*Transformative water remunicipalisation in Valladolid, Spain*

A PSIRU Report written by

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The Public Services International Research Unit (PSIRU) investigates the impact of privatisation and liberalisation on public services, with a specific focus on water, energy, waste management, health and social care sectors. Other research topics include the function and structure of public services, the strategies of multinational companies and influence of international finance institutions on public services. PSIRU is based in the Business Faculty, University of Greenwich, London, UK. Director: Prof. Sian Moore. Researchers: Prof. David Hall, Dr Jane Lethbridge, Dr Emanuele Lobina, Prof. Steve Thomas, Sandra Van Niekerk, Dr Vera Weghmann.

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# Introduction

Remunicipalisation – or the return of water services to full public ownership, management, and democratic control following a period of privatisation – is an emerging trend in urban governance and its international diffusion has accelerated significantly since the turn of the century, particularly in Europe. Globally, the number of cases where local government has remunicipalised water services increased from two in two countries in March 2000 to 235 cases in 37 countries by March 2015. Two countries accounted for the majority of European cases: France with 94 cases and Spain with ?? cases.[[1]](#endnote-1) The total number of cases has continued to grow since 2015,[[2]](#endnote-2) and it is significant that local authorities in France and Spain – where water services have been privatised more than in most other European countries - are remunicipalising water services at a faster pace than anywhere else. The evidence is that water remunicipalisation is here to stay as it has become an established policy option.[[3]](#endnote-3)

Despite the growing trend of water remunicipalisation, pressures to adopt Public-Private Partnerships (PPPs) and other forms of privatisation remain unabated due to austerity and the seductive power exerted over local authorities by old and new promises of private sector efficiency, finance, and technological innovation.[[4]](#endnote-4) However, decisions to remunicipalise are often made in response to the problems of private water management - from lack of infrastructure investments, to tariff hikes and environmental hazards.[[5]](#endnote-5) Thus the emergence of the remunicipalisation trend offers an opportunity to reassess the public vs. private debate from a fresh perspective – laying bare the limitations and potential of both the public sector and the private sector in the delivery of essential public services. For these reasons, it should come to no surprise that water remunicipalisation is increasingly attracting policy and scholarly interest. The literature has devoted greater attention to the policy process of remunicipalisation – including the motivations of governmental decisions to remunicipalise,[[6]](#endnote-6) social mobilisation and collective action as determinants of remuncipalisation,[[7]](#endnote-7) and the policy diffusion of remunicipalisation[[8]](#endnote-8) - than its policy outcome. Indeed, the impact of remunicipalisation on public service performance remains under-researched.[[9]](#endnote-9) As a result, important questions remain unanswered regarding the extent to which remunicipalisation improves service quality, enhances investment, and fosters equality of access in comparison to private management. In other words, does remunicipalisation constitute progressive, emancipatory and sustainable change for water services and local communities?

To address the knowledge gap (remunicipalisation outcome under-researched, scepticism on claims of positive outcome e.g. Germà Bel, scepticism on policy process and new municipalism e.g. Girona paper and Polish scholars), this report provides a qualitative comparative analysis of a recent case of water remunicipalisation in Spain: Valladolid (water supply and sanitation, 2017 to present).

This case study looks at the experience of water privatisation and subsequent remunicipalisation and the implications for sustainable water development. The objective is to contribute to the understanding of the institutional conditions for positive water remunicipalisation outcome and knowledge on the diffusion of transformative water remunicipalisation beyond the prominent case of Paris, France. The aim is to equip policy participants with evidence to inform decisions on remunicipalisation, at a time when privatisation is becoming increasingly controversial. The following section sets out key definitions and models of privatisation, the analytical framework and case study selection. Section 3 reviews the two case studies. Section 4 discusses the findings of the report, which ends with concluding remarks and recommendations in section 5.

# Analytical Framework

Assessing the comparative advantages of remunicipalisation and privatisation in terms of fostering sustainable water development or other policy goals of service provision involves three steps. Firstly differentiating between models of provision, secondly defining sustainable water development and other policy goals of service provision, and thirdly providing a basis for the evaluation of comparative advantage. We first develop the analytical framework around these three dimensions to understand how changes in governance may affect the more or less sustainable trajectories of urban water services. This framework supports an analysis of whether the governance of remunicipalised water services has better prospects of enhancing sustainable water development than the governance of privatised water services. The rationale for case study selection is then elaborated and the format of the case studies is indicated.

