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Water justice and Europe's Right2Water movement

Jerry van den Berge [a], Jeroen Vos [a] and Rutgerd Boelens [a,b,c,d]

aDepartment Environmental Sciences, Wageningen University, Wageningen, the Netherlands; bCEDLA Centre for Latin American Research and Documentation, University of Amsterdam, Amsterdam, the Netherlands; cDepartment of Social Sciences, Pontificia Universidad Católica del Perú, Lima, Peru; dFaculty of Agricultural Sciences, Universidad Central del Ecuador, Quito, Ecuador

ABSTRACT

In 2013 the European Citizens' Initiative (ECI) 'Right2Water' collected 1.9 million signatures across Europe against water privatization. It became the first ever successful ECI and has built a Europe-wide movement. Right2Water sought for Europe's legal enforcement of the Human Right to Water and Sanitation (HRWS) as a strategic political tool to challenge European Union market policies. The paper examines the ECI from a social movement perspective. Although the European Commission subscribed that 'water is a public good, not a commodity', its implementation is subject to continuing politics and socio-political struggle, with growing urgency in times of the Covid-19 pandemic crisis.

Introduction

Around the world many people and organizations are struggling for access to drinking water as a basic need for survival. Contemporary challenges and sufferings that combine the climate change and water crises with the Covid-19 pandemic crisis have accentuated and exacerbated these struggles in many places. They also intensely reveal most societies' inequalities in accessing clean water and sanitation. Simple handwashing with soap can fight the spread of the coronavirus, but it appears to be a luxury that the majority on the planet cannot afford. In 2010, the United Nations General Assembly recognized the Human Right to Water and Sanitation (HRWS) and the Sustainable Development Goal (SDG) 6 objective is that by 2030 all people should have access to clean water and sanitation. However, still over 2 billion people lack access to safe drinking water, and over 4 billion do not have adequate sanitation facilities (Cooper, 2020; UNICEF & WHO, 2019). In a vicious circle, due to Covid-19, the most vulnerable groups are now suffering even more from lack of clean water as it makes them more vulnerable to the pandemic (Corburn et al., 2020; Mehta & Ringler, 2020). In most places of the Global South, vulnerable groups such as women, the economically poor, particular age and educational groups, or specific caste, ethnic or cultural groups are hit hardest. Women, in particular, are vulnerable and face increased work burden and health risks (UN Women, 2020).

These drinking water and sanitation access problems, although often more apparent and severe in many regions in the Southern Hemisphere, are not restricted to these

countries alone. Also in the Global North access to clean water and sanitation is a problem for vulnerable groups, such as migrant workers, the homeless and illegal migrants. Working conditions and access to sanitation are importantly class differentiated as the current pandemic figures show (Mehta & Ringler, 2020; UN Women, 2020). Differential wealth, education and labour backgrounds, along with race, class, gender or immigration status, in both the North and South influence differential exposure to water and health insecurities (Crow et al., 2014; Mirosa & Harris, 2012; Tortajada, 2010).

In this article we focus on the recent pre-pandemic initiatives regarding the struggle for the right to water and sanitation in Europe, which has received less attention in the literature (Bieler & Jordan, 2017; Van den Berge et al., 2018). This gives the background to understand the current crisis and citizens' reactions to challenge that situation, defending overall safe drinking water and sanitation access. In particular, we focus on why and how the European Federation of Public Service Unions (EPSU) started a European Citizens' Initiative (ECI). This was triggered by the above-mentioned 2010 UN resolution on the HRWS. Although in Europe access to water is relatively well organized (UNICEF & WHO, 2012, 2019), problems with water supply are certainly not absent and often related to aspects of quality and affordability (Chong et al., 2015; Hall & Lobina, 2012a).

Privatization of drinking water service provision can take many forms, ranging from supply and civil works contracts to management contracts, leasing, and build-operate-transfer (BOT) and public–private partnership (PPP) concessions. Overview studies on the effects of privatization in the drinking water sector show mixed outcomes regarding prices, investments in infrastructure and quality of service (e.g. Bel, 2020; Bel & Warner, 2008; Chong et al., 2015; Hefetz & Warner, 2012; Hefetz et al., 2012; Prasad, 2006). Hall (2014) and Hall and Lobina (2005, 2012b, 2012c) present a much more critical overview. They point at the increased regulatory costs for the government, many problems with contracting and monitoring private companies, and increased tariffs. The Right2Water movement argued that a market approach deepens water conflicts, threatens individual and collective rights to water, and that in this way European Union (EU) market policies increase water injustices.

