

# WATER JUSTICE, LIKE WATER, TRAVELS IN NETWORKS: NOTES ON RECLAIMING PUBLIC WATER

by Jeff Conant

From February 1 to 3, 2010, the Reclaiming Public Water Network held an international seminar in Brussels to bring together people involved in strategic organizing around global water challenges and “people-centered solutions.” Over three days, participants from more than 30 countries shared knowledge and experiences about how to improve water provision through the democratization of water management. For those of us involved in advocating for water justice, and social and ecological justice more broadly, it was an instructive moment.

The event opened with Dr. V. Suresh, Director of Tamil Nadu’s Centre for Law, Policy and Human Rights Studies, introducing the ancient concept of the *koodam*, a notion that resonated through the three-day gathering. In rural communities in India, Dr. Suresh said, the *koodam* is “a place where people gather, a space that is sacred but not religious, and where, once you enter, you are not an individual but a part of the collective. Decision-making in the *koodam* is strictly by consensus; you may have an identity outside, but inside the *koodam*, all are one.” As Dr. Suresh spoke, participants from thirty countries poured vessels of water they had brought into a large container symbolizing the unity of struggles and the essential, elemental oneness of water.

“Our task,” Dr. Suresh said, “is to create a new tomorrow. Behind all our political activities is the spirit of recreating society, and this is the spirit that brings us together.”

## IT TAKES A NETWORK

In 2009 Transnational Institute (TNI) and Corporate Europe Observatory (CEO), two of the groups that initiated the Reclaiming Public Water Network (RPW) and organized the 2010 meeting in Brussels, brought out a report called “Progressive Public Water Management in Europe,” in which they assert that:

There is no exemplary model of ‘good’ or ‘progressive’ public water management.... It would neither be possible nor desirable to develop one model of water management to be implemented everywhere. Instead, responsible ways of handling water need to be developed around existing local structures.<sup>1</sup>

Given the diverse, decentralized nature of the network, the respect among RPW members for locally developed solutions, and members’ high regard for internal debate, this commonsense but all-too-often neglected assertion could well serve as one of the organizing

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TNI/CEO, “Progressive Public Water Management in Europe: In Search of Exemplary Cases,” 7.

principles of RPW. Indeed, the formation of RPW as a loose-knit network without formal membership, rather than an organization or clearly structured institution, is a sign of its members' engagement in forms of social organizing specifically constructed to enhance, rather than diminish, the diversity of local contributions.

Trends throughout the nineteen-eighties and 'nineties brought the increasing merger of individual corporations into both conglomerates and global and regional bodies such as the World Trade Organization and the World Economic Forum, as well as trade lobby groups like the EU's Aquafed, that aggressively advocated market liberalization and free trade. Acutely aware of the tactical logic that "it takes a network to fight a network," advocates of economic justice, human rights, and the reclaiming of social and environmental commons reacted by establishing their own loose-knit, autonomous global bodies.

It is of course not entirely unsurprising that a group of water advocates, many of them involved in direct service in the water sector, should organize this way; for water managers, a network is not merely a metaphor to describe decentralized ways of building social cohesion – it is a fact of infrastructure, the basic principal by which drinking water (as well as electricity, gas, wastewater, and so on) travels within our cities.

David Boys of Public Services International, a trade union federation of over 500 public sector unions in over 140 countries, spoke eloquently about the reasons why trade unions should participate in a network like RPW:

In order to change policies we need the strength that is only available among all citizens, and we've got to move into coalitions with citizens, writ large. In RPW we're working across the range of actors who need to be involved in changing the way that water policies are set. RPW is a chance for us as workers and trade unions to connect more organically with citizens in their various organizations in a way that allows us to change policy. RPW is about creating the strength, the vision, and the unity to change policy.

