

Earthscan Water
Text Series



The Right to Water

Politics, governance
and social struggles

Edited by

Farhana Sultana
and Alex Loftus

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THE RIGHT TO WATER

The right to clean water has been adopted by the United Nations as a basic human right. Yet how such universal calls for a right to water are understood, negotiated, experienced and struggled over remain key challenges. This book elucidates how universal calls for rights articulate with local historical geographical contexts, governance, politics and social struggles, thereby highlighting the challenges and the possibilities that exist. Bringing together a unique range of academics, policy-makers and activists, the book analyzes how struggles for the right to water have attempted to translate moral arguments over access to safe water into workable claims. This book is an intervention at a crucial moment into the shape and future direction of struggles for the right to water in a range of political, geographic and socio-economics contexts, seeking to be pro-active in defining what this struggle *could* mean and how it might be taken forward in a far broader transformative politics. The book engages with a range of approaches that focus on philosophical, legal and governance perspectives before seeking to apply these more abstract arguments to an array of concrete struggles and case studies. In so doing, the book builds on empirical examples from Africa, Asia, Oceania, Latin America, the Middle East, North America and the European Union.

Farhana Sultana is Assistant Professor of Geography at the Maxwell School of Syracuse University, USA. Her research interests and publications are in water governance, political ecology, gender and development. Combining insights and experiences in and outside academia, she engages in critical interdisciplinary research on water in the global South.

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PREFACE

This book first began to germinate in a set of discussions the two of us shared around the water justice movement whilst working in separate Geography departments in the University of London system. Our hopes of developing a forum through which critical dialogue around the right to water could be instigated, worked through and developed, were briefly curtailed when Farhana moved across the pond to Syracuse University. Nevertheless, when an opportunity arose, we were quick to return to the plans and were immensely fortunate in being able to secure funding to bring together a range of scholars and activists in a two-day event at the Maxwell School of Syracuse University. This international conference on ‘The Right to Water’ took place over March 29 and 30, 2010, beginning with a series of keynote speeches by Patrick Bond, Bill Derman, David Getches, Anil Naidoo, Darcey O’Callaghan and Oren Lyons, and continuing on the following day when two dozen papers were presented and discussed. These papers were structured around thematic clusters: philosophical perspectives, legal perspectives, governance and social struggles. Some, in revised form, are included in this book, in addition to new contributions from scholars who were invited to submit chapters.

Above all, our goal in the conference was to create space for dialogue and debate among scholars, activists and practitioners. This space then became an interdisciplinary and international platform from which strategic possibilities for ensuring equitable access, use and availability of water worldwide began to be worked through. Some of the key questions that were addressed included: How important is the human right to water – and how is it mobilized – in different struggles for equitable access to water? How influential are international discourses on rights in shaping access to water in different contexts? How do broader discourses articulate with local historical geographies of struggles for water and rights discourses? Such questions inform and animate this book, which consists of a selection of contributions across a range of conceptual and practical exemplars. All the chapters resonate with and intervene in debates around the right to

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water in academic, policy and activist communities. Given the range of backgrounds of the contributors, the political pertinence of the issues being discussed and the effort to define in bold, proactive and provocative ways what struggles for the right to water might become, our hope is that the ideas, insights and problematizations herein will critically advance existing debates, practices and policies in configuring the right to water in more just and equitable ways globally. As we elaborate in our introduction chapter, this is imperative in the contemporary moment and now still timelier given the United Nations' resolutions on the right to water in late 2010. As states, citizens, and groups start to move towards working out the details of national policies and implementation plans, we hope the insights and ideas in this book will be instructive and inspirational.

The book is a product of conversations and collaborations with many scholars, practitioners and activists across space and time, but especially with the twenty-one contributors located across the globe. In undertaking the ambitious goals to have all the chapters written, reviewed, revised and re-submitted within a few months' timeframe, we have been privileged to work with gracious and attentive friends and colleagues. We thank all the chapter contributors for being part of this collective journey, but more importantly, for brilliant expositions and thoughts that make this book a whole. We also thank all the conference presenters and speakers, and the two hundred participants, for excellent debates and thought-provoking discussions, all of which helped inform the book in one way or another.

