

## Water as Human Right and Commons: Themes and Practices in the Italian Water Movement

Emanuele Fantini\*

The 12th and 13th of June 2011, 27 millions of Italians, around 57 per cent of the electorate, voted for four referenda. Two of them demanded to repeal two norms supposed to foster water privatisation: the obligation for public authorities to select the water services provider through franchise bids open to public, private and mixed companies; the inclusion in the water tariff of a quote for the adequate remuneration of invested capitals, with a rate fixed by law at 7 per cent<sup>1</sup>. The other two referenda asked the abrogation of the plan proposing the reopening of the production of nuclear energy, and the norm awarding the possibility to Prime Minister and cabinet members not to appear in court sessions in case of «legitimate impediment» related to their institutional activity. The large majority of voters – around 97 per cent – responded affirmatively to the repeal of all the four norms.

The success of the referenda represented one of the most striking political events of the year as well as a largely unexpected phenomenon of civic participation in contemporary Italy. In the previous 24 referenda held since 1997, the required quorum of 50 per cent plus one of the voters was not attained. Furthermore, in the months prior to the vote, mainstream media (national newspapers and public TV service) neglected or explicitly censored information over the issues at stake in the referenda.

In the case of water, the success of the referenda emerged from the encounter between a favourable political conjuncture and the trajectory of a mobilisation longer than ten years. Two contingent factors played a significant role in motivating people to campaign and vote: on one side, public opinion sensitiveness to the nuclear issue in reaction to the disaster of Fukushima plant in Japan; on the other, the climate of enthusiasm and willingness to actively engage within the opposition against Berlusconi governments linked to recent successes in local elections in key cities like Milan and Naples. The two referenda against water

\* *PhD in Political Science, University of Turin (2009) and Laureate of the European Master Degree in Human Rights and Democratisation (2000/2001).*

<sup>1</sup> According to the Italian law referenda can only be abrogative of existing norms. In the case of the referenda against water privatisation, the two norms were respectively contained in Article 23 of Law 133/2008 (the so-called «Ronchi Decree», from the name of the Minister for European Affairs of the Berlusconi cabinet who proposed the law), and Article 154 of Legislative Decree 152/2006 (the so-called «Environmental Code»).

<sup>2</sup> N. Birdsall, J. Nellis, *Winners and Losers: Assessing the Distributional Impact of Privatization*, Center for Global Development Working Paper No. 6, Washington DC, 2002.

<sup>3</sup> J. Dugard, K. Drage, *Shields and Swords. Legal Tools for Public Water*, Municipal Service Project Occasional Paper No. 17, June 2012.

<sup>4</sup> D. Hall, E. Lobina, R. de la Motte, *Public Resistance to Privatisation in Water and Energy*, in «Development in Practice», vol. 12, no. 3-4, 2005, pp. 286-301; *Reclaiming Public Water. Achievements, Struggles and Visions from around the World*, Amsterdam, Transnational Institute and Corporate Europe Observatory, 2005; M. Pigeon, D.A. McDonald, O. Hoedeman, S. Kishimoto (eds.), *Remunicipalisation. Putting Water Back into Public Hands*, Amsterdam, Transnational Institute, 2012.

<sup>5</sup> A first attempt to fill the gap resulted in the workshop *Water Politics in Italy. Movements, Knowledge and Territories. A Year after the Referendum* organised at the University of Turin on 14 June 2012. Contributions to the seminar will be presented in C. Carrozza, E. Fantini (eds.), *Si scrive acqua. Attori, saperi e pratiche nel movimento italiano per l'acqua pubblica* (forthcoming).

<sup>6</sup> See for instance P. Gleick, *The Human Right to Water*, in «Water Policy», no. 1, 1998, pp. 487-503; B. Morgan, *The Regulatory Face of the Human Right to Water*, in «Journal of Water Law», no. 15(5), 2004, pp. 179-186; R. Brown, *Unequal Burden: Water Privatisation and Women's Human Rights in Tanzania*, in «Gender and Development», vol. 18, no. 1, 2010.

<sup>7</sup> R. Petrella, *The Water Manifesto: Arguments for a World Water Contract*, London-New York, Zed Books, 2001; M. Barlow, *Blue Covenant. The Global Water Crisis and the Coming Battle for the Right to Water*, Toronto, McClelland & Stewart, 2008; Id., *Our Right to Water. A People's Guide to Implementing the United Nations' Recognition of the Right to Water and Sanitation*, Ottawa, Council of Canadians, 2012.

privatisation, however, would not have been possible without the tenacious mobilisation of the Italian water movement. These two referenda were the first in the Italian Republic history not to be promoted by political parties, but by a coalition of civic and social movements that collected the record figure of 1.4 million signatures in support of their proposal. The mobilisation was facilitated by the peculiar nature of water, given its symbolic and material relevance for human and environment life. It benefited also by the widespread climate of mistrust against the idea of privatisation and «the perception that it is fundamentally unfair, both in conception and execution»<sup>2</sup>, exacerbated by the current global financial and economic crisis. The Italian water movement, in line with the experience of other countries, powerfully synthesised these popular ideas and perception in the motto «water as human right and commons», presenting the struggle against the privatisation of water services as a wider battle for democracy. «It is written water, it is read democracy» has become the omnipresent closing formula of all movement's statements and messages.

This experience offers interesting insights not only on the nature of political participation in contemporary Italy, but also on the wider debate on social movements against water privatization. Following the success of the referendum, the Italian case has received greater international attention<sup>3</sup>. To date, research on water privatisation has largely focused on experiences in so-called «developing countries» in Africa, Latin America and Asia<sup>4</sup>. In European and North American contexts some studies have addressed the cases of France, Germany, Canada and United States, while the ten-year long Italian mobilisation has been overlooked, also by Italian researchers<sup>5</sup>.

Therefore, the aim of this article is presenting the experience of the Italian water movement and through the analysis of the referenda, contributing to the debate on the meanings and the practices associated to the notions of «human right to water» and «water as commons», and their pertinence and relevance in the social struggles against water privatisation.

Since the end of the 1990s the human right to water has been constantly presented by scholars<sup>6</sup> and invoked by activists<sup>7</sup> as an instrument providing an effective framework of contractual obligations to counter privatisation of water services. Bakker, however, has argued that strategies centred on the notion of

commons are more conceptually coherent and politically effective than those elaborated from a human rights approach. In Bakker's view, the latter «does not foreclose private sector management of water supply systems» and stems from an «individualistic and libertarian philosophy» compatible or organic to the capitalist system and neo-liberal globalisation<sup>8</sup>. Recent statements by traditional supporters of private involvement in water management like World Bank, the World Water Council or Acquafed, the international association of private water companies, which openly acknowledged the human right to water could be read as a confirmation of that observation. In spite of these limits, a recent review of experiences of social movements in different continents seems to confirm the potential of legal strategies and tools (referendum, litigation) referring to the right to water as mobilising agents. When conceived as tactical tools within a broader political struggle against water privatisation, these instruments could represent effective enabling frameworks and legitimising references<sup>9</sup>. Analysis should therefore interpret how the universal call for the right to water articulates to historical, geographical and cultural contexts and how it is translated into social and political struggles<sup>10</sup>.

Following this perspective, the first section of the article presents the experience of the Italian water movement and its historical trajectory, describing its main actors, agenda and strategies, in relation to the evolution of the national framework regulating water services provision. Section two analyses how the reference to «water as human right» has been framed within the Italian movement, and the practices legitimated and promoted through this reference. In the third section, the same analysis is applied to the notion of «water as commons». The implications of the complementarity of the two notions and the plurality of different approaches they legitimate are discussed in the conclusion.

