

Citizen-backed legal campaigns can reverse privatization, promote public water: Report

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Water activists have an encouraging record of using legal tools to overturn privatization in the fight for public services. *Shields and Swords* examines and draws lessons from water campaigns' legal strategies around the world, some of which have transformed national laws and banned private provision, while others were partial victories. In all cases, the staying power of water rights networks has been most critical to campaign success.

“The campaigners we spoke to are still pressing forward, some galvanized by their legal victory, others looking for new ways to overcome political or bureaucratic hurdles to win back or protect their access to public water,” says co-author Jackie Dugard, Executive Director of South Africa’s Socio-Economic Rights Institute (SERI). “But they were all driven by the same passionate belief in the human right to this most basic resource.”

The paper looks at six cases of citizen-backed referendums and litigation, offering a comparative and global perspective:

- **Uruguay**, the first country to successfully hold a referendum to recognize a constitutional right to water and entrench the principle of public ownership and management, thanks to [CNDAV's](#) mobilizing efforts (2004)
- **Colombia**, where civil society efforts – mostly [Ecofondo's](#) – to push a referendum to get the right to water and public service management into the constitution were frustrated by Congress (2010)
- **Berlin** (Germany), where residents voted to pass a draft bill pushed by [Berliner Wassertisch](#) to force the municipal administration to disclose secret agreements on the partial privatization of the city’s water services (2011)
- **Italy**, whose citizens rejected the proposed privatization of the country’s water supply in a referendum called by [Forum Italiano dei Movimenti per l’Acqua](#) (2011)
- **Grenoble** (France), which witnessed a long judicial battle to have the city’s privatized water deal declared invalid, a success for [ADES](#) and [Eau Secours](#) notably (2000)
- **Indonesia**, where a judicial challenge of the new Water Resources Law mounted by a coalition of NGOs established various procedural safeguards for the provision of water (2005)

“These cases demonstrate that privatization can be challenged on its own legal terms,” says David McDonald, Co-Director of the [Municipal Services Project](#) (MSP), the research network that commissioned the study. “The recent UN recognition of a right to water has also served to increase the authority and legitimacy of these legal campaigns. We are still in the early stages of what will undoubtedly become a more active and internationally coordinated effort to reverse and prevent water privatization, while at the same time pushing for more transparent and equitable public services.”

The paper can be accessed at <http://www.municipalservicesproject.org/publication/shields-and-swords-legal-tools-public-water>

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