The conference would not have been possible without the support of sponsors at Syracuse University, whom we would like to acknowledge: Department of Geography, Program for the Advancement of Research on Conflict and Collaboration, Center for Environmental Policy and Administration, Environmental Finance Center, Syracuse Center of Excellence, South Asia Center, Maxwell Dean's Office, College of Arts and Sciences Co-Curricular Grant, Chancellor's Feinstone Grant for Multicultural Initiatives, International Relations Program, Africa Initiative, and Program on Latin America and the Caribbean. We would like to thank the Vice-Chancellor, Dean of the Maxwell School, and Dean of the College of Arts and Sciences at Syracuse University for supporting and participating at the conference. Our gratitude also goes to our graduate students who helped out at the conference or in the preparation of the book, especially Emera Bridger Wilson, Clint Misamore, Sara Bittar and Fiona Nash. Special thanks to Jonathan Chowdhury for support throughout the conference and in the preparation of the book, in particular for his help with the conference poster design and book cover design.

This book was put together during an incredibly busy time for both of us at critical junctures in our academic lives, and we are grateful to all those who supported us along the way, especially our families.

PREFACE

Finally, we would like to thank Tim Hardwick at Earthscan for seeing the book through from the beginning, and to several colleagues at Taylor & Francis for assistance in the production stage.

This book is dedicated to people around the world who continue to struggle for water. May all our futures with water be more equitable and just.

Farhana Sultana and Alex Loftus
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FOREWORD

Maude Barlow

On July 28, 2010, the United Nations General Assembly adopted an historic resolution recognizing the human right to safe and clean drinking water and sanitation as “essential for the full enjoyment of the right to life.” For those of us in the balcony of the General Assembly that day, the air was tense with suspense. A number of powerful countries had lined up to oppose it so it had to be put to a vote. Bolivian UN Ambassador Pablo Solon introduced the resolution by reminding the assembly that humans are about two-thirds made of water and our blood flows like a network of rivers to transport nutrients and energy to our bodies. “Water is life,” he said.

But then he laid out the tragic and growing numbers of people around the world dying from lack of access to clean water and quoted a new World Health Organization study on diarrhoea showing that every three and a half seconds in the developing world, a child dies of water-borne disease. Ambassador Solon then quietly snapped his fingers three times and held his small finger up for a half second. The General Assembly of the United Nations fell silent. Moments later, it voted overwhelmingly to recognize the human right to water and sanitation. The floor erupted in cheers.

Two months later, the UN Human Rights Council adopted a second resolution affirming that water and sanitation are human rights, adding that the human right to safe drinking water and sanitation is derived from the right to an adequate standard of living and is “inextricably related to the right to the highest attainable standard of physical and mental health as well as the right to life and human dignity.” The two resolutions together represent an extraordinary breakthrough in the international struggle for the right to safe clean drinking water and sanitation and a crucial milestone in the fight for water justice. They also complete the promises of the 1992 Rio Earth Summit where water, climate change, biodiversity and desertification were all targeted for action. All but water had been addressed by the United Nations with a convention and a plan; now the circle is closed.

The struggle to achieve this milestone was a long one and blocked for years by some powerful corporations and governments who prefer to view water as a private commodity to be put on the open market for sale. Indeed,

forty-one countries, including the UK, Australia, Japan, Canada and the US, abstained in the General Assembly vote (although the US voted in favour of the resolution that came before the Human Rights Council). Some of these governments insist that they are still under no new obligations in this area, as they claim the General Assembly vote was not binding. This is incorrect. Because the Human Rights Council resolution is an interpretation of two existing international treaties, it clarifies that the resolution adopted by the General Assembly is legally binding in international law. Said an official UN press release, “The right to water and sanitation is a human right, equal to all other human rights, which implies that it is justiciable and enforceable.”¹

This means that whether or not they voted for the right to water and sanitation, every member state of the United Nations is now required to prepare a Plan of Action for the Realization of the Right to Water and Sanitation and to report to the UN Committee on Economic, Social and Cultural Rights on its performance in this area. This plan of action must meet three obligations: the *Obligation to Respect*, whereby the state must refrain from any action or policy that interferes with these rights, such as withholding water and wastewater services because of an inability to pay; the *Obligation to Protect*, whereby the state is obliged to prevent third parties from interfering with these rights, such as protecting local communities from pollution and inequitable extraction of water by the private sector; and the *Obligation to Fulfil*, whereby the state is required to adopt any additional measures directed toward the realization of these rights, such as providing water and sanitation services to communities currently without them.

