

The Geopolitics of the Water Justice Movement

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Introduction

Pressures on the use of global fresh water have reached levels unprecedented in human history. Water has become a major factor in contemporary strategic conflicts and struggles, and as a species we are beginning to glimpse the crucial importance of this simple resource. Not only is water essential to human sustenance in the form of drinking water and the use of water in agriculture, but also industrial development could not occur without it.

In the past access and control of fresh water have rarely been a predominant cause of wars or other violent conflicts between states.² But more and more water is involved in various sorts of conflict within countries, and such conflicts threaten to increase alarmingly in the future. These conflicts involve “diverse non-state actors” (or NSAs) such as armed groups, civil society movements and corporations. Economic and political issues as well as civil ones also involve water, as the World Water Assessment Programme (WWAP) of UNESCO has shown recently.³

With the world’s population expected to rise by 3 billion to over 9 billion by 2050⁴, and with the bulk of this growth expected to be concentrated in Asia and Africa, it is inevitable that ‘water stress’ or pressure on some of the most critically-pressured global water basins will increase, especially as less developed countries continue to industrialize and more developed countries continue unsustainable abuse of their water resources. In addition, humankind remains at a crucial impasse in our ability to collectively ensure adequate access to water as a fundamental necessity for thriving human life, a fact attested to throughout this book. Collectively, we seem unwilling to protect our water sources or to institute sustainable water management practices. Moreover, although efforts towards international co-operation and goals promoting increasing critical access to water (with the Millennium Development Goals being a recent example), humanity lacks effective international laws to ensure universal access to safe drinking water as a human right. Even the UN Declaration of Human Rights does not explicitly

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² CARIUS, Alexander, DEBELKO, Geoffrey y WOLF, Aaron. **Water, conflict and co-operation.** http://www.un-globalsecurity.org/pdf/Carius_Dabelko_Wolf.pdf, 2004; WOLF, Aaron. Trends in Transboundary Water Resources: Lessons for Cooperative Projects in the Middle East. In BROOKS, David, & MEHMET, Ozay, *Water balances in the eastern Mediterranean*. Ottawa: International Development Research Centre, 2000.

Of course, how one characterizes trends in conflict over water depends on one’s classification of ‘inter-state’ and ‘intra-state’ conflicts. For instance, many might choose to view conflict between Israel and occupied Palestine as one or the other type of conflict. In his 2000 chapter, Wolf (op cit.) denotes a brief chronology of acute disputes in the 20th century where conflict over water has been is a factor, yet resists the typification of any of these as inter-state conflicts or wars driven by concerns over water, leading to his observation that the world has no example of water-driven inter-state ‘wars’ , per se. We follow this distinction though also agree with many other researchers that growing scarcity could lead to the possibility of inter-state conflict over water in the future.

³ TAMAS, Pal. **Water resource scarcity and conflict: Review of applicable indicators and systems of reference.** International Hydrological Programme Technical Paper in Hydrology, number 21. Paris: UNESCO WWAP, 2003. <http://unesdoc.unesco.org/images/0013/001333/133307e.pdf>

⁴ UNITED NATIONS DEPARTMENT OF SOCIAL AND ECONOMIC AFFAIRS, POPULATION DIVISION. **World Population Prospects: The 2004 revision.** *Population Newsletter 79*. New York: UN Secretariat, 2004.

mention water, and though the recent ‘General Comment 15’ from the UN Committee on Economic, Social and Cultural Rights has recognized the universal right to water, a *formal* human right to water has not been agreed upon. During the time of the original Declaration’s drafting sixty years ago, our water was not under the same pressure it is today: increasingly polluted, diverted and under near-constant threat of being privatized and commodified. Correlated with these dynamics is the alarming trend towards increasing private control of groundwater and upstream sources of water. This will have significant implications for future water security and ultimately water conflict in the new century and for the authors represents the most critical factor in attempting to assess trends in conflict over water as an increasingly strategic global resource.

Two critical ideas, then, are central to our understanding of water as a strategic international resource in contemporary global politics: (1) the geopolitics of conflicts in and between countries over water control, and (2) the struggle between defining water as a fundamental human right and defining it as a commodity to be bought and sold. As the following discussion will make clear, these categories are necessarily inter-related. Together they comprise a platform from which to survey the current and future terrain of conflict involving water. This paper will highlight some cases of contemporary conflict touching upon these two central themes, as well as press for the adoption of a forceful and binding international treaty on the right to water as a means of addressing the global water crisis that faces humanity.

The global politics of water: Some Background

‘Hydropolitics’ have evolved in a constant and worsening global scenario of lack of equitable access to water for human sustenance and sanitation. Several other chapters in this volume alone point out the sobering statistics that define the global politics of water, politics marked by sharp divisions in access to basic needs correlated with social polarization and growing global and national levels of inequality. It is not necessary to repeat the readily available facts that attest to a predominant context of severe inequity of access.

However, this set of dynamics must be considered as a critical foundation from which to consider how the politics of water continue to be manifested in the different types of conflicts touched upon here.⁵ Noted peace researcher Johan Galtung has pointed out that, along with the more obvious ‘direct’ violence of physical and psychological harm implicated in conflicts, there is more indirect violence that could be called “structural violence.” In other words, authorities can be implicated in the violence of social deprivation associated with a lack of access to water in many contexts.⁶ In the case of controversies over water, the second theme for this chapter elaborated above relates most closely to political struggles currently underway involving issues of structural violence. As the cases brought up in boxes 1 and 2 highlight, for example, movement toward market-based models of development – emphasizing the commodification and privatization of water – have characterized a central plank of neoliberal development, often

⁵ FRIENDS OF THE EARTH INTERNATIONAL (FOEI). **Water justice for all: Global and local resistance to the control and commodification of water.** Amsterdam, FOEI, 2003, p. 4.

⁶ GALTUNG, Johan. “*Violence, peace and peace research.*” En **Journal of Peace Research.** 6 (3), 167-191, 1969; GALTUNG, Johan. “*Conflict, War and Peace: A Bird’s Eye View.*” En GALTUNG, Johan, JACOBSEN, Carl y BRAND-JACOBSEN, Kai-Frithjof. **Searching for peace: The road to TRANSCEND** (2nd edition). London: Pluto, 2002.

typified as the ‘Washington consensus’ due to the U.S.’ staunch support of such models and the power of its corporate lobby⁷. In such a context, relations of power and control within and between countries as well as predominant neoliberal development paradigms are intertwined with the worsening trends of social polarization and inequality, making the task of analyzing conflicts complex, demanding and crucial. Critically, as this chapter will explore, the direct or personal violence represented by a lack of access to safe fresh water for basic sustenance and sanitation results from and gives rise to the structural violence of policies and political influence that advocate that water be defined as a commodity. In such a context, concerns of geopolitical positioning and power are inseparably intermeshed with concerns of equity of access and market-based agendas.

