

"*The Right to Water: Politics, governance and social struggles* 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." – Maude Barlow, *Chairperson of the Council of Canadians, former Senior Advisor on Water to the 63rd President of the UN General Assembly, and recipient of the 2005 Right Livelihood Award.*

"The right to safe and sufficient drinking water for all is one of the main issues and struggles of our time. Unequal power relations at local, national and transnational scales, combined with policies and intervention practices that are often highly adverse for the vulnerable, make those with water abundance tend to squander leaving the others to face ever greater injustice. This book's diverse chapters provide an empirically rich and intellectually elaborate insight in the world of water, power, governance, and social mobilization" – Rutgerd Boelens, *Coordinator of Irrigation and Water Management at Justicia Hidrica/Water Justice Alliance; Associate Professor for Wageningen University, The Netherlands; Visiting Professor at the Catholic University Peru.*

"This edited collection by Sultana and Loftus comes at the right time, when the global financial collapse threatens to worsen the conditions of water injustice affecting millions on the planet. The book is an excellent contribution to international debates about the conceptual and practical intricacies of 'the human right to water'. It should be read by scholars, students, practitioners and all those concerned with the eradication of structural water inequality and injustice" – Jose Esteban Castro, *Professor of Sociology, School of Geography, Politics and Sociology, Newcastle University, UK.*

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-economic contexts, seeking to be pro-active in defining what this struggle *could* mean and how it might be taken forward into 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.

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**The Right to Water**  
Politics, governance and social struggles

Edited by  
**Farhana Sultana and Alex Loftus**

Routledge

# The Right to Water

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and **Alex Loftus**

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*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,

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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.”<sup>1</sup>

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

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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 Bakker<sup>1</sup> 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).<sup>2</sup> 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'.<sup>3</sup> 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).<sup>4</sup> 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 Rijswick 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’<sup>5</sup> (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

environmental thought. Swyngedouw (2010), for example, argues that discussion of climate change is essentially post-political. Most of the positions taken over climate change or, even more so, of environmental sustainability have virtually no concern for transforming that which is given to the sensible. Rather, ‘debate’ involves reconciling oneself to the given order of things whilst operating on an increasingly limited terrain: the question is not how to achieve a radically different world but rather how to make sure the current world is reproduced in low-carbon ways. In many ways the climate justice movement parallels the water justice movement, and there are points of overlap, and potential pitfalls, shared by the two.

The key challenge in this respect is to ensure that the right to water comes to refer to a genuinely political activity, one through which we might rethink the very foundations on which the world is sensed, made sense of and lived. Again, as pointed out by many others (e.g. Naidoo, 2010; Barlow, 2011), activists should work to put this appropriation of political content at the forefront of struggles for the right to water. Nevertheless, if we are to limit ourselves to recent philosophical attempts to demarcate the genuinely political, there is a grave risk that we might overemphasize ruptures and dissonance over actually existing practices. Thus, we could find ourselves developing an intellectually refined position that is actually at odds with the views of those working at the grassroots. In some respects, this is exactly the point made by Rancière: ‘A dissensus is not a conflict of interests, opinions or values; it is a division put in the “common sense”: a dispute about what is given, about the frame within which we see something as given’ (2004, p 304). Indeed one of the more disabling moves of parliamentary democracy has been to reduce politics to a polite exchange of differing views, bringing the grassroots perspective onboard, under a façade of genuine equality. But perhaps such a ‘division’, as Rancière puts it, risks essentializing ‘the political’ and divorcing conceptual critique from the movement on which the future of the right to water will surely rest.

The work of Antonio Gramsci may be insightful here. As with Rancière (1989) in *The Nights of Labour*, and certainly with the contributors in this book, our starting point must be those empirical realities. Rather than beginning with a division put in the common sense, Gramsci’s intention is to build a transformative politics from within the shards of existing common sense. Here, he begins from the always contradictory realities and ways of thinking that exist on the ground and builds a ‘philosophy of praxis’ whose aim is to bring coherence (in this case meaning the identity of theory and practice) to the incoherent realm of common sense.<sup>6</sup> Good sense emerges from within common sense in an immanent critique that moves dialectically between theory and empirical reality. More than ever, we need this form of dialectical pedagogy within struggles for the right to water. In searching for a radically new conception of the right to water, we may well think of Gramsci’s observation:

Is it possible that a ‘formally’ new conception can present itself in a guise other than the crude, unsophisticated version of the populace? And yet the historian, with the benefit of all necessary perspective, manages to establish and to understand the fact that the beginnings of a new world, rough and jagged though they always are, are better than the passing away of the world in its death throes and the swan-song that it produces.