Already, the resolutions have had their first successful test case. The Kalahari Bushmen of Botswana have been fighting for decades to regain access to their ancestral homes in the Kalahari Desert, which they finally won in a Botswana Court in 2006. However, that same court denied them access to their traditional water sources, a borehole the government had smashed several years earlier. The Bushmen appealed that ruling and in a momentous January 2011 decision citing the UN’s new recognition of the right to water and sanitation, Botswana’s Court of Appeal unanimously quashed the earlier ruling and found that the Bushmen have the right to use their old borehole as well as the right to sink new boreholes and called their treatment by the government “degrading.” In its judgment, the Court said it is “entitled to have regard to international consensus on the importance of access to water” and referenced the two UN resolutions.

These historic resolutions present an incredible opportunity for other groups, communities and Indigenous peoples around the world suffering from water shortages, unsafe drinking water and poor or non-existent sanitation services. It is not often that a new right is recognized at the United Nations, especially around an issue as increasingly political and urgent as the global water crisis. The right to water and sanitation are living documents

waiting to be used for transformational change around the world. This is why the book you hold in your hands is so important as it explores the issues surrounding the right to water and lays down a challenge to stretch our minds and our policies to set a path toward a water-secure future for all.

Will the right to water and sanitation be defined in the more traditional, “western” notion of rights, what are often referred to as “first generation rights,” which exist to protect the individual from excesses of the state, or will it be defined in a more inclusive way, embracing “second” and “third” generation rights more closely related to issues of social and economic equality and even group and collective rights such as those found in the UN Declaration on the Rights of Indigenous Peoples? Will the genuine realization of these new rights require recognizing and honouring that some cultures place responsibility and relationship of community over the more traditional UN definition of individual rights? Will it be possible to protect the human right to water and sanitation without recognizing the inherent rights of nature and other species? Is weaving the rights of nature into the interpretation of the human right to water and sanitation essential for true transformation?

These and other crucial questions lie before us, in the pages of this book and in the work that calls our name. *The Right to Water: Politics, Governance and Social Struggles*, edited by Farhana Sultana and Alex Loftus, is a brilliant collection of essays from the best thinkers, academics and activists in the field, and is required reading for all those wanting this mighty effort to succeed. One thing was clear to me, however, on that warm July day at the UN when the General Assembly voted to recognize the human right to water and sanitation. Every now and then, humanity takes a collective step forward in its evolution as a species. The recognition that no one should have to watch a child die because of an inability to pay for clean water is one such step.

Note

- 1 October 10, 2010 press release from the Office of the High Commissioner for Human Rights quoting Catarina de Albuquerque, then the Independent Expert on human rights obligations related to access to safe drinking water and sanitation (now the Special Rapporteur), entitled “UN united to make the right to water and sanitation legally binding.”

THE RIGHT TO WATER

Prospects and possibilities

Farhana Sultana and Alex Loftus

Introduction

Water is life-giving and non-substitutable. Yet safe water remains inaccessible to millions of people around the world. Given this, the fundamental importance of fulfilling people's right to water could not be clearer. Indeed, it is not surprising that calls for the right to clean potable water have galvanized scholars, activists and policy-makers, whilst struggles over this right have emerged as a focal point for political mobilization in a range of locations globally (Gleick, 1999; Petrella, 2001; Barlow and Clarke, 2002; Shiva, 2002; WHO, 2003; UNDP, 2006; Barlow, 2008; Bond, 2008). Global and local movements have highlighted the critical need for water justice, in a world where nearly a billion people still lack safe drinking water and water-related deaths remain the leading cause of infant mortality in the developing world. The relatively modest costs of providing safe potable water and the continuing high rates of illness and death from water-related diseases have resulted in the provision of safe water gaining prominence within the Millennium Development Goals (MDGs). It also formed the crux of a rallying call for water activism for the right to water. Although recognizing the right to water was in part formalized in the UN Committee on Economic, Social and Cultural Rights General Comment No. 15 of 2002, and embodied in the 2005–2015 UN International Decade for Action on 'Water for Life', it was not until July 2010 that the UN General Assembly finally adopted the resolution that 'recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights' (A/RES/64/292 of 28 July 2010). Shortly thereafter, in September 2010, the UN Human Rights Council further confirmed that it was legally binding upon states to respect, protect, and fulfill the right (A/HRC/15/L.14 of 24 September 2010). These major international policy shifts have been heralded by most people as a move in the right direction towards addressing global water inequities.