## Models of provision

To differentiate between models of provision, the report first defines water privatisation and remunicipalisation. It then proceeds by differentiating between types of remunicipalisation in light of the degree of rupture or continuity with the practices of privatised operations.

### Water privatisation vs. remunicipalisation

Water privatisation is defined as the transfer to private companies of the right to streams of income generated from water service provision. This definition – according to which water privatisation encompasses outright divestiture as well as concessions, lease contracts and other PPPs - is consistent with that adopted by the World Bank in an influential study and commonly used in the USA, the UK and elsewhere.[[10]](#endnote-10) This definition is based on the transfer of rights to operational income irrespective of the extent to which the private sector owns shares in a water utility. It helps clarify that, as acknowledged by leading mainstream economists,[[11]](#endnote-11) all private companies pursue profit maximisation as their raison d’être. Therefore, the notion of water privatisation includes a variety of arrangements for the delivery of water services. Under outright divestiture the private sector owns the infrastructure, has the responsibility to provide for all operating and capital expenditure, and holds the right to appropriate all net gains. Under concession contracts, the private sector does not own the infrastructure but has the responsibility to provide for all operating and capital expenditure and holds the right to appropriate all net gains. Under lease contracts, the private sector does not own the infrastructure, nor does it have the responsibility to provide capital expenditure, but has the responsibility to provide for all operating expenditure and holds the right to appropriate the corresponding net gains. Under management contracts, the private sector has the sole responsibility to manage the utility and is remunerated on a fix basis or in a form aimed at providing performance incentives. In addition, it is possible to find hybrids between these contractual arrangements.[[12]](#endnote-12) Delegation has underpinned the French model of privatisation and had most international influence, whereas the UK has been home to the English model of water privatisation by divestiture.[[13]](#endnote-13)

Water remunicipalisation has been defined as reverse privatisation.[[14]](#endnote-14) In other words, remunicipalisation implies an end to privatisation and the return to full public ownership and control of a water utility, including its strategic and day-to-day management, subject to democratic governance. This means that the utility’s decisions are ultimately subject to the approval and oversight of democratically elected representatives, complemented where applicable by participatory decision making.[[15]](#endnote-15) Democratic governance can, however, be exercised in different ways. While corporate governance in private enterprise is dictated by the profit maximisation imperative, under public ownership there is no such imperative.[[16]](#endnote-16) The behaviour of public enterprises may be influenced by traditional public sector values like political accountability, regime stability, transparency and social cohesion or, conversely, by the pursuit of commercial objectives.[[17]](#endnote-17) There is, therefore, a need to differentiate between different types of remunicipalisation.

### Transformative vs. pragmatic remunicipalisation

The debate on the nature of remunicipalisation has identified two distinct categories of remunicipalisation. On the one hand, transformative remunicipalisation marks a clear rupture with the governance and practice of privatisation. By inverting the priorities of water service provision from the pursuit of private gain to that of collective development, transformative remunicipalisation becomes an emancipatory economic, political and social project aimed at subverting neoliberal models of urban governance.[[18]](#endnote-18) On the other hand, pragmatic remunicipalisation shows a greater degree of continuity with the governance and practice of privatisation, once that exception is made for the change from private to public ownership. Despite the change in ownership, pragmatic remunicipalisation is marked by incremental adjustments of the governance and practice of water service provision. As a result, New Public Management practices like the commercial orientation of service providers are adapted to and continued under public ownership. By privileging the pragmatic concerns of contract management over aspirations for societal change, pragmatic remunicipalisation contributes to reproduce New Public Management regimes in local government.[[19]](#endnote-19)

## Policy goals of water service provision

### Sustainable water development

To define sustainable water development, the report adapts the World Commission on Environment and Development’s definition of sustainability as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”.[[20]](#endnote-20) Sustainable water development can therefore be defined as development that enables the reproduction and viability of water services while fostering the flourishing of human communities, in the short as well as in the long term. A comprehensive understanding of sustainable water development requires identifying the interdependencies between multilevel factors including financial, economic, technical, social, environmental and political factors.