<sup>8</sup> K. Bakker, *The «Commons» Versus the «Commodity»: Alter-globalization, Anti-privatization and the Human Right to Water in the Global South*, in «Antipode», vol. 39, no. 3, June 2007, pp. 430-455.

<sup>9</sup> J. Dugard, K. Drage, *Shields and Swords...*, cit.

<sup>10</sup> F. Sultana, A. Loftus (eds.), *The Right to Water. Politics, Governance and Social Struggles*, London, Routledge, 2011.

## **1. The Italian Water Movement: History, Actors and Strategies**

The Italian water movement is composed by a wide social coalition, active in the country since the end of 1990s and, starting from 2006, formally consolidated under the umbrella of the Forum italiano dei movimenti per l'acqua (Italian

Water Movements Forum). The coalition encompasses alter-globalisation networks like the Social Fora and Attac, trade unions, civic committees, local authorities, environmental groups, consumers associations, development NGOs, fair trade cooperatives, missionaries. During the campaign that preceded the referenda, other organisations, such as the faith-based association ACLI (Italian Christian Workers Association) joined the Promoting Committee «Due Sì per l'Acqua bene comune» (Two Yes for Water as Common). Moreover, the movement was supported by the spontaneous and creative mobilisation of sports associations, parishes, scouts groups, student organisations, artists and individual citizens. 16 per cent of the people that voted in the referendum declared to have actively participated to the campaign, and for 60 per cent of them this was the first experience of political activism<sup>11</sup>.

### 1.1. Promoting a New Water Culture

Two episodes lie at the origins of the Italian water movement. The first is the creation, in 2000, of the Comitato italiano per un Contratto mondiale sull'acqua (Italian Committee for the World Water Contract) inspired by Water Manifesto promoted by political economist Riccardo Petrella and former Portugal President Mario Soares within the Lisbon group in 1998. The Committee was initially animated by «few peoples, some development NGOs, the association Punto Rosso (Red Point), the Environmental Forum and a minority component of Rifondazione Comunista (Re-founding Communism) party» as acknowledged by its President Emilio Molinari, an environmental leader and former independent senator with the Green Party<sup>12</sup>. A second stream feeding the Italian water movement originated from the reception by alter-globalisation groups like Attac of messages and inputs around the issue of water resources management and services privatisation in Latin America coming from Porto Alegre World Social Forum (2000), particularly by indigenous representatives and groups. These messages got particular attention in Italy through the European Social Forum hosted in Florence in 2002.

These origins «from abroad» determined since the very beginning of the Italian water movement a strong emphasis on the international dimension of the issue, linking it to messages

<sup>11</sup> I. Diamanti, *Mappe - Il movimento che rende visibile il cambiamento nel paese*, in «La Repubblica», 27 June 2011; Fondazione Istituto Cattaneo, *Il significato politico dei referendum*, June 2011, [www.cattaneo.org](http://www.cattaneo.org).

<sup>12</sup> E. Molinari, C. Jampaglia, *Salvare l'acqua. Contro la privatizzazione dell'acqua in Italia*, Milano, Feltrinelli, 2010.

of international solidarity and criticism of globalisation, rather than to local environmental struggles. This attention is evident in the continuous reference to one of the founding myths of the movement, the «water war» in Cochabamba (Bolivia), rather than to national past experiences that could have played an analogue role in the imaginary of the movement, such as the struggles animated by poet and social activist Danilo Dolci on access to water, rights and legality in Sicily during the 1950s and 1960s<sup>13</sup>. Nowadays, reference to the international dimension remains strong and contributed to frame the movement's narrative even during the referenda campaign<sup>14</sup>.

The fact that initially the movement was mainly animated by development NGOs and alter-globalisation groups, rather than by traditional environmental activists, contributed to the shaping of its strategies and practices. In particular, during the first year of existence, the movement decided to focus on cultural activities, in order to promote a «new water culture»<sup>15</sup>, rising awareness among the Italian public opinion about the problems related to lack of access to clean water and privatisation of water services around the world. This strategy was translated into a grassroots information campaigns and educational activities targeting schools, associations, parishes, often in collaboration with local authorities and supported by the production of educational material<sup>16</sup>, photo exhibitions and contribution by renown artists such as Dario Fo, Beppe Grillo, Moni Ovadia, Marco Paolini. These initiatives were built on expertise and practices of development NGOs on education for «global citizenship», with water issues analysed within the broader analytical notion of sustainable development and the normative framework of international solidarity.

In parallel, the experience developed within the alter-globalisation networks, translated into a decisive contribution by the Italian water movement to the organisation of international events like the Alternative (or People) World Water Forum (particularly the first two editions held in Florence in 2003 and Geneva in 2005), in order to counter pro-privatisation ideology and strategies promoted by institutions like the World Water Council<sup>17</sup> and the World Bank through the triennial World Water Forum.

<sup>13</sup> D. Dolci, *Il potere e l'acqua. Scritti inediti*, Milano, Melampo, 2010.

<sup>14</sup> C. Carrozza, *Referendum. Una vittoria a metà*, in A. Bosco, D. Mc Donnell (eds.), *Politica in Italia 2011*, Bologna, il Mulino, 2012.

<sup>15</sup> Rosario Lembo, among the founders and current Chairman of the Italian Committee for the World Water Contract, interview with the author, April 2012.

<sup>16</sup> See for instance the first advocacy campaign promoted by the Italian Committee for World Water contract, «Water Common Good of Humankind», and the rich catalogue of water publications by Editrice Missionaria Italiana (EMI), the Italian missionaries publisher.

<sup>17</sup> The World Water Council presents itself as «international multi-stakeholder platform» that includes representatives of national governments, UN agencies, international professional associations, NGOs and private companies. Among its main tasks there is the organisation of the triennial World Water Forum.

## 1.2. Supporting Local Struggles against Water Privatisation

The awareness of the need to move beyond a mere cultural approach and a focus on the global scale matured within the movement in particular at the first Alternative World Water Forum of Florence. The Forum was also supported by Tuscan local governments run by a centre-left political coalition. These local governments, while dialoguing and agreeing with the movement on the principles of water as human rights and commons, in practice were implementing the public-private schemes for water management that the movement openly rejected.

Actors like the Italian Committee for the World Water Contract or the Social Fora, previously focusing on the international and global dimension of water issues, decided to stimulate and support the local struggles which in that period started to react to the process of increased involvement of market instruments and logics within the water sector. At the beginning of the 21st century some of the outcomes of the Italian water services reform inaugurated by Law no. 36 of 1994, known as the Galli law, became evident. The reform was aimed at overcoming the fragmented model of municipal management based on water services provision by small agencies depending on local authorities, and at promoting the industrialisation of the water sector. The Galli law introduced a market logic in the sector based on vertical and horizontal integration of the water service and its management through industrial companies, customer-oriented management and full-cost recovery principle in setting tariffs<sup>18</sup>. The reform engendered the industrial restructuring of the sector with the corporatisation<sup>19</sup> of public water utilities of big and medium towns and their merge into water companies run on private-sector operating principles, totally owned by local governments (in-house provision) or accommodating private partners. In order to speed up this process, in 2002 the centre-right government coalition led by Silvio Berlusconi amended the regulation of local public services procurement, establishing as general rule their provision by joint-stock companies selected through competitive franchise bids<sup>20</sup>.

As a reaction, the Italian water movement joined or started local struggles trying to reject or reform this institutional framework. In Tuscany, for instance the movement promoted the draft

<sup>18</sup> C. Carrozza, *Italian Water Services Reform from 1994 to 2008: Decisional Rounds and Local Modes of Governance*, in «Water Policy», no. 13, 2011, pp. 751-768.