However, in recent years, some scholars and activists have also sounded a note of caution, bringing attention to the challenges in materializing this right, as well as questioning what it will really mean for the politics of water governance, equity and justice (see chapter by Bakker¹ in this book for a helpful summary; Anand, 2007; Bakker, 2010; Goldman, 2007; Zetland, 2010). Some build on a longer tradition of left critique of the notion of rights (Brown, 1997).² These are seen as inherently individualizing and, in the case of human rights, they are seen to neglect the economic injustices that permit the continued violation of people's basic dignity, building instead on a liberal democratic framework that fails to recognize the reproduction of unequal power relations within capitalist societies. In spite of these limitations, given the moral weight behind calls for the right to water, few would argue, unequivocally, against it: perhaps few would dare. Nevertheless, in what appears to be an emerging consensus around the right to water, much of the critical power within the current movement is being negated. The right to water risks becoming an empty signifier used by both political progressives and conservatives who are brought together within a shallow post-political consensus that actually does little to effect real change in water governance. This is not helped by the conflation of quite different terms when the right to water is collapsed into broader discussions of ownership of 'water rights' and more ecocentric conceptions of 'the rights of water'.³ Responding to both concerns and critiques of the movement for the right to water as well as critiques of contemporary water governance, this book is an intervention at a crucial moment into the shape and future direction of struggles to achieve water justice.

Whilst many see the rights discourse as addressing broader issues of justice, others warn it can subvert water equity if efficiency and full-cost recovery are prioritized (PSIRU, 2002; Branco and Henriques, 2010; Spronk, 2010). Since the Dublin Principles of 1992 that, in part, framed water as an economic good, concerns have been raised that full cost recovery will further exclude the poorest from water provision. Commercialization, privatization and commodification of water has resulted in a situation where those who can pay for water have it readily, leaving many without affordable or accessible water sources. The bulk of such critiques have focused on the effects of privatization of municipal utilities, the growth of the bottled water industry, and the trading of water as a commodity, all of which have contributed to the calls for water to be held in the commons and as a public trust (for greater detail, see Barlow and Clarke, 2002; Shiva, 2002; Barlow, 2008). Polarizing pro- and anti-privatization debates, often framed in terms of commodification-versus-rights, have ensued in academic and policy circles in recent years. Critical attention was brought to how and why certain modalities are followed and with what outcomes vis-à-vis financing water provision as well as the impacts on the lives of vulnerable groups (Bond and Dugard, 2008; Hall and Lobina, 2006). Many continue to see the rights

discourse as necessarily addressing broader issues of justice, while being critically watchful of the capture of rights discourses by powerful for-profit market forces in implementation plans or policy designs. As the disabling dualisms of the public-versus-private debate continue to polarize many interventions (for criticisms of such dualisms, see Budds and McGranahan, 2003; Swyngedouw, 2007; Bakker, 2010), some scholars have focused their attention on the reinvigoration and reclaiming of public stewardship (e.g. Balanyá et al, 2005) while others are investigating alternatives to privatization that does not necessarily mean going back to the older forms of public provisioning (e.g. McDonald and Ruiters, 2011). Overall, concerns continue to exist over the role of the market, private sector and for-profit provision of water vis-à-vis commodification processes that could co-opt the right to water, whereby commercialization and privatization of water ends up coming in the wake of making water a right, thereby subverting goals of water justice.

Ever since the emergence of calls for the right to water, critics have in the above-mentioned ways shown how some of the demands can obfuscate as much as they clarify, perhaps furthering the very agendas that water justice activists seek to counter. In this regard, some have made the point that major corporate interests are among the more unlikely – and yet most vocal – supporters of the right to water as a means for greater expansion of business opportunities: in this case a struggle to achieve fair access to water is in danger of producing its own nemesis (Morgan, 2004; Mehta, 2005; Bond and Dugard, 2008; Russell, 2011). Thus, when in 2010, Catarina de Albuquerque (the UN's Independent Expert on the issue of human rights obligations related to access to safe drinking water and sanitation) stated that there were no prescriptive models of service provision (A/HRC/15/31 of 29 June 2010), concerns emerged whether this opened the floodgates to further commercialization within the water sector. Such concerns are real, as rights discourses do not necessarily preclude marketization, privatization or dispossession. This, in turn, as we demonstrate later, underscores the need to rearticulate debates with political questions around democracy, justice and equity.

