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**The human right to water and advocacy for urban water supply: after the privatization struggles**

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Advocacy to advance economic, social and environmental rights takes many forms. Advocates in established human rights organizations, development agencies, and diverse civil society institutions have mobilized legal instruments from international to local levels, existing human rights treaties, various forms of policy leverage, popular political and social movement pressure, participatory mechanisms, and (sometimes new) monitoring methods, to advance the realization of economic rights including housing, food, water (Stryker and Haglund, 2013).

This paper examines the use of these instruments, and the varied human rights and development NGOs, consumer associations and other organizations in civil society who deploy them in an effort to advance the realization of the human right to water. The institutions that govern water supply in most urban areas – public water utilities – have come under tremendous pressure with rapid urbanization in many societies, and government-owned and operated utilities have been challenged by these pressures and at times by external financing agencies to move to private sector ownership and/or management. These changes have provoked NGOs, trade unions, social movements, consumers organizations and others to organize in order to influence the institutions that mediate citizens' access to water, the most elemental, essential and irreplaceable resource. At stake is the human right and very immediate human need for access to clean water, an issue with enormous human and public health implications.

This paper examines three principal roles that civil society actors play in shaping access to clean water in the urban centers of poor countries: mobilizing resistance against privatization of utilities; exerting pressure to make public utilities more effective; and supporting water supply systems independent of public utilities. These activities may be carried out by distinct sets of organizations in civil society, including consumer organizations, social movements, trade unions and NGOs. By identifying what organizations are involved in each strategy, how the human right to water figures in their strategies, and how they interact in several well-documented cases, the paper sheds light on strategies to advance the human right to water in urban areas in poor low- and middle-income countries, and on NGO-social movement relationships.

Worldwide, the high cost of extending and maintaining piped water service is leading to increased contracting with private firms to maintain and manage drinking water utilities. The growing un- or under-served urban clientele, aging water infrastructure and financial pressures on public utilities have driven privatization efforts, usually through contracts between governments and private sector firms. These privatization schemes have resulted in high-profile anti-privatization protest movements, but those movements capture just one of three important roles that civil society has played.

There is a gap between social movement scholarship and scholarship of the nonprofit sector, which has made it difficult for scholarship to capture the multiple roles that civil society actors play in issues such as water privatization. The literature on NGOs and civil society actors in

development studies and in non-profit studies gives little attention to social movements and trade unions. Social movement scholarship is equally focused, and gives little space to NGOs, for reasons that are discussed below. This paper examines the forms of organization and mobilization among citizen-consumers in well-documented cases of resistance to privatization of public utilities in Bolivia, South Africa, Ghana and Argentina and the Philippines.

Anti-privatization campaigns attract scholarly and popular attention but the fact is that even successful resistance to privatization leaves communities with public utilities that serve low income populations poorly at best. A second element of civil society action, less well documented than resistance protests, is the effort – cooperative, confrontational or both -- to improve public utility services. Do the same social movement organizations and consumer associations who are active in opposing privatization also become involved in pressing the public utility for better service? Has pressure on public utilities been sustained and effective? The dynamics of this local advocacy for effectiveness and accountability on the part of public utilities, are examined in the same five cases, and in a handful of other instances of persistent, long-term advocacy.

Civil society institutions also play a third role, as cooperative service delivery agencies and providers of community development and technical assistance to communities, helping to develop independent sources of clean water. Although in some areas NGOs and water users' cooperatives play a significant role in local supply, the urban water sector is overwhelmingly served by municipal governments and private sector contractors. Dense urban population and construction make it difficult to tap natural sources such as rainfall, streams and aquifers that are sometimes accessible to rural or village dwellers. Civil society actors' service-provision functions are therefore less significant in urban areas than their political organizing, research and advocacy roles. When civil society actors do become involved in self-provision, it often involves organizing buyers' associations to do business with private vendors.

Studies of social movement mobilization suggest alternative frames for mobilizing citizen participation – human rights, nationalism, class or other identity, and ideology among them. A movement mobilized around nationalism or anti-globalization themes, to oppose privatization of a public utility involving transnational firms, can be expected to be less able to mobilize to pressure the public utility for better service. NGOs (international and local) that provide water-related services (dig wells, support cooperatives, market purification devices) may have valuable expertise and legitimacy to offer to advocacy campaigns. If NGOs are involved in either service provision or policy advocacy on water, but not both, it suggests that the population of NGOs is divided into two distinct sets of organizations, and we need to disaggregate the NGO sector to understand NGO-social movement relations.

