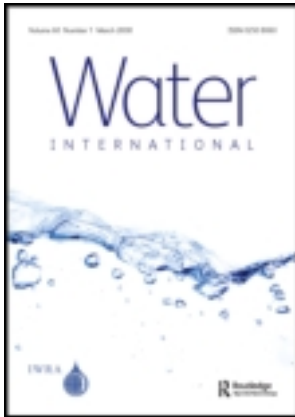


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Santa Cruz Declaration on the Global Water Crisis

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VIEWPOINTS

Santa Cruz Declaration on the Global Water Crisis

At least one billion people around the world struggle with insufficient access to water. However, the global water crisis is not, as some suggest, primarily driven by water scarcity. Although limited water supply and inadequate institutions are indeed part of the problem, we assert that the global water crisis is fundamentally one of injustice and inequality. This declaration expresses our understanding of water injustice and how it can be addressed.

Crisis manifested

The global water crisis has multiple causes, dimensions and manifestations. One can observe the crisis in rural and urban areas across the global South. We have, for example, observed the following in our fieldwork:

- Peasants impelled to draw water from a spring, when large nearby pipes carry water to a mine in Peru
- People in Lesotho lacking access to clean drinking water as the government exports water to South Africa
- Community water managers excluded from the Nicaraguan water law
- Young girls in rural Nepal carrying water barrels up long mountain trails at night because climate change and hydroelectric projects have made village taps intermittent
- People bathing in a toxic river in Cambodia
- Residents of Dar es Salaam lacking access to water because the pipes fail to reach the informal settlements where most residents live
- Multinational agribusiness companies growing asparagus for export to the industrialized world, in the desert of Peru, with water taken from indigenous communities in the Andes

Environmental injustices are not limited to the global South. They are also manifested in the global North where marginalized communities live in similar conditions. For instance, in California's Central Valley, running from Sacramento to Bakersfield, residents in low-income communities pay high prices for contaminated water for domestic and garden uses, and then have to buy bottled water to drink. Clean water from the Sacramento Delta travels in canals, bypassing these communities, for the benefit particularly of large-scale agriculture in Southern California.

These are a few of the ironies and inequities that make up the global water crisis. They are inequities of access, illustrations of exclusion and misuse, not the consequences of water shortage. They arise from the tendency of water to flow to the powerful and privileged, and often result from larger processes, including those highlighted below.

Urbanization and inequality. In many of the burgeoning cities of the global South, inequities of water provision have been inherited from the spatial segregation between

rulers and ruled established by colonial-era city planning. Injustices are frequently embodied as physical infrastructure, because allocational decisions become fixed in infrastructural investments and designs, producing exclusion and poverty for some, and provision and accumulation for others. The fully provisioned cities built for colonial rulers still house those with the most wealth and power. Informal settlements, the product of historically unprecedented migration from rural areas to cities since independence, surround the provisioned core. Lack of access to water and sanitation generates unproductive work and degrading conditions that limit the enterprise and creativity of much of the population in these informal settlements, particularly women and children. People living in informal settlements may be marked as undeserving and trapped in interacting spirals of poverty and marginality. Equitable access could bolster people's capacities, liberate their creative energies, enhance social status and validate citizenship.

Irrigation and injustice. The coexistence of formal laws and pre-existing laws and practices for irrigation water in many parts of the world signals the centrality of water for survival, economic accumulation and political influence. Legal plurality also signals that water access is often highly contested, with varying ideas about how to best or most fairly distribute it. Indigenous practices are often ignored or suppressed by governments which, in the name of production and efficiency and camouflaged by technocratic language, undermine the rights and lifeways of vulnerable and marginalized communities. Large irrigation schemes in many parts of the world become mechanisms for accumulation by large landholders, while small farmers are dispossessed with only residual access to water that ignores domestic needs. An equitable allocation of water should raise living standards, revive rural communities, and recognize productive uses of water for livelihoods and the environment, even when these benefits do not have clear monetary valuation.

Mining. Mining requires substantial quantities of water. Mining companies can bring development (and justice) as they develop the infrastructure required for mineral extraction. At the same time, the companies degrade water sources, territories and cultures. While there are cases where mining companies have engaged communities at the negotiating table, the overwhelming power of the companies may prejudice the outcome of negotiations. Large-scale mining activities often destroy both the physical-hydrological as well as the institutional 'waterscape', altering the courses of rivers and polluting water and soils, as well as transforming existing systems of water rights and responsibilities. Mining companies often become the de facto managers of water, but without systems to hold them accountable for their actions. Water justice requires the voices of the powerless to be heard above corporate and state actors.

