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Winning the Water War

A history of the fight against the Water Charges in
Dublin

Dermot Sreenan

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protests and legal defence continues to make life very difficult for the councils.

The water charges were effectively dead in the water (pun intended). They had become uncontrollable and largely uncollectable. Further demonstrations were held outside local council meetings where they tried to strike an estimate for the following year of how much they would seek from the people. A march was held in the city centre which attracted a good attendance. The message was to stand firm and we would definitely see victory. Protest phone calls bombarded the local councillors. Massive public meetings were held. 500 people attended such a meeting in Baldoyle in late November. Finally, on December 19th 1996 the Minister for the Environment announced that the Water Charge was going to be replaced by a new system whereby the road tax collected in each area would be the source for local council funding. Of course he neglected to mention that his hand was forced in this change of policy.

The working class people of Dublin had organised, rallied and won an important victory. Double taxation was over and this is due to the policy of mass resistance, organisation and direct action. The political establishment had once again thought they could exploit the working class for yet more money. But this time they had their noses bloodied. The fight is not over but the victory is certainly ours. In time to come we should remember this victory and how it was won because the politicians will not be long before they come up with a new method to exploit us while they leave the rich to get richer. We must remember that direct action and mass resistance destroyed their best laid plan this time and be ready to employ these tactics again when they unveil their new tricks.

Ireland is famous for being a place where you can get all four seasons in the passing of one day. The predominant season here is the rainy season which extends through spring, summer, autumn and winter. The one thing we are not short of on this island is water. But then, since when did our 'leaders' or the authorities let the facts get in the way of further exploitation. Over the last three years in Dublin a battle has raged between the councils, trying to implement a charge for the supply of water and the people opposed to this policy. This is the story of the campaign against the imposition of this double tax.

When the domestic rates were abolished in 1977 following the general election an increase took place in income tax and Value Added Tax. The money made from these increases was to be used to fund the local authorities, who had previously relied on the domestic rates for their funding. Central government was to pay a rate support grant to Local Authorities. This rate support grant increased until 1983 when the then Fine Gael and Labour government decided to cut this grant and brought in legislation to allow the councils to levy service charges.

So though people were effectively paying more taxes, less of this money made its way to local councils, so they were asked to pay more money in the guise of 'service charges'. Eighty seven per cent of all the tax paid in this country is by the Pay As You Earn (PAYE) worker. This is a massive amount of money especially when contrasted to the fact that many multi-national companies are attracted to this country for exactly the opposite reasons, because they have to pay relatively small amounts of tax. Put plain and simply the beleaguered tax-payer in Ireland has been getting screwed not once but twice. This is what made this campaign so important.

The Son of Rates

In the 1980's resistance in Dublin led to the scrapping of the first attempt to introduce a water tax in Dublin. Other successful campaigns took place in Limerick and Waterford. In Waterford also, around the Paddy Browne Road a gang of contractors who were cutting off non-payers were held hostage by residents and Waterford Glass workers.

In other counties the charges continued and by 1993 the amount expected to be paid by a household varied from one county to another. The service charge for Kilkenny was £70 per annum plus extra money for refuse collection while in the County of Cavan you had to pay £180 to the local council. In 1995 the service charges continued to rise with Mayo commanding an annual charge of between £205 and £235.

The Water-Charge is Born

The writing was on the wall that a new charge was about to be levied on the people of Dublin when on January 1st 1994 Dublin County was divided into three new County Council areas. Fingal, South Dublin, and Dun Laoghaire/Rathdown were created and they all had to strike a rate which they would then be charged to each household for the water service. The existence of three new areas made it easier to administer the charge on each household.

All the councillors had been elected on the basis that they opposed this charge. In 1985 the Fianna Fáil manifesto for the local elections stated "Fianna Fáil are totally opposed to the new system of local charges and on return to office will abolish these charges and repeal the legislation under which they are imposed." However when the time came to show their opposition they stalled before striking a rate. In South County it was £70, in Fingal it was £85, in Dun Laoighaire/Rathdown it varied from £50 to £93.

we were doing well. Not one member had been disconnected despite the flurry of court activity and the huge resources spent by the councils chasing non-payers. The Campaign was still solvent and over 10,000 households had contributed £2 each to it. We decided to continue to maximise political pressure and the majority of people were in favour of the campaign running a slate of candidates in the next general election in order to 'put the frighteners on the politicians.' Once again we argued against this tactic. The Campaign was already on winning ground. The courts couldn't operate. Resistance to payment was still very high with over 50% of the houses not paying. The Councils were heading into their third year of setting a rate that would not be paid by the majority of people in the area. When a campaign of working class resistance to this injustice is so strong the last thing you need to do is to elect more politicians whose voices will be lost, soon to be followed by their principles. Mass resistance had got the campaign into this winning position and mass resistance would be the murder weapon of the water charges.

