

Maine Activists Protect the Commons

Corporate Control of State's Water Resources Rejected

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Communities in Maine have been engaging in a struggle to protect their groundwater resources from the multinational corporation Nestlé Waters N.A., the largest food and beverage company in the world.

Nestlé, which is in the business of mining water to fill plastic bottles for their labels such as Poland Springs, seeks to expand its business by increasing the number of wellheads throughout the state. It is pumping millions more gallons of spring water from aquifers each day.

They take the water for next to nothing, or for nothing at all, in exchange for the promise of future jobs that don't always materialize. Nestlé then sells the water at a profit margin that can be over 1,000 percent.

None of these profits are used to address the grave environmental costs: receding water levels in lakes and ponds, drawn-down wells and ultimately depleted aquifers, damage to roads from the large tanker trucks used to transport water, the impact of plastic waste.

Activists in Maine are also well aware that Nestlé is not just interested in expanding its business for the purpose of filling water bottles today. Nestlé is interested in the control of Maine's abundant water resources and is positioning itself to capitalize on the emerging crisis of global water scarcity. Activists contend that access to water is a human right and should not be sold only to those who can afford it.

When Nestlé came knocking on doors in Kennebunk, Wells and Shapleigh, activists organized a very effective opposition. Last June, activists in Southern Maine were able to halt a proposed 50-year contract between Nestlé and the Kennebunk, Kennebunkport and Wells (KKW) Water District.

The proposed deal had been kept very quiet until three weeks before the contract was to be signed, when a press release in the local paper alerted organizers who called for a town meeting. The event was well publicized in regional media outlets with attention-grabbing headlines like 'Water Battle Begins.'

The water district's superintendent was invited to answer questions from concerned citizens. The Town Hall was packed, with standing room only, and citizens stood in line for three hours to pose questions to the superintendent—100 percent of them opposed the deal.

However, in spite of the communities' opposition to the idea of selling their water resources, the KKW Water District was going to proceed with the contract.

The activists remained undaunted. On the day that the Nestlé contract with the water district was to be signed, a press conference was organized by activists of Save Our Water, which brought National Public Television's NewsHour with Jim Lehrer to the event.

The TV crew's appearance apparently embarrassed the water district superintendent and trustees. So they refused to hold their publicly advertised meeting in the Town Hall for public comment before the signing of the contract. Instead, they held the meeting in a small room, prohibiting most of the public from attending.

The citizens grew angry at this blatant abuse of the democratic process. Under the glare of the media's spotlight, the water district postponed the signing of the contract. And after the NewsHour segment, which showcased the community's rage, the water district's proposed contract with Nestlé was 'indefinitely tabled.'

Nestlé Eyes Another Source of Groundwater

In the meantime, Nestlé had its eye on another source of groundwater in Shapleigh, Maine. It mounted an expensive public relations campaign, even sending 'representatives' door to door to convince the community that the company would be a good neighbor.

But the corporation that has been masquerading as a 'good neighbor' in Maine was recently implicated in the killing of labor union organizers in the Philippines and exploiting children. The community in Shapleigh did its homework and decided that it didn't want to do business with Nestlé.

Yet the corporation persisted. Mark DuBois, the company's natural resources manager, threatened (on video) 'to show their hand' when the community passed a 180-day moratorium prohibiting Nestlé from testing wells and preventing the signing of a proposed contract between Nestlé and the town's selectmen. Activists in both Shapleigh and the KKW Water District teamed up with attorney Thomas Linzey of the Community Environmental Legal Defense Fund to craft a rights-based ordinance to ensure that decisions made by citizens for their communities would not be overruled by the legal clout of corporations like Nestlé.

The concept of the rights-based ordinance was pioneered by Linzey, who helped to write Ecuador's new constitution, which gives entity rights to ecosystems. Ecuador is the first country in the world to protect its natural resources from corporate exploitation in this way.

In Shapleigh, the town's selectmen favored a contract with Nestlé and refused to put the activists' rights-based ordinance on



water and light

the town meeting warrant, so citizens collected enough signatures to petition the selectmen for a ‘special town meeting.’

At that meeting on February 28, the citizens of Shapleigh voted to pass the ordinance.

The ordinance not only gives citizens the right to local self-governance, but it declares that the water in the town is held in public trust as a common resource for the benefit of residents and the natural ecosystems of which they are part. Most importantly, the radical section two states:

We believe that the corporatization of water supplies in this community—placing

the control of water in the hands of a corporate few, rather than the community—would constitute tyranny and usurpation; and that we are duty-bound under the Maine Constitution, to oppose such tyranny and usurpation. That same duty requires us to recognize that two centuries’ worth of governmental conferral of constitutional powers upon corporations has deprived people of the authority to govern their own communities, and requires us to take affirmative steps to remedy that usurpation of governing power.

In Maine, we were tired of Nestlé behaving like a colonial power with a right to our water resources. We have decided to stand up to power. We have ignored the

voices of the weary and defeated who believe that people will never vote to remove power from corporations or give nature the right to protect itself from exploitation.

We want to encourage other communities to join us. The time is now!

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