della Porta and Martín Portos (2020) discuss how most if not all protests at this time were mainly carried out by labour unions with external support from the left-wing block (Bloco de Esquerda) and the Communist Party (Partido Comunista Português). Britta Baumgarten (2013) shows how in Portugal, these protests were tethered to cultural influences such as the Carnation Revolution and the ideals of democracy.[16] The anti-austerity protests that took place preceding the bailout were characterized by "a strong ethical appeal, [as they] denounce the betrayal of existing social pacts" by the Portuguese government, who had stated that they would do their utmost to defend the people's rights (p. 122). Activists and unions used strikes, marches, petitions, media attention, direct targeting of local and European parliament members, and other mobilization tactics (Della Porta & Portos, 2020). The defence of citizens' rights which were being challenged due to austerity measures became a priority for unionized as well as non-unionized groups.

Citizen's rights were also challenged by the neoliberal radicalization of economic policy. Abigail Ornellas et al. (2017) observes that between 2011 and 2014, the liberal-conservative

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[15]The percentage of labourers in Portugal who were unionized continued to drop from 2008's 20.7%. In 2015 the OECD recorded that approximately 15.3% of labourers in Portugal are currently unionized (OECD, 2021b). The OCED also notes that the data that they receive from Portugal and its unions has a margin of error (OECD, 2021b)

[16] João Caraça, the Director of the Gulbenkian Foundation, which is a museum and philanthropy group dedicated to improving the quality of life through "art, charity, science and education" in Lisbon, Portugal, helped to support the adoption of the Global Water Contract (Calouste Gulbenkian Foundation, 2020). The Global Water Contract is a manifesto urging states to align with its various principles as a call to support the right to water for all. The Gulbenkian Foundation has strong ties to the community and often acts as a centre for the arts and sciences. Additionally, the Group of Lisbon published the "Limits to Competitiveness: Towards a New Global Contract – Group of Lisbon" (The Group of Lisbon, 1995), which supports the idea of the creation of globally based social contracts as a method to bring more equity and equality into the world. The Global Water Contract and the Group of Lisbon center around curating a new type of social contract demonstrating civil societies' desire for change and showcasing the work civil society groups can accomplish concerning alternative policy development.

government of Prime Minister Passos Coelho announced reductions in social services and introduced the economic adjustment program that had been negotiated with the *troika*. This severely impacted Portugal and caused a rise in social inequality. Inês Amaral points out that in 2012, the Portuguese government announced that austerity measures would apply to all public and private sector workers (Amaral, 2020). In response, a group called *Que se Lixe a Troika* (Screw the *Troika*) organized a protest after publishing their manifesto online, stating that "criminal austerity at the behest of the *Troika* and its Governments is unconcerned about each and every one of us, about the structure of our society, about our rights… our water" (p. 3314). These groups utilized social media and information sharing networks to disseminate information about deals between the *troika* and the government. Even if citizens were not members of a union or mobilized group, they were still able to see and hear about different activist groups being formed around the country.

While citizen engagement is important, the main force against austerity policy and privatization of water services in Portugal remains the labour union. There was concern for all workers and different sectors of the workforce that were at risk, but one of the greatest concerns at this time was the impact that austerity would have on an already heavily privatized sector. The current Portuguese water system allows for public and private ownership of water services which can cost municipalities significant amounts of money. The main issues for water service delivery in Portugal are economic and financial factors, which require private investment. However, there are now more issues concerning financial transparency by the national government and private companies, along with transparency in contracts and tenders. The anti-austerity movement provided activists and those who were opposed to continued privatization of water services a

political opportunity to collectively mobilize resources against government decisions that went against the health and welfare of the population.

Ultimately, the anti-austerity protests' impact on water privatization had mixed results. On one hand, several municipalities took ownership of the problem and began the process of remunicipalization of their water services. On the other hand, the national government did not change their policy direction and have continued with the status quo set by the European Commission: policy-making favouring a reduction in government spending and an over-reliance on the private sector to deliver water services.