The ECI was a new tool introduced by the European Commission in the Lisbon Treaty (European Commission, 2009), which came into effect on 1 April 2012. It would give an opportunity to citizens to put an issue on the European political agenda whenever the organizers of an ECI would collect 1 million signatures from people in at least seven different EU member states within a year. As soon as they heard about the opportunity, EPSU took up the challenge and organized an ECI. They chose the Human Right to Water as their issue (EPSU, 2009). This choice was 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. Moreover, it attempted to alter discourses on and attitudes towards water services for the poor, from a matter of mere charity to a matter of institutionally and politically grounded entitlement (Barlow, 2015; Gupta et al., 2010; Roth et al., 2015). This initiative became the start of a new movement.

Between April 2012 and September 2013, the ECI 'Right2Water' collected 1.9 million signatures across Europe, uniting people, cities and villages against water privatization. With that result it became the first ever successful ECI (Bieler, 2017; EPSU, 2014; Van den

Berge et al., 2018), simultaneously building a Europe-wide movement that enabled it to put the water issue high on the European political agenda.

In this article we analyse how the Right2Water movement fits in with global struggles for water justice and how it has contributed to EU water policymaking, deploying a conceptual environmental justice movements lens (e.g. Boelens et al., 2015; Fraser, 2000; Schlosberg, 2004, 2013; Zwarteveen & Boelens, 2014). The paper thereby analyses the importance of Right2Water initiatives to change EU water supply and sanitation policies and the focus on commercialization of water services, a debate and struggle that currently take on fundamental relevance in times of the Covid-19 pandemic crisis.

The first author of this article coordinated the Right2Water campaign from 2010 to 2014, organizing preparations and the follow-up to the response of the European Commission. The co-authors allied as 'ambassadors' and engaged researchers. The paper is based on archival and literature study and interviews with movement activist leaders, policymakers, water rights scholars, non-governmental organization (NGO) representatives,and leaders of local and national citizens networks across Europe. next section explains the water privatization policy approach of the European Commission as setting of the European water movement. The third section presents the claims made against privatization of water services by water justice movements and the rise of the Right2Water movement. The fourth section presents the relative success of the ECI with regards to the demand of implementing the HRWS. The fifth section describes the wider European impact of the Right2Water movement. The sixth section presents and discusses the conclusions and gives an overview what the movement means for water justice.

Struggles for water and sanitation in Europe

Across the globe, poor people in urban neighbourhoods and rural areas suffer from lack of access to clean water and sanitation – a situation exacerbated by the current pandemic and subsequent lockdowns (Corburn et al., 2020; Mehta & Ringler, 2020). For many, in particular in the Global South, washing hands and keeping distance is very difficult, and public water taps are places where contamination takes place. Moreover, the sharply reduced income of poor people because of the lockdowns also has made it that they cannot pay for private water delivery services. The pandemic has exposed the weakness of public infrastructure and the danger of privatized water services. Many urban poor have lost their livelihoods and social safety nets, becoming high-risk groups for Covid-19. Water security (cf. Zeitoun et al., 2016) is at stake. In most places, water flows uphill to the wealthy and those with influence (Franco et al., 2013; Hidalgo et al., 2017; Roa-García, 2014, 2017; Roca-Servat & Palacio Ocando, 2019; Swyngedouw, 2013). Water injustice can take subtle forms, but protests can be subtle too when activism moves towards policy formation. The case of the anti-water privatization movement in Nicaragua provides a clear illustration (Romano, 2012). The challenges for poor urban and rural communities present ongoing arenas of conflict that continuously re-emerge and have no end. Very common is the example of Ecuador: although water privatization is prohibited by the constitution, a new water law provided a legal basis for the privatization of public and community water services. This caused tensions between local governments and social movements that previously achieved a halt to the commodification of water (Goodwin, 2019). Challenges are complex. Describing various models of community governance of

water, Dupuits (2019) analyses how social movements use different discourses and invisibly may take over neoliberal principles and practices after gaining involvement in decision-making processes (Dupuits, 2019). Continuous internal reflection and critical scrutiny inside water movements is essential. In this study we show how the Right2Water movement is unique in Europe, but not unique as a movement, and it carries signs of different social movements as well as different strategies in water struggles.