### **PUSHING BACK THE WAVE OF PRIVATIZATION**

As a loose network, RPW can claim, in the short five years of its existence, a surprising number of victories. The water war in Cochabamba, Bolivia in 2000 was widely cited as the shot-across-the-bow in global resistance to water privatization; since that time, the global water justice movement has evolved beyond merely resisting private control of water resources toward actively promoting equitable alternatives. In areas where water has remained in public control – ninety percent of water utilities globally – communities and public agencies have begun evolving new methods of management to ensure proper oversight and transparency. In areas where privatization has been tried and failed, communities, and local and regional governments are initiating new models of public management. Members of Reclaiming Public Water – both prior to its founding and in 2005 and in the intervening years – have been at the forefront of all of these changes.

David Hall, an English academic who directs the Public Services International Research Unit, offered a striking assessment of RPW's success, based on his own personal history with the network:

Ten years ago, at the World Water Forum in the Hague, the World Bank and the multinationals were at the high tide of privatization. John Briscoe of the World Bank actually used Margaret Thatcher's crude phrase, 'There is no alternative,' in a session, making the assertion that privatization was the only option in water management. A few of us civil society activists showed up and tried to make some waves; despite that we were about 30 people among 4000 attending the forum, our efforts made an impact. Since then, when we were extreme outsiders, we've managed to halt, reverse, and replace the privatization impetus. If you were to look at a global map of failed privatizations today, it would be covered with dots, everywhere: east, west, north, south. This has everything to do with the work of Reclaiming Public Water.

This process has been not only one of extraordinary opposition but also of reinventing and initiating the reinvention of a more democratic participatory structure. This network should not be underestimated. There are very few other sectors where we've managed to block the problematic developments while putting in place the alternatives.

The primacy of the RPW Network in supporting alternatives to privatization was illustrated at the Brussels meeting by the presence of Anne Le Strat, the director of *Eau de Paris*, the new publicly-run water utility of the city of Paris, who gave one of the opening presentations. After decades of privatized and mixed management, water delivery in Paris was re-municipalised on January 1 of this year; Le Strat, a fellow traveler of the RPW network, came to Brussels to share the first positive results of the world's newest public water company.

Le Strat's talk was given in the interesting light that she was reportedly able to be more celebratory about Paris's public water in Brussels than in Paris, where officials were handling the change with discretion. "In France, you often find the same people in the private sector, high-level administration, and politics," she said. It was apparently due to pressure from the private sector, and the fact that the mayor of Paris plans to campaign for president in 2012, that this major global victory for public water is being kept relatively quiet at home in France.

The reticence of French officials to align themselves with the successes of the water justice movement is a sad recognition that values of public control are still seen in a negative light, despite the proven failure of private-sector service provision.

In his opening remarks, Dr. Suresh reminded participants of the vast successes in which they had taken part. "Since the first water wars in Bolivia in 2000," he said, "the entire architecture of world water has changed. The World Bank today is being forced to admit that privatization is a failure."

Suresh was referring to the World Bank's report called "Does Private Sector Participation Improve Performance in Electricity and Water Distribution?" in which it states there have been "no clear investment gains" from private sector participation in the water sector.<sup>2</sup>

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"Does Private Sector Participation Improve Performance in Electricity and Water Distribution?" World Bank and Public-Private Infrastructure Advisory Facility, 2009, 4.

This is quite an admission given that throughout the 1990s, donor governments and international financial institutions touted privatization as a solution to what they called the “financing gap.”

More even than the failures that preceded it, the current economic crisis has revealed the faulty logic of privatization. In the words of David Hall again, interviewed at the meeting in Brussels:

The economic crisis has engendered a tremendous negative reaction toward private sector investment: there’s been a dramatic reluctance of banks to lend to private companies, as a result of which private companies have higher rates of interest. This shows us that the choice between public and private investment in infrastructure is essentially a no-brainer. You have the public sector borrowing at 3 or 4 percent and a private company borrowing at 7 or 8 percent. It doesn’t take a rocket scientist to figure out who to lend to in this case. So there’s real consternation in those, like the World Bank, who want to continue to believe in private sector investment despite the evidence.