It would be naïve in this context to assume that private sector participation and the influence of for-profit water industries will be negated by achieving legal recognition of the right to water: indeed the response of the global water industry to the UN's resolution is somewhat disconcerting. Immediately following the 2010 UN resolution, *Global Water Intelligence*, a magazine that promotes private water investment, took the opportunity to reassure investors that it represented a 'massive defeat for the Global Water Justice Movement' (Global Water Intelligence, 2010a; Global Water Intelligence, 2010b).⁴ The reasoning behind this: the right to water remained fundamentally compatible with private sector participation and contained no obligation on utilities to provide subsidies to poor communities. Therefore, if rights frameworks can outline the basic issues and provide legitimacy to pursuing

equitable water allocation, they do not guarantee that there will be fair implementation or that co-optation by powerful forces will be prevented from subverting water justice goals (Morgan, 2004; Gupta et al, 2010). Indeed the right to water says little about how people might be provided with water and who will provide this (Dubreuil, 2006). While learning from ‘good practices’ can become part of a new dialogue, it becomes imperative to be alert to problematic implementation plans or policies. Without imputing such critical meaning, even in contexts in which the right to water has been recognized by national governments and the international community, the achievement of this has the potential to fail to bring the hoped-for radical transformation of equitable access to safe water (Mehta and Madsen, 2005; Winkler, 2008). Simultaneously, it is vital to question the conflation with polyvalent and contentious notions of development, participation, community, empowerment and sustainability, since water policies often invoke such terms (Molle, 2008; Sultana, 2009; Clark’s chapter in this book). While such notions can enable the discursive thrusts to push for more equitable water provisioning, a critical eye has to be maintained on what these translate to on the ground and how they are reified or critiqued in any given context in a globalizing world. A reflective praxis in materializing the right to water thus becomes essential. This is a central aim of our book.

The move towards making the right to water legally binding means that concrete action on the policy imperatives becomes important for institutions and nation-states; however, it also highlights the challenges inherent in operationalizing the universal call for a right to water. While the right to water is often deemed anthropocentric and contentious, the discursive and policy spaces created through such debates enable more equitable possibilities to be struggled for, envisioned, and plausible tactics for distributive justice and democratic processes to be pursued. Nonetheless, the legal instruments, institutions, processes and outcomes need to be critically and carefully analyzed contextually (Langford, 2005; Ingram et al, 2008). Factors such as availability, accessibility, acceptability, appropriateness, affordability and quality are often highlighted in policy overtures as being inherent in discussions over the right to water (e.g. COHRE, 2007), but these cannot be assumed or taken for granted, rather they have to be negotiated and realized in any given context (e.g. Bell et al, 2009). As a result, raising incisive questions of process, mechanism, actors, scale, exclusions and politics that are imbricated in struggles over water thus come to the forefront in any materialization or reconfiguration of the right to water. This in turn highlights the importance of law, legal systems, property relations and governance structures (e.g. see chapters in this book by Bakker, Mitchell, Schmidt, Linton, Staddon et al, and van Rijswick and Keessen). The debates around the right to water in general underscore the need for greater focus on power relations in decision-making about water, who gets water and who does not, how water becomes accessible or available, with what means and ends, and how water governance

is enacted across sites and scales. Recognizing the right to water signals that authorities can be held politically and legally accountable, enabling those who are denied water to have means to contest and struggle for water. Opportunities can be created for marginalized communities and peoples to enter into (often elitist) decision-making processes of water policies, management systems and institutions. Most scholars and activists point out that the spirit of the debates around the right to water are to highlight that pro-poor and equitable water access be ensured, whereby multiple actors and processes can converge to rearticulate the specificities of a context, but embody the general concerns of equality, social justice and deep democracy (cf. Appadurai, 2001).

Justice, politics and struggles

Within this context, global struggles over water have, however, taken different forms, reworking spaces, scales and peoples in complex ways, underscoring that discursive and material struggles over water are bound up with questions of power and governance. In this regard, a scalar politics has emerged in which struggles actively produce new forms of water governance. While struggles for the right to water can articulate with specific historical geographies, they simultaneously connect with broader global concerns and universal rights discourses. While holding governments legally accountable is made possible in the recent global resolutions, these are often only actualized through social struggles that translate moral arguments over rights to water into workable claims. In turn, new relationships are forged between citizens and states, and a range of actors (such as non-governmental entities and grassroots organizations) have increasingly entered into the debate (cf. Keck and Sikkink, 1998). A global water justice movement has emerged from such concerns and critiques.