While the crisis is especially severe in these Southern contexts, vulnerable communities and families in Europe also suffer from the triple climate, water and pandemic crises. Understanding their particularities, problems and responses, in terms of vulnerabilities and struggles for access to water and sanitation, is fundamental since it shaped the background hydro-political configuration in which the current crisis could develop. Here, we focus on the recent history of Europe's water movement, importantly related to the rise of and protests against 'neoliberal water governmentality' (Bakker, 2007, 2013; Swyngedouw, 2005; Vos & Boelens, 2018). In Europe little activism on water supply and sanitation had been visible as it seemed that this was a problem in the Global South, not in Europe. But water activists have been struggling with a growing trend of simultaneous deprivation and privatization of water services since the 1980s, when neoliberalism in water governance was promoted first by the Margaret Thatcher government in the UK that turned water facilities into private properties (Hall & Lobina, 2012a). Since then, the EU proposed policies for liberalization of the economy, including the water sector. The privatization experiments in the UK were seen as an example of how to shift to a more open European market. Treating water and water delivery services as economic goods was promoted by neoliberal policy advisors (European Commission, 2007). This rise of free market capitalism and simultaneous fall of communism unleashed a wave of utility privatization in the EU that was promoted by the International Monetary Fund (IMF) and the World Bank (Hall et al., 2011; Hall & Lobina, 2005). As a result, a number of cities and countries signed over their nations' drinking water supply service provision to private companies (Hall et al., 2011). In France, most privatizations took shape in the form of concession contracts, or so-called public–private partnerships (PPPs), where governments usually keep responsibility for the grid and the private company takes care of service delivery. As a consequence, water supply in France came into the hands of two multinational corporations that achieved millions of euros profit with their monopoly in the provision of a basic-needs public service (Suez, 2009). Trade unions in the public sector saw these developments with fear and anger because of job losses and loss of control for governments, and because of the increasing power for multinational corporations (Hall & Lobina, 2012a).

In accordance with the dominant neoliberal ideology in the EU, privatization was seen as a form of completion of the European Single Market during the first decade of this century. It was promoted as a way to relieve state debts and spending by privatizing public water utilities and, most important, for companies to generate profit. The industry and investors argued that handing over water services to private companies would lead to increased investments in infrastructure and improved service quality and efficiency. Water activists, however, saw problems with water privatization and argued that it would lead to infrastructure investment reductions and environmental degeneration (Lawson, 2015). Moreover, the protest movement regarded loss of democratic control as well as issues of accountability and affordability as problematic. They claimed private companies failed to deliver on their promises of better and cheaper services (Bakker, 2010; Balanya et al., 2007;

Van den Berge et al., 2018). They also problematized the increased tariffs that global water corporations have raised in many cases beyond the reach of poor households, while profits have been taken abroad and jobs have been lost (Balanya et al., 2007; Hall & Lobina, 2012a). The Right2Water movement pointed to Paris to show problems with privatization of water services, such as restricted competition to capture local markets and the exploitation of asymmetric power and monopolistic behaviour at the expense of consumers, workers and the environment (Lobina, 2015; Lobina et al., 2019; Le Strat, 2010). Privatization of water supply and sanitation takes various forms that in the view of Right2Water are all coming down to the transfer of control and power over water supply from local governments or public authorities to private companies. In the UK it consisted in the complete sale of the water system to private companies; in France privatization took place through concessions (Balanya et al., 2007).

In the second decade of this century the European Commission continued its path in promoting the privatization of water supply and sanitation, especially in the framework of austerity measures as an answer to the economic crisis that emerged after the collapse of the financial system and several banks in 2008. The European Commission imposed privatization of water services as one of the conditions of bailouts to crisis-hit countries (Bieler & Jordan, 2017; CEO, 2012; Kishimoto & Hoedeman, 2015; Zacune, 2013). In 2011 it made a new attempt to further liberalize the services sectors in Europe by means of a proposal for a 'Concession Directive' (European Commission, 2011a). With this directive, the European Commission sought to provide a harmonized legal framework for awarding concessions contracts to public authorities in direct alignment with economic operators and market rules and forces (European Commission, 2011a). As mentioned above, an EU single market policy was to be installed across the Union (Tosun & Triebskorn, 2020). The directive would not directly force municipalities to privatize their water services but also, according to the Right2Water activists, they would have to offer their water contracts for EU-wide bidding and create a European water market that would benefit especially the French multinationals. In practice, this would lead to a 'privatization through the back door' (CEO, 2013).

Claims for water justice in a neoliberal policy-setting

Intense academic debates, hydro-technological modernization processes and legal-institutional policy reforms coalescing in diverse forms of neoliberal water governance provide the background to these last decades' powerful trends towards Europe's water governance model; we will not detail them in this paper (for discussions, see, e.g., Achterhuis et al., 2012; Bakker, 2010; Castro, 2007; Espeland, 1998; Hall et al., 2011; Harris & Roa-García, 2013; Solanes & Jouravlev, 2007; Swyngedouw, 2005; Vos & Boelens, 2014, 2018). In brief, neoliberal policy advisors promote treating water as an economic good. According to this logic, policy measures such as privatizing water and water service provision, granting concessions to operate distribution networks, and implementing full-cost recovery in water service pricing would lead to improved water service, increased fee recovery, increased investments in infrastructure, and more efficient operation and maintenance.