Yet, even as conventional forms of privatization are being undermined by rising awareness of the failure of free markets, more insidious forms continue to emerge. A workshop at the Brussels meeting on “new forms of privatization” cited several, such as the corporatization of public water services, where public water companies “behave” like for-profit undertakings through aggressive market strategies and top-down management; the privatization of water-related knowledge in venues such as profit-driven academic research, elite contests favoring a competitive and proprietary approach to technology, and the sponsorship of water chairs in selected universities; privatization through contamination and scarcity, where water sources become unusable due to toxic pollution and, as is increasingly the case, private companies bid for clean-up contracts; and control of water resources through control of territory, as we are witnessing in the unprecedented sweep of land grabs throughout the developing world.

As the realization becomes increasingly strong that water cannot be dealt with as an issue apart from agriculture, territory, climate, urbanization, and virtually all else, participants in the RPW Network are arming themselves with the knowledge necessary to build into the next phase of their work.

## **EXPANDING THE MEANING OF “PUBLIC”**

RPW appears to be part of a dramatic upswing in popular awareness that public investment has been, is, and will continue to be a key driver of infrastructure development and maintenance.

But even within RPW, there is no simple belief that the public sector, or government, for that matter, is inherently “good.” Made up as it is of individuals and organizations involved in

opposition movements, many of them with clear anti-government positions – and some of whom are *in* government positions – RPW holds at its core a strong critique of government intervention, even as it pressures governments to provide much-needed basic services. Indeed, one of the discussions that has been crucial to RPW’s collective analysis concerns “the meaning of ‘public.’”

Certainly, the fact that over a billion people lack access to safe drinking water while ninety percent of drinking water services globally are run by public agencies, leads to a superficial yet pervasive belief that public services – and the governments that run them – are necessarily inefficient, corrupt, and ineffective. From some historical perspectives – namely those of northern, developed countries – the state is often seen as a kind of benevolent father which acts as the arbiter of human rights and the provider of basic services, leading to the general sense that “public equals good.” This sense is bolstered by the fact that most northern countries have near-universal access to safe drinking water. But where the state has been the historical seat of dictatorial power, as in many African and Latin American nations, and has been to varying degrees ineffective, corrupt, hostile to popular interests, and beholden to foreign and multinational capital, there is good reason to distrust that the state will either provide basic services or protect human rights.

The general belief within RPW is that the fault lies not with governments directly (though certainly governments hold a great deal of the blame) but with the larger structures of international finance, and the massive illegitimate debt that has followed from both corrupt governance and multilateral predatory lending. For RPW, the solution lies in redefining “public,” which is to say, redefining the relationships between governments and the people they exist, in theory at least, to serve.

One of the manifestations of this redefinition is the emergence of Public Utility Partnerships, or PUPs as they are affectionately known. PUPs emerged in Latin America as a means to finding positive solutions by promoting institutional co-operation, collaboration and consultation between successful public utilities and other utilities that needed help. PUPs also arose from the demand of citizens groups to be partners in utility reforms. In the short time they’ve existed, PUPs have achieved remarkable successes by forging open, democratic and dynamic relationships between state institutions and communities.<sup>3</sup> A recent report on PUPs produced by PSI and TNI lists over 130 PUPs in 70 countries<sup>4</sup> showing that, while the model is still emerging, it holds great promise.

The same report notes the advantages of PUPs over other partnerships based on commercial objectives; these advantages include low financial risk to municipalities, transparency and accountability, long-term gain in capacity-building, and local control over

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Vibhu Nayar and V. Suresh, Global water crisis: Partnerships for the future, *The Hindu*, 2 November 2008

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Hall, David, Lobina, Emanuele, Corral, Violeta, Hoedeman, Olivier, Terhorst, Phillip, Pigeon, Martin, and Kishimoto Satoko, *Public-Public Partnerships in Water*, Transnational Institute, Public Services International Research Unit, March, 2009

water service that engages civil society, trade unions, and community groups. Several recent reports and numerous articles document the emerging success of PUPs as an alternative to private sector water management in countries as diverse as Brazil, Cambodia, Indonesia, Uganda, and India.<sup>5</sup> Concrete outcomes of PUPs in practice include valuable exchanges of experience, knowledge and best practices, capacity building and improved financial management: a win-win situation for both the utility offering support and the recipients.<sup>6</sup>