Defining the global water justice movement, Barlow (2008, pp xi–xii) states that the movement consists of ‘environmentalists, human rights activists, indigenous and women’s groups, small farmers, peasants and thousands of grassroots communities fighting for control of their local water sources. Members of this movement believe that water is the common heritage of all humans and other species, as well as a public trust that must not be appropriated for personal profit or denied to anyone because of inability to pay.’ Such calls emerge from the massive inequities in water provision and access, where high water prices in for-profit provision systems have led to water-related marginalization, suffering and death. Calls for greater public reinvestment, accountability, transparency, monitoring and regulation are often built into goals of the water justice movement, as well as an implicit recognition of the value and sanctity of water for both society and nature (see also Shiva, 2005). Barlow (2008) points out that critical attention is needed on concerns of displacement, mismanagement and capture of water,

with continued attention to issues of power and control: who has it, who does not, who benefits or loses, in what ways, and to what effect. This becomes constitutive of the re-evaluations of the priorities, visions, and principles that guide water governance in any context. In the goals of democratizing water regulation, management and policy-making, a reflexive practice thus becomes imperative. Such underscoring of the need to deconstruct given systems and engender critical debate are important to the water justice movement. To this end, the UN's recognition of the right to water is viewed as a moral statement in recognizing the importance of prioritizing water for life, and as a way to foster transforming the dominant way water has been viewed as a commodity and challenging its valuation as a purely economic good. In addition, the role of the state and other actors involved in water policy-making, management and provision, especially to marginalized and vulnerable groups, are brought to the fore in reconfiguring equitable allocation, access and use of safe water. Beyond this, holding water in the public trust, with a not-for-profit governance system, are often articulated by advocates of the water justice movement (for example, 'Take back the tap' projects that call attention to reinvesting in public infrastructure and good governance in explicit critiques of the bottled water industry; see Food and Water Watch, 2009; Bell et al, 2009). Thus, the dual roles of critique and advocacy are entwined.

We are sympathetic to such epistemological and political concerns. However, we begin with an acute sense of the dangers of terminological slippage, of the banalities of some claims to the right to water and of the dangers of deliberate or naïve political misappropriation of the water justice movement's gains. Nevertheless, rather than rejecting struggles for the right to water, the difficulties and ambiguities are seen as the starting point for developing a more sound political footing. Our general stance is characterized by a cautious optimism: a new movement is emerging but this is one that has many challenges yet to confront. In this regard, the chapters in this book are bold, provocative and yet contemplative. Rather than reactive to the efforts to co-opt the struggle for the right to water, the book aims to be pro-active in defining what this struggle *could* mean and how it might be taken forward in a far broader transformative politics. Above all, within this, we question the immanent potentials in local, national and global struggles for the right to water, thereby enhancing understanding and insights on the ways in which a global movement is influenced and shaped by local political, economic and cultural dynamics. We seek to elucidate how universal calls for rights articulate with local historical geographical contexts, and the barriers and potentials that emerge from this. In recognizing the importance that water activists place on the concept of rights, we seek to engage productively with, rather than dismissing, the human right to water. Many argue that the question of rights has become a terrain for debate and political contestation and, therefore, potentially, a platform for democratizing water debates. Rather

than foreclosing possibilities, this book is replete with critical opportunities. As Harvey (2000) has noted, the maelstrom of contradictions opened up by the question of rights can serve as a prelude to a far more radical, transformative political project. In short, our aim is to bring a geographical sensitivity to calls for a universal right to water: within this, we see the right to water as one necessary but insufficient moment in the struggle to achieve equitable access to water for all.