Trade unions and human rights organizations bring distinctive capacities. Unions can often mobilize a large membership, and human rights organizations may be more experienced than others at documentation and litigation. Water users' associations often represent the largest bloc

of affected residents and consumers, and may know the costs and characteristics of the various water supply options in a neighborhood better than any other actor.

By examining several episodes in which these diverse actors have played significant roles, this paper aims to clarify the roles they have played; shed new light on social movement/NGO relations; begin to clarify the relationship between human rights-inspired and other forms of advocacy and service provision; and call attention to models that have increased accountability of public utilities while retaining public control over the social pricing and distribution of one of life's most essential elements, water.

### **Privatization and Liberalization**

Demand for the right to water arose largely in response to the trend toward privatizing drinking water systems and liberalizing the international trade in water and water services. At the global level, anticipation of local scarcity and the development of trade rules have attracted a small set of multinational corporations to initiate trade and investment in freshwater supplies, and in the provision of water services (Conca 2005).

At the local level, water debates have focused primarily on privatization schemes. Throughout the world, urban water systems – usually public utilities – have been under economic, demographic and political strain. The economic strains arise from multiple sources, including budget constraints, consumer expectations of low, subsidized “tariffs” (prices), and the increasing cost of maintaining and extending the physical infrastructure of service. The closely related demographic strains result from rapid growth of urban populations in many cities. But even in cities where urban population has stabilized or declined, the growth of metropolitan areas and the increased consumption of water by industry has put strains on utilities' capacity to meet needs, maintain water quality, and improve the treatment of waste water.

Third, political pressures have compounded the strain on water systems. In low- and middle-income countries around much of the world there has been a sustained campaign to encourage governments to sell off or contract out a range of public services, and water utilities are a leading example. This pressure, from aid donor agencies and from international financial institutions such as the World Bank and IMF, contributed to a veritable flood of new public-private sector arrangements to supply urban water systems in the 1990s and 2000s.

Although water provision by private firms is a standing arrangement in a few countries (France and Chile are examples), the present rapid move toward private provision has its origins in the late 1980s. “By the end of 2000, at least 93 countries had partially privatized water or wastewater services, including Argentina, Chile, China, Colombia, the Philippines, South Africa, Australia, the United Kingdom, and Central Europe, but less than ten percent of all water is currently managed by the private sector” (Snitow and Kaufmann 2006). Water utilities can be sold outright but are more often contracted out in some form of franchise or concession.

Water and the prospect of the commodification of water has inspired social movement mobilization and human rights claims in a way that the privatization and state divestiture of other assets – transportation, mining, agricultural, or electric power utilities – usually have not. Daily access to water is essential for human survival. Impure or polluted water is associated with deadly diseases; collecting water often demands significant time and effort, a burden that usually falls on women; and changes in its cost and quality are immediately noticeable. Unlike other goods involved in privatization debates, it appears freely in nature, and its elemental nature underlies the strength of resistance to the threat of corporate control. Two core elements in private water contracts spark particular resistance: rate increases and prepayment.

Private management or ownership of water utilities has generated opposition and controversy, but there are powerful reasons for its popularity in the 1990s and early 2000s, and powerful interests as well. Typically three kinds of reasons are given for the widespread turn to private sector, often strongly encouraged by the World Bank. First, capital is needed to expand and update water service, and government budgets and aid programs are not likely to produce the estimated \$180 billion in investment that would be needed just to accomplish the Millennium Development Goal for water: reduce by half the number of people without access to clean water. Private investment could provide much of that capital, it was argued, fueling rapid progress.

Second, the efficiencies of the market could improve the performance of lackluster public water utilities. Utilities in many cities served rapidly growing poor neighborhoods poorly if at all, and were rarely able to keep up with the maintenance needs of aging pipes and to collect fees efficiently from their customers. The result was physical infrastructures that literally leaked away large percentages of the water they carried, and financial management systems that metaphorically leaked revenues. If the profit motive could provide incentives to deliver more efficiently and to conserve rather than waste water, utilities could become financially sustainable.

Third, water privatization is a part of the broader agenda of neo-liberal economic reform, including privatization of state-held business, reducing the size and scope of government, and export-oriented economic policies. There was throughout the 1990s and early 2000s powerful pressure from the World Bank to restructure public utilities and where possible to contract their management to private (usually transnational) firms.

These privatization schemes treat water as an economic good, and in virtually every jurisdiction this has meant proposals to raise at least some water tariffs or fees. While experts have discussed the appropriate formulae and mechanisms for rate increases and concessions for the lowest income consumers, the reaction among consumers is usually strong, and the record of rate increases is well-established (Conca, 2005).