Encouraged by the growth of PUPs, in 2007 the United Nations incorporated the substance of PUPs into a new institution called the "Global Water Operators Partnership Alliance" (GWOPA). The RPW network was given a seat in the International Steering Committee of GWOPA; there is a RPW working group on GWOPA, with a listserv for strategy discussions and for preparing the participation in GWOPA events.

This sort of global recognition is certainly welcome. Yet,

after sharing current knowledge of the ways in which GWOPA has and has not supported the agenda of public sector management, RPW members in Brussels offered a rather damning assessment, noting that the GWOPA process remains intransparent and intangible, and indicating major problems with the inclusiveness of the regional WOPs processes that make up the global project, due to the fact that regional development banks have come to administer the process. RPW members also noted a worrying trend of corporatized, commercially minded public water companies playing a strong role in the WOPs process; there are signs that the WOPs principles have already been compromised. David Hall of PSIRU pointed out that, "as of March 2009, 4 out of 8 Asian Development Bank WOPs were private, all 3 Latin American WOPs were private, and 7 out of 10 USAID-sponsored WOPs initiatives were private."

Similarly, RPW members critically and strategically approached the surprising news of a European Commission's recent decision to dedicate a part of the 2009-2013 funding of the EU Water Facility (EUWF) to support PUPs involving EU and African, Caribbean and Pacific countries. Of the new EUWF budget of 200 million euro, 40 million will become available for PUPs. This could mark the beginning of a shift in EU development policies for the water sector. But, it is clear that in order for this budget to be well-allocated, and to increase over time, RPW members must remain vigilant and intercede in the financing agenda. In the Brussels meeting it was quickly established that RPW could play a key role in encouraging progressive public water utilities to prepare applications and perhaps even assist with information about how to best apply, how to prepare partnerships and identify partners, as well as offering feedback regarding the challenges, such as avoiding that PUP funding goes to management contracts and other forms of semi-privatisation.

Other suggestions are whether an effort can be launched to lobby for expanded funding to cover Asia and Latin America. And, at bottom, RPW members asked how the network can take advantage of this opportunity to ensure that partnerships supported by the EUWF go beyond useful but limited approaches, such as leakage control, expanding piped networks, and so on,

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Nayar, Vibhu and Suresh, V., Global water crisis: Partnerships for the Future, The Hindu, November 2, 2008.

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Nayar, Vibhu and Suresh, V., Global water crisis: Partnerships for the Future, The Hindu, November 2, 2008.

toward approaches that shift the paradigm of water management toward holistic, socially and ecologically sustainable and lasting solutions for the whole water cycle.

### **ALSO UP FOR DEBATE: HUMAN RIGHTS AND THE COMMONS**

As a forum for discussion and debate, the Reclaiming Public Water Network maintains a strong ability to engage directly with the contradictions that often lie at the heart of bottom-up policy development. While many participants came to the network through initiatives defending the human right to water, for example, there is no clear consensus that the human rights discourse is the most sensible approach to meeting popular objectives. Even those who promote the human right to water view it skeptically, understanding that it is one of a range of approaches towards universal access to water.

Such caution toward a single approach is likely a result of the network's diversity. What can it mean to promote a human rights framework when the results of this framework vary from state to state? Activists from Bolivia, Ecuador, Uruguay and South Africa have seen the human right to water enshrined in their constitutions – indeed have won this achievement through their struggles – only to see it broadly disregarded (and in the case of South Africa, violently abused). At the same time, RPW members from Colombia and other countries continue struggling toward precisely this kind of constitutional reform, fully aware of the limitations involved. And, what can the language of human rights mean for universal water access when the words “human right to water” have gained the dubious support of corporate entities like Pepsico and the World Water Council?