<sup>19</sup> J.E. Magdahl, *From Privatisation to Corporatisation: Exploring the Strategic Shift in Neoliberal Policy on Urban Water Services*, Oslo, Association for International Water Studies, 2012.

<sup>20</sup> Article 35 of the financial law for the year 2002 (Law 448/2001).

of a law proposing public management for the water sector<sup>21</sup>. Activists in Lombardy allied with local authorities to propose a referendum to repeal the water regional law. In parallel, the movement also supported local struggles of civic committees, such as those in the towns of Arezzo or Latina, against the increase in water tariffs determined by the adoption of the full cost recovery principle and the halt of public subsidies to the water sector from the general treasury.

This season of the movement seems particularly relevant in order to grasp its relationship with local governments and authorities. The Italian water movement has often been presented to public opinion like a force reorienting the political space from the left-right axis towards the national-local one, with the first level supporting privatisation and the second in favour of public management<sup>22</sup>. In practice things are more complex. The implementations of the Galli reform in Italy followed different paths, according to the plurality of political strategies elaborated by different local authorities<sup>23</sup>. The Italian water movement allied with local institutional actors that have been excluded from the decision-making process related to the industrial restructuring of the water sector: majors and representatives of small and medium towns, or the members of municipal and provincial councils of big towns that lack information and powers to hold accountable their respective executive bodies.

The dialogue has been more problematic with those local governments willing to actively and autonomously implement their own political strategy within the process of reform and industrial restructuring of the water sector. On one side were the local government is opposing competition and is determined to exploit the room left by the European Commission framework allowing direct assignment and *in-house* provision of local services. On the other were the regional governments willing to pursue their own political and industrial agendas in the water sector, enacting regional regulations challenging the national framework<sup>24</sup>. These strategies resulted in the choice of *in-house* provisions, with direct assignment to former local public utilities, for the majority of the cases on the whole national territory. Regional governments also promoted several litigations in front of the Italian Constitutional Court against national government dispositions like the ones of 2002. The Italian water movement tactically supported these moves but at the same time disagreed

<sup>21</sup> The draft law was rejected through a vote by the Tuscany Regional Council in 2006.

<sup>22</sup> P. Rumiz, *Acqua S.p.A. La rivolta dei sindaci*, in «La Repubblica», 14 November 2008; E. Molinari, C. Jampaglia, *Salvare l'acqua...*, cit.

<sup>23</sup> C. Carrozza, *Italian Water Services Reform from 1994 to 2008...*, cit.

<sup>24</sup> *Ibidem*.

with the municipal capitalism logics that inspired most of them. The reversal or dilution of national government reforms towards privatisation of the sector should therefore be analysed in light of local governments strategies and can only be partially considered among the movement's achievements.

### 1.3. Attaining National Relevance

In order to strengthen coordination and impact at national level, movements and associations involved in these local struggles gave birth in 2006 to the Forum italiano dei movimenti per l'acqua (Italian Water Movements Forum, hereinafter «the Forum»).

At national level, the movement's advocacy efforts, supported by left-wing and green parties, managed to obtain the inclusion of the recognition of water as public service and a moratorium on its privatisation within the electoral programme of the centre-left coalition led by Romano Prodi that won the election in 2006. In line with this statement, a year later, the Italian government withdrew its support to the World Bank Public-Private Infrastructure Advisory Facility (PPIAF), in consideration of that body strategy to reform public infrastructures in developing countries through facilitating private sector participation<sup>25</sup>.

In 2006, the Forum articulated a comprehensive proposal for the reform of the water sector, inspired by the principle of water as public service of general interest. The proposal was framed as a popular initiative law, subscribed by more than 400,000 citizens' signatures and presented in Parliament in July 2007. In spite of the fact that the Parliament did not follow up the proposal, the draft law has been instrumental in defining and consolidating the movement narrative on water, becoming its official manifesto<sup>26</sup>.

The ambiguous reception of the movement proposal by the centre-left coalition and later the fall of the Prodi government, led the Forum to undertake a new nation-wide campaign advocating the adoption by local councils of proclamations recognising water as «universal human rights and commons», and the water services «without economic relevance». The campaign was instrumental in strengthening the partnership between the movement and local governments. This alliance was institutionalised through the creation of the Coordinamento degli enti locali per l'acqua

<sup>25</sup> The influence of the movement on the decision was confirmed by the fact that Patrizia Sentinelli, Italian deputy Minister of Foreign Affairs, announced it during the International Civil Society Forum «Stop Privatisation».

<sup>26</sup> M. Bersani, *Come abbiamo vinto i referendum. Dalla battaglia per l'acqua pubblica alla democrazia dei beni comuni*, Roma, Edizioni Alegre, 2011.



pubblica (Local Governments Network for Public Water) with a decisive support by the Forum.

In the following years the centre-right government led by Silvio Berlusconi, introduced with the Ronchi Decree (2009) a set of norms aimed at institutionalising the franchise bid as the main instrument to select local services providers, with the *in-house* provision becoming a residual and exceptional choice. The Ronchi Decree contained also norms to facilitate the involvement of private companies in local service management, by fixing a deadline to sell the shares owned by local authorities<sup>27</sup>. Considering it an undemocratic act – the Parliament ratified the decree through confidence vote, without having the opportunity to discuss and amend it, amidst popular protests, petitions and demonstrations – and a Trojan horse to privatise the water sector and sell it to transnational corporations, the movement decided to propose a national referendum to repeal it. Referendum's questions were drafted and signatures in its support were collected in 2010. The referenda were successfully held in June 2011, as described above, and offered the opportunity to the Forum to reach a wider audience within the public opinion and attain national relevance as political actor.

This third phase of the Italian water movement trajectory offers significant insights about its difficult and troubled relationship with the institutional political system, and in particular with traditional political parties. The experience of the popular initiative law and the initial boycotting of the referendum shows how the movement did not find an institutional political partner at national level, contrary to what happen in several local contexts. This is surely due to the lack of interest and understanding of the movement by national political leaderships and elites. The relationship has been further complicated by the fact that main parties, like Partito Democratico or Lega Nord, are internally divided on the issue public vs. private water: while their national representatives were proposing and voting pro-privatisation norms in Parliament, several of their local sections supported the movement struggles and later joined the Referendum Promoting Committee. Other parties, such as Italia dei Valori, tried to instrumentally use the water issue proposing an alternative referendum – finally rejected by the Constitutional Court – in order to increase their visibility. These attitudes fuelled the mistrust towards traditional parties

<sup>27</sup> A. Massarutto, *La gestione dei servizi idrici privata... del buon senso*, in «L'amministratore locale», no. 1, 2010.

system and the expression of anti-party feelings that were latent in the movement, or at least within some of its components. This was evident for instance in the refusal of political flags and symbols during public demonstrations organised by the Forum, as well as of political party adhesion to the Referendum Promoting Committee. Even left-wing and green parties trying to credit themselves as the movement's privileged institutional interlocutors, like Sinistra Ecologia e Libertà (SEL - Left Ecology and Freedom) were rigorously scrutinised by the movement, as testified by the fierce dispute over the republicisation of Acquedotto Pugliese (Puglia Regional Water Provider) between water activists and Puglia Regional Chairman and SEL leader Nichi Vendola.