Land and water grabbing. Access to water is a critical component of land deals in Sub-Saharan Africa and elsewhere. Investors prefer to acquire land with reliable access to water and the potential for irrigation. Only a minority of investment is for rainfed agriculture. While long-term land leases in Sub-Saharan Africa often guarantee the investors the right to access water, water rights are frequently transferred without concern for downstream users or the environment. Small-scale cultivators who have managed to retain their land find that they no longer have access to the water necessary to put it to productive use. In this context, water justice and water equity are contingent upon transparent leasing procedures and protecting the interests of all stakeholders.

Tensions over international rivers. Borders established by colonial rule, infrastructures of storage, distribution and flood mitigation, and the uneven distribution of benefits from water use routinely lead to injustice on many of the world's international rivers. We suggest that the growth of multi-track diplomacy, involving not just governments but citizen organizations and business enterprises, may increase pressures for justice in the allocation of the benefits of international rivers, while possibly also reducing the risk of violent conflict.

The nature and culture of water

Contemporary water allocations have come about through long, winding, co-evolutionary processes consisting of interactions between different actors, technologies and institutions. Decision making around water occurs in relation to other overlapping land and wildlife management practices (for example, agriculture/aquaculture, gathering of aquatic resources, irrigation and mining) that can be occurring at the same time and place but carried out by different stakeholders, under different governance regimes, and assigned to different institutions (for example, mining activities may be regulated by one ministry and wildlife by another). An assessment of what is equitable or fair often depends on the observer's (political and situational) perspective and identification.

Water is not only a natural resource but is also an element imbued with spiritual, social, cultural and symbolic meaning. Indeed, water and society are mutually constituted. Efforts to promote equity in water governance thus cannot be achieved if these complex contexts, facets and interconnections are diluted or overlooked.

Justice and equity

Equality in some dimension is sought by almost all political philosophies. Philosophies of the Right seek equal freedoms and liberties, sometimes emphasizing freedom from government and taxation. Philosophies of the Left seek equal opportunities and outcomes, particularly with respect to material capabilities, income, assets and education. Water justice can address both sets of concerns, those of freedoms and those of capabilities.

Water justice encompasses questions of distribution and cultural recognition, as well as political participation. Justice may extend from demands for equal access, to demands for recognition of difference and autonomy in how water is used, to demands for full participatory democratic rights and citizenship. These demands are connected in complex and sometimes contradictory ways, linking resource access to questions of identity, belonging and territory.

The growth of environmental concern, and the recognition of large-scale ecological imperatives, have raised awareness that access to natural resources, and social interaction with them, can be a nexus of inequality. In the industrialized world, the banner of 'environmental justice' has proved valuable in struggles against the siting of toxic waste close to low-income and minority communities. The idea of water justice and equity is beginning to be raised in the non-industrialized world. It provides a space, and suggests a set of metrics, for leverage and struggle centred on a relationship to nature constituting human society. Nonetheless, demands for justice cannot be based on some outside, transcendent view of what justice is or should be; they need to be connected to and informed by demands for equity and justice articulated by movements or struggles for water justice.

Water justice can be conceived as equitable or comparable access for particular water uses and deliberated fairness between uses. Within uses, or sectors (domestic, agricultural, industrial, mining), equitable access or allocation can be determined straightforwardly. In cities, for example, households with full provision of domestic water can be distinguished from those excluded, and equitable levels of service established. Equity between uses may be more difficult to establish. The injustice of water allocation and access *between uses*, concretized in laws, agencies and infrastructure, would be subject to the criterion of fairness. Deliberation in the light of development goals, and the questioning of entrenched rights and inequities, are required to achieve a fair or just distribution between mining and communities, between cities and farming, and between domestic and irrigation water.

In many cases, promoting justice also requires broadening political participation, extending citizenship, guaranteeing democratic rights and recognizing cultural differences. Injustices do not just become manifest in how water is distributed. Rather, they inhere within the structures through which rights to water are defined, and by whom, as well as in who has the ability to make and benefit from water investments.