Prepayment is a priority for companies taking up new contracts with low-income or otherwise high-risk consumers. The arguments for private sector provision – that it increases efficiency and creates incentives to improve infrastructure and conserve water – depend upon profitability,

and companies have negotiated arrangements to ensure payment from a high percentage of consumers at low transaction costs. The favored approach has been meters that operate on pre-paid cards or keys, and these meters have ignited opposition and provided advocates with a strong human rights argument.

The fact that water services contracts are dominated by a handful of large multinational corporations heightens the suspicion that a private sector provider will raise rates and be unresponsive to local consumer pressure. Finally, corporations in the water services field have benefited from substantial World Bank Group support, including the Bank's policy support for privatization, financing for specific arrangements, insurance against investment risk and even adjudication of disputes through the International Center for Settlement of Investment Disputes (ICSID). The Bank's facilitating role has galvanized opposition among corporate watchdog organizations and World Bank critics, and among domestic social movements that view World Bank influence with suspicion (Grusky and Fill-Flynn, 2005).

But private provision has been problematic, both because of fierce opposition by consumer organizations, labor, environmental and other social movements and NGOs; and because the firms themselves have found it difficult to maintain and repair existing distribution systems and create fee structures that make the business profitable enough to finance expansion of services.

The fact that privatization schemes triggered the rise of demands for a right to water does not mean that all was well under state-managed water utilities. There is often good reason to try to reform municipal and national government-owned or managed utilities that, on the whole, are inefficient, deliver water of uncertain quality, and serve wealthy and middle class consumers much more adequately than citizens in low-income neighborhoods. Slums, shanty towns and temporary urban and peri-urban settlements are rarely served well, and often served hardly at all by government-managed utilities, and poor residents often pay a premium for the least convenient form of service, water delivered by truck or tank (McDonald and Ruiters, 2005; UNDP 2006).

For this reason it is critically important that civil society actors be able to do more than block privatization contracts, also finding effective ways to put pressure on public utilities for improved service.

### **NGOs, Social Movements and Water**

The divide between social movements and NGOs in international development has been widely asserted, and there is evidence that their different relation to politics, to international aid donors, and to populations they intend to help all do orient NGOs and social movement toward differing and often conflicting strategies. Bendaña (2006) characterizes the divide as not only a difference of preferred strategies, but a more fundamental split between NGOs' and social movements' positioning of themselves with respect to radical movements, government agencies and the direction of social change and social policy.

A substantial body of scholarship (and opinion) takes similar positions, arguing that non-governmental organizations are constructions of the aid donor agencies, while social movements are authentic expressions of social aspirations and grievances (Bendaña 2006; Sogge and Dütting, 2010). Not only are the two seen as having different social bases, but their forms of action – social mobilization versus program and project design – are treated as incompatible (Petras 2003; Hann 1996; Jad 2007). In its strongest form, this critique of NGOs sees them as fundamentally identified with the donors, a part of an aid industry whose institutions are identified with donor-country interests, and whose individuals are part of a professional class and are, despite the best of intentions, remote from the communities they profess to help (Jackson, 2005; Guilhot, 2005; Earle, 2007).

I test these theories in the case of urban water sector policy, where social movement organizations, trade unions, consumers and development NGOs are all engaged in programmatic and political work. By observing the engagement of civil society actors over several years, during periods of controversy in which social movement mobilization tactics were in play, I will add evidence to our view of social movements and NGOs. The paper also deepens our understanding of activism in a vital sector, where private sector and public-private partnerships are being tested, refined and critiqued.

But while the debate over water utilities is often portrayed as a public/private dichotomy, nonprofit agencies, NGOs and other citizen organizations have been significant players. The next section outlines three broad categories of citizen and non-profit action, each of which aims to advance access to safe, affordable water. These categories will provide the basis, in the sections that follow it, for an analysis of the diverse strategies and actors involved in several cases.

### **Three modes of action in urban water provision**

The three modes of action discussed here represent three approaches to the relationships between the state, firms and consumers, summarized in Table 1:

***Social movement mobilization*** (with human rights NGOs): this approach takes seriously the human rights principle that states have a legal and moral duty to provide economic and social goods to citizens. In this model, the civil society actors exert political pressure in an effort to block the privatization of this service, and retain some form of public control of utilities. They argue, sometimes explicitly, that the state's obligations to respect and to protect the right to water would both be violated by handing control over to a private operator.

The social movements that have grown up to resist the sale and private management of public water utilities have mobilized a coalition of actors to protest, block or modify sales or service contracts with private water providers. The coalitions have often included consumer organizations and other movements of low-income people, public sector employees and their unions, anti-globalization movements who target the involvement of transnational firms, and

human rights and housing rights organizations. The coalitions' composition and shape vary somewhat from case to case, but coalitions have mobilized around a set of issues that are more or less consistent across the cases: resisting price increases, maintaining local control, protecting public sector jobs, and, to a more limited extent, maintaining quality of service.