Research into the role of water in global conflicts has acknowledged two contradictory pressures arising in recent times concerning the growing human dependency on readily-available global freshwater resources. Some researchers emphasize the trend toward more co-operation among states with shared ‘transboundary’ waters⁸. Wolf et al note that ‘co-operative events’ involving countries sharing boundaries with access to major water sources outnumbered conflicts by a factor of two to one in the period between 1945 and 1999⁹. They also note that factors such as institutional capacity, effective and binding international treaties and collaborative water management accords have all led to successful inter-state mitigation of conflicts over water.

Still at the global level, other researchers highlight the growing dilemma of changes in demographics and pressure on critical freshwater basins. Postel, for instance, draws on the work of previous researchers in illustrating the notion of ‘basins at risk’ as a means of identifying areas of the world where pressure on use of water per capita cannot keep pace with population growth trends. She characterizes the politics of water by dividing the planet into regions/basins yielding more or less water on a per capita basis. Consequently, the major freshwater river basins of the world that Postel portrays as ‘basins at risk’ reflect those parts of the planet where expected population trends correlate with unsustainable stress on available freshwater supplies where scarcity is greatest⁸.

Several regions sharing boundaries on major international river basins are potentially at risk under this model for future or ongoing disputes around water supplies. It is estimated that 41% of the world’s total population lives in areas under water stress.¹⁰ Ohlsson further clarifies this global dilemma by putting the matter of increasing water scarcity in the context of access to available freshwater runoff by region:

⁷ Although with respect to water, as will be touched upon further in the chapter, many of the major transnational corporations involved are European, making the ‘consensus’ in this case reach much further than the U.S.

⁸ WOLF, Aaron, STAHL, Kerstin, and MACOMBER, Marcia. **Conflict and cooperation within international river basins: The importance of institutional capacity.** *Water Resources Update*, Vol. 125. Carbondale, Universities Council on Water Resources, 2003.

⁹ WOLF, Aaron, KRAMER, Annika, CARIUS, Alexander y DABELKO, Geoffrey. “*Managing water conflict and cooperation.*” En RENNER, Michael, FRENCH, Hilary y ASSADOURIAN, Erik. **State of the world 2005: Redefining global security.** New York: Norton, 2005, p. 81.

⁸ POSTEL, Sandra. **Global freshwater challenges and food security.** Presentation to the World Food Prize Symposium, 2002. www.worldfoodprize.org/Symposium/02Symposium/2002presentations/postel.pdf

¹⁰ WORLD RESOURCES INSTITUTE (WRI). **A guide to world resources, 2002-2004: Decisions for the Earth, Balance, Voice, and Power.** Washington, WRI, United Nations Environment Programme (UNEP), United Nations Development Programme (UNDP), World Bank, p. 5.

The distribution of runoff over the continents is uneven and does not match population concentrations. Asia has 60 percent of the world's population but only 36 percent of the runoff. South America with 5 percent of the world's population has 25 percent of the runoff. A large part of the runoff, both in the tropics and in the northern areas, is inaccessible both today and in the foreseeable future. Water must be available at the time it is needed, both for irrigated agriculture, industry and domestic uses. This means that the highest reliability comes from that part of global runoff which is constituted by renewable groundwater or the minimum river flow. This part only constitutes 27 percent of the geographically available flow.¹¹

Such forecasts take into account average rates of recharge of groundwater and expected trends, as well as predictions of rates of withdrawal of water for human needs.

This pressure on freshwater resources is borne out in tangible consequences for human communities as well as on ecosystems, both arguably reflecting further forms of structural violence. A recent UN report¹² estimates there will be an additional 50 million refugees created by the end of the decade because of environmental degradation, and many of these will be displaced by lack access to safe freshwater, in many cases compromised by destructive industrial practices and ineffective or non-existent sanitation and water treatment systems. Even today, many so-called 'economic refugees' are fleeing drought, disease and poverty related to lack of clean water. All this describes a world where increasing numbers of people struggle for access to limited freshwater resources resulting in displacement and increasing conflict¹³.

Within this broad global outlook, the particularities of regional and sub-regional access to available freshwater supply are varied and complex, and represent the more accurate arena or perspective from which to appreciate the implications of the strategic value of water as well as the impact of conflicts over its use. Internationally, by far the most stress on major water systems is based in regions bordering the Nile, Tigris-Euphrates and Jordan basins in Africa and the Middle East, as well as the Aral Sea and Indus river basins in Asia.

The U.S. researcher Michael Klare points out the stress on some of these basins by highlighting the fact that populations in the Jordan, Tigris-Euphrates and Indus basin is expected

¹¹ OHLSSON, Leif. **Water scarcity and conflict**. Paper presented to the "New Faces Conference", dealing with "Security Challenges of the 21st Century", Forschungsinstitut der Deutschen Gesellschaft für Auswärtige Politik, Bonn, October 5-8, p. 3.

¹² UNITED NATIONS UNIVERSITY, INSTITUTE FOR ENVIRONMENT AND HUMAN SECURITY. **As Ranks of "Environmental Refugees" Swell Worldwide, Calls Grow for Better Definition, Recognition, Support**. Press Release for the UN Day for Disaster Reduction: Weds. Oct. 12. Bonn, The Authors, 2005. http://www.ehs.unu.edu/PDF/051004_final_EHSreleaseENG.pdf

¹³ While this paper cannot explore hydrogeology in detail, the matter of human use of freshwater is intimately connected to the hydrogeologic cycle as it occurs across regional contexts, where cities and communities of the world draw upon freshwater at various stages within the cycle from aquifers that may be connected to major river basin systems. Groundwater depletion, for example, has been explored for its likely link with rising sea-water levels; all of these issues are concomitantly linked with the matter of global climate change. In addition, while this chapter will not treat in depth the element of ecological degradation that relates to this topic, human use of water for sustenance, sanitation and industry all obviously impact on the quality of available water. The authors refer interested readers to related scientific and other publications for further reading: e.g., KONIKOW, Leonard y KENDY, Eloise. "Groundwater depletion: A global problem." En **Hydrogeology Journal**. 13, pp. 317-320, 2005; and SHAH, Tushaar, MOLDEN, David, SAKTHIVADIVEL, R. y SECKLER, David. **The Global groundwater situation: Overview of opportunities and challenges**. Colombo, International Water Management Institute, 2000.

to increase on average by approximately 100% from the period 1998-2050¹⁴. These projections of population increases range from 53.4 percent in Turkey to 178.3 in Jordan. Boxes 1-3 below explore some of the cases of conflict around water emerging from these areas of the world. However, these global trends do not provide the entire picture of equitable access to safe water supplies for adequate human development.