Implications for action and research

Existing water discussions and much research assume that water questions can be resolved either with straightforward, globally applicable technological interventions or with generic changes in government and policy. If, as we suggest, water questions are about inequities arising from diverse intertwined processes involving a range of actors, ecologies and technologies and influenced by questions of territory, identity and belonging, then solutions may not be simple, global, and primarily technical or governmental. Inequalities are embedded in particular histories, reflecting the character of that place, and its boundaries and conflicts. Actions and research for more justice therefore need to be explicitly connected to and grounded in people's experiences of injustice and their strategies and struggles to contest and remedy it. Diverse and plural conceptions of equity and justice emphasize the need for critical pluralism and critical engagement, rather than unthinking application of global ideas.

If inequalities arise from diverse co-evolutionary processes, neither innovative technologies in filtration, pumping, distribution and storage, nor generalized governance remedies like privatization, will be sufficient to resolve established injustices. They may, in fact, skew access even further and create new injustices. Equity requires the development of new and improved insights into how actual distributions of water – and of water-related powers, rights and authorities – come about. Creative institutions and practices may best be generated through engagement with the excluded, impoverished and dispossessed. Water justice requires that all stakeholders can find ways to act collectively in their own best interests. New forms of engagement are required with those who directly experience, and struggle against, injustices.

Remedies for injustice

We, the undersigned scholars, community members, activists, officials and citizens, declare that the principal form of the water crisis is not a shortage of water, nor failures of government, but the many injustices in access to, the allocation of, and the quality of water. The global water crisis is not likely to be resolved by the provision of more water. Redressing injustice is a more promising approach. That requires a critical rethinking and

transformation in how water, water rights and authority are distributed. We recognize and build upon work that has gone before, including notably the work of the Justicia Hídrica/Water Justice Alliance, and the work to implement the human right to water and to include water in corporate social responsibility certification initiatives.

An understanding of the multidimensional causes of injustice, including historical decisions about infrastructure, unnoticed aspects of technologies, the diversity of ecological constraints, and the use of water to accumulate wealth and power, may each suggest possible openings for the redemption of inequities.

We suggest that this work can be furthered through some of the following portfolio of measures to mitigate inequities and to seek a wider water justice.

Policy dialogue could be instigated with diverse stakeholders to examine persistent water inequities. There could be harmonizing mechanisms to redress imbalances of power. This mode of action has been pioneered on a range of questions by community-based organizations in several countries. The object of such dialogues on water justice would be to open up long-ignored injustices for collective action by government, judicial process and social protest. Active and conscious efforts to include those who most directly experience injustices are important here.

Local actions, multi-scalar mobilizations and democratic assessment. Mobilizations by marginalized household members, water user families, environmental justice organizations, and grass-roots communities and federations often raise significant questions of water equity. *Resistance* to large hydroelectric and irrigation structures, for example, has sometimes led to multi-stakeholder and democratic discussion. On a global scale, the World Commission on Dams is perhaps the most substantive example of such discussion. Comparable initiatives are required to evaluate the influence of new combinations of physical infrastructure and the social and environmental choices they embody.

Academic and reportorial investigations. Both scholarly and journalistic investigations, in a wide range of academic disciplines and by those in the media specializing in questions of poverty or the environment, could examine the implications of established as well as new infrastructure and institutional boundaries. Water access could be understood under this framework but expanded to include multi-scalar processes and situations where boundaries are complicated by the politics of space.

Santa Cruz, California, 15 February 2014

Signatories

The undersigned endorse the principles of the declaration as it appears above. It was prepared by a small group of participants (marked * below), building on the work of many others, in the NSF-sponsored workshop on Equitable Water Governance.

*Rutgerd Boelens**, *Jessica Budds*, *Jeffrey Bury*, *Christopher Butler*, *Ben Crow**, *Brian Dill**, *Adam French*, *Leila M. Harris*, *Colin Hoag*, *Seema Kulkarni*, *Ruth Langridge*, *Flora Lu**, *Timothy B. Norris*, *Constanza Ocampo-Raeder**, *Tom Perreault*, *Sarah Romano*, *Susan Spronk*, *Veena Srinivasan*, *Catherine M. Tucker*, *Margreet Zwarteveen**

Comments on the Santa Cruz Declaration

Salman M.A. Salman

Fellow, International Water Resources Association and a former Lead Counsel and Water Law Adviser with the Legal Vice Presidency of the World Bank

The Santa Cruz Declaration: a new, bold perspective on the global water crisis

When the world woke up in the mid-nineties of the last century to the growing challenges facing its water resources, the immediate and almost unanimously agreed-upon ‘felon’ was scarcity. Water, every expert kept repeating, is a scarce and finite resource, with no alternative, and upon which there is a total dependence for survival. We have been constantly reminded that of the 1400 million cubic kilometres of global water resources, only 2.5% is freshwater; and of that amount, 99% is permanent ice or in deep aquifers. Thus, there is not enough water on the planet, particularly with the escalation in population growth (from 1.6 billion to 6.1 billion during the last century alone). Other causes to blame include urbanization, environmental degradation and climate change. Spatial and temporal variations – too much water in the wrong place at the wrong time – are other major causes to which the global water resources problems have been attributed.