These three phases describing the evolution of the Italian water movement should be interpreted as incremental rather than linear. The education and information campaigns that marked the movement origins, for instance, continued throughout its whole political journey. A constant feature of this experience is the joint reference to water as human right and common. These two terms, however, throughout the history of the Italian water movement have been used with different nuances, referring to a plurality of meanings and legitimating multiple positions and practices.

## **2. The Human Right to Water in the Experience of the Italian Water Movement**

Since its very beginning, the Italian water movement has adopted in its narrative the human rights language, linking for instance access to water to the implementation of the right to life for all, as stated in the Italian Manifesto for the World Water Contract (2000)<sup>28</sup>. Reference to the human right to water has been constant in education and information campaigns, as well as in lobbying and advocacy activities at local and international level. By framing its discourse through the reference to the human right to water, the movement gave voice to widespread popular moral perceptions, putting forward at the same time political claims with legal implications.

<sup>28</sup> R. Petrella, *The Water Manifesto...*, cit., p. 132.

## 2.1. A Moral Statement

Support for the identification of water as natural human right, inherent to human nature and dignity, stems from widespread moral perceptions and common sense recognising water as essential element for life, recalling that human body is made of water for most than 70 per cent, and acknowledging the central role played by water in the broader material-symbolic domain shaping culture and societies throughout places and times<sup>29</sup>.

In the Italian case, this popular perception has also been reinforced by the influence of Catholic tradition and values. The official social doctrine of the Catholic Church states that «as God's gift, water is a vital element, essential for survival and therefore universal right» and «given its nature, water cannot be treated as a mere commodity among others and its use should be rational and fair»; «the right to water, like all human rights, stems from human dignity and not on mere quantitative evaluation considering water only as economic good. Without water life is in danger. Therefore, the right to water is universal and inderogable»<sup>30</sup>. These positions have been reaffirmed in recent statements of Pope Benedict XVI, Catholic Church official documents and declarations of Italian bishops<sup>31</sup>. Inspired by these references, several Church bodies, faith-based organisations, missionaries, parishes and individual believers actively engaged within the Italian water movement, in particular during the referenda campaign<sup>32</sup>.

A first consequence of these moral stands has been the promotion of an anthropocentric approach in the framing of water issues in Italy. Water, reconised as «indispensable for human life», has been considered first of all in terms of a basic social service. Consequently, holistic approaches focusing on the whole ecosystem and addressing the integrated water cycle in a comprehensive manner, including for instance the issue of water uses in agriculture and other productive sectors or the problem of the hydrogeological situation of the country, have been rather neglected.

A second implication of the moral dimension of the right to water is the emphasis on the sacred character of water resources and its peculiar nature as compared to other public services. This perception fuelled a widespread condemnation of actors and strategies deemed as aiming to make economic profits over the

<sup>29</sup> S. Strang, *The Meaning of Water*, Oxford, Berg, 2004; V. Teti (ed.), *Storia dell'acqua. Mondi materiali e universi simbolici*, Roma, Donzelli, 2003.

<sup>30</sup> Pontificium Consilium Justitia et Pax, *Compendio della dottrina sociale della chiesa*, Roma, Libreria Editrice Vaticana, 2004, paras. 484 and 485.

<sup>31</sup> See for instance Benedictus XVI, *Message in occasion of the 2008 International Expo of Saragoza*, 2008, available at [www.vatican.va](http://www.vatican.va) ([http://www.vatican.va/holy\\_father/benedict\\_xvi/letters/2008/documents/hf\\_ben-xvi\\_let\\_20080710\\_expo-zaragoza\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/letters/2008/documents/hf_ben-xvi_let_20080710_expo-zaragoza_en.html)); Id., *Encyclical Letter Caritas in Veritate*, 2009 ([http://www.vatican.va/holy\\_father/benedict\\_xvi/encyclicals/documents/hf\\_ben-xvi\\_enc\\_20090629\\_caritas-in-veritate\\_en.html](http://www.vatican.va/holy_father/benedict_xvi/encyclicals/documents/hf_ben-xvi_enc_20090629_caritas-in-veritate_en.html)); Pontificium Consilium Justitia et Pax, *Water. An Essential Element for Life, Holy Seat Contribution to the IV World Water Forum*, 2012 ([http://www.pccp.it/dati/2012-03/24-999999/2012NOTAACQUA\\_ENG\\_DEF.pdf](http://www.pccp.it/dati/2012-03/24-999999/2012NOTAACQUA_ENG_DEF.pdf)); M. Toso, *La caritas in veritate due anni dopo. Ricezione ecclesiale e civile*, in «La società», 4, 2011.

<sup>32</sup> E. Fantini, *Il mondo cattolico e l'impegno per l'acqua come bene comune*, in «Aggiornamenti sociali», no. 6, June 2012.

resource management. This was for instance the spirit behind the second referendum, asking to repeal the norms on adequate return of capital invested in the water sector, in the name of the motto «Out the profits from water».

A third implication of the moral recognition of the right to water is the emphasis on the principles of universality and solidarity. Reference to water as human right contributed also to draw attention to the global dimension of water issues and to problems related to the lack of access to clean water, particularly in the context of the so-called developing countries. This attention contributed to insert the Italian mobilisation within the global context of struggles against water privatisation, denouncing in particular the consequences in terms of reducing access and increase in water tariffs that different experiments of public private partnership had in Asian, African and Latin American countries. Moral implications of the human right to water in terms of international solidarity have been translated for instance in the proposal of a International Solidarity Fund to support water development cooperation projects, included in the 2006 draft popular initiative law.

A recent survey has shown how all these moral considerations linked to the perception of the violation of the human right to water have been decisive in mobilising activists and ordinary people and facilitating their identification with the movement during the referenda campaign<sup>33</sup>.

## 2.2. A Political Claim

Since the very beginning of the Italian water movement, the call for the recognition of water as human right has been one of the main political claims to counter water privatisation and commodification processes, in line with analogous campaigns in other countries. This global mobilisation started at the end of the 1990s, as a reaction to several international official declarations on water issues, inspired by a market-oriented approach and omitting any human rights reference. The final declaration of the 1992 International Conference on Water and the Environment, also known as the Dublin Principles, affirms «water has an economic value in all its competing uses and should be recognized as *economic good*». In the Ministerial Declarations of the triennial World Water Forum water is acknowledged

<sup>33</sup> D. Mazzoni, M. Van Zomeren, E. Cicognani, *Being Water Activists: The Motivating Role of Right Violation, Participative Efficacy Beliefs and Community Integration* (forthcoming).

as mere *human need*, while the 2002 Johannesburg Summit on Sustainable Development Final declaration considered water as *basic requirement*. Activists denounced the official consensus around these formulas as inspired by the lobby of water multinational corporations and the mainstream neoliberal ideology within international institutions like the World Bank and the World Water Council, promoting public-private partnerships and market-oriented strategies in water sector reforms.

The Italian water movement actively took part to this global advocacy initiative. It gave a main contribution in organising two People Alternative Water Forum, in Florence (2003) and Geneva (2005), questioning the legitimacy of the World Water Forum because of its pro-private orientation, its unwillingness to recognise the human right to water and the lack of democratic representation within the organising institution, the World Water Council. Among the political goals set by the Italian movement in its Declaration of Rome (2003), there was the inclusion of the right to water within the Universal Declaration of Human Rights, in national constitutions and in the statutes local authorities. Lobbying and advocacy initiatives in that direction were undertaken at local, national and European level, and contributed for instance to the adoption by a European Parliament of a Resolution in occasion of the fourth World Water Forum (Mexico City, 2006). The Resolution gave mandate to the European Commission to ask for the transformation of the World Water Forum into an event organised within the UN system, the official recognition of the human right to water and the guarantee for every human being of 50 litres per day free of charge, as indispensable amount for survival recommended by the World Health Organisation<sup>34</sup>.