Contemporary water conflict dynamics and regional cases

With water comprising the cornerstone of human life and industry, it seems truisitic to assert its strategic position and importance in development and industry. The complexity of its strategic significance is borne out in regional variations around demographic and industrial pressure on available supplies of freshwater. Focusing our discussion first on the theme of geopolitical tensions around water, one can see two distinct sub-themes emerge from this general area of concern. Geopolitical factors with respect to water are reflected both in areas of the world where freshwater resources are comparatively abundant, and correspondingly where supplies are more scarce.

In Latin America and the Caribbean, for instance, a region of the world comparatively rich in freshwater supply, access is complicated due to a concentration of a significant portion of the region's population in areas where access to available freshwater runoff is limited. Although as a region Latin America and the Caribbean are host to 30% of the world's available freshwater (due largely to runoff from the Amazon), 10% of this access is confined to three regional basins that host 40% of the region's population¹⁵. Meanwhile, 76 million of the regional population of 510 million lack access to safe drinking water¹⁶, a figure that connects well with the region's comparatively high level of within-country income inequality as reflected in the Gini index.¹⁷ As Figure 3 illustrates, one critical component to this stress on the area's water supply can be seen in the La Plata basin, which supplies available runoff to roughly 50% of the populations of Argentina, Bolivia, Brazil, Paraguay and Uruguay, and is implicated in an estimated 70% of the GDP of these countries through its use in industry and agriculture¹⁸, indicating this basin's obvious geopolitical importance, a factor bound to increase as consumptive stress on water in the region grows. Overall, 73% of total renewable freshwater in the region as a whole is diverted to

¹⁴ KLARE, Michael. **Resource wars: The new landscape of global conflict**. New York, Henry Holt & Co., 2002, p. 163.

¹⁵ UNEP. **Global environment outlook 3: Past, present and future perspectives**. Nairobi & London, UNEP & Earthscan, 2002, p. 167.

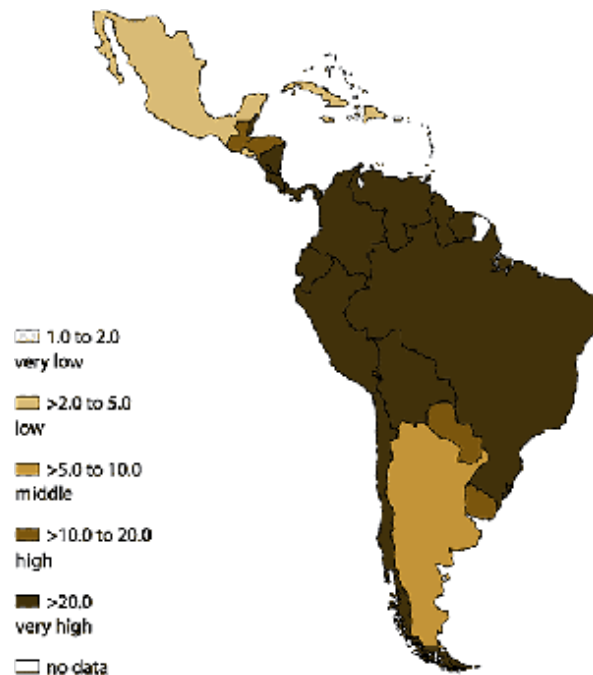
¹⁶ HEARN, Kelly. **Not A Drop To Drink: In parched Latin American countries, the battle over water is ready to explode**. *American Prospect*, Feb. 25, 2005. <http://www.prospect.org/web/printfriendly-view.www?id=9252>

¹⁷ UNDP. **Human Development Report 2005**. New York, The Author, 2005, p. 55. Latin America as a region is second only in levels of such inequality (as measured by the Gini index – see the report for background information) to sub-saharan Africa, with the former's score currently at 57.1 and the latter at 72.2. 100 on this scale represents a theoretical score of complete within country inequality in income distribution.

¹⁸ PIEDRO-CUEVA, Ismael. **Context and perspectives of the Plata basin**. River Basin Management Thematic Planning presentation. New York, International Atomic Energy Agency (IAEA), 2002, pp. 1-2. <http://www.tc.iaea.org/tcweb/abouttc/strategy/thematic/pdf/presentations/RiverBasinManagement/ContextandPerspectivesofthePlataBasin.pdf>

agriculture, with 70% the global average¹⁹. The strategic importance of the La Plata basin makes for an informative context from which to appreciate recent conflicts over water in the region (see Boxes 4 and 5), where countries such as Argentina and Bolivia have been the sites of protracted struggle over the corporate agenda to privatize water supply systems and transform water into primarily a commodity. This theme will be returned to following a brief outline of some other relevant cases touching upon geopolitical tensions in other selected regions.

Figure 3: Available freshwater in Latin America per capita²⁰



Before leaving Latin America as a regional example of geopolitical tensions around water availability and access, it is expedient at this point to note one further example highlighting such tensions that involve the United States as the regional and global hegemonic power. A recent report of 500 US troops moving into the Estigarribia military base in Paraguay is indicative of an increasingly overt imperialist posture on the part of the U.S. as the ‘war on terror’ continues apace²¹. Critics claim that part of the goal is to exert control over the vast Guarani aquifer. Whether this is true or not, the speculation alone points to the concerns for water security that exist in the area. As exemplified from its involvement in other cases of water and conflict – whether directly or at a distance – the U.S., as well as other power centres such as the E.U., continue to be implicated in tensions around water touching upon both themes raised by this chapter.