In November and December of 1996 the Campaign increased the pressure on the local councillors. All sorts of incentive schemes had been introduced to try and make people pay this double tax and all of them had failed. The non-payment of water charges had increased and the councillors knew the imposition of this tax was becoming impossible. The prospect of a General Election in the Summer of 1997 had all the political parties running for cover. They were running scared in the face of the massive unpopularity of this form of local funding. The last turn of the screw came in the shape of Civil Process cases. In this instance the councils took people to a civil process court where they would try and get the judge to rule for them and where they would be entitled to seize assets to the value of the money owed. This new tactic, which they are continuing to persevere with, has met with as little success as the previous ones. Again, people turned up in their hundreds to defend their fellow citizens from this persecution, and a combination of court

Death & opportunity

When Brian Lenihan, the Fianna Fail TD for Dublin West died it became obvious that his seat would be contested and Councillor Joe Higgins was going to run for the vacant seat as a Militant Labour Candidate. Joe had always spoken strongly against the water charges and campaigned tirelessly against them. On 13th January an All Dublin Activists Meeting was held at which Joe sought the endorsement of the campaign for his candidacy in the forthcoming by-election.

Members of the WSM present at this meeting spoke strongly against this proposal. We said that we would much prefer to see the charge defeated by the working class organising on the streets to show their opposition. We believe that people have to seize back control over their own lives and this is not done by electing some official to fight your corner. Empowerment would come from defeating the combined forces of the state, the government, and the local authorities, by organising together and fighting against the imposition of this charge. Now that we were winning, we just had to keep on pushing forward with our demands to have this charge abolished. Electing Joe to sit in the Dáil to argue our case was never going to be empowering. Joe would have been ignored just as on the local council his opposition to the charge was ignored. While our arguments were well received and considered, the decision of the meeting was to endorse Joe's candidacy.

In the end Councillor Joe Higgins nearly became Joe Higgins TD but for a few hundred votes. In the end however, Irish politics didn't vary from the mean and the son Brian Lenihan Junior was elected to the seat his father had died in.

The Federation of Dublin Anti Water Charges Campaigns held a conference in May of 1996. Many people were jubilant by the good showing of Joe Higgins in the Dublin West by-election. For many activists this was the most media coverage the campaign had received since its inception. But on the various prongs of attack

The sorry excuse that arose on the occasion of all these politicians proving themselves to be liars was that they were forced to strike a water charge rate or else the government would dissolve the council. Councillor Don Tipping of Democratic Left later wrote his excuse in the Tallaght Echo "We (Democratic Left) faced down a threat to abolish the council in 1994 by Fianna Fáil Minister Smith, who insisted that we must have the water charges." The way Mr Tipping and his fellow councillors 'faced down' this threat was to concede totally to the government wishes. It is on such weak reasons that politicians' promises are broken. This whole episode also speaks volumes about how our 'democracy' works. The government pushes for Water Charges and the councillors bluster but fail to oppose it in any meaningful way. Instead they set the charge and set about the business of collecting it. In just a short space of time nearly all the elected councillors went from opposing water charges to imposing water charges.

Opposition blooms

In the spring 1994 issue of Workers Solidarity (paper of the Workers Solidarity Movement) Gregor Kerr wrote "Householders and residents in Dublin should immediately prepare to resist these charges. If nobody pays, they will be impossible to collect." Over the summer of 1994 political opposition to these water charges was drummed up as many public meetings were held all over the county. Members of Militant Labour (now known as the Socialist Party) and the Workers Solidarity Movement and many non-aligned activists worked at leafleting information about the forthcoming charge. We showed what had happened when similar charges were imposed in the other cities, towns and county areas. The water charges had soon developed into a service charge and now households were facing annual bills from their local councils in excess of £100. We knew this first charge was the thin end of

the wedge and we went about getting that information into as many houses as possible.