The international campaign for the recognition of water as human right was effective in gaining popular support. The human right speech became therefore the legitimate framework to articulate discourses over water management. The World Bank was thus pushed to investigate and interrogate around the legal obligations stemming from the right to water<sup>35</sup>. Later, even Aquafed, the international network of private water companies, and the leading water company Veolia Water, adopted the reference to the human right to water in their official documents and position papers<sup>36</sup>. The highest recognition of the legitimacy

<sup>34</sup> European Parliament Resolution at the Fourth World Water Forum in Mexico City (16-22 March 2006), P6\_TA(2006)0087, adopted on 15 March 2006.

<sup>35</sup> M.A. Salman, S. McInerney-Lankford, *The Human Right to Water: Legal and Policy Dimensions*, Washington DC, The World Bank, 2004 («Law, Justice, and Development» series).

<sup>36</sup> See for instance the several position papers and official documents acknowledging the right to water and sanitation in Aquafed website ([www.aquafed.org/documents.html](http://www.aquafed.org/documents.html)); see also the contribution by Veolia Water to the UN Office of the High Commissioner for Human Rights (OHCHR) consultation on human rights and access to safe drinking water and sanitation (13 April 2007), available on OHCHR website ([www.ohchr.org](http://www.ohchr.org)).

of water movements claims came in 2010 with the adoption by UN General Assembly and UN Human Rights Council of two resolutions explicitly acknowledging the human right to water and sanitation. The General Assembly Resolution was adopted in July with 112 votes in favour and 42 abstentions, while four months later the Human Rights Council adopted a resolution by consensus, thus overcoming the resistance by member states likes US and Canada that previously abstained.

The two resolutions have been welcomed by senior water activist Maude Barlow as a «crucial milestone in the fight for water justice»<sup>37</sup> offering political legitimation to the struggle for public water and legal arguments and tools to counter the privatisation of water services. In particular, anti-privatisation strategies are based on the identification within the human rights framework of the state as the main duty bearer. Thus reference to the human right to water legitimises political claims for government responsibility and actions to uphold that right. The claims are practically translated into the request for considering access to water and sanitation as an essential public services, and for water management strategies inspired by the perspective of general interest, including future generations, rather than the logic of the market and of economic profits.

The Italian water movement has adopted this approach in the 2006 draft popular initiative law, grounding the proposal for public water governance and management on the general principles that «water is a natural good and a universal human right. Water availability as well as individual and collective access to clean water should be guaranteed as infeasible and inviolable rights»<sup>38</sup>. Analogue reference was also present in the national campaign asking local councils to insert in their statute the provision recognising water as «a universal human rights and commons», and the water services «without economic relevance». Reference to the human right approach as institutional framework to support access to water and sanitation as essential public services inspired also the recent proposal of European citizens direct law initiative<sup>39</sup>, promoted by a coalition of European trade unions, to which the Italian movement has adhered.

<sup>37</sup> M. Barlow, *Our Right to Water...*, cit., p. 12.

<sup>38</sup> «Principi per la tutela, il governo e la gestione pubblica delle acque e disposizioni per la ripubblicizzazione del servizio idrico» (Article 2.1), text of the 2006 popular initiative law, available in M. Bersani, *Come abbiamo vinto i referendum...*, cit. and on the Italian Water Movements Forum website ([www.acquabenecomune.org](http://www.acquabenecomune.org)).

<sup>39</sup> <http://www.right2water.eu>.

### 2.3. A Legal Framework

<sup>40</sup> WHO, *The Right to Water*, Geneva, World Health Organization, 2003; UN Economic and Social Council, *Economic, Social and Cultural Rights*, Report submitted to the 59th session of the Commission on Human Rights, by the Special Rapporteur on the Right to Food, E/CN.4/2003/54, 2003; UNDP, *Beyond Scarcity: Power, Poverty, and the Global Water Crisis: UN Human Development Report 2006*, New York, United Nations Development Programme, 2006; UNWWAP, *Water: A Shared Responsibility*, New York, United Nations World Water Assessment Program, 2006; UNOHCHR, WHO, UNHabitat, *The Right to Water*, Human Rights Fact Sheet no. 35, 2010.

<sup>41</sup> COHRE (Centre on Housing Rights and Evictions), *Legal Resources for the Right to Water. International and National Standards*, Sources No. 8, COHRE, 2004; WASH United, Freshwater Action Network (FAN Global), WaterLex, *The Human Right to Safe Drinking Water and Sanitation in Law and Policy - A Sourcebook*, 2012 (<http://www.freshwateraction.net/sites/freshwateraction.net/files/RTWS-sourcebook.pdf>).

<sup>42</sup> Committee on Economic, Social and Cultural Rights (CESCR), *General Comment 15. The Right to Water*, 2002, UN Doc. E/C.12/2002/11, para. 1.2.

<sup>43</sup> FIAN, *Investigating Some Alleged Violations of the Human Right to Water in India*, FIAN, January 2004; R. Picolotti, *The Right to Safe Drinking Water as Human Right*, in «Housing and ESC Rights Law Quarterly», vol. 2, no. 1, 2005.

<sup>44</sup> Cfr. UN Special Rapporteur website: <http://www.ohchr.org/EN/Issues/WaterAndSanitation/SRWater/Pages/SRWaterIndex.aspx>.

<sup>45</sup> According to the decision by Autorità nazionale di vigilanza idrica e rifiuti (National Authority on Water and Wastages) quoted by C. Armeni, *The Right to Water in Italy*, Geneva, International Environmental Law Research Centre, Briefing Paper no. 1, 2008.

A third dimension of the reference by the Italian movement to the right to water relates to its legal implications. In the last decade, the endorsement of the right to water by several UN bodies like WHO, UNDP, UNHabitat and ECOSOC<sup>40</sup>, together with jurisprudence development at national level in different countries with the legal support on NGOs and advocacy groups<sup>41</sup>, has nourished the process of specification of the content of the right to water and its translation into legal norms. This process has been initiated by the authoritative statement of the UN Committee on Economic Social and Cultural Rights, in charge of interpreting the content of the UN International Covenant on Economic, Social and Cultural Rights and monitoring its implementation by states parties. In its General Comment 15 (2002), the UN Committee officially acknowledged the existence of the human right to water, considering it «a prerequisite for the realisation of other human rights, such as the right to life, to food, to the highest attainable standard of health and to adequate housing» and affirming that it «entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses»<sup>42</sup>. General Comment 15 has been an important legal reference for litigation based on the right to water promoted by activists in different countries<sup>43</sup>. It also paved the way for the appointment in 2008 of Portuguese lawyer Catharina de Albuquerque as UN Special Rapporteur on the Right to Water and Sanitation, with the mandate of specifying the content of that right, promoting its enforcement and justiciability<sup>44</sup>.

The Italian water movement has tried to translate its claim for water as human right into legal norms and provisions. A first attempt is related to the principles of water accessibility and availability, with the request for the provision free of charge of 50 litres per day per person, in line with minimum standards proposed by international organisations, as reaffirmed in Article 9.3 of the 2006 popular initiative law proposal. However, in the context of an European and industrialised country like Italy this remains as a mainly symbolic claim, given the fact that the minimal amount required to «ensure modern social and sanitary standards» has been fixed by national authorities to 150 litres per person per day (1996) and later raised to an amount ranging between 200 and 280 litres per day<sup>45</sup>.