¹⁹ FOOD AND AGRICULTURE ORGANIZATION (FAO). **AQUASTAT - General summary, Latin America and the Caribbean - Water withdrawal.** Rome, FAO Land and Water Division, 2005. <http://www.fao.org/ag/agl/aglw/aquastat/regions/lac/index4.stm>

²⁰ UNEP, op cit.

²¹ DANGL, Benjamin. “What is the U.S. Military Doing in Paraguay?” En **Upside Down World**. Aug. 1, 2005. <http://upsidedownworld.org/US-in-Paraguay.htm>

Turning to the other side of the planet where water scarcity predominates, another set of readily available global examples around conflict over water reflecting geopolitical tensions can be found in the Middle East, where tensions over access to dwindling water supplies have frequently erupted into various levels of violence. Boxes 1 and 2 illustrate some of these tensions. As touched upon above, the pressure on water availability in this region is among the most severe in the world, and the consequences of this dynamic have been borne out in major inter-state rivalries. Despite the low incidence of acutely violent conflict over water during the period 1945-2005, of the 37 disputes over water that could be designated 'acute' during this time, 30 were between Israel and a neighbouring state²². Apart from difficulties stemming from its quest to secure water supplies in relation to its neighbouring states sharing the Jordan River basin, Israel has also been critically implicated in negative consequences stemming from inequitable handling of water resources underneath the occupied Palestinian territories. Box 1²³ comprises an overview of some of these tensions as they've unfolded in occupied lands and Israeli settlements²⁴.

Box 1: Middle East tensions 1 – Israel and Palestine

The Jordan River supplies Israel and Jordan with the vast majority of their water. Some hydrologists have identified 1000 cubic meters per person per year as a minimum water requirement for an efficient moderately industrialized nation. Inside Israel's border, the availability of water per-capita in 1990 was 470 cubic meters. It is estimated that by the year 2025 this availability will be reduced to 310 cubic meters. As such, over 50 percent of Israel's water sources rely on rain that falls outside of Israel's borders. Thus, Israel depends on water supply that either comes from rivers that originate outside the border, or from disputed lands.

Israel has constructed an elaborate system of pipes and canals, called the National Water Carrier, that carry water to the communities along the coast including Tel Aviv and to the arid south where it is used for irrigation of crops. Only a few people know how much water the National Water Carrier is capable of transporting because Israel considers such information a matter of national security. A popular assumption is that it can carry the full capacity of the Jordan River. To its credit, Israel has developed a very efficient system for reusing water and has advanced the technology of drip irrigation for agriculture that uses one-fourth the water of conventional irrigation.

Only 30 percent of the water in the region comes from rivers; groundwater accounts for the rest. The most important groundwater aquifers are the Mountain, Eastern, and Coastal. The Mountain aquifer is the largest and provides Israel with almost a fourth of its total water supply. Most of the Mountain and Eastern aquifers are located under the West Bank

Reflecting more recent geopolitical power plays, Box 2²⁵ looks at examples of conflict implicating water in the recent U.S. war with Iraq, as noted water researcher Peter Gleick highlights some consequences of the conflict for Iraq's water supply. As this example highlights, destruction of critical water infrastructure in the context of armed conflict continues to occur despite international legal mechanisms designed to protect water resources in times of war²⁶.

²² WOLF et al. op cit, 2005 p. 84.

²³ KLAAS, Erwin. **Potential for water wars in the 21st century**. Presentation to College for Seniors Lecture Series, "The World Turned Upside Down," April 3, 2003. <http://www.public.iastate.edu/%7EEmariposa/waterwars.htm>

²⁴ Ver tambien los estudios sobre el Derecho Humano al Agua en el Medio Oriente, **Global Issue Papers**, Fundacion Heinrich Böll: http://www.boell.de/de/04_thema/2757.html (Nota de la edición).

²⁵ GLEICK, Peter. **Water conflict chronology**. (Updated 2004). <http://www.worldwater.org/conflict.htm>

²⁶ LORENZ, Frederick. **The protection of water facilities under international law**. Paris, United Nations Education, Scientific and Cultural Organization (UNESCO), 2003.

Also related to water and the war in Iraq, the UN Special Rapporteur on the Right to Food (which includes water), Jean Ziegler, has condemned the US-led coalition's reported practice of cutting off water from insurgent strongholds as a 'flagrant violation of international law'²⁷. Mr. Ziegler has called upon countries to condemn this practice in a resolution at the UN. How the UN deals with these claims is an issue worth monitoring, the outcome of which could illustrate the lack of consistency with regards to enforcement and sanctions against violations of the right to water that must be addressed if we are to move forward on securing water as a fundamental right.

Box 2: Middle East tensions 2 – the U.S. in Iraq

2003: During the U.S.-led invasion of Iraq, water systems were reportedly damaged or destroyed by different parties, and major dams were military objectives of the U.S. forces. Damage directly attributable to the war includes vast segments of the water distribution system and the Baghdad water system, damaged by a missile.

2003: Sabotage/bombing of main water pipeline in Baghdad. The sabotage of the water pipeline was the first such strike against Baghdad's water system, city water engineers said. It happened around 7 in the morning, when a blue Volkswagen Passat stopped on an overpass near the Nidaa mosque and an explosive was fired at the six-foot-wide water main in the northern part of Baghdad, said Hayder Muhammad, the chief engineer for the city's water treatment plants.

In addition, critical researchers have documented how the lucrative 'reconstruction' contracts that accompanied the U.S.' invasion of Iraq in 2003 have involved prominent TNCs such as the water giant Bechtel, the central corporate protagonist of Bolivia's water conflict (highlighted below in Box 4). Bechtel was granted a contract for control over Iraq's water and wastewater systems in the context of the invasion and occupation of Iraq²⁸. This example neatly juxtaposes the interests of TNCs in critical natural resources such as water and oil, in situations where the military of invading countries can act as a 'guarantor' for corporate expansion and profit from these areas, as touched upon above. Finally, the case of conflict over water between Turkey and Iraq makes for an interesting example in the context of the U.S. offensive. As another element of the destabilizing impact of this war on regional relations, this case is explored in Box 3²⁹.

²⁷ BBC News, World Edition. **US troops 'starve Iraqi citizens'**. The Author, October 15, 2005. http://news.bbc.co.uk/2/hi/middle_east/4344136.stm

²⁸ JUHASZ, Antonia. **The corporate invasion of Iraq**. <http://www.ifg.org/analysis/globalization/iraqinvasion.html>

For more information on global water corporations, please consult Polaris Institute, op cit, 2003.