Social Mobilization in Portugal

In 2017, a report investigating the activities of private companies in the water service industry, highlighting the *Tribunal de Contas* (Portuguese Court of Auditors), was given to the United Nations Human Rights Council. Special Rapporteur on the human rights to safe drinking water and sanitation Leo Heller (2017) stated that the "Portuguese water sector has been reshaped by a legal framework that affirmed privatization as a guiding principle of water provision" (p. 8). The *Tribunal de Contas* (2014) investigation concluded that legal and structural issues in the various legal decrees contracts favoured private enterprises and service providers, leaving their public partners, in this case the municipalities, at a severe disadvantage with most of the risk. Due to financial constraints, municipalities do not have the technical expertise or capacity to protect themselves when drawing up private-public partnerships for water service delivery (United Nations General Assembly, 2017). The report revealed that three out of four agreements with private water companies were imbalanced in these ways (Tribunal de Contas, 2014). The revelation of such egregious profiteering caused a massive uproar among the general public, specifically within labour unions.

The report's findings emphasized a lot of structural issues within the legal framework that impact day to day people and workers. The European Public Service Union (EPSU) stated that the report from the Court of Auditors highlights the fact that water service contracts in Portugal allow for corruption through privatization and damage public well-being (EPSU, 2014; STAL, 2014). Over 19 municipalities were implicated in the courts report, and in 2020 two of those municipalities, Mafra and Paredes, remunicipalized their water services with strong encouragement from their citizens. The city of Mafra went forward and terminated its water service agreement with Beijing Water Group after the company put forward a tariff increase of 25% for drinking water (Water News Europe, 2016). The city of Paredes cancelled their agreement with BeWater after the company proposed investing less than was required by EU Law (EPSU, 2020). The cancellation of the water service contracts in Parades and Mafra provided hope to civilians who previously protested private ownership over water. ESPU and another affiliated union called *Sindicato Nacional Dos Trabalhadores da Administração Local* (STAL) strongly believe that water services should not be privatized since the oversights put in place at the national level are detrimental to the greater good of the people. Both unions attempted to hold government officials accountable by mobilizing protests and other forms of action, to no avail.

While unions are at the forefront of the fight against privatization of water services, civil society actors in the form of environmental non-governmental organizations (ENGOs) are active in response to threats against the environment. In the 1990s, the media had started to become critical, and acknowledged the severity of the environmental toll on water in the country (Schmidt et al., 2012). Portugal's rivers and beaches are heavily polluted, and this was directly "associated with the inexistence of wastewater treatment facilities; strongly polluted and

overexploited groundwater; and inefficient water supply and [substandard] water quality" (Schmidt et al, 2012, p. 86). The media also highlighted contention between Portugal and Spain when water captures and dams in Spain reduced the water volume in shared rivers such as the Douro, Tagus, and Guadiana (Schmidt et al., 2012; Costa, 2018). Maria Kousis demonstrates (2004) how in Portugal, local environmental activists tend to challenge the state, local governments, or private companies (Kousis, 2004). For various dam or other hydraulic projects, environmentalists appeal to municipal governments utilizing political opportunities to speak and provide counter evidence (Kousis, 2004). ENGOs often approach government agencies or other larger environmental groups for assistance in influencing decisions.

On the environmental side of water mobilization, the major issues are water management, infrastructure, and distribution. Portugal mirrors many of the same environmental issues as Spain. Portuguese rivers have been used for generations as a source of food, cultural identity, and work, but this has also led to the rivers being over exploited and heavily polluted. João Melo and Ana Brazão (2016) explain how, after joining the EU, many of Portugal's negative trends concerning urban and industrial wastewater being dumped into rivers and mistreatment of agricultural runoff were inverted. While these trends were reversing, the impact of another activity continued to show a negative environmental trend: the construction of dams (Melo & Brazão, 2016). Patrick McCully (2001) builds on this by further explaining that dam projects were promoted with public funding and marketed as the best way to produce electricity as well as being instrumental in stopping floods, controlling water shortages and working as a solution to climate change. The government placed an emphasis on the benefits while shielding any potential damages to ecosystems or citizens' lives.