A second proposal is related to the implications of the human right to water in terms of «information accessibility» and «participatory and transparent adoption and implementation of national strategies and action plans»<sup>46</sup>. These principles legitimated the request for policies and mechanisms to disseminate information on water services among citizens and facilitate their involvement in governance and decision-making processes (as proposed in Articles 3.3 and 10 of the 2006 popular initiative law). The existence of a legal obligation to ensure public water management and forbidding private sector participation as a consequence of the recognition of the human right to water has been more controversial. According to UN jurisprudence, the recognition of a human right «neither requires nor preclude any particular form of government or economic system» for its implementation, «providing only that it is democratic and that all the human right are thereby respected»<sup>47</sup>. Thus «International human rights law does not prescribe whether water services should be delivered by public or private providers or by a combination of the two. Nevertheless, the human rights framework requires states to ensure that any form of service provision guarantees equal access to affordable, sufficient, safe and acceptable water»<sup>48</sup>.

The issue has been extensively debated within the international water movement. During the Geneva Alternative Water Forum (2005), for instance, activists divided among those considering the current UN human rights framework comprehensive enough to ensure enforcement and protection of the human right to water, while others were arguing for the need of an *ad hoc* international convention on the right to water, incorporating an explicit provisions recognising water and sanitation as exclusive public services «to prevent water from being privatised and degraded to a tradable good»<sup>49</sup>.

The Italian movement has overcome this dilemma by constantly referring in its statements, campaigns and official documents to the articulated notion of water as «human right and commons». As described above, the first part of the expression recalls the moral and political dimension of water as essential element for human life and activities, legitimating the demand to national and local authorities to guarantee universal access through public management of water services. However, despite widespread moral and political support for the human right to water, the

<sup>46</sup> Cfr. CESCR, *General Comment 15*, cit., paras. 12 (c, iv) and 37 (f).

<sup>47</sup> UN CESCR, *General Comment No. 3. The Nature of State Parties Obligations*, UN Doc. E/1991/23, 1991, para. 8.

<sup>48</sup> UNOHCHR, WHO, UNHabitat, *The Right to Water*, cit., p. 35.

<sup>49</sup> On the first position see A. Khalfan, *Implementing General Comment n. 15 on the Right to Water in National and International Law and Policy*, Brot fur de Welt and COHRE discussion paper march 2005; see also R. Bär, *Why We Need an International Water Convention*, Swiss Coalition of Development Organisations, Discussion Paper, March 2004.



human right approach has not penetrated so far the Italian legal framework regulating water services management. In the Italian jurisprudence water remains mainly conceived in environmental terms – «primary good», «fundamental resource», «essential component of the environmental heritage and the natural ecosystem», «commodity for the satisfaction of needs» – rather than as an «individual human right»<sup>50</sup>. Therefore, in order to articulate its demand for public, democratic and participatory water management («water democracy»), the Italian water movement integrated the human right claim with the notion of water as commons.

### **3. Water as Commons in the Experience of the Italian Water Movement**

The idea of water as commons and a broader discussion over this notion have gained national relevance and interest in public debates with the 2011 referenda. In the last few years, in Italy, several books, mobilisations, research centres and think-tanks have been inspired and named after the notion of the commons. In this respect, the struggle for public water represented a paradigmatic reference and a source of inspiration for other mobilisations. Not only by virtue of the referenda success, but also because the Italian water movement was among the first to make reference to the commons, more than ten years ago. In fact, the Italian water movement narrative and political strategies have been inspired by the traditional association between the notion of the commons and alternative models of natural resources management. This applies in particular in the context of African, Asian and Latin American experiences advocating community water supply against private provision. In these contexts, the concept of commons has been traditionally associated to a model of natural resources management and service provision characterised by *i*) the active and direct involvement of local population through decentralised and participatory management, *ii*) the exploitation of traditional knowledge and customary practices, *iii*) the emphasis on the cultural dimensions of the management schemes promoting social accountability and harmonic relation with the whole ecosystem. This model turns around the notion of (local)

<sup>50</sup> C. Armeni, *The Right to Water in Italy*, cit.

community, identified as an actor proposing a management model alternative both to the state and the market systems. However ambiguities and contradictory aspects of notions like «local communities» or «the commons» pose some challenges to this tripartite analysis. First of all, there is a longstanding tradition in social science criticising the idea of local community as a homogeneous and coherent actor recurrent in development theories and strategies or academic research. These holistic approaches tend to overlook, underestimate or hide internal conflicts related to power relations, resources allocation and diverging interests among community actors<sup>51</sup>. In addition the notions of commons and communities could be used to refer to a plurality of models in terms of water resources ownership, governance and management, which are not all coherent and in some cases contradict the above-mentioned theoretical assumptions linked to the idea of community management<sup>52</sup>. Also throughout the experience of the Italian water movement the idea of water as commons has been associated to different meanings and invoked in support of a plurality of political claims and proposals.

### 3.1. Reimagining Community Boundaries, Between Global and Local

By virtue of its symbolic dimension and power, water has become a vector to reimagine or reinvent political communities and identities. The notion of water as a commons has been instrumental in proposing different ideas and perceptions of the community entitled to manage and benefit from this resource. Reference to the commons inspired also the movement self-representation and fostered the sense of belongings among its participants<sup>53</sup>.

On one side, the Italian water movement initially declined the notion of commons in a cosmopolitan perspective, putting forward in its official manifesto the idea of «water as common good (or shared resources) of humankind»<sup>54</sup>. This original formula, echoing UNESCO's category of «world common heritage», has not gained formal recognition in international law and jurisprudence, except for a mention in the Resolution of the European Parliament on the fourth World Water Forum (2006)<sup>55</sup>. Nevertheless, the formula «common good

<sup>51</sup> Cfr. for instance P. Geschiere, *Le social standardisé: l'État contre la communauté?*, in «Critique Internationale», no. 1, Autumn 1998, pp. 60-65.

<sup>52</sup> K. Bakker, *The Ambiguity of Community: Debating Alternatives to Private-sector Provision of Urban Water Supply*, in «Water Alternatives», no. 1(2), 2008, pp. 236-252.

<sup>53</sup> D. Mazzoni, E. Cicognani, *Water as a Commons: An Exploratory Study on the Motives for Collective Action Among Italian Water Movement Activists*, in «Journal of Community & Applied Social Psychology», July 2012.

<sup>54</sup> Cfr. the Italian Manifesto for the World Water Contract in R. Petrella, *Il Manifesto dell'acqua*, Torino, Edizioni Gruppo Abele, 2001.

<sup>55</sup> European Parliament Resolution on the Fourth World Water Forum in Mexico City, cit.

of humankind» was reaffirmed in the final declarations of Alternative World Water Fora since the first edition in Florence (2003), and constantly referred to by the Italian water movement throughout its campaigns and education activities<sup>56</sup> as well as in official documents and publications<sup>57</sup>.

This reference emphasizes the international dimension of water management issues, reaffirming the ideal belonging of every human being, through the water cycle, to the global community of humankind and putting forward the issue of sustainable water management in a trans-generational perspective. In terms of self-representation by the movement, the notion of «common good of humankind» recalls the global scale of the struggle against water privatisation, thus reinforcing solidarity and establishing direct links between mobilisations in different countries. This approach testifies the international sensitiveness by several components of the Italian water movement.

