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Stuff the Water Charges

Gregor Kerr

1996

1995 WILL BE seen as the beginning of the end for the hated double taxation water charges in Dublin and throughout the country. For the first time in almost a decade, the year closed without a single water disconnection for non-payment in the entire country. This fact is a tremendous tribute to the hundreds of campaign activists who have been busy fighting the charges for almost two years in Dublin and for much longer in many other areas. As the campaign faces into the new year, much remains to be done but great heart can be taken from the successes of the last number of months.

When the first summonses for non-payment of the charges dropped through letterboxes in Firhouse, Rathfarnham and Templeogue in late October/early November, it was exactly what campaigners had been waiting for. Since the formation of the current government (December '94) and certainly since the passing of legislation *delimiting* the power of County Councils to disconnect water (in early June '95), anti-water charge campaigners had known that these court cases were on the way.

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Retrieved on 5th November 2021 from struggle.ws
Published in *Workers Solidarity* No. 47 – Spring 1996.

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Over the summer months and into early autumn, the campaign had established an office in the centre of Dublin (in a room given by the Amalgamated Transport and General Workers Union – a true example of solidarity in action), had installed a 24-hour emergency hotline number and had launched a membership drive to finance a Legal Defence Fund.

The campaign pledge to resist the Councils' attempts to brow-beat people into paying, to defend non-payers in court and to prevent disconnections if any were ordered met with a tremendous response from the residents of the 3 County Council areas. By the time the first summonses arrived, almost 6,000 households had paid their £2 membership and this figure was to rise to over 8,000 by the end of the year. As 1996 begins, the membership will continue to be built in new areas and among new contacts. Without a doubt this is the biggest campaign to have happened in Dublin for many many years.

The first batch of summonses were for a court appearance at Rathfarnham courthouse on Thursday November 16th. Within minutes of the first of these being received the campaign hotline was buzzing and the resistance was under way. In the two weeks prior to this first court hearing, public meetings were held throughout South Dublin, Fingal and Dun Laoghaire/Rathdown – some of them attended by over 200 people, many by at least 100. At these meetings, local campaign groups and residents' associations pledged their support for those who had been summonsed, and organised delegations of local people to travel to the protest outside the court on November 16th.

The atmosphere outside the court on 16th November was electric. The 40+ campaign members who were due to have their cases heard were represented by the campaign legal team and were supported by a 500 strong crowd of noisy protesters. Banners and placards on display showed that people had travelled from places as far apart as Swords and Dun Laoghaire.

Representatives of the anti-service charge campaign in Waterford were present to demonstrate their solidarity and messages of support were received from Clonmel, Cork, Galway, Limerick and many other places where double taxation service charges have been fought for nearly a decade. Banners representing the Dublin Council of Trade Unions, the ATGWU, printers, bricklayers, and other unions were also visible, as were representatives of the Association of Combined Residents Associations (ACRA) and the National Association of Tenants Organisations (NATO).

Following lengthy legal arguments during which the chanting and singing protesters could be clearly heard in the courtroom, the judge decided to adjourn the cases to the following week to consider the legal points raised. Already the campaign had had a victory. South Dublin County Council had expected to have almost 50 disconnection orders issued against non-paying households, instead they had witnessed a much bigger protest than they had thought the campaign was capable of organising and the subsequent publicity in the national and local media would obviously be seen as a setback for their attempts to enforce the charges.

A week later Rathfarnham courthouse saw an equally big protest. As protesters were interviewed live on the Gay Byrne Show for RTE Radio, all of the cases which had been adjourned from the previous week were thrown out of court when the Council found themselves tied up in legal knots with regard to proving who owned the houses and who consumed the water. It was a tremendous victory for the campaign and a demonstration of the fact that people power, in terms of the huge demonstrations on both occasions, did have an effect. A further 100 cases called by South Dublin County Council for November 23rd and 30th were adjourned to mid-January as Council officials found their strategy in disarray.

Meanwhile Fingal and Dún Laoghaire/Rathdown County Councils tried their hand as summonses arrived for court appearances in Swords, Balbriggan and Dún Laoghaire. Again the campaign

organised support, and again the response from members and supporters was brilliant. Unfortunately a small number of those summoned to Balbriggan and to Dun Laoghaire failed to either contact the campaign or show up in court. As a result disconnection orders were made against these people. These orders have however since been appealed to the Circuit Court.

On Wednesday January 10th, the campaign received a further boost when Judge Peter Smithwick ruled in Dún Laoghaire court that in cases of joint ownership the Council must notify both parties of their intention to seek a disconnection order. The logical consequence of this is that both parties should also be billed, and be sent all warning and reminder notices. This could yet turn into a bureaucratic nightmare for the Councils!

As the campaign faces into the coming phase, care must be taken not to allow court appearances to consume all of our time and resources. While it is obviously important that non-payers are defended in court, we must remember that the courts are there to protect the interests of the state. We must also bear in mind the fact that even if we do get a lucky break in terms of a favourable court judgement, it is very easy for the politicians to change the relevant piece of legislation. Such a *lucky break* is therefore likely to be of a very temporary nature.

It is extremely important that over the next couple of months the campaign is strengthened at local level, that local action groups are established in all areas and that local activists are in constant contact with one another. This is necessary in order to build the sort of on-the-ground solidarity which will be absolutely vital if disconnections are to be resisted. The water charges will not be defeated from an office in central Dublin. Nor will they be defeated by frantic activism on the part of a few. Victory will come from community solidarity and self-activity on the part of local campaigners.

The campaign's immediate task must be the establishment of these local action groups. Without them the victory which can be ours will be more difficult to achieve.