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## Review: WATER REGIMES: BEYOND THE PUBLIC AND PRIVATE SECTOR (2016)

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## BOOK REVIEWS

### **Dominique Lorrain and Franck Poupeau, *Water Regimes: Beyond the Public and Private Sector*, New York: Routledge, 2016; pp: 227**

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The study, published in 2016, is in line with the neo-institutional approach inaugurated in the beginning of 90s by Douglas North (1990) and Elinor Ostrom (1990). It focuses on the organizational dimension of the water distribution networks in the urban contexts. The authors are two prominent members of the French urban sociology (Cousin, 2017): Dominique Lorrain, with a post-Marxist approach, is specialized in the study of infrastructure reforms and Franck Poupeau, with a Bourdieusian approach, is an expert in environmental conflicts and social inequalities in access to utilities.

Using a methodological approach based on the presentation of several case studies from all over the world, the authors succeed in challenging and going beyond the so called *doxa* (e.g.: 1993, *Valuing the environment: proceedings of the First Annual International Conference on Environmentally Sustainable Development*, The World Bank, Washington D.C.; 1993, *Water Resource Management*. The World Bank, Washington D.C.; 1994, *World Development Report*, The World Bank, Washington D.C.; Klein and Roger, 1994, *Back to the Future. The potential in infrastructure privatization*, The World Bank, Washington D.C; 2000, *Ministerial Declaration of The Hague on Water Security in*

*the 21st Century*; Guash, 2004, *Granting and Renegotiating Infrastructure Concessions: Doing it Right*, The World Bank Washington D.C.), shaped by the academic and institutional “water community” (Meublat, 2001) that has for some decades influenced the choices of political decision-makers.

The *doxa*, substantially, claims that a water regime is a technical system, whose performances must be evaluated on the basis of technical criteria; moreover, the *doxa* identifies “the “model” that enabled industrial countries to develop water distribution network in the late nineteenth century – a single, monopolistic network serving the entire population” (p.196) as the best model for reaching the maximum degree of efficiency in every country of the world; also, this typology of management “model” would be better more administrated by a private actor rather than by a public subject. Only in the last few years, in academic circles, local water systems have started to be evaluated on the basis of their effectiveness in reaching the socio-political goals set out in the legal framework rather than on the basis of the shape of the model management or the legal status of their managers<sup>1</sup>. In line with this innovative approach, this research begins from the definition of a water regime as a socio-technical system. A positive or negative judgement on the functioning of this kind of system depends, consequently, on the social, historical and cultural characteristics of the territory in which it functions, not only on the technical features of the system. The institutions are thus analysed as the result of the interaction between the actors and their own social environments, as shown by the Social Action Theories (Crespi, 1999).

The authors adopt a multi-level perspective in order to analyse eleven different urban water regimes and reconstruct a fixed set of variables (problems to be solved, choice of operators and partners, state interventions, legal framework, values and beliefs grounding the legitimacy of the operator and managerial instruments employed), making thus the case studies comparable between them.

The case studies are divided into three thematic areas. In the first part of the book “Unorthodox models and practices”, two exemplar case studies are presented to

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<sup>1</sup> e.g.: <http://www.mdpi.com/2504-3900/2/11/673>;  
<https://onlinelibrary.wiley.com/doi/abs/10.1111/1468-2427.12582>

demonstrate how the outcomes of a water supply system are determined by the impact of several crucial factors, not by the public or private status of the operator. In the first chapter Dominique Lorraine retraces from an empirical and descriptive perspective the process by which the Chinese municipality of Chongqing built, in 2002, a joint venture with other private international operators. Without ever increasing the price paid by consumers, in seven years the Sino French Water Supply Company enhanced the quality and quantity of the service and yielded dividends for all shareholders. This experience sheds a light on the inadequacy of the standard economic models in their interpretation of the empirical phenomena of local governance: the joint enterprise model emerges as being deeply heterodox in the frame of the dominant organizational monopolistic industrial network, based on the Agency Theory (Jensen and Mackling, 1976, Laffont and Martimort, 2002, Stiglitz, 2001).

In chapter 2 Murielle Coeurdray, Franck Poupeau, Brian O'Neill and Joan Cortinas Muñoz, retrace the implementation of the cooperative model established with the salt River Project in Arizona, from a historical and sociological perspective. This federal reclamation project has been managed since 1937 by a public power utility and by a private water company with the aim of supporting the economic development of the Phoenix region. This experience attests the ability of an operator, which cannot be described using the dichotomy public-private, to find ecological and economic solutions (Mann, 1963; Kupel, 2003) to the changing needs of a population thanks to the ability of the institutions to mediate between the various interests involved and generate a multifaceted spectrum of professional practices.