Financial viability is the capacity of a water utility to finance the required operating and capital expenditure, whether through tariffs or other means. Economic sustainability depends among other things on the ability of a water utility to provide consumers with publicly acceptable value for money and maintain whole asset value. Technical sustainability consists in the ability of a water utility to maintain, renew and expand infrastructure and to upgrade operational systems so as to deliver quality services in the long-term. This can, for example, be measured in terms of leakage or customer satisfaction. Social sustainability pertains to the ability of a water utility to ensure the reproduction and viability of water services while enhancing social cohesion and inclusivity and expanding access to affordable water and sewerage. Environmental sustainability requires that water services are delivered in a way that prevents or minimises harm to the environment. Political sustainability comprises the ability of a system of internal or external governance to underpin the political and societal consensus that supports the viable and sustainable reproduction of that governance system. As an example of the complex interdependencies between these factors, it is possible to observe that leakage reduction is not only instrumental to the maintenance of infrastructure, but also to the financial viability of a water utility and the reduction of its environmental impact.[[21]](#endnote-21) Also, labour does at the same time constitute an important part of a water utility’s operational costs, fulfils an essential role in the reproduction of organisational capabilities, contributes to the sustenance of communities, and is a policy participant through social dialogue and social mobilisation.[[22]](#endnote-22)

### The human right to water

Defined as the right of everyone to sufficient, safe, acceptable, accessible and affordable water for personal and domestic uses, the human right to water is underpinned by principles whose joint fulfilment is conducive to emancipatory outcomes: availability, quality and safety, cultural acceptability, accessibility, affordability, equality, non-discrimination, access to information and transparency, participation, accountability and sustainability. Also, states have obligations to use the maximum available resources for the progressive realisation of the right to water and to avoid retrogression in the enjoyment of the right.[[23]](#endnote-23)

The realisation of the human right to water and the achievement of sustainable water development are therefore intertwined. While sustainability is one of the principles that underpin efforts to realise the human right to water, the realisation of this right is integral to the social component of sustainable water development as defined above.

## Comparative advantage and institutional trajectories

The achievement of sustainable water development and the realisation of the human right to water involve assessing the comparative advantage of transformative remunicipalisation, pragmatic remunicipalisation and privatisation, as well as their respective governance. This comparative assessment must be premised on an evidence-based and sound methodological approach[[24]](#endnote-24) rather than ideology. An example of a flawed assumption of the necessity and inevitability of policy change is the World Bank’s pronouncement that ‘there is no alternative’ to water privatisation.[[25]](#endnote-25) Each of the seven case studies reviewed in this report questions such an assumption. This report offers an in-depth analysis of the impact that different models of provision have on sustainable water development and the human right to water.[[26]](#endnote-26) This impact translates into the trajectories of different governance systems, as these trajectories may support or undermine the achievement of the policy goals of water service provision.[[27]](#endnote-27) In sum, our methodological approach to assessing the comparative advantages of remunicipalisation and privatisation in a range of settings is historical because based on the observation of real-world experience, rather than being ideological or abstract.

The two prominent cases of remunicipalisation have been selected because of the opportunities they offer for policy learning. (merits of comparing initial outcomes of remunicipalisation with those of privatisation)[[28]](#endnote-28) Both cases represent major European cities that, having experimented with different forms of water privatisation, have remunicipalised for several years and therefore enable a longer-term assessment of the outcome of remunicipalisation. The two cases allow for identifying some of the possible institutional trajectories of remunicipalisation and the factors that may influence the evolution of such trajectories. Each case study begins with a summary, followed by a brief technological and historical background to water service reform in the city. They go on to review the experience of privatisation, the rationale for the decision to remunicipalise, and the implementation process before detailing the outcomes of remunicipalisation and explaining how results were achieved and challenges overcome or otherwise met. In the discussion of findings lessons are drawn on the limitations and potentials of remunicipalised and privatised services in pursuit of the policy goals of water service provision. These lessons are identified through the comparative analysis of the case studies. This approach allows for the identification of policy implications relevant for the debate on whether and how to remunicipalise water services.