²⁹ INTERNATIONAL WATER AND SANITATION PROJECT. **Israel: Turkey denies water for arms deal**. Jan. 26, 2004. <http://www.irc.nl/page/7871>

Box 3: Turkey and the GAP project

With respect to transboundary water issues, it is illustrative to observe how a weakened Iraq in the context of Turkey's GAP project is an example of how geopolitical power shifts also shift the flow of water. The GAP project is a system of 19 dams built by Turkey to control the waters of the Tigris and Euphrates rivers. A strong Iraq had been able to thwart completion of this project but as Iraq emerged weak from prolonged international conflict the project has progressed. The result geopolitically culminated in Turkey signing an 'Arms for Water' deal with Israel as reported by the BBC. Under this 20-year deal, Turkey has become a regional water power and would be sending water to Israel via tanker and later pipeline in return for Turkey receiving Israeli arms and military assistance. After the deal was made public through a BBC report, Turkey backed away from the agreement but lessons regarding geopolitics and the power of water in the region remain. Syria's water supply is also being threatened by Turkey's upstream control project (cf. footnote citation above).

Geopolitics and the corporate agenda for water

Turning from explicitly geopolitical tensions raised in the discussion to this point, any appreciation of the complexity and character behind these tensions must be informed by the controversy around the global trends toward privatization of water. These trends implicated multiple actors, from individual states and multilateral agencies, to – most significantly – key transnational corporations pushing for further markets in water management and distribution. This section of the chapter attempts to outline, in broad relief as in the previous section, some of the key features of this trend as a distinct yet inter-related pole of contemporary conflict dynamics involving water.

The World Bank – including its lending arm, the International Finance Corporation – and the International Monetary Fund have been protagonists and advocates of the privatization of water in developing countries the world over, most notably through the coercive instrument of structural adjustment. Structural conditionalities attached to loans from these international financial institutions (IFIs), also including regional entities such as the Inter-American Development Bank and the Asian Development Bank, ensure that privatization is implemented as a preferred condition of multilateral as well as bilateral aid. Correspondingly, citizen movements and critical non-governmental organizations have been foremost in challenging the impact of such schemes on equity of access to water, constructing broad-based transnational social alliances. Boxes 4³⁰ and 5³¹ outline two cases of citizen resistance to World Bank-enforced water privatization in Latin America. Already implicated for the failure of massive water infrastructure schemes in India and elsewhere, the World Bank and corporate drivers behind it continue to push for development schemes that favour the centrality of its ‘private sector development’ strategy, favouring market and private actors over state social investment in critical water infrastructure and distribution mechanisms.

³⁰ POLARIS INSTITUTE. **Global water grab: How corporations are planning to take control of local water services.** Ottawa, The Author, 2003, p. 3.

³¹ PUBLIC CITIZEN. **Water privatization fiascos: Broken promises and social turmoil.** Washington, Public Citizen Water For All Campaign, 2003, p. 2.

Box 4: Cochabamba, Bolivia

The first big water war of the 21st century erupted in Bolivia, when under direct pressure from the World Bank and under IMF structural adjustment, water services were privatized in Latin America's poorest country. After the public water utility in the city of Cochabamba [pop. over 500,000] was handed over to Bechtel, a powerful U.S. corporation, through a closed-door process, water rates doubled and tripled in January and February of 2000. The people of Cochabamba took to the streets, by the tens of thousands day after day, protesting against the rate hikes and subsequent water cut-offs. Oscar Olivera, a visible leader of the struggle said 'they even want to privatize the rain' a reference to provisions under a new Bolivian water law enacted to push water privatization and full cost recovery. Eventually, the escalating protests ignited a general strike that shut down the city's economy. At the height of this mass resistance, Bechtel was forced to pack its bags and flee the country. But not without consequence. A 17 year old, Victor Hugo Daza was killed by a bullet to the head, another 6 were killed in ensuing protests in other parts of the country. Bechtel, with revenue of over 14 billion USD at the time, also struck back with a punitive \$25 million USD suit against the Bolivian government, claiming compensation for future lost profits under a bilateral investment treaty. Since this time, the Cochabamba water system has been controlled by SEMAPA, the public utility created after the conflict and publicly-managed.

Transnational Institute, Corporate Europe Observatory. Reclaiming Public Water: Achievements, struggles and visions from around the world. Amsterdam, TNI/CEO, 2005

The evidence from cases of privatization of water inevitably shows reduced access for the poor throughout the world.³² Nevertheless, the IFIs and many state-sponsored development agencies continue unabated in their enthusiasm for the panacea of privatization as a development solution³³. The co-ordination of geopolitical positioning on the part of key states and actors such as the E.U. and the U.S. with the agenda of TNCs with respect to the commodification and privatization of water promises to remain a salient feature of conflicts over water into the 21st century. As mentioned previously critical NGOs and others simultaneously continue to hold these trends to account for their devastating social and environmental impact, a trend documented in other chapters in this book.³⁴

³² PUBLIC CITIZEN, op cit, 2003. For more documentation on these global trends, see HOLLAND, Ann-Christin. **The water business: Corporations versus people**. London, Zed Books. Africa is obviously another important regional example highlighting these trends. For a good set of case studies highlighting tensions around privatization of water in the southern African region, the authors recommend MCDONALD, D. y RUITERS, G. **The age of commodity: Water privatization in Southern Africa**. London, Earthscan, 2005.

³³ The World Bank's World Development Report 2004, entitled 'making services work for poor people', reinforced this ideological position, again utilizing spurious arguments concerning the supposed advantages of private sector actors in ensuring equity of access, an argument refuted by the facts on the grounds across various regional contexts. The report can be downloaded from <http://web.worldbank.org/external/default/main?menuPK=477704&pagePK=64167702&piPK=64167676&theSitePK=477688>

³⁴ Some examples of such criticism and resistance can be found in HALL, David, LOBINA, Emanuele y DE LA MOTTE, Robin. "Public resistance to privatization in water and energy." En **Development in Practice**. 15 (3/4), 2005; SHIVA, Vandana. **Water wars: Privatization, pollution, and profit**. Toronto, Between the Lines, 2002; BARLOW, Maude, and CLARKE, Tony. **Blue gold: The fight to stop the corporate theft of the world's water**. New York, New Press. Ver tambien HALL, David y LOBINA, Emanuelle. **Agua, privatizacion, comercio y ciudadania**. En este mismo libro (nota de edicion).