On another side, in more recent years, the notion of water as commons has been oriented to the local scale, re-imagining local communities and re-discovering territories, confirming water resources and management systems as «powerful instrument of the symbolic production of locality»<sup>58</sup>. This attitude could be synthesised by the motto «neither public nor private but local management»<sup>59</sup> proposed by the leader of the Slow Food movement Carlo Petrini, claiming that «the proper management of the commons can be implemented only by an actor deeply rooted within the territory, whose main goal is the development of that territory and the protection of its inhabitants and their rights»<sup>60</sup>. Building on a tradition of localism deeply entrenched within the Italian political culture, these stands emphasize the role of local authorities and the excellences of local territories in opposition to the national level, perceived as unaccountable to the citizens and too far from their needs. In line with the idea of *re-municipalisation*<sup>61</sup> of water services rather than mere *re-publicisation*, supporters of this approach celebrate «the major's water» and evoke the experiences of independent water networks or consortia of local governments that still exist in some rural or mountain areas of the country, as examples of public-private-community partnership or associative self governance<sup>62</sup>.

This narrative is inspired by a communitarian and non-partisan approach. In these terms, reference to the commons, allows the Italian water movement to go beyond the right/left dichotomy

<sup>56</sup> *Acqua bene comune dell'umanità: educare alla cittadinanza attiva*, Udine, Edizioni CEVI, 2001; *Acqua Bene comune dell'Umanità*, Milano, Edizioni Acra, 2009.

<sup>57</sup> See for instance the 2003 Rome Declaration: *Acqua bene commune dell'umanità*, Milano, Edizioni Punto Rosso, 2002.

<sup>58</sup> D. Mosse, *The Rule of Water: Statecraft, Ecology, and Collective Action in South India*, Oxford, Oxford University Press, 2003.

<sup>59</sup> C. Petrini, *La soluzione migliore è lasciarla alle città*, in «La Repubblica», 14 November 2008.

<sup>60</sup> C. Petrini, *Acqua. Quando il bene comune diventa una merce*, in «La Repubblica», 6 May 2010 (our translation).

<sup>61</sup> M. Pigeon, D.A. McDonald, O. Hoedeman, S. Kishimoto (eds.), *Remunicipalisation...*, cit.; see also [www.remunicipalisation.org](http://www.remunicipalisation.org).

<sup>62</sup> P. Rumiz, *Il paese dell'acqua ribelle*, in «La Repubblica», 15 November 2009; M. Castigliani, *Appennini, il paradiso degli acquedotti autogestiti*, in «Il Fatto Quotidiano», 3 August 2012.

and present itself as the genuine expression of the whole territory and its citizens, against national public authorities or private economic interests, often depicted as foreign multinational corporations. These positions proved to be effective in gaining the wide support necessary to win the referendum. In other cases, however, the defence of local territories and resources against the influence and intrusion of external actors ambiguously overlapped with particularistic and egoistic feelings, like those represented and fuelled by the populist and xenophobe Lega Nord (Northern League) party. Emphasis by the movement on the role of local communities and authorities in the management of the commons also interacted with the local governments' autonomous strategies in terms of water management described above. In several cases halting or reversing decisions and policies adopted at the national level proved effective, confirming the ability of local constellations of strong economic, political and civic interests and groups in retaining water services under public control<sup>63</sup>.

### 3.2. Proposing New Institutional Patterns of Community Governance and Management

Additional ideas around the notions of water as commons and further specification of its content emerged during the preparation of the 2011 referenda. The movement found the legal expertise necessary to draft the questions for the referenda within a group of lawyers that some years before were involved in an advisory commission to the Ministry of Justice, the so-called «Rodotà Commission» by the name of its chairman. The Commission had been working between 2007 and 2008 with the mandate of elaborating a reform of the norms of the Italian civil code on public goods and public property<sup>64</sup>. Its draft reform proposal did not receive any institutional follow up by the Parliament, also in consideration of the fall in 2008 of the Prodi cabinet that promoted it. However, the encounter between the movement and this groups of lawyers during the referenda and beyond, resulted in the opportunity to revitalise those ideas, by proposing a political and legal translation of the notion of commons within the Italian institutional framework starting from the water sector<sup>65</sup>.

In fact, one of the main proposals by the Rodotà Commission

<sup>63</sup> K. Fitch, *Water Privatisation in France and Germany: The Importance of Local Interest Groups*, in «Local Government Studies», vol. 33, no. 4, 2007.

<sup>64</sup> U. Mattei, E. Reviglio, S. Rodotà, *Invertire la rotta. Idee per una riforma della proprietà pubblica*, Bologna, il Mulino, 2007.

<sup>65</sup> U. Mattei, *Beni comuni. Un manifesto*, Bari, Laterza, 2011.

was the introduction of the category of the commons within the Italian civil code. The Commission identified the commons as those goods – natural resources like waters, air, parks, basic social services... – that are functional to the promotion of fundamental human rights and the free development of peoples. By virtue of their nature, commons' management and enjoyment is featured by the principle of inclusion rather than exclusion, going therefore beyond the logics of public and private property. In the view of the Commission, the law should therefore guarantee direct, collective and universal enjoyment of these goods, taking into account also future generations' needs<sup>66</sup>.

This position recalls international claims by anti-privatisation activists that, inspired by the notions of the commons, advocate for water ownership, governance and management systems going beyond the dichotomies «public/private» or «state/market». They introduce a tripartite categorisation of service delivery, taking into account local communities, water users cooperatives, customary governance systems... and they present these options as alternative both to the market and the state<sup>67</sup>.

Such approach allowed the Italian water movement to simultaneously criticise privatisations of water services and keep the distance from past experiences of public water management marked by political patronage and inefficiency. In fact, by recurring to the notion of the commons, the movement aims at introducing «a new model of public management, grounded on social participation»<sup>68</sup>, through a reform of the sector allowing direct and increased citizens participation to the governance and management of water services. So far, the process of remunicipalisation of water services undertaken by the municipality of Naples represents the most ambitious and advanced experiment in this sense. The process has been inspired by lawyer Alberto Lucarelli, one of the members of the Rodotà Commission and a drafter of the referenda, who has been appointed as Councillor for the Commons of the Naples municipal cabinet immediately after the referenda success. The process of water remunicipalisation in Naples – started in 2011 and currently undergoing – has been presented as the political and administrative implementation of the peoples' will expressed through the referenda. The hallmarks of the initiative are the transformation of the water services provider from joint-stock company into a public agency and the provision of

<sup>66</sup> Commissione Rodotà, *Relazione di accompagnamento al Disegno di legge delega*, 2008, available on the Italian Ministry of Justice website ([www.giustizia.it](http://www.giustizia.it)).

<sup>67</sup> K. Bakker, *The Ambiguity of Community...*, cit.

<sup>68</sup> M. Bersani, *Come abbiamo vinto i referendum...*, cit., p. 97.

channels within the new public agency for direct and effective participation of citizens and workers representatives in water governance and management<sup>69</sup>.

### 3.3. A Paradigmatic Struggle for Democracy and the Common Good

As a result of the cultural elaboration and political trajectory described above, the reference to the notions of commons within the Italian water movement has come to imply a broader critic to the current political, economic and financial systems. In parallel, it has inspired the search for new practices of political activism and collective action.

By recurring to the inclusive and non-partisan language of the commons, the movement redefines the political arena in terms of a confrontation between «those below» (the people, the citizens) and «those above» (political and economic elites, the «water barons» represented by corporations and politicians colluded with them), in analogy with the narrative of other contemporary social movements like the Spanish 15-M (also known as Indignados) or the Occupy Wall Street (whose popular motto is «We are the 99 per cent»). Traditional political parties are among the main targets of the critics by the movement, echoing widespread popular mistrust toward the current national political elite. From a theoretical perspective, traditional parties' hierarchical structure and the concentration of power within unaccountable and centralised bureaucratic elites are considered antithetic to the idea of the commons, whose management should be inspired by power diffusion and horizontality<sup>70</sup>. In practical terms, Italian water activists have interpreted the experience of the referendum as the confirmation of traditional political parties incapacity or unwillingness to understand and support social struggles for the commons. As observed by Attac activist Marco Bersani «the result of the referendum accelerates the crisis of the parties, introducing through its social practices the needs to overcome representative democracy, towards substantial democracy based on social activism and direct participation»<sup>71</sup>.