In recent years, in various parts of Europe protests have been organized to end privatization of drinking water utilities or call for termination of the contracts. Popular protests in

Berlin are an example: they occurred in parallel to the ECI, just as massive mobilizations in several cities in Spain. The Right2Water movement claimed that privatizing public utilities often failed to benefit water users. Rather, tariffs hiked, investments in infrastructure lagged behind and the quality of service provision did not improve in the UK nor in France (see also Hall & Lobina, 2005, 2008). In many cases companies faced disappointing returns and retreated from some countries and intensified investments in more profitable regions or tried to turn to more profitable service concession contracts (Bakker, 2010; Hall et al., 2011; Van den Berge et al., 2018). In Berlin, the water rate had risen by 21% between 2003 and 2011 (Beveridge et al., 2013). The concession contract between the city of Berlin and two multinationals (RWE and Veolia) was kept secret. People, united in 'Berlin Wassertisch' (the local group that joined the Right2Water movement), demanded disclosure of the contract in court because they wondered why the people in Berlin were paying so much more for water than people in other cities in Germany. Disclosure of the contract revealed that it guaranteed the annual profits for the companies (Beveridge et al., 2013). This case fuelled the Right2water movement.

In many parts of the world drinking water companies have been 're-municipalized'. By 2014, worldwide over 180 water utilities had been returned to public management (Kishimoto et al., 2014). There are different reasons for this re-municipalization, but some of the main causes are: the social protests, the meagre service provision results for the users and the high costs of regulation (McDonald, 2018). The re-municipalization of the water company in Paris and several other cases of re-municipalization in France served as examples for other cities to follow. The case of Paris showed that after re-munipalization, the €35 million profit that was taken out each year by the two multinational corporations, was re-invested in the service or returned to citizens through lower prices (Le Strat, 2010).

For the Right2Water campaign and movement (neo)liberalization of drinking water and sanitation services in Europe formed the key social and political reason to organize. The movement was inspired by and tried to build on the referendum against the privatization of water services in Italy in 2011 that was organized by the Italian Water Movement. With the slogan 'Water is a public good; not a commodity!' it took a position against private enterprises looking only for how to make profit. The initial idea for its slogan was 'Water is a common, not a commodity'. This was supported by Southern Europeans (especially the Italian Water Movement that already spoke of 'Acqua Bene Commune'), but this was not understood by Northern Europeans among the campaigners who asked: 'What is a common?'. Because the public service unions and EPSU had large part in the organizing of the ECI, they claimed for 'public good', having the word public in the slogan to express their struggle and stance in defence of the public sector and public interest.

For the movement it was clear that, water being considered a public good, would exclude the option of privatization of water resources (Bakker, 2013; Budds & McGranahan, 2003). However, privatizing the water service provision may take on many subtle or less subtle forms (Boelens et al., 2015; García-Mollá et al., 2020; Lobina, 2014; Sanchis-Ibor et al., 2017). Right2Water opposed the idea of private capitalist entrepreneurs providing public services on a European market. They argued that publicly owned water institutes will be held accountable to and feel responsibility for the public, whereas private companies would only be accountable to their shareholders. In their view, control over water services in any form of privatization will generate perverse incentives whereby companies first look for making profit, not for respecting basic human rights or the public

interest. This was expressed clearly by Gerard Payen, Chairman of Aquafed, the association of private water operators, at the World Water Forum in 2012 in Marseille, when he firmly stated: 'No money, no water' – on the question of whether water services can be provided for free to the poor. The movement argued that private companies have a history of failures in meeting both their commercial goals and social objectives (see also Braadbaart, 2007; Hall & Lobina, 2012a, 2012b; Lobina, 2015).

Matters of justice comprise issues of recognition, redistribution and representation (Fraser, 2000): recognition for the group or people who experience injustice – including their norms, values, cultures and worldviews; redistribution as an answer to acknowledge that maldistribution of water and water-related privileges, infrastructures and funding deeply proliferates inequality and injustice; and representation of the marginalized, oppressed and victims of existing unfair water control forms, to make their voice heard and make sure they are part of designing water governance futures. All three aspects need to be addressed simultaneously in order to achieve justice. Schlosberg (2013) and Zwarteveen and Boelens (2014) add a fourth component: ecological integrity, to prevent that justice for now is achieved at the expense of justice for future generations (see also Boelens et al., 2015). In order to achieve justice, the underlying processes that cause injustice need to be understood and confronted. Right2Water acted upon the fact that around 10 million people in Europe were facing lack of water or sanitation (UNICEF & WHO, 2012). In fact, the call against liberalization is related to the marketization and pro-privatization policies of the European Commission. Still, though neoliberal thinking and privatization were the key issues to react against, the P-word needed to be avoided in order for the ECI to be within competence of the European Commission (and not to be turned down beforehand), but this was generally understood as one and the same.