The second part of the book, "Questions of legitimacy: private interventions in a public services", analyses different cases of "remunicipalization" of water services, demonstrating that these can be ascribed to the loss of legitimacy of the private management model and not to low level performance of the private operator. In chapter 3 Bernard de Gouvello, through a multi-perspective approach, demonstrates that the visibility of the social and political organizations battling privatization grew with the declining of the consensus for the government that oversaw the privatization of the Buenos Aires' public utility (Merklen, 2008). The analysis, as the matter of fact, shows that the legitimacy of the private foreign consortium, that has managed the water utility

since 1993, has followed the same descending trajectory of the popular consensus to the President Menem' government. This allowed Nestor Kirchner to become president in 2003, after an electoral campaign against the water management privatization. The president interrupted the contract with the private consortium in 2006 with a very strong popular support (Akhmouch, 2009).

In chapter 4, Lorrain studies the famous case of "remunicipalization" of the Paris water services. By carefully analysing the performance of the private operators and the figures released by the public municipality, the author demonstrates that the old contract holders generally reached the objectives set by the contract and that the "remunicipalization" did not fundamentally result in a decrease of the costs of service or in an increase of transparency of managing operations. Furthermore, this change was not a response to pressure from citizens, as it was in Berlin, because in France the urban service model has historically been founded on the mediation between second-rank institutions, politicians and providers, "with citizens involved only by default" (p.87). The author, instead, finds the real causes of this change in the electoral interests of political candidates for the 2008 municipal elections. Bertrand Delanoë, as the matter of fact, has been supported by all left-wing parties only after that he announced the decision to transfer the management of the water sector to the municipal administration (*Le Monde*, 7 November 2007). It seems therefore that the French left made an instrumental use of the theme of "remunicipalization" in the pre-electoral rhetoric. This was possible because the "French urban service model" (Lorraine, 1992, 2005; Stoffaës, 1995) has lost legitimacy among the population due to the scarce public debate on this question, in spite of it has shown since 1850 a high level of efficiency. In addition to this, the issue of private/public management of local utilities in France represents an element of division between the right and the left since the 80s.

In chapter 5 Thomas Blanchet analyses the process of "remunicipalization" of the Berlin water company through a focus on the behaviour of the protagonists of this process. In 1999, the Berlin senate sold 49.9% of the public water service assets to an international consortium. Even if the consortium reached all the objectives set by the contract, the controversies between public and private actors led to the development of an intense public debate on the managing models of utilities services. Different souls

of civil society organized strong protests, with the support of second-rank institutions, to ask for the publication of contractual conditions. These elements caused a loss of legitimacy of the choice of privatization and the termination of the contract before its natural end. From the author's point of view, it demonstrates that in Germany the "strong local public model" (Lorrain, 2005) of urban services is highly legitimated by population and it is embodied by formal municipal institutions.

In chapter 6 Marie-Hélène Zérah and Cécile Renouard present a qualitative study concerning the first experience of subcontracting of water services between the city of Nagpur and a big French multinational. Here the French multinational shared the social responsibility of the project with local institutions. This obliged the international operator to act as a public actor, having to mediate with local politicians and subcontractors to tackle technical problems in a social perspective. These mediations often fail for a lack of legitimacy of the international operator, and not because of a lack of expertise, showing that the specific power relations found within a contracting company can influence the implementation of the contract.

The third part of the book, "When small water systems meet large water systems", describes various cases in which an operator is engaged in the expansion of the water network in cities characterized by the presence of vast areas without access to the main distribution system, and where alternative practices of supply are in place. In chapter 7, Sarah Bottom and Aymeric Blanc describe, with a comparative approach, the implementation of four pilot projects put in place by the main distributor, in three large African cities, finalized at sub-contracting the service to small, local and private operators, so as to extend the service to outlying neighbourhoods. In conclusion, this type of solution proved to be effective and thus the service of small-scale providers can be considered as an extension of the public service provided in the central city, but doing so the main operator is giving up its monopoly.

The authors Franck Poupeau and Sébastien Hardy developed, in chapter 8, a geo-index database to reconstruct the manner in which the different managerial approaches of the "big" and "small" systems interact into the urban aggregation of La Paz/El Alto. In certain areas, the citizens' cooperatives and associations, by applying a participatory approach, are able to transform a natural resource into a cheap service that is sus-

tainable in the medium and long term. The authors assert that these experiences constitute an opportunity for the development of new effective approaches in the management of local utilities, as well as the experiences promoted by Elinor Ostrom (1990, 2009).