Rather than breeding paralysis or inaction, however, open discussion within RPW allows those who have witnessed the wholesale betrayal of their struggle for constitutional human rights to discuss with their allies the implications of this betrayal. A space to exchange experiences across borders allows participants in RPW to better engage in the daily work at home of implementing rights and laws that until now exist only on paper, and which are constantly under threat of cooptation by the private sector in its many guises, whether green, blue or polychromatic.

Many southern participants in RPW do not support the notion of individual human rights, preferring a collective and ecologically oriented notion of rights; nor do they necessarily share the sense that “public equals good.” Southern members of RPW have brought to the table a need “to change the meaning of ‘public,’” and to make sure that the word “public” is always accompanied by qualifying words like “community-based, transparent, and participatory.” The range of attitudes toward the state within RPW includes, too, those from North America who, as citizens of wealthy countries would appear to be the real beneficiaries of both human rights and public services; yet, while both the U.S. and Canada have public water coverage upwards of 90 percent, there is little public awareness in either country of “human rights” as such; that is, though both countries have wide access to safe water (with the very notable exception of their first inhabitants, the indigenous peoples) neither state acknowledges water as a human right. In such a context, what does it mean to promote human rights, without also promoting more democratic forms of political and economic power?

Similarly, the framework of the commons is widely appreciated within RPW, even as its meanings are hotly contested. If the commons, that vast realm that lies outside of both the economic market and the institutional state, and which includes both natural resources and social systems, is to be managed collectively for the benefit of everyone, including future generations, what does this mean for the water sector? How does “reclaiming the commons,” intersect with defending human rights and promoting public investment? What does it even mean, and is it a useful point of reference? Is there, can there be, a “global commons”? Coming together in Brussels allowed water justice advocates from all corners of the globe to discuss, if briefly, these key questions, to collectively worry out theoretical contradictions, and to see where theory meets practice. In this, RPW offers a space to discuss and determine what reclaiming the commons means – indeed, what the commons means – for those engaged in stewarding our shared water resources.

### **LOOKING TO THE FUTURE**

Reclaiming Public Water Network’s first initiative was the collective development and publication of a book, *Reclaiming Public Water: Achievements, Struggles and Visions from Around the World*, published in 2005 and now translated into twelve languages, with editions underway into several more. Phillipp Terhorst, a German affiliate of TNI who has been active in RPW since its formation, and one of the book’s editors, describes *Reclaiming Public Water* not simply as a book, but as a collective learning process; he voiced a proposal in Brussels that it is time for the network to engage in another such process. The question up for discussion is, what form will this process take, and how will it develop? What will be the most effective tool both for learning within the network and for reaching out to build a larger base? The questions, like many that RPW engages in, are open, and will be decided over the next months with input drawn from several working groups formed at the end of the three days in Brussels.

The Brussels meeting closed with a round-table discussion where David Boys of Canada, V. Suresh from India, Mary Ann Manahan from the Philippines, and Marcela Olivera of Bolivia, four water activists from four very different regions of the world, spoke in a common voice about the past, present, and future of the Reclaiming Public Water Network. Asked to assess the global contribution of the RPW, Manahan chose to celebrate the network’s emphasis on collective process: “We have managed to create a democratic culture and to practice democratic values within the network,” she said. “The consistency of practicing these principles makes RPW unique.”

She noted that the network is growing both qualitatively and quantitatively. “We started as twenty-five organizations, and now it’s nearly double. I’m confident that with the kind of ethics and democratic culture that the network has managed to nurture, that spirit of voluntarism, solidarity, and political commitment, we will grow and we will become stronger.”

Looking to the future, Marcela Olivera commented, “It’s going to be five years since this network started and ten since the water war in Cochabamba. If five years after the privatization in my country happened, we are starting to build alternatives and really seeing them come to life, five years from now we’re going to be doing an amazing job, not just with big water utilities, but also with small community water systems. I don’t see this work as being done in five years; in five years we’ll be seeing new faces, and probably the same old faces. But we will be here.”



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