Social, environmental or water justice movements address injustices both at the individual and community levels (Schlosberg, 2013). This is also the case for Right2Water. As we show, Right2Water also aimed to transform the dominating practice of services provision in Europe via a market to public provision promoting re-municipalization and public-to-public partnerships (PUPs). This was presented as an alternative for the PPPs promoted by international financial institutions and private companies (Shah et al., 2018). This attempt to transformation of production structures and consumption environments characterizes environmental justice movements (Schlosberg, 2013). In this sense Right2Water did not only build on environmental justice movements' notions, but also joined them. Right2Water promoted PUPs with the argument that they avoided the risks of transaction costs, contract failure, renegotiation, the complexities of regulation, commercial opportunism, monopoly pricing, commercial secrecy and lack of public legitimacy; risks that are all inherent to PPPs (Lobina & Hall, 2006).

Water (in)justices entail both water quantities and qualities, as well as access to and distribution of water privileges and forms of control over water (e.g. Dupuits, 2019; Goodwin, 2019; Prieto López et al., 2021; Romano, 2017). This also entails that water conflicts include questions about decision-making, authority and legitimacy. These are intimately linked to the struggle over discourses, favouring particular water governance notions and policies while obliterating others – in terms of thinking about and acting upon 'water' (cf. Forsyth, 2003; Foucault, 1980; Zwarteveen & Boelens, 2014). Taken together, the European Commission's above-mentioned neoliberal discourse favours market-based solutions to problems of injustice that are caused by the market. Fighting the injustice of water supply in Europe, therefore, means not only do injustices in terms of distribution, recognition and

representation need to be addressed, but also the discourse that deeply sustains and legitimizes these water policies and governance practices.

Social movements and the Human Right to Water

Water movements do not start from scratch but are built up, often decades before, through a combination of diverse forces, actors and events, high and low profile. Right2Water was built upon the Italian Water Movement that successfully organized a referendum against water privatization in Italy (Carrozza & Fantini, 2016; Fattori, 2011). The referendum had an enormous turnout and 26 million persons voted 'No' to putting water services in private hands (Fattori, 2013). Right2Water took over the assumption that privatization puts 'profits over people' and started to build a coalition as the Italian Water Movement did previously. The Italian Water Movement framed its struggle for public water services and public water property as a definitive combat for democracy (Carrozza & Fantini, 2016). The privatization of water, a common good, was seen as a direct attack on democratic decision-making over people's most fundamental and vital resource. 'Write water but read democracy' was the motto used by the Italian alliance that gained countrywide support (Fattori, 2011). In order to form a broad campaign coalition, EPSU and its trade unions needed support from NGOs with campaigning experience. First, allies were found in water activists in the existing water justice network: people and organizations that had campaigned against commodification, commercialization and privatization of water since the 1990s (Van den Berge et al., 2018). Other networks such as the European Public Health Alliance (EPHA), the European Environmental Bureau (EEB), Women in Europe for a Common Future (WECF), Food and Water Europe (FWE), the European Anti-Poverty Network (EAPN) and the Federation of Young European Greens (FYEG) joined Right2Water because they shared an interest in protecting water as a public good and for a wider public interest while sensing an injustice in EU neoliberal water policy in which either workers, nature, women, the poor or future generations pay the price for commercial water services in which private companies can accumulate the benefit.

Official and alternative World Water Forums inspired action in diverse ways and directions, in particular around Millennium Development Goal (MDG) 7 that focused on halving the proportion of the global population without access to water and sanitation. Access to water as a target was soon extended to access to sanitation, giving recognition to the fact that the supply of water is inextricably linked to dealing with wastewater and securing health services (UNICEF & WHO, 2012). To reach the goals several actions were taken by the United Nations. One important step was to name an independent expert on the HRWS in 2008 (Human Rights Council, 2008). The first was Catarina de Albuquerque, whose position was extended to Special Rapporteur. Her office distinguished five aspects of fulfilling the Human Right to Water: accessibility, availability, affordability, acceptability and quality. Moreover, five human rights principles need to be addressed in order to fulfil the HRWS for all: transparency (and information), accountability, participation, equality (and non-discrimination) and sustainability (De Albuquerque & Roaf, 2014). The second important step the United Nations took was the adoption of the Resolution 64/292 on recognition of the Human Right to Water by the General Assembly, on 28 July 2010 (United Nations General Assembly, 2010).