# Empirical evidence

### Case study summary

The remunicipalisation of water in Valladolid demonstrates the transformative power of public ownership when this is guided by political will to achieve progressive objectives. Remunicipalisation has radically changed the business model of the service provider, prioritising the human right to water and sustainable development over profit maximisation. It has led to efficiency savings and higher investment levels while keeping water tariffs unvaried. There has also been attention to preserving access to water (interventions for the environment, and strong democratic governance?).

### Technical and historical background

Valladolid city council provided the entire water cycle service through a private concessionaire (gestión indirecta), with a concession for 20 years between 1997 to 2017. The entire water cycle service managed by the concessionaire included potabilisation, supply, sewerage and wastewater treatment and discharge, and the concessionaire was responsible for all investments, including operating expenditure and capital expenditure agreed in the concession contract. The end of the concession was 30th of June of 2017, opening a window of opportunity to remunicipalise the water service. It was a challenge the recovery of public water control, and all the information before that end of the contract ending date after 20 years of privatisation. It was because during the concession, the municipal servants structure of control and monitoring was very weak. (Fue un reto la recuperación del control público del agua, y de la toda la información antes del final del contrato y tras 20 años de privatización). There was scarce information about the state of the facilities and the service operation available for the city council, and the municipal personnel aware of the operation of water cycle service was very scarce.

In 1997 water supply and sewer system was privatised through a 20 years concession by Partido Popular. What before was municipal company ASVA (sociedad municipal ASVA) became managed first by Agualid Temporary Consortium (Unión Temporal de Empresas - UTE) and later on become managed by Aguas de Valladolid which belongs to group Agbar.

There was big neighbourhood movement opposition to privatisation, 30.000 signatures were gathered to oppose to privatisation. Nevertheless, it went on. At the beginning privatisation was restricted to supply and sewer system, and then, in May 2005 it was expanded to wastewater treatment, discharge and other sewerage operations.

As a result of 20 years of privatisation the concessionaire (concesionaria) Aguas de Valladolid S.A, subsidiary (filial) from Aigües de Barcelona (AGBAR - SUEZ) is in charge of one of the most important public services of the city of Valladolid. Managing and having all the information for water distribution and drinking water extraction and treatment for several cities providing water to 350.000 people and serving 29 million cubic metres. Also, managing two drinking water treatment plants, one wastewater treatment plant, a laboratory (to do spill and drinking water quality control) and a network of more than 666 km of length for distribution and a sewer network of more than 777km. Aguas de Valladolid workers are 159 professionals, some of them came from old municipal company (ASVA).

### Experience with privatisation

#### Governance

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#### Price hikes

During the private concession period there were no significant complaints regarding the quality-price of the service, having into account Valladolid pays for one of the cheapest water tariff in Spain. Nevertheless the accumulated *Tariff increase between 1997 and 2015, during the 20 years of privatisation was 131,7% and the net increase of tariff (without CPI) during privatisation was 78.7% [[29]](#endnote-29).*

#### Investment and private profits

Regarding the investments during the concession period the city council didn’t invest the canon obtained from the concessionnaire into the renovation of the facilities and networks to maintain them. There was a accumulated deficit of 96.7 million euros during the last 18 years. This situation lead to a critical point regarding the water facilities and infrastructure: many elements are obsolete, his service life about to end and its state very deficient. It may happen a massive failure of the system, so it was essential to do an accurate analysis of the real state of the system, detect the critical points and analyse service life of every facility. As well as quantify the necessary investment and the temporalization of its execution. [[30]](#endnote-30)

### Remunicipalisation process

#### The decision to remunicipalise

20 years long was the concession ending in 2016 and 20 years long was the Partido Popular mandate, they repeatedy won local elections and run the municipal government for 20 years. In 2015, new coalition government was elected in the city, the coalition was formed by Partido Socialista Obrero Español (PSOE), Valladolid Toma la Palabra (VTP) y Si se puede Valladolid (SSPV). VTP was a municipalist political party, formed by Izquierda Unida and local activists, SSPV was a local political part linked to Podemos. The new government had the responsibility to decide what to do once the concession ends in July 2017 after 20 years of privatisation.

The coalition government signed the agreement to increase public control of the water system, aware of the legal and technical difficulties the juridical-economical context offered to increase public control of a concession. The approach used in Valladolid process was to use maximum rigour and caution, coming from a exhaustive technical evaluation of the service situation by a commission designed by the city council, and the analysis of the possible options to take the most adequate decision with enough information.