Nevertheless, there have been several mobilization campaigns against dams in Portugal. These campaigns were based on environmental, archeological and sustainability concerns since the Portuguese media had begun to broadcast and publish articles on the high levels of pollution in rivers and coastal regions. In 1992, there was a campaign against the *Foz Coa* dam in the Douro River basin, located in northern Portugal, which was mostly run by archeologists who protested the potential destruction of palaeolithic rock engravings (Melo & Brazão, 2016). Among the citizens of the region, there was no enthusiasm for the dam project and the campaign was able to organize protests and politically engage with local citizens. The organizers were also able to "[capitalize] on a very favourable political context, with a change in Government that promised more attention to cultural issues" and with the change in government, the dam construction was halted in 1995 (Melo & Brazão, 2016, p. 608). There was another campaign against the *Cela* dam located on the river Minho which occurred in the early 2000s. This campaign included municipalities, unions, wine producers and ENGOs (Melo & Brazão, 2016). The dam construction was terminated due to harsh criticism and the campaigning efforts of all involved both in Spain and Portugal as the dam would have had negative implications for citizens on both sides of the border.

Another example of environmental protests was the 2004 *Baixo Sabor* anti-dam campaign run by a coalition called *Plataforma Sabor Livre*, which focused its campaign on the ecological merits and values of the Sabor valley as a whole (Associação Nacional de Conservação da Natureza, 2010). Unlike the *Foz Coa* anti-dam campaign, this anti-dam campaign did not succeed. While the campaign had the support of the media and the courts, the campaign could not address financial and economic issues, and did not involve the local population in the campaign (Melo & Brazão, 2016). At this time in Portugal, the country

required more economic opportunities and the campaign did not touch on alternative solutions to the local job shortage or overall economy for the region. As João Melo et al. (2010) describe, ultimately, pro-dam lobbyists succeeded in swaying the local municipalities, national government, and the European Commission into approving the dam project. The mixed results of environmental-based campaigns to protect rivers and waterways demonstrates that there is some impact, but the overall reasoning for continuing with dams are based on economic and financial justifications.

To construct a dam, a lot of investment and time must go into planning every step. There is an evolving sociopolitical context that follows environmental and policy concerns over this kind of infrastructure as there is an increase in the incidence and intensity of conflict among diverse stakeholders. When the Portuguese government decided to push through Baixo Sabor, which is located in Bragança, they emphasized sustainable energy that will promote or aid in economic generation. While the government focuses on economic indicators, the environmental impact of the Baixo Sabor dam is not favourable. The cost of electricity is high, the environmental impact is substantial, and the dam itself is not efficient—the positioning of dams in Portugal's national strategy projects utilizes all the tools found in depoliticization. When civil society attempts to repoliticize the issue, a cyclical denial and confirmation of the place of dams in economic, environmental, and political spheres emerges (Atkins, 2018). Economic and financial decisions driven by European Commission-encouraged austerity policies take precedence over protecting the environment and long-term impacts.

Right2Water Campaign in Portugal

While the financial crisis was still looming over Portugal between 2008 and 2012, the Right2Water campaign was gaining momentum in the EU. Across Europe, the Right2Water

campaign played a large role in driving the narrative around water service provision, water policy, economic liberalization, and privatization. However, the call to protest in Portugal was mixed as people were enraged about the political climate, not just about water.[17] The minimum threshold for the ECI to have passed in Portugal is 38,250, while the total backing for the ECI only received 4,807 statements of support (Van Den Berge, Boelens & Vos, 2018). The ECI's failure in Portugal represents a problem in the water rights movement of this small country. Right2Water's timing was perfect, as there was appetite for this campaign across all of the member states and issues concerning the right to water had been building for a long time. But in Portugal, unless water is tied to a much larger issue, it does not receive the support that is needed. Leading the campaign for fair water policy in Portugal has become the main task of unions, environmentalists, and municipalities seeking restitution against unfair EU policies.

Multilevel Governance in Portugal

Few academics have analyzed the Portuguese water movement or catalogued the different social movements in an organized or distinct manner, which causes many challenges when analyzing Portugal as a case study. One major challenge is a lack of transparency in accessing certain government documents which provide evidence on crucial government decisions, such as documentation from the Court of Auditors of Portugal. In Portugal, various decisions and information concerning water appear to contradict to one another with no available rationale. This occurs in the interactions between the central government and autonomous regions or municipalities. Different national governments throughout the years have said that

[17] In Portugal, the financial crisis and later crisis management procedures pushed local governments to increase their spending on socio-economic protections for their residents. Increases in municipal expenditures on education, and social protections showcase the demand for services at the local level while drastic reforms were being put into place (Silva, Teles, & Ferreira, 2018).

they support the values of the Carnation Revolution, but engage in policy practices that destabilize the social contract the revolution made with the people.