To motivate and mobilize participants, creating the shared oppositional consciousness needed to give a mass movement strength, social movements have invoked a range of themes. Because the international financial institutions (primarily the World Bank) and transnational corporations have played a role in many privatization efforts, opposition to the World Bank and TNC influence is a significant theme. Consumer rights and labor rights, and the right to participate in decisions affecting access to water, has been a prominent theme, as has the human right to water and the assertion that water is a free good, not a commodity. Together, these themes have provided social movement opponents with a power set of mobilizing claims, and these themes surface in many of the episodes of movement mobilization in opposition to privatizing utilities.

**Table 1. Three modes of action on urban water supply, characteristics**

	<b>Typical activities</b>	<b>Nature of mobilization</b>	<b>Interaction with government</b>
<b>Social movement resistance</b>	Generate mass public pressure to shape services, change control or ownership of services	Large numbers of consumers, union members, neighborhood residents, to boycott, demonstrate or otherwise resist new ownership or fees	Confrontational, oppositional.
<b>Community water assistance</b>	Introduce technologies, finance or make access to water, compensate for poor service	Persuade individuals or households to adopt new technologies, contribute labor or cash, cooperate in water conservation.	Varied; often only the required licensing.
<b>Engagement with utility to improve services</b>	Interact with utility authorities to improve quality, cost, and/or coverage	Forming coalitions or federations of existing cooperatives, water users' organizations, community and neighborhood organizations	Engagement is often with public utility or agency that regulates water and sanitation; extensive, multi-year interaction including research and reporting, community oversight bodies

**Aid-provider approaches.** The set of approaches associated with community development organizations have in common the enlistment of local labor, appropriate technologies, and charitable financing to improve households' and communities' access to clean water.

Many NGOs in most regions begin their work with this approach, as Ong'wen (1996) finds in his survey of African NGOs in water management: "Many NGOs began their activities in the water sector through direct action in water-supply projects. Most African NGOs are externally funded, and most donors are more concerned about water-supply issues. Therefore, few resources are available for research." External funding, limited research capacity and resources, and path dependence are all reasons to expect that NGOs beginning as aid providers would largely stay focused on community-level projects.

Dozens of international development and humanitarian NGOs fund programs intended to help communities expand their access to clean drinking water. Added to the international aid agencies are hundreds of locally-based and national NGOs pursuing the same mission. Their methods are multiple: drilling wells, harvesting rainwater, introducing water purification and filtering methods, and protecting and conserving the supply from open sources of water among them. The focus here is not on the technical merits of these approaches, but on the choice that NGOs make to finance this assistance, and how these assistance strategies interact with social movement and human rights strategies.

The diverse technical strategies share a common political macro-strategy: because centralized water utility provision is inadequate in quantity or quality, they implement household or neighborhood-based measures to improve the reliability of access, not by persuading the utility to improve service but by taking steps to improve access in place or in addition to the utility's service. These strategies sometimes involve considerable mobilization of neighborhood groups, and overcoming mistrust, skepticism and free rider problems in order to win participation in cooperative schemes, mobilize community labor, institutionalize systems to maintain pumps, pipes, cisterns and other infrastructure. But the mobilization is of a different kind from the social movement strategies, and has limited if any political objectives.

**Engagement with water utility management.** Engaging in a sustained effort to improve the operation of an existing utility, public or private, is the least common of the three approaches, involving engagement with local government and/or utility management, to improve access to water through the utility. Efforts by water users, community organizations, and/or watchdog organizations to improve coverage and reliability of service, reduce cost, increase quality and purity of water, and regulate free-lance water sales by tanker trucks and other delivery systems are all priorities for existing advocacy and collaborative efforts.

This third strategy and the organizations that pursue it share attributes with the social movement and community service strategies. Like the social movement approach, it seeks to influence and improve a utility. Like the community service approach, it focuses on the quality of service

more than on the identity of ownership or management, and often supports measures that require cooperation by consumers, neighborhood groups, and government. The instances reviewed here (in Grenoble, France; Cochabamba, Bolivia; Argentina; Ukraine, and the Philippines) occur in situations where a recent experience of privatization helped to bring together and mobilize the social forces that participate in the sustained effort needed to improve a public utility.