Box 5: Buenos Aires, Argentina

The Buenos Aires privatization deal, consummated in 1993, had been widely lauded by the World Bank, the Argentine government and the water industry, as an international success story. But, the success story turned sour after the contractual clause that permitted Suez to link water prices to the U.S. dollar, and ensured hefty profits, was overruled by the Argentine government's emergency decree, precipitated by the country's currency crisis. During the first eight years of the contract, weak regulatory practices and contract re-negotiations that eliminated corporate risk enabled the Suez subsidiary, Aguas Argentinas S.A., to earn a 19% profit rate on its average net worth. However, by 2002 Suez had to write off \$500 million in losses because of the Buenos Aires concession.

IMF and World Bank structural adjustment programs have long been squeezing social services and public infrastructure in Argentina. The privatization of water became an added burden on the general population. According to Fernando de la Rúa, one of many presidents that have come and gone during the Argentine crisis (speaking in March 1999 when he was Mayor of Buenos Aires): "Water rates, which Aguas Argentinas said would be reduced by 27% have actually risen 20%. These price increases, and the cost of service extension, have been borne disproportionately by the urban poor. Non-payment for water and sanitation are as high as 30 percent, and service cut-offs are common, with women and children bearing the brunt with health and safety consequences."

As Suez tries to recoup its losses, the government, and the nation's taxpayers, will be left to clean up the mess. Using an increasingly feared tactic of multinational corporations, Suez will bring claims against the Argentine government using the World Bank's International Centre for the Settlement of Investment Disputes (ICSID). The exact amount of Suez's claims against the Argentine government are "secret" but they are demanding compensation for losses relating to water concessions in Buenos Aires, Santa Fe, and Cordoba.

Significantly, such conflicts involving the drive to commodify water involve supranational trade regimes such as the General Agreement on Trade in Services (GATS) of the World Trade Organization, which contains articles (for instance, those on 'domestic regulation' as well as 'national treatment' and the universal 'most-favoured nation' clause) that effectively enforce adherence to trade rules favouring the rights of transnational corporations (TNCs) over any other consideration. In addition, they ensure that any privatization or commodification of water is effectively irreversible.³⁵ In particular, the European Union's negotiating demands for the GATS – leaked in March 2003 – highlighted a desire to entrench patterns of the commodification of water through market access in a host of countries deemed potentially profitable territory for major EU-based TNCs such as Vivendi, Suez Lyonnaise and Thames RWE³⁶. In addition, returning to regional issues for Latin America, countries in the region face ongoing pressure from the United States in the context of ongoing bilateral negotiations concerning regional trade agreements such as the Central American Free Trade Agreement (CAFTA) and a potential bilateral agreement between the U.S. and the Andean community³⁷. CAFTA represents an extension of the principles and scope of the North American Free Trade Agreement (NAFTA) – complete with its contentious investor-to-state dispute settlement mechanism – and for the U.S. represents a hopeful stepping-stone toward the stalled Free Trade Area of the Americas (FTAA), an agreement that would forcefully entrench privatization processes across all areas of public services, including those related to water distribution. Trade regimes such as these put the conflicts in Bolivia over water in critical perspective, and lend credence to the prediction that social conflicts over the privatization of water could be set to increase in frequency and prominence depending on the rate of progression of current trade talks across a variety of contexts. Current attempts to create a counter-hegemonic regional bloc to challenge Washington's plans for Latin America offer the possibility that alternative agendas for trade may yet emerge.

³⁵ POLARIS INSTITUTE, *op cit*, 2003; OSTROVSKY, Aaron, SPEED, Robert y TUERK, Elisabeth. **GATS, water and the environment: Implications of the General Agreement on Trade in Services for water resources**. Geneva & Gland, Center for International Environmental Law & World Wildlife Federation (WWF), 2003.

³⁶ PUBLIC CITIZEN. **EU's demands under WTO/GATS**. <http://www.citizen.org/documents/gtw5-fact%20sheet.pdf>

³⁷ The latter agreement excludes, for the present time, Venezuela and Bolivia, with Bolivia party to negotiations as an observer for now.

Appreciated together, geopolitical tensions as well as privatization dynamics both represent crucial poles of conflict over water. Further, these poles blend into one another through a perspective of geopolitical power politics as representative of the agendas of major transnational corporations with respect to water. It is by no means a novel dynamic that powerful states may opt to act as ‘guarantors’ for capitalist expansion. Corporations today are engaged as protagonists in an imperialist project reflecting more clearly the driving forces behind such expansion, generating a global conflict characterized by the conceptual and political battle over the definition of water as a right or a commodity. This conflict – reflected in the concerns of citizens’ and social movements in Latin America and well beyond – points to some of the principal factors implicated in addressing structural violence in water conflicts, conflicts that involve a broad set of institutional and corporate actors who have come to prominence in recent tensions around water in the region. Further, as we have touched upon briefly but is better reflected in other pieces in this volume (footnote citations), the strategic importance of water to industry and leading corporations factors into ecological issues of water depletion and groundwater contamination across a variety of industries and in a variety of regions, particularly implicating ‘extractive’ industries such as mining and natural resource exploration and use. Of course, such issues – reaching as they do beyond the scope of this paper – point to the inextricability of the social and environmental impacts of predominant approaches to water. It is in this multifaceted sense the current struggle over the definition of water is being played out by corporations, governments, IFIs, and finally – though not least! – citizen and social movements. Through an attempt to re-focus our conception of water through the lens of fundamental human rights and the global ‘commons’ rather than through the market, social movements continue to stress a reflection of the importance of water both in terms of equity of access for human sustenance, as well as through its foundational role in the ecosystems that support humanity and all life on this planet. Thus the struggle on all sides represents one reflective of the strategic importance of water, although citizens’ and social movements have been those to raise the profile of the intersection of the social and environmental impacts of current, neoliberal trends and corporate domination in the use of water. It is in this broad context that we now turn to the ‘front lines’ of this specific global conflict currently underway, in a discussion of efforts to promote water as a fundamental human right.