Long hours were spent going around housing estates dropping in leaflets talking to people on the doorsteps. I remember spending evenings walking around one particular suburb with comrades leafleting for a meeting which we had organised in a local pub. After distributing thousands of leaflets two people turned up for the meeting, one from the local newspaper and one a worker in the council. In Templeogue people had not been involved in campaigns and there was little history of community based struggle. A sense of community appeared absent as each person looked after their own interests. But this area became more organised later on in the campaign and more people became involved as the council began to drag people to court. The hard work done a year earlier was rewarded as the campaign blossomed in the area.

The response was different in other areas of the city. In Firhouse 70 people showed up for the initial meeting. The activists organised a survey as a good means to develop contacts and as a means to argue against the charges. Persistent work by activists helped raise the awareness of the issue. As people became aware of the campaign more and more became involved.

On September 24th a conference was held and this gave rise to the Federation of Dublin Anti-Water Charges Campaigns. Councillor Joe Higgins (Militant Labour) was elected Chairperson of the campaign. Gregor Kerr, a member of the WSM, was elected secretary of the campaign. We prepared and built for a march which took place in November 1994. Local meetings were held throughout Dublin and they were generally well attended. A march took place in the city centre and over 500 people protested at the implementation of this double taxation. The campaign was by now well and truly alive and we were building all the time by raising the issue where we could. Over the course of late 1994/early 1995 nearly every house in Fingal and South Dublin had received a leaflet from the campaign.

various council officials. They pursued the cases tirelessly but the campaign's solicitors (F.H. O'Reilly & Co.) contested them on several grounds. Despite this some disconnections were ordered but the campaign's tactic of appealing these decisions to the circuit court ensured that no disconnections could take place. Larry Doran (a pensioner from the Greenhills area of south Dublin) made an eloquent speech from the dock of this courtroom in February 1996 when he highlighted the injustice of this state which grants tax amnesties to the rich while pursuing pensioners for water charges through the courts. He said "if the wealthy paid their due taxes, PAYE taxpayers would not be asked to pay double and I would not be before this court." The Judge ordered the court to be cleared after the cheering and clapping that Mr. Doran's speech received. Larry, with the support of his local campaign, decided not to appeal but instead challenged the council to come and try to cut his water off. A demonstration was organised outside his house to show the council who they would have to deal with if they attempted to cut Larry's water off. The council decided not to take Larry up on his challenge.

The Councils of Fingal and Dun Laoghaire / Rathdown brought people to court as well. All members of the campaign were represented. After 6 months of trials up to May 18th 1996, involving 25 appearances by councils, only 25 disconnection orders were issued against campaign members. One judge in Swords even invoked the Public Order Act to deal with a protest outside his courthouse. As William Morris said back in 1887 "The ruling class seem to want people to use the streets only to go back and forth to work, making profits for them." In 1996 the judge was still not too keen on the idea of the streets being used for much else, especially protests.

The rate of non-payment remained strong. Over £23 million remained outstanding from 1994. Successful meetings were held in many areas with 150 people showing up for one meeting in Tallaght.

Late into the summer final warning notices began to appear threatening court action. This was the final stage before the real summonses would appear. The membership campaign was growing quite rapidly and over 2,500 householders had contributed. The Amalgamated Transport and General Workers Union very kindly provided the campaign with an office. An All Dublin Activists Meeting was held in September with the campaign working on a three pronged attack of non-payment, defence of non-payers in court, and maximising political pressure.

The first court cases were scheduled for Rathfarnham court on November 13th 1995. The activists made a large attendance at this case a priority and on the day over 500 people turned up. They voiced their support for those people fighting in court and made clear their opposition to the charges. There were people from all over Dublin, as well as from other cities and towns throughout the country. Various union banners were present. People sang and were in good spirits as the judge decided to adjourn the cases to the next week.

We never expected justice in court. So the next week we returned to the court house. That day in Rathfarnham finished with a 500 strong march through the village after the judge threw the council's cases out of court. RTE (national broadcasting service) finally decided that the campaign warranted some coverage and the picket appeared on the afternoon news. Both Joe Higgins and Gregor Kerr were amongst some of the many people interviewed on the Gay Byrne morning radio show. After two years in existence the media finally began to take notice of us.