The social contract is broken in other ways, including the austerity policies imposed by the European Commission restricting the amount of debt a municipality can take on and therefore limiting the effectiveness of their governance.[18] The Portuguese government will signal that they wish to delegate tasks but do not assist in capacity building efforts for local governments. Additionally, in Portugal there is an issue with the centralization of water services and water policy. Koenraad De Ceuninick et al. (2010) argue that the concentration and centralization of governance powers makes municipal governments fragile.[19] Patricia Silva, Filipe Teles and Joanna Ferreira (2018) discuss how Portugal's governance is severely fragmented and is composed of many organizations and agencies. The fundamental issue is with multilevel governance and how it does not work in water provision and policy. Multilevel governance is not transparent, utilizes depoliticization and thrives in neoliberal policy mechanisms.

Conclusion

Social mobilizations in Portugal do not have the same impact as they do in other European countries. While Portugal has a strong set of values represented in the Carnation Revolution, consecutive governments have used legality to divert attention away from political problems, policy choices, and minimize critiques of austerity. Transparency, neo-liberal policies,

[18] Municipal governments are limited in the amount of debt that they can take on. For a municipal government their debt cannot exceed "1.5 times the 3-year average of current revenues" and in "2011, 141 (46%) municipalities exceeded the debt limit, which forced the national government to adopt severe measures" (OECD, 2020).

[19] The Portuguese government published the *Papel Verde* or *Green Paper* in 2011 which describes reforms that can be undertaken regarding local governments. There are 3 main reforms: 1) redesigning the administrative map of local governments, 2) reducing central government grant spending to municipal governments and reducing municipal debt, 3) reducing staff by 2% at the municipal level. Each of these reforms are also tied to much stricter policies and procedures. (Governo de Portugal, 2011a; Governo de Portugal, 2011b; Silva, Teles, & Ferreira, 2018).

economic restructuring, and a breakdown of the labour market has allowed the Portuguese government, following the example led by the European Commission, to continue to emphasize the need for privatization in water services. Tiago Saraiva, Luísa Schmidt and João Pato (2010) argue that water and water service delivery has defined what different governments and their policy making is about: neoliberalism, privatization, transforming citizens into consumers, and a "juxtaposition of private capital and state authoritarianism" (p. 79) where democracy and universal access to water infrastructure is no longer important. Peter Newman (2009) emphasizes that reliance on the private sector undermines any capacity building within the state for a better water service system. An imbalance in power favours the national government, which utilizes processes of depoliticization such as institutional, rule-based and preference shaping (Flinders & Buller, 2006). Reforms to water policy can be seen as part of a much broader, more generalized process of depoliticization as decisions are moved away from democratic political influence. Due to social mobilizations, attempts to depoliticize decisions such as further privatization now come with more contestation.

Privatization, which was once seen as a solution to the water service provision, has become recognized as an issue which undermines transparency and accountability. The national government was using privatization and over-relying on private companies as political strategy to avoid delivering services for which they were responsible. The financial crisis created an unstable political environment which forced Portugal to accept an unfair handout (Zacune, 2013). Andreas Bieler and Jamie Jordan (2018) point out how privatization was also used to justify claims by the European Commission as a way for southern European member states to pay back their debt. In the struggle against these austerity and privatization policies, unions were the primary driving force for social mobilization. Unions are seen as an extension of the people's

will, because of the way governance has evolved in the EU. These unions have also been creating and supporting citizen networks throughout Portugal "to better influence … decision-making" (Marks & McAdams, 1996, p. 253). Unions in citizens' water protests provided the financial capital, political leadership and information necessary to create strong campaigns.