These strategies require distinct but overlapping sets of capacities and resources. All three involve mobilizing support from community members; both social movement mobilization and sustained engagement with the utility may involve the ability to negotiate and carry on a dialogue about complex operational, technical and pricing issues. Table 1 summarizes the stylized characteristics of the three modes of action.

### **Context and Players in five cases**

The entry of private sector contractors into the politics of urban water systems is a complex story with many variations in each country and municipality. Here we introduce the experience in five countries, Bolivia, South Africa, Ghana and the Philippines, to establish the timeline and a very broad sketch of the political dynamics. The outline of the privatization and post-privatization experience is sketched here and summarized in Table X.

Privatization in South Africa, particularly in Durban, Johannesburg, Capetown, occurred almost immediately after the 1994 elections that removed apartheid government and elected a government led by the African National Congress (ANC) and headed by Nelson Mandela. Although the new contracts replaced highly unequal water service arrangements maintained under apartheid, privatization was controversial and an outspoken movement quickly arose to coordinate opposition, led by the Anti-Privatisation Forum formed in 2000, and the Coalition against Water Privatisation (CAWP), formed late in 2003 (McKinley, 185). Results across the country were diverse, with some contracts reversed, and the movement continuing to call for cancellation of all service contracts and the outlawing of the pre-paid service meters widely used in the country. The movement's documents further call for cross-subsidization of low-income consumer/citizens' water by implementation of higher rates on corporate customers and "wealthy individuals" (McKinley, 187).

In Bolivia, privatization was part of a thorough neo-liberal economic reform effort driven by World Bank loans and policy advice, and embraced by Bolivia's government in the late 1990s. In the highly polarized political context of a society where the indigenous minority had long been politically excluded and economically impoverished, private service contracts with international firms (including an affiliate of US-based Bechtel) were seen as threatening the autonomy of small cooperative water systems, imposing World Bank/IMF dogma, and raising water rates in order to enrich foreign firms. The result was a sustained movement to block or force the cancellation of water contracts, marked by violent responses from government forces and, in the case of Cochabamba, a concerted campaign to shut down roads in and out of the city.

Civil society participants in the Coordinadora del Agua y de la Vida (Coalition for water and for life) were diverse: trade unions, water committees (neighborhood cooperative water management structures), and other civil society groups. When the contract was cancelled in April 2000, the Coordinadora gained a role in the transitional management of the utility.

In Ghana, the organizations that acted in coalition in Bolivia and South Africa have been more divided over how to respond to ongoing pressure for privatization. The Ghanaian case involves mobilization against proposed private sector contracts, with World Bank finance and facilitation, to take over municipal systems. It is typical of more than ten other African cases, and of others around the world (Hall and Lobina 2002; MacDonald and Ruiters 2005). The Coalition against Privatisation of Water in Ghana (“the National Coalition”) objected to the government’s “fast track” implementation of privatization, the lack of transparency in preparing contracts and transactions, and the perceived favoring of multinational corporations in the sale of public water utilities (Ghana Coalition Against Privatisation of Water 2001). The Ghanaian campaign recruited international support by allying with international NGOs involved in campaigning against World Bank privatization policy, and linking to international opponents of privatization and commercialization of water, through speaking tours and by sponsoring an international fact-finding tour to Ghana (Amango-Etega and Grusky, 2005).

But both trade unions and NGOs in Ghana split over responding to privatization. The Public Utilities’ Workers Union (PUWU), which gave priority to protecting jobs in public water utilities, differed from the broader National Trade Union Congress, which headed the Coalition against privatization (Water Aid, 2009, 15). More critically, the Ghanaian NGO community was divided, and some Ghanaian development NGOs formed a second coalition on water policy, the Ghana Coalition of NGOs in Water and Sanitation (CONIWAS), whose 45 members aim to “mobiliz[e]...sector actors for actions that are non-confrontational but capable of resolving sector concerns, (CONIWAS 2011),

In the Philippines, privatization of Manila’s water services in 1997 has failed to meet the private firms’ targets, and both of the two concessions in the huge, 11 million person metropolitan area have raised rates while falling short of goals to expand coverage, recover water being lost, and upgrade existing pipe infrastructure. But there was not strong concerted opposition to privatization, according to Montemayor (2005), largely because Manila’s NGOs and activists knew how corrupt and inefficient the public utility had become (Montemayor, 215).

*Bantay Tubig*, the Manila-based coalition for vigilance on water privatization, has used research, negotiation, public confrontation and provided support to local neighborhood associations that organize to provide their own water service. But while *Bantay Tubig* plays a leading role, the highly active civil society sector in Manila means that with many organizations active on water privatization, there is no coordinated agenda or strategy. *Bantay Tubig* provides a level of research and analysis that stands out among the movement reviewed here, and confronts the problems of public sector and private sector water provision with candor: To “the communities

we work with,” they argue, “the public-private debate is distant and irrelevant.. those who remain waterless welcome any entity that will provide water...” (Montemayor, 215).