In August 2015 were taken two previous decisions which has a great importance in the process. First, a municipal civil servant was nominated as a “Interventor técnico de la concesion”, a figure provided by law (article 181 of Ley de Racionalizacion y Sostenibilidad de la Administracion Local - RSCL) to determine the state of facilities, oversee concessionaire activity and manage the municipal reversion of the facilities. Second, it was decided to hire three technics, economists and engineers, to strengthen municipal staff and bring together efforts to develop the previous studies.

First step in the process was to constitute a commission on January 2016 with municipal technical personnel from different specialities (engineers, lawers, economists,..) who elaborated a preliminary report about the state of the system after this 20 years concession contract,  and describing the elements, variables and determinants to the provision of the service. The information to the citizens started explaining its results in a workshop (I citizen forum of water cycle).

With this study they determined an investment needs in each of the facilities, which was necessary to have into account to maintain operatives the infraestructures which are municipal responsibility. The investment deficit, together with the needs of replacement for the 2018-2032, lead to the need of a necessary in investments of 232 million euros. After this study, an agreement of the city council on the 5th of May 2016 agreed to create a new mixt commission to elaborate a justificative memory of the most sustainable and efficient way of management of water service cycle[[31]](#endnote-31) which provided enough information to take an informed and as much agreed as possible between the different political parties. This comission agreed in July 2016 to propose the municipal plenary (plenario municipal) a direct management through a municipal company (entidad municipal).

There were 3 citizen forums during the process, to respond to the compromise of access to information and direct consultation, as was established in the recommendation of European Parliament of 8th of September of 2015 on the follow-up of the ICE Right2water. At the same time the dialogue with the concessionaire management as well as with the workers was fluid and constant.[[32]](#endnote-32)

After this deliberation process, on the 30th of December 2016 final decision was made by the municipal plenary, and it was agreed to create a public company (Entidad pública empresarial local - EPEL) to manage water system, supported by absolute majority of the councillors.

Key elements of the decision

First one was the political will, considering water as a human right, which is essential for life and human needs, and cannot be guided only by economical calculations, to that, public company was the best option to guarantee total capacity to take decisions attending to social and environmental criteria.

Technical studies also showed direct public management was the most efficient model, having into account profitability and return on investment, as it has been explained there was an accumulated deficit of 96,7 Million € and investment needed for the next 15 years was at least 178 million €. In the memory [[33]](#endnote-33)there was a projection for every model (public, private mixt) to achieve this investments for the next 15 years, and the EPEL (public company) was the one which guaranteed the needed investments with the less tariff increase and a surplus of treasury (excedente de tesoreria) starting at 7th year.

El informe preveía, en ese caso, una subida que se quedaría en un 0,97% de media anual. Sin embargo, si se acudía a un Sistema de empresa mixta o se continuaba con el de concesión habría sido necesario subir las tarifas, un 1,83% o un 2,2%, respectivamente. El doble o más. Y ello por un motivo muy simple: al existir participación privada hay que contemplar un margen de beneficio para la misma. En el modelo público no es necesario forzar tanto los precios al alza, porque no se guía por una lógica de beneficio, y además se cuenta con una bonificación de entre el 99 y el 100% en el Impuesto de Sociedades.

The **economical comparative analysis of the different models** showed, in terms of tariff increase the 15-year period established in the report contemplates a 15,6% increase, in front of the 78,7% increased during the 18 previous years (1997-2015). Also, in regard to the cash flow with the tariff increase planned, public company would accumulate at the end of the 15 years 186,5 million, €, 13 more million than the mixt company and 60 million € more than the concession model. This foresees that the public company is the most economical beneficial alternative.[[34]](#endnote-34)

Last key element was that Aguas de Valladolid workers could continue doing the same tasks, without any dismissal. Not only as a matter of worker rights, but also because they are the most qualified personnel to operate the facilities and the networks, and to maintain them was a quality guarantee.