Chapter 6: Conclusion

Before the United Nations General Assembly recognized the human right to water and the ECI was incorporated into the EU governance system, many groups across Europe and the world advocated on the issue. Academics, citizen organizations, and the general public became concerned with the state of public water, providing momentum for labour unions, ENGOs, and citizen networks to mobilize and challenge water's status as a commodity and its rampant privatization. Governments pushed back with attempts to depoliticize and deflect. Peter Burnham (2001; 2017) observces that depoliticization increases the distance between the political leadership and the people in four ways: using specific language, making a political issue overtly technical, outlining financial constraints and using external limitations outside of government control. Fabio De Nardis and Luca Antonazzo (2017) reveal another strategy used by the European Commission and the national governments of Spain and Portugal in the shifting of blame of attribution, scapegoating responsibility for the management of complex issues such as water policy, securing quality water and sanitation for their citizens. The subversive attempts by government bodies to distance themselves from the continually-renewing problem of water shows a reticence towards actually working to solve the issue, either avoiding the issue altogether or adding layers of governance that are inefficient.

While governments try to distance themselves from these issues, socials mobilizations gain momentum. The Right2Water campaign was influenced by the international water rights movement that has been gaining momentum for decades, especially as we see regions of the world become waterless. Right2Water recalled the UNGA ideals supporting the human right to water (General Assembly Resolution 64/292, 2010). For everyone who calls Europe home, the Right2Water campaign aimed to ensure quality water and sanitation. Right2Water was the first

ECI to receive the necessary number of statements of support required by the European Commission. Spain was one of the member states where much attention was focused on the initiative (Bieler, 2017). This social mobilization campaign was successful because they drew together support from labour unions across Europe concerned with the encroachment of privatization impacting local workers. The Right2Water initiative was able to capitalize on growing dissatisfaction with water policy, concerns about access to quality water and worry over increasing water privatization.

During the Right2Water campaign, citizens across the EU called on the Commission to guarantee access to safe drinking water and sanitation. Initially, the Commission issued a communique which stated that the EU already had the correct procedures. However, after discussions and disapproval from the general public and the European Parliament, the Commission welcomed a provisional agreement to improve access and quality of water (European Commission, 2019). This shift was a win for the Right2Water movement and a win for the ECI mechanism itself because it demonstrated that it could shift policy and force the Commission to change. In 2020, eight years after the Right2Water ECI was submitted, the EU Council approved the provisional agreement that updated water quality and access to water across the EU. The updated directive aims to improve the general quality of water and ensure contaminants are kept under control to protect human health and the environment. The Right2Water movement showcases the importance of water to the entire European population and highlights issues arising from water service privatization and liberalization.

Advocacy at the EU-level helps build momentum for water mobilization efforts within member states which have their own cultural and political motives. In Spain, mobilizations focus on water infrastructure and ecological issues. In Portugal, mobilizations focus on harsh austerity

and water basin management policies. While both Spain and Portugal have social mobilization topics tethered to traditional contentions and actors, in Portugal water issues cannot be separated from other contentious politics. In both nation-states, mobilizations have played a vital role in bringing awareness about issues and have dramatically shaped their society's opinion. Citizens with new-found agency are “discontent[ed] with political authorities, [and] entangled in a strong crisis of responsibility” (Della Porta & Portos, 2020, p. 122). The countries of Spain and Portugal with historical roots including past dictatorships are burdened by complicated relationships with environmental management and the administrative legacies left behind in water policy. Mobilizations allow for new continuities to happen when new networks are created, and new ideas are incorporated when new generations join. While cycles of mobilization can be seen as reproducing older social movements, especially in Spain and Portugal where these issues have been coming up since the 1980s, each cycle builds on the foundation of previous advocacy efforts. Social mobilizations, like the water movements in the EU, Spain and Portugal, are opportunities for growing rights and democracy.

Campaigns focused on water also serve the purpose of educating the European population on their water rights, water security and the importance of equitable access to water. More research needs to be done to understand the impact of social movements, specifically in Portugal. Catalysts behind water mobilization are often the result of a mismatch between EU policies and day-to-day water management at the member state level. Actual changes to water policy are often slow because governments depoliticize issues and cling to neoliberal governance. Currently, the European Commission is undertaking governance changes to the Water Framework Directive, changes which were demanded by social mobilization groups. Water mobilization efforts in Spain and Portugal successfully prevented some, but not all, policy-driven

water infrastructure projects and are still working to change current water policy in their respective countries. Therefore, water mobilizations do impact water policy at both the EU and nation state. While different social mobilizations have varying degrees of impact, the voices of the people are being heard.