We take such an approach forward through a range of chapters that focus on philosophical framings (chapters by Bakker, Schmidt, Linton), the role of law and legal frameworks (chapters by Staddon et al, van Rijswijk and Keessen, Ruru) and the question of property relations and civil society (chapter by Mitchell), before integrating some of these more abstract arguments with a range of concrete struggles (chapters by Giglioli, Meehan, Clark, Bond, Bywater, Perera, Bustamante et al). The early chapters engage with a range of epistemological positions. Here, the theoretical paradoxes and pitfalls are considered and a debate is opened up over the direction of future demands, with a review of how such foundations have been captured within new forms of water governance. We then move to work through such perspectives empirically. Here, a range of studies are mobilized that integrate more abstract questions to the realities of everyday life, grounding the theoretical debates in order to enrich current conceptualizations and discourses. Through the empirical examples from Africa, Asia, Oceania, Latin America, the Middle East, North America and the European Union, we argue that calls for a human right to water in differing geographical contexts can inform broader political endeavors, thereby demonstrating the increased geographical sensitivity to calls for a universal right to water. In each of these contexts, activists and policy-makers have sought to define, through processes of negotiation and contestation, what is meant by the right to water. Transforming the 'right to water' from an empty signifier to a powerful tool for mobilizing from the grassroots, such struggles have gone well beyond the new rights-based approaches to development (e.g. see chapters by Bustamante et al, Bywater, Giglioli, Meehan). Indeed, they can be seen as at the cutting edge of a new networked politics crossing geographical locations and narrow disciplinary concerns (e.g. see chapter by Perera) or different ways of relating to water (e.g. see chapter by Ruru). Often building on the paradoxes that are opened up within rights-based discourses, scholars and activists have sought to give real meaning to the right to water whilst broadening what is seen as a democratic core in the movement for water justice. In the South African example, for instance, ever since the country's new constitution was scripted in 1996 activists have sought to use 'the right to water' as a means of defining a new direction for the ANC government's post-apartheid policy-making (e.g. see chapters by Clark and Bond; Loftus and Lumsden, 2008).

All of these cases further enrich and contribute to existing framings in our understandings of the right to water. Throughout, all contributors seek

to reclaim the ground on which the right to water will be defined in coming years, applying their critical tools in order to wrest it away from a narrowly defined, technocratic realm. In concluding this introduction, we suggest several areas around which future debates might find some common ground. These build on the following points. First, there seems to be a crucial desire to ensure that the cry for the right to water does not descend into meaningless technical discussions that deaden the transformative potentials within the emerging movement. In many respects, this brings us squarely into questions of what constitutes the truly political. If the call for the right to water is to become a genuinely political moment, we need to consider how it might acquire a material force within the world and how it might become actually world-changing. Secondly, and this is perhaps implicit throughout what has been said, we need to consider ways in which specific struggles for the right to water work with, are shaped by, and influence global struggles for this right. Thirdly, if we succeed in reclaiming the right to water from the technocratic realm to which it is in danger of being consigned, and if we ensure it makes that move from the local to the universal without shunning questions of difference, then the right to water has the potential to mean far more than achieving access to sufficient volumes of safe water. Potentially, it means the right to be able to participate more democratically in the making of what Linton (2010 and in this book), amongst others, terms the ‘hydrosocial cycle’⁵ (see also Swyngedouw, 2004). The right to water could mean the right to transform the socionatural conditions out of which water is currently accessed. In this sense, it means a remaking of our relations with human and non-human others. In short, it might assume a role in the remaking of our world in more fair, just and democratic ways. In this regard, we remain hopeful that existing scholarship on water governance and water struggles will fruitfully inform further research, activism, and the making of more egalitarian and just water futures. Interdisciplinary critical scholarship on water is both broad and deep, and substantive insights can be drawn from such bodies of writing to inform debates on the right to water (for instance, Gandy, 2002; Mosse, 2003; Strang, 2004; Swyngedouw, 2004; Conca, 2005; Kaika, 2005; Castro, 2006; Baviskar, 2007; Bakker, 2010; Linton, 2010; Johnston, 2011). While these interventions may not directly articulate with debates around the right to water, they provide insights that can enrich current conceptualizations.

In thinking through the challenges of materializing a right to water, attention to the intersectionalities with multiple processes and forces can critically elucidate possible ways forward (cf. Salzman, 2006; D’Souza, 2008; Derman and Hellum, 2008). For instance, the ways that the right to water coalesces around, intersects with and transforms or challenges other rights (e.g. gender rights) are important signifiers in the ongoing struggles over the right to water (Brown, 2010). The impacts of water insecurity and injustices are clearly gendered, where women and girls in much of the global South

spend countless hours fetching water for productive and reproductive needs. A gendered division of labor, as well as gendered livelihoods, wellbeing and burdens, are deeply affected by water quality, availability, provision systems and water policies (Crow and Sultana, 2002; O'Reilly et al, 2009; Cleaver and Hamada, 2010; Sultana, 2011). Gender intersects with other axes of social difference (such as class, race, caste, dis/ability, etc.) whereby water crises can exacerbate socially constructed differences and power relations. Similarly, social struggles over the right to water are gendered, articulating with contextual social differences that shape the nature and outcomes of struggles (Laurie, 2011). Historically and geographically situated practices that are defined in relation to water (from the politics of mega-dams to the practice and politics of collecting water) influence everyday life in complex ways. Scholars have therefore argued that multiple, situated and place-based struggles thus can link and contribute to transnational movements (cf. Mohanty, 2003; Harcourt and Escobar, 2005), where difference and diversity are constitutive of the broader calls of equality in the right to water.