As Maria Sanchez writes *The main difficulties of the process were the juridical - economical context resting autonomy into local administrations and the second one the aggressive litigation of the private concessionnaire and its economical allies.  First one the juridical - economical context in Spain is not favourable to recover public services from private companies since the legal modifications approved after the economical crisis, first one limiting the capacity of local administrations from getting into debt and the second one imposing restrictions and control especially hard for local administrations even though they are the less driven into debt.*[[35]](#endnote-35) Desde la modificación del artículo 135 de la Constitución Española en 2011, la normativa ha acotado enormemente el margen de acción de las administraciones locales, mucho más que el de otras instituciones. Se derivan directamente de ella la Ley Orgánica de Estabilidad Presupuestaria y Sostenibilidad Financiera de 2012, así como la Ley de Racionalizacion y Sostenibilidad de la Administracion Local de 2013 (también conocida como “Ley Montoro”). Si la primera endurecía aún más los límites al endeudamiento de las administraciones que ya se habían asumidos con los tratados europeos, la segunda impone unas restricciones y control especialmente duros para las entidades locales, a pesar de ser, con mucho, las administraciones menos endeudadas.

#### Technical assistance: accessing domestic and international knowledge

AEOPAS is the Asociacion Española de Operadores Públicos de Agua y Saneamiento, a Spanish association of public water operators which was created in 2009. They were the ones translating into Spanish PSIRU research “Llegó para quedarse[[36]](#endnote-36)” in 2014. And it was published in 2015.

AEOPAS accompanied and advise the technical analysis of the different management models for the water service in the city. *“fuimos consultados como otros actores, para dudas técnicas desde el ayuntamiento”* From 2015 they helped the technical process working with the city council through different working sessions explaining the characteristics of the different models, and assessing in the different documents produced by commissions. *“Hicimos una pequeña aplicación al modelo de Valladolid. Analizamos el modelo de Valladolid y pusimos ejemplos de cómo se estaba llevando en otros sitios con los mismos componentes. Por ejemplo, en Valladolid tienen un laboratorio que es muy singular y muy importante… y desde donde se controlaba toda la calidad del agua del Norte de España]]*

Also, they participated through the network Red Agua Pública in the creation of the platform Valladolid 100% Pública. Which organised two demonstrations and several workshops until the city council decision was made. *AEOPAS participated in several workshops organised by the platform and the to explain the characteristics of the different management models which exist in Spanish legislation, and the advantages and disadvantages of each one, with examples of other citi*es. *This created a technical debate around this question”*. [[37]](#footnote-1).

On the 3rd and 4rth of November 2016 there was a meeting organised by Red Agua Pública and Madrid city council **Encuentro de Ciudades por el Agua Pública.** In the first panel called Recovery of public water management participated the Valladolid councillor Maria Sanchez *Valladolid remunicipalisation* and Dr Emanuele Lobina *La remunicipalización llegó para quedarse.* The Asociación Española de Operadores Públicos del Agua y Saneamiento (AEOPAS) also was present in the same panel to present the map of remunicipalisation in Spain as well as, they were present in the opening panel drawing the technical, social and financial challenges the water cycle management confronts.

One month later, 1st of December of 2016 Barcelona city council organised a Remunicipalisation workshop aimed at public workers called “La remunicipalització, reptes i oportunitats”. Dr David Hall presented in the opening of PSIRUs research, and Mr Jose Manuel Martínez Fernandez “vicesecretary of Valladolid city council was presenting Valladolid remunicipalisation process in panel 1, right after the opening.

### Remunicipalisation outcomes

#### Governance

*Aquavall, Valladolid public company started operating on the 1st of July of 2017, in July 2020 it's been three years of operation.*

#### Efficiency savings, access to water and investment levels

*Aquavall, Valladolid public company started operating on the 1st of July of 2017, in July 2020 it's been three years of operation, during this three years Valladolid has invest 28 million € in front of 27 million € invested during 27 years od concessionary model.[[38]](#endnote-37) During the first year, they raised 1% the workers salary, after 20 years freezed. And since 2014 tariff has not been increased. It has been changes the definition of vulnerable households with right to access to bonifications and reduction of the bill. It used to apply to retired users and now this bonifications are applied to users with lower rents.*

*HRTWS accomplishment is guaranteed by principle of caution, Aquavall would not cut-off any domestic user. When unpaid bills are detected, information about the household is required to social services, to check if their economical situation is preventing them to pay the bills, and then, corresponding economical aid is processed if needed.*