Toward the Right to Water

Although some important preliminary steps have been made in the direction of securing the notion of water as a fundamental human right and subject to binding, legal frameworks, some nagging paradoxes in practice afflict this progress. Overall, economic, social and cultural rights (under which the right to water resides) have less weight in the UN and international legal system than do political or civil rights. They are generally viewed as non-justiciable rights as opposed to political and civil rights which are viewed as justiciable. A right is deemed justiciable if it can be adjudicated in a court of law. This is by convention and contradicts the very concept of fundamental human rights. Putting the right to water beyond the reach of courts is arbitrary and violates the principle that human rights must be indivisible and interdependent. In addition, there the right to water falls under a category of human rights which are non-derogable and can never be pushed aside. Water because it is essential to life falls under this category. The UN must address this paradox because the right to water and other economic, social and cultural

rights are not being enforced as a result of limited national legal frameworks that exist for this right as well as the non-justiciable nature of the right.

The UN High Commissioner for Human Rights has identified the problem:

Under international human rights law (as well as in terms of its application at the national level), civil and political rights have, in many respects, received more attention, legal codification and judicial interpretation, and have been instilled in public consciousness to a far greater degree, than economic, social and cultural rights. It is therefore sometimes wrongly presumed that only civil and political rights (right to a fair trial, right to equality of treatment, right to life, right to vote, right to be free from discrimination, etc.) can be subject to violation, measures of redress and international legal scrutiny. Economic, social and cultural rights are often viewed as effectively "second-class rights"-unenforceable, non-justiciable, only to be fulfilled "progressively" over time.³⁸

This status as 'second-class rights' has resulted in complacency about monitoring and enforcing economic, social and cultural right. Currently, a broad-based international citizens' movement is pressing an international water treaty to be developed under the auspices of the United Nations that could help to resolve this dilemma in favor of the right to water. The authors of this chapter endorse this project and its aims, including creating a binding legal instrument that is enforceable. An initial draft principles document has been produced for feedback³⁹.

Various tensions and dilemmas have surfaced as the international community has struggled with the idea of defining water as a human right. In a recent report, The International Union for the Conservation of Nature and Natural Resources⁴⁰ reviews various international legal mechanisms for their relation to the idea of water as a human right. Although they argue that water essentially and realistically prefigures any and all of the human rights as enunciated in either the Universal Declaration, the UN Charter, or in the 1966 Conventions⁴¹, they note that it remains to be formally enshrined as a fundamental human right in any context⁴². The Geneva Conventions also incorporate rights to water as protocols for acceptable conduct in the context of armed conflict. The authors of the report argue that a substantive right to water, enforceable through national legal frameworks and international human rights mechanisms and institutions, could make significant progress in ensuring redress of the current global predicament of a mass lack of access to water for human sustenance and sanitation. Although the UN Committee on Economic, Social and Cultural Rights issued a statement in favor of the idea of water as a human right in its 'General Comment No. 15' (GC15) in 2002⁴³, this statement represents only a

³⁸ UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS. **Fact Sheet No. 16 (Rev.1), The Committee on Economic, Social and Cultural Rights.** <http://www.unhchr.ch/html/menu6/2/fs16.htm>

³⁹ See <http://www.blueplanetproject.net> for details.

⁴⁰ IUCN. **Water as a human right?** IUCN Environmental Policy and Law Paper 51. Cambridge (U.K.) & New York, The Author & UNDP, 2004.

⁴¹ The '1966 Conventions' refers to both the United Nations International Covenant on Economic, Social and Cultural Rights as well as the International Covenant on Civil and Political Rights.

⁴² To put this state of affairs in context, it is worthwhile to note that water is indeed explicitly mentioned as a right in the UN Convention on the Rights of the Child and in the Convention on the Elimination of All Forms of Discrimination Against Women.

⁴³ <http://www.unhchr.ch/html/menu2/6/gc15.doc>

contribution to the movement toward the recognition of such a right as enshrined in binding legal mechanisms through the UN⁴⁴. [

In the meantime, various international fora and conferences have reflected the ongoing tension between water conceived of as a social right and water perceived as a commodity, by presenting definitions of water as a human right or as a ‘human need’.⁴⁵ The notion of a right evokes implicit obligations to provide access, whereas the idea of a ‘need’ implies only that water may be provided by any entity and at un-regulated rates as well as by varying standards. Though non-binding in terms of their effect or relation to international legal instruments and mechanisms, the battles of language and representation reflected at such meetings are indicative of the protracted struggle over how water ought to be perceived under existing tools of international law.

The ongoing tensions at such meetings reflect the vigilance of two opposing groups. On the one hand are the TNCs and governments that help represent their agenda for water, with a vested interest in transforming water into a commodity. On the other are critical citizen movements, NGOs and unions, which have all continually pressed for the conception of water as a fundamental right, as a part of the global commons and a public trust.

No unanimity has been reached on the concept of water as a right. The Mar Del Plata Water Conference of 1977 explicitly endorsed the idea of water as a human right, only to be succeeded by the 1992 Rio Conference’s articulation of the idea of water as a human need. Successive World Water Forum meetings in 1997, 2000 and 2003, reflecting the interests of the corporations which play a strong role in the body organizing the forum, the World Water Council, have failed to decisively declare water a fundamental human right, even after the right to water was explicitly recognized through the UN’s Economic, Social and Cultural Committee adopting General Comment 15. They instead have respectively reinforced a dichotomy in thinking about water (as both a right and a need) that provides the murky context we deal with today. Thus corporations are encouraged by IFIs, under the tutelage of the powerful governments that control them and with the threat of violation of international trade regulations, to enforce the idea of water as a commodity with full impunity.

The Right to Water Campaign

It is in this context that contemporary citizens’ movements such as the Blue Planet Project⁴⁶ (BPP), as part of the internationally based Friends of the Right to Water, are pressing for the adoption of a treaty to provide accountability in international law for the redress of violations of the right to water. These efforts take the ‘soft law’ of the General Comment and attempt to create a binding, enforceable, legal instrument to secure the right to water.