Throughout the book we make explicit the *conjunctural* nature of struggles for the right to water. Struggles articulate with a set of local and regional discourses around the value of water and the meaning of individual and collective rights within each of the contexts. In this regard, the geographical specificities come to the forefront of each chapter whilst they also explore some of the subtle and nuanced scalar politics at play in bringing together militant particularist (cf. Harvey, 1996) demands with global ambitions for fairer and equitable allocation, access and management of water. Within activist positions, again, the complex political positioning needed is dwelt upon and explored. In this context, it is interesting to note how the right to water 'travels', with the South African example being used as both an inspiration and a salutary lesson in different contexts. Wary of Said's (1983) cautions around the loss of critical edge in 'travelling theory', each of the chapters seeks to better understand the complex geographical imaginations and the particular articulations when rights-based discourses travel.

The right to water: floating signifier, bureaucratic rationality or political possibility?

As we have alluded to, most people would agree that the right to water is, in principle, a good thing; however, the concept seems to mean quite different things at different times and in different places (Naidoo, 2010). Thus, the key challenge is to be able to fill this empty signifier with real political content. Such content must build on the historically and geographically specific practices of those currently seeking to achieve fair access to water and, if water justice activists are to define it, this will involve reclaiming 'the right to water' from the technocrats who are currently seeking to script it. Instead, activists need to ensure struggles for the right to water are shaped

by the efforts of those for whom it offers freedom from the nightmares of their history. Here, we might think of the veterans of the Cochabamba Water Wars described in the chapter by Bustamante et al, or the cosmopolitan subalterns described in the chapters by Perera or Bywater. Indeed, the book charts many such movements: here, we begin to witness the constitutive role of subaltern struggles for indigenous rights to water (see the chapter by Ruru) or efforts to reshape broader geopolitical configurations (see the chapter by Giglioli) and also to challenge the criminalization of efforts to subvert the state hydraulic paradigm (see the chapter by Meehan). Perhaps most starkly, the South African examples show the dangerous ambiguities remaining if we leave this signifier floating. As both Clark and Bond show in different ways in their chapters, the constitutional guarantee of the right to water in South Africa remains hollow for many of the residents of informal settlements and townships where new forms of violence (ranging from the perversely titled self-disconnection to the aggressive installation of flow-limiting devices) have accompanied the victory of activists in securing their rights (see also Loftus, 2006).

In seminal contributions to these debates, Bakker (2010 and chapter in this book), elaborates on the pitfalls in a growing movement for the right to water. Perhaps the key point Bakker makes is similar to Naidoo (2010): the right to water has such a shifting meaning that it allows for agreement between anyone, from large multinational water companies seeking to bid for concession contracts in cities of the global South to activists within those cities fighting the privatization of their municipal services. We are all for the right to water – from the vendor selling from his tanker to the thirsty activist seeking radical change. Lacking specificity, the right to water loses its conceptual weight: it becomes a floating signifier devoid of any political content. Like ‘sustainable development’ and many other fuzzy concepts that have gone before, the right to water is emptied of any real meaning. If all concur it is a good thing it loses its ability to disrupt contemporary water governance which has persistently reproduced inequities.

As detailed in the chapter by Bustamante et al, this debilitating consensus implies a post-political moment. Working with the conceptual tools that have emerged in recent post-marxist debates, as well as the grounded realities of activists’ disappointments with the Bolivian government’s continuing concessions to mineral extraction industries, these authors add much to the ground already staked out by scholars such as Bakker. Turning to Rancière (2004), they demonstrate that the truly political would involve the disruption of the ‘police’ distribution of the sensible. This implies a dissensual politics, differing radically from one operating within the given police order and shifting from a politics of demands, directed at and to be granted by the given order, to one that actively seeks to transform this order. Rancière is not the only political thinker to be engaged in such discussions and these debates have been taken forward incredibly effectively within both geographical and