With the beginning of this century, attention shifted to management as another main cause of the problems, and examples of poor management practices worldwide were cited. The irrigation sector, which consumes about three-quarters of the world’s water, wastes far more than it actually uses for food production because of the absence of incentives for rational utilization and conservation. Similar is the fixed-rate structure for urban water users, regardless of how much they consume. Participation of users in management and water governance has been widely flagged and discussed as the ultimate solution for the challenges facing water resources. However, that approach did not answer the questions with regard to water allocation to the poor and to vulnerable groups. Subsequently, the concept of the ‘human right to water’ started emerging, and some experts even argued that it is part and parcel of water governance.

Indeed, the emergence of the concept of the human right to water through General Comment No. 15 in 2002, and its further strengthening by the resolutions of the Human Rights Council and the United Nations General Assembly in 2010, highlighted the issue of injustice in allocation. However, this approach has not addressed the root causes of the injustice. The concept tries to address the consequences rather than the causes. And even its attempt to lay the foundations for just allocation is met with various challenges, ranging from lack of legislation on the human right to water in most countries, to poor implementation due to the other competing priorities. After all, the International Covenant on Economic, Social and Cultural Rights only requires states “to take steps ... to the maximum of their available resources with a view of achieving progressively the full realization of the rights” under the covenant.

And here comes the relevance and contribution of the Santa Cruz Declaration, because it attempts to look into the root causes of the global water crisis that the concept of the human right to water parried. The declaration boldly asserts that the global water crisis is fundamentally one of injustice and inequality. It lists a number of examples to prove that the crisis is one of inequity of access, and of exclusion and misuse, as a result of “the tendency of water to flow to the powerful and privileged”. The examples that the declaration lists to prove its assertion of inequality and injustice are quite vivid and varied. They include urbanization, where allocation decisions become fixed in infrastructural investments and

designs, producing exclusion and perpetuating poverty and injustice. This injustice extends to the irrigation sector, where in the name of increasing production and efficiency the water rights of smallholders and indigenous communities are constantly encroached upon and weakened, to the benefit of the large irrigation schemes of the strong and privileged. The same approach is followed in mining, as well as in land grabs (mainly irrigated land), where land lease or sale means water reallocation to the new multinationals or foreign governments at the expense of the local, tribal and indigenous communities.

Building on these concrete examples of injustice and inequality, the declaration rightly pronounces that the water crisis is not likely to be resolved by the provision of more water (whether through diversion, storage or more pumping) but rather through redressing injustice. Indeed, the assertion would apply even when the concept of the human right to water is fully adopted and implemented.

Nevertheless, this bold pronouncement should be the beginning. More research and analysis of the root causes of injustice and inequity in water allocation (favouring the strong and privileged) are still needed. Such research can and should address questions such as: Should water be a commercial product and a commodity for profit (to the detriment of the poor), or is it “a heritage which must be protected, defended and treated as such” (European Union Water Framework Directive)? Has the private sector played any role in enhancing and improving water service delivery (compared with the services of publicly owned utilities), or has it instead widened the gap of injustice and inequity, and strengthened the ‘haves’? What lessons should we draw from the Cochabamba experience and outcome?

These and other questions will no doubt need to be addressed as the bold and innovative contents of the Santa Cruz Declaration are developed, strengthened and advanced.

Malin Falkenmark

Professor, Stockholm International Water Institute and Stockholm Resilience Centre

The global water crisis referred to in this declaration relates primarily to the wide-spread societal water allocation crisis (‘water supply’ crisis) and problems involved of justice and equity within uses and between uses.

That is a very different global water crisis from the one my colleagues and I have been focusing on since the 1970s and most recently analyzed in the forthcoming book, *Water Resilience for Human Prosperity* (Rockström et al., Cambridge University Press, due March 2014). This is a water-scarcity-related resource crisis looked at from the perspective of the next few decades and paying particular attention to the prospects of feeding the world’s population by 2050, when world population is expected to stabilize.