In the experience of the Italian water movement, the referendum has so far represented the main tool to integrate representative democracy with direct democracy in the decision-making

<sup>69</sup> A. Lucarelli, *Beni comuni. Dalla teoria all'azione politica*, Lucca, Dissensi, 2011.

<sup>70</sup> U. Mattei, *Beni comuni...*, cit., p. 81.

<sup>71</sup> M. Bersani, *Come abbiamo vinto i referendum...*, cit., p. 63.

process over the commons<sup>72</sup>. In addition, the movement has tried to answer the demand for alternative channels of political participation, by becoming itself a laboratory for participatory and direct democracy. The principles associated to the commons management have been applied to the internal organisation of the Italian Water Movements Forum, also as a strategy to hold together a wide and heterogeneous coalition: a decentralised and non-professional structure, based on local committees of volunteers and activists; horizontality and equality among all participants, translated in the practice of decisions taken by consensus and in the refusal of charismatic leadership; transparency of the procedures, exemplified for instance by the decision of repaying back the public electoral reimbursement to the private citizens that financially supported the referenda campaign.

The struggle for water democracy has thus acquired the meaning of a wider and paradigmatic «battle of civilization»<sup>73</sup> over the issue of the quality and effectiveness of the western model of democracy, trying to react to the crisis of traditional political representative institutions and European welfare systems. This has been facilitated by the assonance in the Italian language between the concepts of the *commons* («beni comuni»), as a peculiar category of resources, and the *common good* («bene comune»), as ideal horizon of the political activity and synonym of proper management of the *res publica*. There are frequent overlaps between these two notions in the discourse of water activists. This overlap of meanings recently contributed to associate the category of the commons to other sectors and resources, both material (the territory, the libraries, the Internet...) and immaterial (culture, knowledge, art...). As a consequence of the success of the referendum, the experience of the struggle against water privatisation and the reference to the commons are becoming explicit source of inspiration for new mobilisations and political actors, like the occupation of Valle Theatre in Rome by artists and workers or the new parties and civic lists named after the commons competing in 2012 local administrative elections.

In the experience of the Italian water movement the notion of the commons has been invoked to uphold and legitimise a plurality of political narratives, strategies and practices. In terms of the movement self-representation, reference to the commons

<sup>72</sup> S. Rodotà, *La difesa dell'acqua e la sentenza della corte*, in «La Repubblica», 7 August 2012.

<sup>73</sup> M. Bersani, *Come abbiamo vinto i referendum...*, cit., p. 97.

contributed both to express cosmopolitan aspirations and to reimagining local identities. The elaboration of the commons as a legal and political category has offered the opportunity to propose a new framework for water governance and management, based on participatory and cooperative principles and aiming at going beyond the dichotomy public/private and state/market. Finally, by virtue of its symbolic power and the success of the referendum, water has come to be considered not merely as one among the commons, but rather as a paradigm for the struggle in defence of democracy and the common good.

The combined effect of these references contributed in bringing water back in popular imaginary and debates. This happened in the context of an European country like Italy where water had previously lost its centrality in public life, given the fact that it is supplied through complex industrial services and access to safe water and sanitation has almost reached universal coverage, not representing anymore an everyday care or an obstacle to development. In this respect, the different approaches to the notion of commons described above, seems to converge in posing the question of how to conciliate the management of complex industrial services requiring technical knowledge and expertise with the demand for direct popular participation in governance of shared resources, ultimately a quest for a better functioning democracy.

#### **4. Conclusions**

In addressing that question, the experience of the Italian water movement and its multiple declension of the concepts of water as human right and commons, suggest some ideas for further researches and to stimulate innovative practices. First of all the Italian experience recalls the polysemy of the notions of human rights and commons. Their multiple dimensions (moral, political, legal) result in a plurality of meanings, as well as in their translation in different political strategies and practices of collective action. This variety can be traced not only across different national contexts, but also within the same country, as the Italian case testifies. A certain degree of fuzziness over these concepts seems unavoidable, given the necessity to serve as common reference for a wide social coalition, inspired by a



plurality of political ideologies and cultural references.

In addition, the constant mention of water both as human rights and commons within the Italian movement suggests also the idea that the two approaches could be interpreted as complementary rather than alternative<sup>74</sup>. In fact, within the Italian experience, the categories of human rights and commons have not been translated into specific and alternative frameworks for water governance and management. Rather they have been constantly and jointly referred to in order to elaborate a moral economy of public water and legitimate political strategies for collective action.

In particular the claims supported by reference to human rights and the commons seems to point in two directions. First, at the core of the two notions lies the idea of the defence of human life as the main moral and political imperative of collective action. The goal is pursued through the promotion of universal access to fundamental resources like water, consequently opposing processes of privatisation and exclusion. In this respect, the theoretical elaboration and the praxis of the Italian water movement have been oriented in considering the commons as the most suitable institutional framework to individuate and protect those material and immaterial resources indispensable to the enjoyment of fundamental human rights<sup>75</sup>.

Second, in the discourse and practices of the Italian water movement, both references to human rights and the commons uphold the claim for an assumption of responsibility by public authorities, against their perceived withdrawal in front of economic interests and market logics. Moreover, activists demand the renewal of public institutions towards a more participatory and effective democracy. On one side, human rights' traditional focus on the state as the main duty bearer contributes to reinforce and legitimate the call for public authorities' active and direct involvement in water management. On the other, the institutional translation of the category of the commons, in the Italian experience, has not resulted so far in a new typology of water management which is alternative both to private and public systems. Rather, the reference to the commons has inspired the request by the movement for the management of water services through municipal agencies regulated by public law, conveniently reformed in order to ensure inclusiveness and increased citizens participation, like in

<sup>74</sup> As considered for instance in K. Bakker, *The «Commons» Versus the «Commodity»...*, cit.

<sup>75</sup> S. Rodotà, *Per una democrazia dei beni comuni*, preface to M. Bersani, *Come abbiamo vinto i referendum...*, cit.; see also Commissione Rodotà, *Relazione di accompagnamento...*, cit.

the case of the remunicipalisation of Naples water services. As illustrated by Elinor Ostrom, the governance and the management of the commons require a complexity of institutional tools: participatory mechanisms, conflict resolutions systems, technical competencies and a culture of cooperation<sup>76</sup>. This complexity might be sometimes overlooked by water activists claims for local communities or people direct management of the commons. This appears particularly true in the context of industrialised western countries like Italy, where communitarian or cooperative water systems management seems hardly replicable on large scale, given the scope and complexity of water services. Within these contexts, the human right approach can contribute to define the articulated institutional framework indispensable for the effective management of the commons. In particular, the human rights approach can mitigate the holistic or populist degeneration that the notions like the commons or local communities can inspire, by specifying not only government duties but also individual responsibilities. In addition, the principles of universality, non-discrimination and equality traditionally associated to human rights, can help to address governance issues going beyond the scale of local communities, such as for instance the financing of water sector and infrastructures at national and international level.

<sup>76</sup> E. Ostrom, *Governing the Commons: The Evolution of Institutions for Collective Action*, Cambridge, Cambridge University Press, 1990.