Privatization of municipal water supplies occurred rapidly in Argentina during the 1990s under President Carlos Menem. Contracts for Argentine municipal water services were attractive to transnational firms, because of the country’s relative prosperity. Some of these contracts, signed in many municipalities, were modified or abandoned after the country’s 2001 economic crisis, but privatization remains a heated issue in Argentina, particularly for the country’s powerful labor unions. Along with unions, who played a leading role in the debates over privatization, several environmental and human rights organizations were active in debates over the Buenos Aires utility, mounting domestic legal challenges and winning international support from both environmental and human rights activists (Picolotti, 2005).

### **Analysis: forms of action in five case studies**

The sections that follow are based on an examination of the written record of five episodes of conflict and resolution over the privatization of urban water utilities: Accra, Ghana; South Africa; Cochabamba, Bolivia; Manila, Philippines. Supplementary evidence is introduced from existing profiles of episodes in Grenoble, France; Argentina; Odessa, Ukraine; and Jakarta, Indonesia.

This examination of civil society participation in all three kinds of mobilization and action offers provisional answers to four questions:

1. Do successful anti-privatization movements go on to mobilize sustained pressure for better performance?
2. Are anti-privatization movements also engaged in protecting and assisting independent, cooperative and/or community-based water supply initiatives?
3. Is union activism focused on consumer issues or public employment only?
4. Do NGO-sponsored community assistance programs also carry out either social movement mobilization or pressure for better utility performance?

Table 2 provides a summary of key actors and events in the five episodes.

**Table 2. Five episodes of civil society action on water privatization**

City, Country	Time of privatization	Nature of private sector contract	Coalition and roles	Central civil society actors
<b>Ghana</b>	Ghana Water Company Ltd (formerly Ghana Water and Sewerage Corp.) controls 100 large urban systems;	Not completed, due to opposition and failure to meet World Bank requirements. Aqua Vitens Rand Ltd. (Dutch /S.Af) was contracted in 2006 to strengthen GWCL operations.	Nat'l. Coalition against Privatisation of Water (2001); separate Coalition of NGOs in Water and Sanitation (CONIWAS)	NGOs play significant role. Unions are split between public employees and remainder of union movement. Consumer and student organizations.
<b>South Africa: Durban, Johannesburg and Capetown</b>	Beginning 1994. Partial free-water block pricing policy adopted nationally 2002.	Johannesburg water company (Suez subsidiary);	Anti-privatisation Forum 2000; Coalition Against Water Privatisation 2003	Municipal Workers Union; urban social movements on water; Operation Vulamanzi (water for all) diverts water from meter systems
<b>Manila, Philippines</b>	1997-2004	Maynilad Water Services (west) and Manila Water Company, east zone.	Several: Freedom from Debt Coalition against structural adjustment; <i>Bantay Tubig</i> water-specific.	Anti-privatization advocacy groups; water cooperatives on outskirts of Manila;
<b>Cochabamba, Bolivia</b>	1999-2000; replaced by SEMAPA, public utility with community participation	Agua del Tunari, subsidiary of Bechtel	Coordinadora del Agua y de la Vida; referendum, confrontations, violent repression	Unions, irrigation groups, neighborhood water committees, indigenous peoples organizations, few local NGOs.
<b>Argentina</b>	1990s, most of country except B.A. province; Buenos Aires 1999-2002. Workers, unions organize new company ABSA.	Azurix Buenos Aires, subsidiary of Enron, contracted to manage BA concession including 70 cities, 47 wastewater treatment plants; 10 million people.	Several human rights NGOs and a Consumers Union; Unions are dominant participants.	Unions, esp. Water and Sanitation Works Trade Union; some NGOs;

### **From social movement resistance to sustained improvement?**

How do activists and consumers organize to press for improvements in public utility service? This continuation of mobilization and pressure, from opposing privatization to improving utility service, does not consistently develop as a continuation of a social movement organization, with a consistent organizational identity and structure. Action in the resistance stage is carried out through a coalition. In Ghana, discussed below, two coalitions with distinct agendas became active. These coalitions formed to oppose privatization in Ghana, Bolivia, Argentina, South Africa, and the Philippines continue to focus on corporate investment, ownership, and related issues. In Argentina, for example, a complaint against the national and Buenos Aires provincial governments by water providers in the short-lived private contract drew the attention of several human rights and consumer NGOs, who filed briefs (human rights organizations in Argentina, the Centro de Estudios Legales y Sociales (CELS), la Asociación Civil por la Igualdad y la Justicia (ACIJ), Consumidores Libres Cooperativa Ltda. de Provisión de Servicios de Acción Comunitaria, Unión de Usuarios y Consumidores).