Subsequent to General Comment 15, it is worth noting the way those in favour of water privatization have altered their public response to the concept of the human right to water. Understanding that their previous public opposition to the human right to water was sensitive and

⁴⁴ Ver también LANGFORD, Malcolm y KHALFAN, Ashfaq. **Una introducción al Derecho Humano al Agua**. En este mismo libro, (Nota de edición)

⁴⁵ SALMAN, M. y McINERNEY-LANKFORD, Siobhán. **The human right to water: Legal and policy dimensions**. Washington, the World Bank, pp. 4-5; BARLOW, Maude. **The right to water: The campaign for a United Nations treaty**. [http:// www.blueplanetproject.net/cms_publications/TRWEng.pdf](http://www.blueplanetproject.net/cms_publications/TRWEng.pdf)

⁴⁶ <http://www.blueplanetproject.net/english/>

harmful to their public relations, corporations and the organizations that they work with, such as the World Water Council, are now putting energy into reframing the human right to water to more closely serve their interests. They have set upon the idea that they can be the ones to define the meaning of the right to water and would not then have to fear the implications to their business. In fact, with the right framing it could even be beneficial.

RWE Thames, the world's 3rd largest water corporation, has publicly embraced the human right to water, as has the World Water Council. This change of heart for those who condone privatization and have previously resisted declaring water to be a human right stems from a new optic on this right: that it can be viewed as fundamentally a question of access. Critics of this approach—for example the Friends of the Right to Water, including the Blue Planet Project, COHRE, FIAN, Council of Canadians, Bread for the World, Alliance Sud, Food and Water Watch, Heinrich Böll Foundation and others—believe that the right to water is much broader and must encompass control of water if it is to respect the spirit of the right. This view is based on GC 15, whereby water is viewed as part of the global public commons; as such, the state is responsible for ensuring the right to water to its citizens. This re-framing of the right to water does make it more difficult for states to hand control over to the market or to corporations that deliver water on a market-based approach which is in violation of the right, but without enforcement and monitoring it is meaningless.

Possibly the most critical part of the campaign, however, will not take place at the UN. It will take place in the communities that are struggling to secure the right to water and are fighting corporate control of their water. If the concepts behind the right to water take hold in these communities, the fight takes on a very different tone and becomes about how to protect water for people and nature.

The authors also see the need for a mechanism to deal with being the arbiter of state to state water conflict. Access to water is about power and if countries do not have a means to deal with this power relationship, then we risk greater instability. The precise mechanism of this campaign are being worked upon but there are good models for resolution of water conflict, such as the Boundary Waters Treaty of 1909 signed between Canada and the USA with oversight by the International Joint Commission (IJC), as well as effective efforts at enshrining co-operative mechanisms around freshwater in the E.U. and many other jurisdictions. However, such positive examples must be tempered with attention to ongoing political dynamics. Unfortunately, in the case of the IJC for example, the treaty and other similar mechanisms of mediation are in jeopardy as raw power politics supersedes diplomacy or multilateral negotiation in an increasingly polarized and unstable global order.

Conclusions

The authors believe water conflict, within and between states, will rapidly grow in the coming years unless efforts are successful to ensure the right to water rather than allowing scarce water resources to be distributed via primarily economic considerations. Market-based allocation of scarce water resources leaves the poor without access and will inevitably lead to social strife and upheaval. 'Water Wars' can take many different forms, ranging from disputes within communities and between neighbours regarding allocation of water, to pure regional power politics where stronger countries attempt to wrest more and more water from weaker states.

While overt conflicts of this kind may well be few in the new century, water will inevitably be an intricate part of conflicts within states, and without resolution of the politics of water in such contexts, lasting solutions will remain elusive.

We must vigorously resist the trend whereby powerful countries (and corporations) are able to operate outside international law. Ratification of international treaties and proper implementation must become the norm rather than the exception. The binding water treaty being promoted by groups working within the international water justice movement explicitly holds non-state actors, including transnational corporations and international financial institutions, accountable for violations of the right to water. If successful, promotion of this treaty will change the way we think about our water and the number of positive solutions will grow vigorously. If we are not successful, the market will run rampant and water rights will mean only individual rights, not collective rights. This would signal that everything is ultimately for sale and conflict would increase dramatically as dwindling water progressively comes under the control of those who seek economic profit.

Solutions for the global water crisis must uphold the fundamental right to water. This goes to the heart of democracy and democratic control. The best way to ensure equitable distribution of water, to expand delivery in a manner that does not favour the wealthier at the expense of the poorer, and to reduce conflict is through participatory processes that respect the needs of the community. In many places there will not be enough water to meet all the competing needs, including those of agriculture and industry as well as those of individuals, families and communities. If, however, the overarching principles of the right to water are respected, the potential for long-term solutions increases dramatically.

With the openness of democratic participation there is the potential for reduced conflict through doing as much as possible to meet the needs of the overall community rather than first meeting the needs of those who have power within the community.⁴⁷ To see the way forward, we can divine a lot from exploring examples such as the building of SEMAPA, the public water provider in Cochabamba, which was left to completely rebuild the system when Bechtel abruptly left. Through this example we can see the way forward to a world with less conflict and where the hope of 'water for all' can be realized. In addition, and on another hopeful note, Uruguay has shown critical leadership in Latin America and worldwide by recently amending its constitution to reflect the conception of water as a fundamental human right. There is hope that this victory can be used as a model in other countries. It was achieved by the CNDAV, a grassroots coalition on water in Uruguay, organizing to secure and verify the signatures of 10% of voters, a truly enormous task.⁴⁸

Just as each situation is unique, so the solutions devised by communities in response to local water problems and politics must be particular. The neo-liberal model for the world ignores this fact, promoting privatization of public services and seeking to impose one vision on all the diverse communities of the globe, thus benefiting the few at the expense of the majority. From

⁴⁷ An excellent publication outlining many of the ways communities have taken control of their water is 'Reclaiming Public Water – Achievements, struggles and visions from around the world' published by Corporate Europe Observatory and Transnational Institute (available at <http://www.tni.org/books/publicwater.pdf>). This article traces the profound shifts toward public water management across various settings, including in Cochabamba, for instance, after control was turned over to the community from the transnational corporation.

⁴⁸ BARLOW, M. **Victory in Uruguay**. Nov. 2004. http://www.blueplanetproject.net/cms_publications/VictoryinUruguay.pdf; Ver tambien THIMMEL, Stefan. ??? En este mismo libro (nota de edicion)

Cochabamba to Ghana and Uruguay to South Africa, people are fighting against the commodifying, corporatizing and privatizing of the world's water. Water conflict and continued lack of access to safe and affordable water will increase unless we can take back control of water as a public good. This is undoubtedly one of the great challenges of our time. To be successful, the world must act together, acknowledging the right to vital, life-giving fresh water as a collective right and accepting the responsibility for ensuring this right as a collective responsibility.