This last step gave new momentum to local water grassroots' and activists' struggles around the world. Recognition of the HRWS puts responsibility on governments: they become the duty bearers of human rights to ensure water and sanitation for their population. On the one hand, this provided activists with a tool to claim their rights (Barlow, 2015; Gupta et al., 2010), and, on the other, it provided water companies (as service providers) with a tool to sell their services to governments and for marketing their business (Aquafed, 2016; see also Bakker, 2007, 2013; Goldman, 2007; Van den Berge et al., 2018). The Human Right to Water is conceptually ambiguous in what it constitutes (Bond & Dugard, 2008; Sultana & Loftus, 2011). It does not speak out on the amount of water for personal and domestic use, nor beyond domestic needs and whether it is compatible with water commodification or privatization (Mehta, 2014; Radonic, 2017). This ambivalence – important opportunity and forceful threat – triggered intense debates and calls for action. The ECI was to be mobilized for this purpose.

The ECI is a tool established by the Lisbon Treaty (European Commission, 2009). It gives people an opportunity to bring an issue to the European political agenda if they manage to collect over 1 million signatures in a one-year time frame, from at least seven countries with a minimum for each country (European Commission, 2011b). An ECI can either propose a legislative text or propose an issue and leave it to the European institutions how to deal with it. Right2Water promoted the legal enforcement of the HRWS in Europe. The ECI organizers urged the European Commission to do so in three ways: (1) a 100% coverage of water and sanitation provision to all Europe's inhabitants; (2) a stop to the liberalization of water services; and (3) a far stronger effort by the EU to realize global universal access to water and sanitation. The second objective was fundamental movement, because it directly addressed the neoliberal policies of the European Commission. The higher purpose was to change the EU market approach to a more people-oriented, social approach in water policy (Van den Berge, 2014, 2018). The trade unions saw in the ECI an opportunity to revive their struggle for a more social Europe and against the privatization of public water services (EPSU, 2011). With the United Nations' resolution on the Human Right to Water in their hands they argued that private water companies lack affordability, accountability and equality in their service provision, and lack participation and transparency towards an essential public service. These elements suited their strategy to use the Human Right to Water as their tool in fighting liberalization and consequently privatization.

The ECI Right2Water started at a moment that the financial crisis was hitting Europe in the summer of 2012. Many countries were still in recession and the EU announced tough measures to countries that did not comply with financial discipline as agreed in the Eurozone. Austerity policies were enforced across EU member states, including pressures towards further privatization, especially on the countries in the EU's periphery such as Greece, Italy and Portugal (Bieler, 2017; Fattori, 2013; Hall & Lobina, 2012a; Zacune, 2013). By insisting on the privatization of water utilities the European Commission (as part of the Troika) violated the neutrality that the EU is assumed to adopt with regards issues of public or private ownership of water services and the right to public participation in decision-making in EU member states (CEO, 2012; Fahsi, 2012).

The impact of the Right2Water movement

The first result that Right2Water achieved was the exclusion of water from the scope of the Concession Directive. This was decided in June 2013 at a moment that Right2Water collected over 1 million signatures and the European Commission felt the urgency to respond to the public pressure that Right2Water had evoked (EPSU, 2013; European Commission, 2013; Fattori, 2013; Limon, 2013).

In March 2014, the European Commission responded officially to the Right2Water ECI. In a 13-page communication, it manifests that it recognizes that water is a public good (European Commission, 2014, p. 5). Although this constitutes an acknowledgement of what Right2Water had claimed for and a triumph for the movement, this was actually already achieved halfway through the campaign (EPSU, 2013; European Commission, 2013). The European Commission stated that it always 'played a positive role' to strive for access to safe and clean drinking water for all, in or outside the EU (European Commission, 2014, p. 7). Furthermore, it answered that 'affordability of water services is critical', but in the hands of national authorities, and that the provision of water services is a responsibility of the local authorities (pp. 4, 5). In short: the European Commission's response implicitly said that implementation of the Human Right to Water is an issue for member states. It would not change or amend any existing legislation. This response was a big disappointment for the Right2Water movement (EPSU, 2014). The answer basically entailed that the European Commission had already accomplished much in improving the access to water and sanitation in Europe and globally (European Commission, 2014). The European Commission played down on its role and simply denied its own responsibility in European water policies. The Right2Water movement insisted 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 (Cauwenberg, 2015; CEO, 2013; Fahsi, 2012).