(Gramsci, 1971, pp 342–3 Q11 §12)<sup>7</sup>

Gramsci’s thought is animated by a germinating historical geographical materialism. The same sensitivities to both history and geography are also needed if the right to water is to be able to achieve a politics that works on a global stage without eliding the very differences and specificities that have animated struggles in radically different contexts. In this respect, we need to consider how ‘militant particularisms’ might be effectively translated into global ambitions. In many respects, one of the most inspiring aspects of the call for the right to water has been its ability to move across, whilst also disrupting, a scalar politics. If Bakker (2010) is partly right in suggesting that struggles for water justice have been somewhat less effective than anti-dams campaigns, appearing less networked and only weakly articulated within global campaigns, this must also be viewed alongside the remarkable mobilization that resulted in the UN resolution in July 2010. Here, a broad coalition of geographically disparate activists managed to coalesce in a struggle to make a truly international politics. Of course the dangers, as Bakker also points out, are that locally specific practices of governing water might be lost if this universal call is actually effective in achieving change at the grassroots level. A world of contradictions is opened up and we need to think carefully about how to navigate this. Gramsci’s attempts to think through these questions draw heavily from the politics of conjunctures that animates Marx’s most incisive political commentary, *The Eighteenth Brumaire of Louis Bonaparte* (Marx, 1974). Here, Marx follows the temporal rhythms through which a working class politics developed in France between 1848 and 1851. Both long-term and short-term processes work together to shape the limited potentials for revolutionary change. Gramsci takes this forward in his reading of the Risorgimento in Italy and the reversal of the revolutionary moment that decided his own fate in the 1920s. However, for Gramsci, neither time nor space are prioritized, rather they are internally related. Political struggles wax and wane not simply over time but through their relations with other movements and other ideas operating in, and ultimately producing, both time and space. This seems absolutely crucial for a politics of the right to water that might have some conceptual weight in a range of different contexts. We should be clear here: we are not arguing for one second that Gramsci, or Rancière for that matter, has any of the answers for thinking through the most pressing questions facing activists

and communities struggling for the right to water. But in a philosophy of praxis that is able to articulate a range of historically and geographically specific subaltern practices and conceptions, we do find fertile suggestions for thinking through the ways of working through these questions ourselves – as a co-conspiratorial group of activists and academics.

Beyond this, Gramsci also suggests a politics in which the non-human and human are inseparable (Fontana, 1996; Ekers et al, 2009): his is a politics of *socionatures*, not one in which the social is divorced from the human in some impossible-to-sustain antinomian framework. The same cannot always be said of Henri Lefebvre's (1991) politics, whose scholarship, as Bond's chapter demonstrates, does nevertheless resonate in different ways with the debates around the right to water. Yet again, Lefebvre's writings have seen renewed interest in recent years: this time because of his passionate cry for the right to the city (Lefebvre, 1996) which has, as with the right to water, galvanized activists from the favelas of Rio to the campuses of Manhattan. Bond's chapter suggests some of the potential common grounds between the right to the city movement and the calls for the right to water. Above all, what seems to animate Lefebvre's reconfigured notion of the right to the city, is not a narrowly conceived notion of the right of people to reside in cities. Rather it is the right of all to be able to participate in the making of cities, conceived as *oeuvres* rather than static entities (see also Harvey, 2008). In the process, this new urban life comes to be reflected in the subjectivities of those actively participating in its making. Here, we see a model of mutual co-production between urban form and urban dweller. Reconfiguring the right to water on the same grounds, whilst also recognizing (as Lefebvre did not (see Smith, 1997)) that this is a fundamentally *socionatural*, as opposed to purely social, activity would then provide a radical base from which to work towards the articulation of radically distinct subaltern perspectives in the democratization of the hydrosocial cycle.

It might seem a long shot to suggest that the right to water holds out the hope of remaking our world. But for many water justice activists, this is what makes the movement a truly political one. We have an obligation to build on such struggles rather than simply using them for our own intellectual debates. To this end, our hope is that the book contributes to and continues the journey of intellectual and political projects that think through and materialize this right to water: understood as a political moment, akin to the right to the city, and implying democratic participation in producing the flows of water and social power on which life itself depends.

## Notes

- 1 Bakker's chapter is a reproduction of her seminal 2007 article, with a new postscript at the end. The rationale behind reproducing the text is so that readers have easy access to this 'artifact' that had sparked considerable debate and interest. The

postscript added by Bakker in the chapter reflects the evolution of her thoughts since 2007.

- 2 For Marx's criticisms – in a profoundly different moment – see *The Critique of the Gotha Programme* (Marx, 1974); and for deliberately overdrawn caricatures of various positions, see Lukes, 1997.
- 3 The distinction between 'right to water' and 'water rights' are important to note, as the former focuses more on issues of human rights, access to safe drinking water, equity and justice, whereas the latter often has an economic/legalistic focus on contractual obligations, concessions, property rights and water markets. While these distinctions are often blurry, and both are wrapped up with water struggles, we believe it is important to recognize the differences in terminologies and tropes.
- 4 We are grateful to Cristy Clark for this input.
- 5 In Linton's (2010, p 68) terms, this 'describes the process by which flows of water reflect human affairs and human affairs are enlivened by water.'
- 6 For feminist elaborations on the notion of praxis, see Nagar et al (2002); Mohanty (2003); Harcourt and Escobar (2005).
- 7 In line with recent Gramsci scholarship, this reference includes both the most readily available source in English for the notebooks and also the notebook and note number from the critical edition (not yet available in English).

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