*According to last De acuerdo con las últimas cifras de las cuentas de AquaVall, entre 2017 y 2020 se han licitado inversiones por importe de 30.538.800 euros, adjudicadas finalmente en 28.245.087 euros y de acuerdo con las previsiones para el presente ejercicio la cifra podría superar los 31 millones de euros.*

*En el apartado de renovación de redes, las inversiones ejecutadas en los últimos tres años han permitido renovar 29 kilómetros de tuberías de saneamiento y 17 kilómetros de tuberías de abastecimiento de agua potable, con intervenciones a lo largo de toda la ciudad. En este apartado también cabe destacar la rehabilitación de colectores de la zona centro con modernos sistemas de ejecución sin zanja que evitan cortes de calles y molestias a los ciudadanos.*

*A lo largo de estos tres años también se han realizado grandes actuaciones dirigidas a la mejora de la calidad del agua como la renovación de los filtros de arena y carbón en la planta potabilizadora de Las Eras o la reforma integral de los depósitos de San Isidro. Asimismo, se ha realizado la toma de emergencia de Boecillo.*

*Otra serie de inversiones de gran importe se han dirigido a la mejora de la eficiencia energética. Dentro del equipamiento, también se ha procedido a la adquisición de dos camiones CIS con agua reciclada.*

# Discussion of findings

The analysis of Valladolid’s experience with water remunicipalisation – which implies both a comparative analysis of water remunicipalisation and privatisation, and an evaluation of the institutional conditions for transformative remunicipalisation - reveals the following findings.

## Privatisation vs. sustainable water development/human right to water

Our results provide additional evidence that privatisation is inimical to sustainable water development and the human right to water. This is so due to the rigidity of private water governance, which prioritises profit maximisation over and above economic, social and environmental considerations. This rigidity can be observed in dozens of other cases in high-income as well as low- and middle-income countries, independently of the type of privatisation and form of regulation adopted.[[39]](#endnote-38)

## Remunicipalisation debunks the myths of the public sector

Whether transformative or pragmatic, the experience with remunicipalisation debunks the myths of the public sector that have contributed to the diffusion of water privatisation in the last 30 years. More precisely, the evidence on the policy process and policy outcome of remunicipalisation shows that, contrary to conventional wisdom:

1. **The public sector is not necessarily corrupt.** Indeed, the evidence of remunicipalisation shows that the public sector is far more transparent, accountable and open to participatory governance than the private sector. As shown by the case of Berlin among others,[[40]](#endnote-39) privatisation favours the secrecy of commercial confidentiality as a way of fostering profit-maximisation.
2. **The public sector is not necessarily inefficient.** Indeed, the evidence of remunicipalisation shows that the public sector is capable of delivering quality water services at a lower cost than the private sector. This is because abandoning the profit maximisation imperative of the private sector enables to reinvest profits for the development of the service.
3. **The public sector does not lack managerial capacity.** Indeed, the evidence of remunicipalisation shows that public sector managers are capable of delivering quality water services while solving the problems inherited from privatisation. These problems may include the costs of terminating privatised contracts and the difficulties of transitioning from a fragmented private service to an integrated public service. These problems may also be compounded by new taxes or other payments imposed by national and local governments.
4. **The public sector does not lack access to finance.** Indeed, the evidence of remunicipalisation shows that the public sector is capable of accessing investment finance at a lower cost than the private sector. This is because abandoning the profit maximisation imperative of the private sector enables to enhance financial sustainability. This is done by strengthening self-financing, lowering indebtedness, and guaranteeing debt repayment with tariffs and taxation.
5. **The public sector is not unsustainable.** The conventional wisdom is that the public sector is inflexible, bureaucratic and favours environmentally unsustainable approaches to infrastructure development. While these problems might have been more severe 40 to 50 years ago,[[41]](#endnote-40) the evidence of remunicipalisation shows that today’s public sector is at the forefront of meeting the social and environmental challenges of the 21st century, such as the growing levels of water poverty that undermine the human right to water and the climate change emergency. This has increasingly led to the recognition that the public ownership, not only of water but also energy services, has to be integral to attempts to tackle climate change.[[42]](#endnote-41)