After receiving the answer from the European Commission, the European Parliament made it clear that in its view the European Commission had fallen short in its response to Right2Water and started an initiative to bring the demands of the movement back on the agenda (European Parliament, 2015). The European Commission announced it would hold a consultation on drinking water, something it could have done even without the ECI and which did not really address the main objectives of the ECI (Conrad, 2014). A more concrete result finally came in 2018 when the European Commission revised the Drinking Water Directive as an outcome of both the public consultation as well as the European Parliament initiative, but which the European Commission itself calls 'a direct reply to the European Citizens' Initiative "Right2Water"' (European Commission, 2018a). For the first time the European Commission acknowledged the existence of marginalized groups and took its role in putting an obligation for EU countries to improve access to safe drinking water for all and to ensure access for vulnerable and marginalized groups in its proposed Drinking Water Directive (European Commission, 2018a, 2018b). A year later the European Commission says that 'it aims to improve the quality of drinking water and access to it as well as provide better information to citizens' (European Commission, 2019). Such issues went even beyond the demand of Right2Water – despite of the fact that materializing the HRWS in Europe is still not a generalized reality.

The fact that Right2Water had been based on and supported by a broad alliance of trade unions, social movements and NGOs across the whole 'social factory' was crucial

(Bieler, 2017), not only for campaigning purposes but also because several different forms of injustice in water were experienced by different groups and could be linked to EU water policy. Having such a broad alliance was both a weakness and a strength. It combined forces, influence and different motives across countries, but diverging interests also hindered cooperation as each ally had other priorities (see also Dupuits et al., 2020; Vos et al., 2020). Ultimately a diverse group of nearly 250 organizations supported the campaign, making it a new multi-scale movement (Van den Berge et al., 2018).

For the Right2Water movement, water services are essential to all people and cannot be liberalized. The movement argued that where market mechanisms determine who receives water and what quality of water people get, the gap between rich and poor increases and inequalities are consolidated (Van den Berge et al., 2018). In his report on the 10th anniversary of the HRWS, UN Special Rapporteur Leo Heller concluded that the privatization of water services carries three risks for the realization of the HRWS: in the natural monopoly of water services, profit maximization, and power imbalance between public authorities and private providers. The power imbalance is especially problematic in cases where local authorities have to negotiate a concession for water services with a multinational corporation (United Nations General Assembly, 2020).

Right2Water made important steps in influencing EU water policies. The European Commission attributed the recast drinking water directive to Right2Water (European Commission, 2018a). It also accepted and subscribed to the fact that 'water is a public good, not a commodity' (European Commission, 2013; European Parliament, 2015). This was publicly acknowledged by many politicians after the successful ECI, therewith changing the discourse on water provision from market oriented to more public oriented. Amongst others, because of the claims and actions of this broad, multi-actor and multi-scale movement, the European Commission is slowly changing the discourse.

Water justice, in this respect, indeed can be conceptualized not just as a particular state of water affairs but as a multi-actor process to collectively change water-based materialities and discourses, involving redistribution, recognition, representation and ecological integrity. It combines struggles against water-based forms of dispossession, cultural discrimination and political exclusion with the critical exploration of water governance and knowledge production (Boelens, 2015, p. 34). For Right2Water it meant an engagement across differences combining grassroots, academic and policy action (Dupuits, 2019; Goodwin, 2019; Schlosberg, 2004; Zwarteveen & Boelens, 2014). The roles played by this more solidary, non-commodified water and sanitation configuration during the current pandemic crisis and, on the other hand, the neoliberal government mentalities and practices that constantly re-emerge to make (ab)use of crises is the key theme now to be investigated.

Discussion and conclusions

Right2Water used the Human Right to Water as a strategic-political tool to fight privatization, not to institutionalize a new formal standard. This was shown in the focus on the demand to halt liberalization and the building on the Italian Water Movement at the start of the campaign. By building on the Italian example, Right2water moved from the individualized human right to drinking water to the public (common) good of water resources and water services. From the Italian movement, Right2Water took over the idea of building

a democratic political framework for organizing and defending public water services. The Italian Water Movement clearly tried to change the discourse on water provision with its slogan 'Write Water, Read Democracy'. Right2Water used its own: 'Water is a public good, not a commodity'. This was well understood by people in Germany, Austria, Slovenia and several other countries when they realized that the proposed Concession Directive was a threat to their local public water services. The massive support for Right2Water in these countries was linked to the threat that was felt because of privatization and liberalization dangers, more than the very discourse of 'human rights'. In Greece, Spain and Italy it was the direct threat of imposed privatization that was felt as injustice and created broad and mutual support for Right2Water. Privatization has in several cases led to increasing inequalities and problems with affordability. With profit as the main objective, the idea of water as a human right arguably became a secondary concern for private operators. Right2Water was in fact 'shopping' in human right aspects and principles that fit the struggle against privatization. In this sense the campaign was as little consistent as private sector public relations or European Commission speak, but its arguments were much later, in 2020, recognized by the UN Special Rapporteur. The European Commission's response shows its

Table 1. Right2Water: seven key questions on water justice.