But while social movement coalitions do not consistently turn their attention to reforming public utilities, individual organizations participating in the anti-privatization movements have become active in sustained efforts to press public utilities to expand and improve service at low cost to low-income consumers.

In Cochabamba, the social movement participants have had a very significant engagement in governing the once again-public utility, with some evidence of impact. The anti-privatization coalition gained an influential role in the management of the post-contract water utility, called SEMAPA. Between 2001 and 2005, according to a report by a representative on the SEMAPA governing board, the coalition's pressure has helped to investigate and reduce nepotism in SEMAPA employment, expand citizen/consumer participation in its governance, and create "public-collective partnerships" between the utility and autonomous neighborhood water committees. Management has also succeeded in reducing the loss of water due to leakage or diversion, by between 18 and 20 percent, from an astronomical 60 percent of the total water flow (Gomez Sanchez, 2005). The largest challenge, gaining access to foreign capital for major capital costs, after the city's "water war", has been more difficult, and the coalition's prominent role in SEMAPA governance likely has not helped the utility with international lenders. The results – based on limited evidence – have been positive, producing local examples of water systems with enough capital investment and political commitment to extend water service in some peri-urban slum settlements and modestly expand coverage of sanitation services.

Philippine NGO participants in *Bantay Tubig* have been active in negotiating with one of the two private sector concession holders, MWCI, to deliver water to underserved slum neighborhoods. By playing an intermediary role, *Bantay Tubig* has helped the People's Organizations, as they are called, persuade the firm to waive requirements for evidence of land ownership, allowing more affordable and reliable service to squatter settlements on public lands (Water Aid, 2005). The

Peoples' Organizations "... not only mobilise urban poor communities but also provide water services and even 'regulate' the urban poor on behalf of MWCI" (p. 5).

The British NGO Water Aid assesses the impact of this engagement favorably:

Direct engagement between local civil society and water utilities has changed power relations between local politicians and their constituents. Before privatisation, local communities with water problems lobbied their local politicians, who used their development budgets for local water infrastructure projects like deepwell construction. Now CSOs work alongside minority politicians to put pressure on the government to reform the urban water system (Chng 2007, 8).

(A broader process of discussion, called the Philippine Water Dialogue, is one of several national Dialogues sponsored in Uganda, Philippines, South Africa, Indonesia and Brazil.)

In Grenoble, France, where privatization in the late 1990s gave way to "re-municipalisation" in 2000, Green Party members and participants in water users' associations started an association "Eau-secours" (SOS Water) to monitor and press for improvements in the utility (Avrillier, 2005). The result is a users' committee for the water utility and one for sanitation services that are actively involved in overseeing decisions and helping to organize citizen-consumers to play a part in making the public utilities financially sustainable.

In Ukraine, urban residents confront a different pattern of change, from highly subsidized, virtually free water under Soviet-era government. Despite encouragement from the World Bank and the European Bank for Reconstruction and Development (EBRD), there has been only a brief period of private management in the capital, Odessa, from 2000 to 2002. A movement of mothers, MAMA-86, formed after the Chernobyl disaster, now focuses on water issues and combines advocacy with public water utilities with community organizing. Their community work is diverse, including water testing, educating consumers, pressing for greater disclosure of information from the utilities, and creating local alternative water supply mechanisms (Slesarenok, 2005).

### **NGO participation in social movement activities**

How fully do development NGOs participate in social movement work on water privatization? The records of coalitions and anti-privatization campaigns give some evidence that NGOs have not limited themselves solely to community assistance strategies, but have participated in mobilizing to put political pressure on governments or contracting firms. In each of the five countries studied, NGOs participated in the mobilization efforts. Because the most accessible accounts of movements are often written by social movement activists, it is difficult to discern the extent of NGO involvement. But at least in two countries, Ghana and the Philippines, NGOs figure prominently.

Philippine NGOs are more politicized and “cause-oriented” than many NGO sectors, SOURCE and a large number of national and community based human rights and development NGOs are participants in one of the two water coalitions, and/or signatories to NGO reports on economic, social and cultural rights that include major sections on the human right to water (Philippine Human Rights Information Center 2009).