## Transformative remunicipalisation is possible

Water remunicipalisation offers the possibility to reverse the unsustainable trajectory of privatisation and reorient water governance towards sustainable development outcomes and the realisation of the human right to water. As shown by the case of Paris, this change in institutional trajectory and the achievement of emancipatory and progressive outcomes rest on the transformative power of remunicipalisation. There are a number of transformations in governance that may take place with remunicipalisation, whereby change from private to public ownership should be seen as an enabling factor and not an end in itself. One important transformation is the change in the values that inform governance and that lead to a reinterpretation of the purpose and function of water service delivery, from one based on the extraction of commercial gain to one which sees water service provision as instrumental to the flourishing of human communities. It is this transformation that explains how remunicipalisation may represent a paradigm shift and may induce public operators to outperform their private predecessors in terms of promoting virtually all dimensions of sustainable water development.

## Democratic governance makes remunicipalisation transformative

If the transformative power of remunicipalisation is underpinned by the enabling effect of public ownership, the process of achieving emancipatory and progressive outcomes may be strengthened by democratic and participatory governance. The case of Paris suggests that the transformative power of remunicipalisation is more likely to be sustained when political will is aligned to civil society’s expectations of the role of public services in supporting community development. In this case, in fact, the decision to remunicipalise came from the municipal authority after extensive consultations with workers and civic organisations. It was also sanctioned by the electorate in the 2008 municipal elections and participatory mechanisms were established to facilitate the continuation of a dialogue between the municipal government, the public enterprise and civil society.

What makes remunicipalisation transformative is the insurgent leadership of democratic and diffuse governance, whereby leadership in promoting and taking radical initiatives to prioritise community development (both social and environmental) over market development may come from political actors such as municipal governments as well as social movements, civic organisations and citizens. By contrast, what makes remunicipalisation pragmatic is the inertia of governance mechanisms and managerial practices that survive in the passage from private to public ownership. This survival can be explained by a combination of factors, including the interests of local governments and public managers that may persist despite remunicipalisation and a lack of insurgent leadership.

## Trade unions, workers and water remunicipalisation

Trade unions and workers are in many cases apprehensive due to the uncertainty that remunicipalisation brings (like any other change in ownership).[[43]](#endnote-42) This apprehension is understandable. The evidence from our case studies shows that the nature of the relationship between trade unions and the new public owners and managers very much depends on the local context and that, as a result, working conditions may change or remain substantially unvaried without a clearly emerging pattern. There is, however, a question left open about the role that trade unions and workers may play in the face of institutional change and uncertainty. One possibility is that trade unions may build new political and social alliances that enable them to participate in insurgent leadership and contribute to direct the institutional trajectory of remunicipalised water services towards progressive outcomes.[[44]](#endnote-43) Whether this is a concrete possibility or not depends on the quality of labour relations and social dialogue in each city.

## The costs of remunicipalisation are an investment for the future

The possibility of achieving emancipatory and progressive outcomes in the long term means that the short-term difficulties with transitioning from private to public ownership and the transaction costs of remunicipalisation should be assessed from a long-term perspective. In the case of Paris, the transaction costs of remunicipalisation were modest and even the transitional difficulties, albeit not insignificant, were overcome after three years of public operations. In the case of Berlin, the transaction costs of remunicipalisation were more substantial as a result of unilateral termination. Even in this case, however, the savings enjoyed by consumers thanks to a 7-year reduction in prices amounted to more than a third of these transaction costs.

# Conclusions

It is possible to offer the following conclusions.

1. Better not to privatise than having to remunicipalise and face the costs of contract termination.

2. The experience with remunicipalisation debunks the myths of the public sector that have contributed to the diffusion of water privatisation in the last 30 years.

3. The transformative power of remunicipalisation offers the possibility to better achieve sustainable water development objectives.

4. The transformative power of remunicipalisation is realised when political will is supported by democratic and participatory governance to deliver insurgent leadership. Trade unions and workers can contribute to strengthening participatory governance and insurgent leadership.

5. Remunicipalisation is not always transformative as there may be continuity in the regulatory approach of decision makers under privatisation and remunicipalisation.

6. Even pragmatic remunicipalisation may lead to more sustainable outcomes relative to privatisation.

7. When planning for remunicipalisation, the possible difficulties with transitioning from private to public ownership and the transaction costs of remunicipalisation should be seen in a long-term perspective and thus seen as an investment in the future of next generations.

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