The local authorities continued to pursue people through the courts. The council had many legal representatives such as a solicitor, a barrister and sometimes a senior barrister, as well as

Ambush in the Night

By early December '94, South Dublin County Council had had enough of our campaign. People weren't paying the bill fast enough for their liking so they decided to up the ante and declared that if people didn't pay their outstanding bills within a certain number of days cut-offs would commence. The councils were now resorting to the tactics of the school yard bully by their use of threatening language in letters and ultimately with the threat of cutting off people's water supply.

All the activists raced into action. There were stake-outs at the water inspectors' houses. We would follow them around to ensure that they didn't attempt any cut off under the cover of the night. Clondalkin people organised their own cars to patrol around that area. CB radios were installed in the cars so that we were in constant communication with each other as we monitored the movements of the men who would try to cut people's water off. One house in Tallaght was turned into a virtual Head Quarters for the campaign. The phone calls kept flooding in. Communities learned to be vigilant of the blue Dublin Water Works vans and were very wary when they came into the estates. Children playing football on the park were told to knock on the doors when they saw such vans in the area. Indeed one van ventured into an estate in Clondalkin village and when the kids alerted everyone to their presence they hopped back into their van and drove away rapidly!

I remember freezing one night in a not so new car with a comrade from Militant Labour and waiting on one water inspector to move. I got out of the car to answer the call of mother nature behind a bush and I heard a huge roar from the car. Our man was on the move at 5.00am in the morning, a little early to be starting work we thought. He was aware that he was being followed so he gave up and went back home via Crumlin Garda station where he moaned about our close attention.

All our efforts did not go unnoticed. One South County Dublin councillor called us “political pygmies.” The Evening Herald entitled us the “water bandits.” But the final result from the reports the campaign received was that 12 houses were disconnected and they were duly reconnected. The campaign had won the first battle and no house would be without water for that Christmas.

Little Changes except the Government

Things now suddenly changed because a different game was being played in the Dáil. The Brendan Smith affair¹ caused the collapse of the Fianna Fáil and Labour government.

A new government was formed. It still had Labour in it, but this time their partners in government were Fine Gael and Democratic Left. With the change in government came a change in the tactics used to try to extract the double tax of the water charge. In the Dáil the Minister for the Environment announced that the power of the local authorities to disconnect water was to be ‘delimited’. When pursued on this issue he said “The Government will delimit their power to ensure that water supply is not cut off as a quick reaction but where somebody has the capacity to pay and refuses to do so the ability to disconnect water supply will remain with the local authority.”² As you can see statements like this did little to clarify the matter for us.

We continued to apply political pressure. We held a picket outside the Democratic Left conference which was held in Liberty Hall. The Labour party conference in Limerick was picketed by a number

¹ The Brendan Smith affair brought about the collapse of this Government. The Attorney General’s office took an exceedingly long time to get extradition papers prepared so that Father Brendan Smith could be extradited and prosecuted for child abuse. It led to the resignation of Albert Reynolds as Taoiseach and the formation of a new government (without an election).

² Quote taken from minutes of the Dáil as Minister Howlin answered a question.

of activists. Labour members continued to be smug as they passed our picket and they paid little attention to us but disliked the slogan “You didn’t axe the double tax, now watch your vote collapse.” On that picket we were joined by anti-water charge activists from Limerick and Galway.

Over the next couple of months nearly a hundred thousand leaflets were produced and distributed calling on people to maintain a non-payment policy and explaining the government’s pathetic tax-free allowance scheme. It proposed that if you paid your water charge on time then you were entitled to claim a tax rebate at 27%. So if your tax was £150 you were entitled to a maximum rebate of £40.50. In South County Dublin with the Water Charge at £70 you were entitled to a maximum rebate of £18.90. If you lived in Cavan you could claim back £40.50, but you’d already paid £210 for your service charge.

A Law made to be Broken

On 31st March an announcement was made that the councils would have to bring people to court to obtain an order prior to being able to disconnect the water. This was what the newspeak word “delimit” meant in real terms. This was the major concession that was won by Democratic Left in their negotiations in government! A press conference was held by the campaign outlining a strategy for dealing with the threats of court action. All cases would be legally defended in Court but whatever the outcome, pickets and protests would ensure that nobody’s water was disconnected.

A conference was held in the ATGWU hall in Dublin on May 13th. It was decided then that during the coming Summer the FDAWCC would launch a membership drive at £2 per household to help fund the legal costs which would no doubt be incurred when the councils finally got around to summoning people. For the moment they contented themselves with sending out more threatening letters.