In Ghana, there appears to be a clear division between NGOs working on human rights or adopting “rights-based” approaches to social policy, and those involved in community development service delivery. The NGO Coalition ISODEC (Integrated Social Development Centre) launched the Coalition against Water Privatisation, and ISODEC and a handful of human rights NGOs remain active in the coalition. Many NGOs that work principally in community development, on the other hand, formed the Ghana Coalition of NGOs in Water and Sanitation (CONIWAS). CONIWAS is not focused strongly on privatization issues, but has launched an advocacy campaign against plastic bottled water and for a levy on water consumption to finance extension of water infrastructure (Takyi-Boadu 2010).

Advocacy on the human right to water in Argentina has been led by CEDHA, which initiated its Right to Water program in 2002, the same year that the UN Human Rights Committee recognized the human right to water. Using legal, educational and policy advocacy strategies CEDHA continued to press, suing (for example) the municipality of Córdoba over inadequacies in its water filtration systems in 2004. The range of its human rights strategies is illustrated by the event CEDHA sponsored at the 2012 Rio+20 events, focused on the implementation challenges (finance, fee structures, others) that governments and civil society face in realizing the human right to water (CEDHA, 2012).

NGO contributions to national water advocacy may sometimes come from NGOs working at the global or regional level, and this is true of the contribution of human rights language and tools as well. The Centre on Housing Rights and Evictions (COHRE) and the Global Initiative on Economic and Social Rights, for example, have worked to stay engaged in post-privatization water debates, by developing and promoting a guide to creating water policy consistent with human rights standards (COHRE *et al.*, 2007).

### **Trade unions: protecting public employment or advancing a broader equity agenda?**

Unions of public employees are sometimes seen as participating in anti-privatization coalitions with a narrowly-defined interest in protecting the jobs and job security afforded by large public utilities. The record of coalitions against privatization suggests that this narrow interest sometimes dominates, but that union engagement is often more complex.

In Argentina, where the government has long negotiated social policy agreements with politically powerful unions and labor-based parties, unions lead the anti-privatization effort, and promote a broad agenda focused on protecting access to water as well as public utility jobs. Moreover, workers’ cooperatives are actively involved in establishing and managing the publicly

held firms (sometimes referred to as “public-popular partnerships”) that now manage water utilities in Buenos Aires and several other municipalities (Amorebieta, 2005).

Ghana’s labor movement has been divided, as noted above. While the national labor coalition is squarely in line with the Coalition Against the Privatisation of Water, its affiliate member that represents public sector workers has adopted the narrower focus on its members’ public utility jobs.

South Africa’s powerful Congress of South African Trade Unions (COSATU) frames its activity on management of municipal water systems in the larger context of what it refers to as the country’s “water crisis” (COSATU 2011). COSATU engages with management and with the South African government on a wide range of water issues, including pollution, water scarcity, acid mine drainage, and affordability. It argues that business should adopt new policies to reduce water use and improve water quality, including rainwater harvesting, water reuse, demand side management, pollution controls, and others, and COSATU threatens that if its position is not constructively addressed by management, public actions in protests and “stayaways” by labor unions will follow (COSATU, 2011).

There is, then, significant variation in how social movements, trade unions, and other civil society organizations interact. Trade unions advance a broad social agenda in several cases, and not only in the one (Argentina) where unions have long played leading roles in the politics and social policy. Social movement organizations adapt themselves to post-privatization circumstances in several cases by refocusing some of their attention from resistance to sustained pressure on the public utility. NGOs in several cases are divided, with some joining in highly politicized anti-privatization movements, and in efforts to press public utilities for better service, while many remain focused primarily on delivering community development services.

## **Conclusions**

NGOs, social movements, trade unions and consumer associations are shaping the supply of clean water in urban centers in important ways. In addition to their well-documented role in disputing and blocking private sector management of water utilities, they have formed coalitions that manifest greater flexibility and ability to collaborate across sector lines than the critical literature on NGOs and social movements might suggest.

The cases reviewed here show that there is some limited cooperation among activists, after the privatization battles. The direct evidence of human rights advocacy – for example the proposal of constitutional amendments recognizing the right to water in several Latin American countries – have come in the context of anti-privatization battles, and there is less evidence of continuing use of human rights-specific language and tools after privatization is defeated or stalled. But as Dugard and Drage (2012) perhaps optimistically argue, the strengthening of the global recognition of a human right to water has provided indirect, contextual support for movements by consumers and unions, whether they invoke rights language or not.

Most notably, they have in some significant cases applied their organizational and social mobilization experience to pressuring public utilities to improve services and management. This capacity to bring social and political pressure to bear on the complex operational issues involved in delivering water to urban populations suggests that civil society actors may have a great deal to contribute to the continuing effort to fulfill the universal human right to have access to pure and life-sustaining water.

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