In chapter 9, Rémi de Bercegol and Shankare Gowda, comparing four small cities of the eastern region of Uttar Pradesh, analyse the impact of decentralization of water services in India's "small towns" (Himanshu, 2006; Shastri, 2011), characterized by a combination of public, private and traditional water providers. Despite the decentralization of responsibilities, the municipal institutions are substantially unable to tackle the complexity of the local situations because they haven't had access to the technical knowledges and the financial capacity necessary to expand the water supply networks.

Finally, Julie Aubriot recounts how the attempt of the municipality of Johannesburg to implement the Free Basic Water Policy of the central government, aimed at guaranteeing the right to access water to the whole population, sparked a widespread social protest on the quality of the service. In 2003, a private company was commissioned by the city government to renovate pipelines and homogenize water services in the city, introducing the principle of cost recovery. The families unable to pay in advance their own metering system have had access to so little amount of water free for charge, that the practical result was the disconnection of the poorest families from the water distribution network. That same year a powerful social movement opposed the project, initially based on a range of civil disobedience and "illegal activities" (Mouchard, 2003), and later on a recourse to the law. The High Court, in 2008, ruled in favour of the applicants and accepted all their requests, because it considered the municipal water policy discriminatory. Inspired by the "Mazibuko case", the city of Johannesburg modified its policies on access to water and on urban poverty. The author concludes highlighting that the main problem concerning provision of essential services is not technical but political and social.

In the end, the authors reach three main conclusions, each one connected to one part of the book:

1) There is not only one “model” of best practice to be implemented at all costs, but each territorial community must have a model for the management of local utilities able to face up contextual problems. The cases studied prove that the design of an efficient management regime of urban utilities must necessarily take in consideration different and specific territorial factors – formal institutions (North, 1990), second-rank institutions (Lorrain, 2008), informal institutions (Sabtier and Jenkins, 1993; Bourdieu and Christin , 1990), socio-technical systems (Tarr and Konvitz, 1987; Hughes, 1983).

2) There is not a specific legal framework model able to avoid the conflicts about the allocation of resources and stimulate the cooperation between the actors of a system, and to overcome the natural resistance to change by the institutions. The only element necessary to create a legal framework with similar characteristics seems to be the central government's effort to understand the particular interests of every actor of the management system – collective or individual, state or civil – and to create a transparent and shared framework of rules and incentives capable of directing everyone's behaviour towards the same goals. In the absence of a set of adequate incentives and disincentives, the actors of the system tend to have opportunistic behaviours.

3) The authors do not assert that a large and monopolistic model or a decentralized model is better in developing countries, but they affirm that “the analysis must take on board the context in which projects are implemented” (p.196). What turns out to be a certainty, after the case studies’ analysis, is that these decentralized “solutions” do not represent an optimal solution of the problem of water distribution, because a part of the city’s population continues to receive a low quality service or no service at all. And, above all, the analysed cases show that the implementation of large and monopolistic systems has failed where the municipalities did not receive any support from the state. The decision of a central government to invest or to not invest resources for the development of a water system capable of providing an essential good to the whole population is not a technical one but a political one, and it reflects a precise vision on society. In conclusion, pol-



itics and polity can be considered both the main problem and the solution of any water regime.

This book is crucial for all researchers who, like me, are not interested in the purely technical aspects of urban water systems, but want to deepen this theme from a political, social and environmental point of view. In particular, this work supplies the conceptual and methodological tools for an innovative analysis of urban policies and urban social movements about the management of local utilities. From a conceptual point of view, as the matter of fact, this book provides a political explanation of issues that are mostly defined “technical”. The authors stress that the reasons for the malfunctioning of the utilities do not reside in the technical field, but they must be sought in the field of interaction between all the actors of the system - managers, public institutions, users, etc. From a methodological point of view, the Actor Oriented Approach results the most useful research approach to analyse the empirical practices carried out by the actors of a water supply system: an approach that is extremely innovative and not widespread in the global debate about the water regimens. Moreover, starting from the considerations exposed in the second point of the conclusions, the most useful research instrument to interpret the urban policies in a comparative perspective can be the Institutional Analysis and Development (IAD) Framework developed at the University of Indiana (Crawford and Ostrom, 1995; Ostrom, Gibson, Shivakumar, Andersson , 2002; Ostrom, 2005; Ostrom, 2009; Vitale, 2010), worked out for evaluating the functioning of incentives for sustainable development of urban contexts.

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