(1) For whom? (e.g. the affected people(s) and their places)
The Right2Water movement and its struggle is relevant to all people in Europe and globally who see their right to water threatened by corporations that put private (-profit) interest over public interests

(2) To what? (e.g. access, availability, water quality and sanitation)
This article shows that water injustice occurs in terms of not only access but also the discourses and principles of transparency, accountability and participation. Changing the discourse can change (perceived) injustice

(3) Where? And at what scale? (e.g. location/spatial and also the human scale such as individual, community and national scales)
Right2Water argues that injustice takes place in Europe when people, and especially the most vulnerable, do not have a say and influence in the provision of their most essential need: water. This 'say' (i.e. participation) is relevant in all European Union (EU) member states and goes beyond the level of water-access-for-all alone. In some cases, it is locally visible when people stand up (Berlin), but more often it happens unseen in political processes or in contractual arrangements between multinationals and local authorities

(4) When? (e.g. current situation, lessons from the past, future actions for justice and sustainability)
Right2Water arose at a time of financial crisis and harsh austerity measures in Europe early in this decade, but it was not only the people who suffered who joined the movement. This is shown by the interest that people in countries as Germany or Austria took in joining the Right2Water movement. An awareness of political aspects of water services and the link between EU water policies and local provision rose during the Right2Water campaign and is a condition for actions for justice and sustainability

(5) Why? (e.g. what historical, political–institutional, socioeconomic and other frameworks or perspectives provide an explanation for water injustice)
The 'Single Market' remains the main objective of the European Commission, and as long as this continues and EU water policy remains market oriented, the Right2Water movement and activists will continue their struggle because of the injustice felt when corporate interests are (in their view) better served than public interests

(6) How? (e.g. which drivers of water injustice should be prioritized? What scope is there to mitigate water injustice within existing responses and governance structures?)
In the eyes of Right2Water, to mitigate this injustice, a policy shift away from the path of commodification and privatization is a way forward. Three factors that can drive injustice must be addressed: profit maximization, power imbalance and the natural monopoly of water services provision

(7) Which actions are required? (e.g. ethical decision-making, unequal power relationships, dispossession, disenfranchisement, etc.)
A change in discourse is only the start of a more solidary and stable society that is the foundation on which to face the water crisis. Putting words into practice is the next step that the EU and governments must take

misconception of water justice and its agnostic interpretation of the Human Right to Water. It ignores the contradiction in its liberalization and privatization policies that the it imposes on EU member states. At the same time the European Commission is calling it a member states' obligation to fulfil the Human Right to Water and says it is willing to support member states. The response that the European Commission sees its role in ensuring access to water supply and sanitation as 'positive' is in sharp contrast to the role it played in imposing privatization to Greece, Portugal and Italy.

The discourse on water did change with the acceptance of water as a public good during the campaign of Right2Water. Forced by citizens' alliances policymakers acknowledged that quality water services for all EU inhabitants are a matter of justice, not of markets. In terms of water justice this is an important achievement: as we have argued, injustices cannot be solved by fighting aspects of inequality and maldistribution alone. Water justice matters equally involve the challenges of recognition, representation and ecological integrity, all strengthened (or threatened) by particular water truths or discourses. Discourse is part of (in)justice. In the words of the movement, as long as the European Commission insists on its discourse that water services can be provided via a market, it will maintain market-induced injustices. Recognition of water as a public good is certainly advancing water justice. However, implementing such water justice notions goes beyond just legal and policy proclamations and continues to be subject to socio-political arenas and struggle. The struggle in Europe is and will still be taking place as long as the neoliberal ideology and discourse dominates public debate (Table 1).

The Right2Water movement argued that many of European countries' so-called integrated water governance frameworks actually may exclude less privileged population groups from access to affordable water. Acknowledgement of this came with the revision of the Drinking Water Directive in 2018. Finally, the European Commission made a gesture towards vulnerable and marginalized groups by putting an obligation for, and providing financial support to, EU countries to improve access to safe drinking water for all. The pandemic crisis and its close relationship with vulnerable people's abilities to access water and sanitation, to be investigated urgently, is the ultimate litmus test to see if Europe's words on social inclusion are more than just words.

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Disclosure statement

ORCID

Jerry van den Berge 🔲 http://orcid.org/0000-0003-1518-7747
Jeroen Vos 🔲 http://orcid.org/0000-0002-4716-8682
Rutgerd Boelens 🔲 http://orcid.org/0000-0002-8412-3109

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