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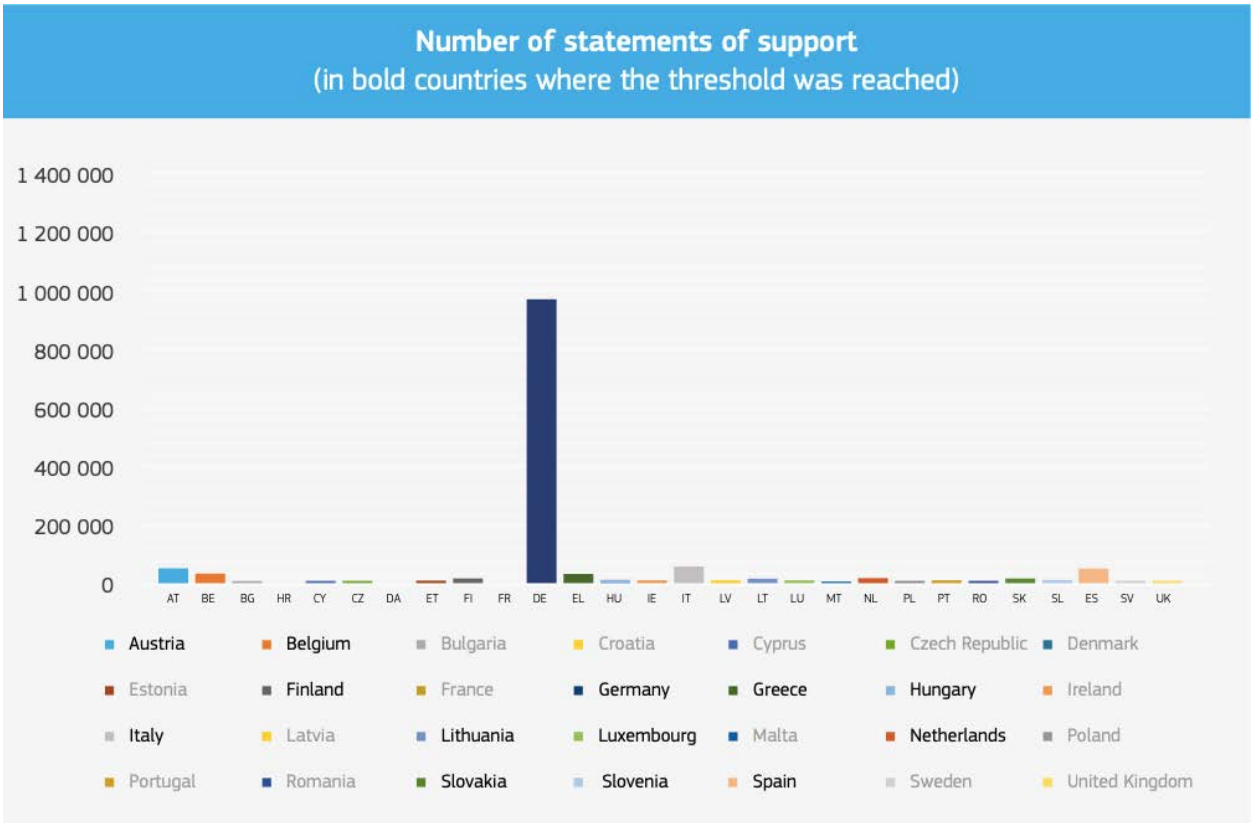
Appendices

Appendix A: Right2Water

Right2Water received over one million statements of support. As the first successful campaign to go through the participatory democracy system it is important to have a visualization of the dispersion of statements of support across several EU member-states.



Note: This table is retrieved from, European Union. (2018). European Citizens' Initiative Forum – Success Story: The Right2Water Initiative. Retrieved on June 14th 2021.

Table 2 demonstrates the number of statements of support across several EU member-states. The visual representation of the number of votes in Austria, Italy, Belgium, Finland, Lithuania, Slovakia, Germany, Luxembourg, Greece, Spain, Hungary, and the Netherlands demonstrates where the Right2Water ECI has the most traction. Within this group it is evident that Germany had the most statements of support across the all member-states. Portugal, as mentioned did not meet the quota, while its neighbour, Spain did.