When looking at water in this perspective, *a global water crisis is clearly in view, primarily driven by water scarcity*. It is related to, *inter alia*, increasing levels of water crowding and water stress in dry-climate regions with continuing rapid population growth (doubling or even tripling by 2050) and particularly vulnerable to decreasing water availability and increasing frequency and severity of droughts. The fact that these regions depend on protective irrigation and therefore consumptive water use for increased food security implies that avoiding a global water crisis will be essential to address in the forthcoming 2015 Sustainable Development Goals programme.

I think that it is essential to be very clear about the distinction between the globally wide-spread societal water allocation crisis referred to in the Santa Cruz Declaration and the growing water resource and security crisis. It is in other words essential to get conceptually

clear by distinguishing between societal water allocation issues (basically ‘water supply’ services) within urban, industrial and agrobusiness/irrigation areas, on the one hand, and basin-scale water resource management issues, on the other hand, where such problems as water pollution, consumptive water use, ongoing river depletion and closing river basins combine into global-scale issues of fundamental importance for the future of humanity.

What we can see is in other words two parallel global water crises emerging:

a *water supply service* crisis, not always driven by water scarcity, which can be alleviated by improved water governance and management; and

a *water resource* crisis, driven by increasing water scarcity, which has to be adapted to by mental shifts, resilience-based approaches and adaptive water policies.

Summarizing, I feel that the title of the Santa Cruz Declaration on the Global Water Crisis is misleading. A more adequate title would refer to a Global-Scale *Water Supply* (or *Water Allocation*) Crisis. Otherwise, its intent might get internationally confounded by a rapidly increasing global awareness of the increasing challenges related to the sharpening global-scale water scarcity and the shrinking leeway within the global fresh-water constraint for increased biomass production, primarily biofuels and food, for an increasing humanity.

Yoram Eckstein

Fulbright Professor of Hydrogeology, Tomsk Polytechnic University, Russian Federation; Associate Editor, Water International

I read this ‘declaration’ in the morning, and since I got hot under my collar I decided to put it aside. Then I read it again in the evening, and got ‘dismayed’ again. So, here is the ‘beef’.

The ‘declaration’ opens with the following stunning statement summarizing the authors’ “understanding of water injustice and how it can be addressed”:

The global water crisis is not, as some suggest, primarily driven by water scarcity. Although limited water supply and inadequate institutions are indeed part of the problem, we assert that the global water crisis is fundamentally one of injustice and inequality. We, the undersigned scholars, community members, activists, officials and citizens, declare that the principal form of the water crisis is not a shortage of water, nor failures of government, but the many injustices in access to, the allocation of, and the quality of water. The global water crisis is not likely to be resolved by the provision of more water.

It never fails to amuse me to see when lawyers and ‘social justice activists’ talk (or write) about injustice in allocation of a resource without any understanding of the physical nature of the resource. I do not know if the group authoring this ‘declaration’ is driven by self-promotion in stating that “the global water crisis is fundamentally one of injustice and inequality”. As a physical scientist, I am stunned, as I am sure are most if not all of my peers, by the opening statement that “the global water crisis is not ... driven by water scarcity”. Tell this to a Jordanian, Israeli, or Palestinian, just to mention a few. How can they consider injustice in the agricultural sector (e.g. irrigation) when disregarding unequal distribution of water on the globe? How they can bunch the injustices and inequalities in the agricultural sector of the Middle East or Sub-Saharan Africa with the injustices and inequalities in the same sector of Nicaragua or Cambodia?

In my humble opinion, any discussion of ‘water justice’ on a global scale and not in the context of at least climatic regions is a waste of time. This particular ‘declaration’ will join myriads of meaningless documents with no practical implications.

Jerry van den Berge

Policy officer for Water, Waste and European Works Councils, European Federation of Public Service Unions

It is a relief to read the Santa Cruz Declaration and to remember that the global water crisis is not a crisis of water shortage or scarcity but an outcome of inequality and injustice. Good to be reminded, I say, because this was already noted in the United Nations Development Programme’s *Human Development Report 2006*. The report argued that the roots of the crisis in water can be traced to poverty, inequality and unequal power relationships, as well as flawed water management policies. It also made clear that there is a real crisis:

Access to water for life is a basic human need and a fundamental human right. Yet more than 1 billion people are denied the right to clean water and 2.6 billion people lack access to adequate sanitation. These headline numbers capture only one dimension of the problem. Every year some 1.8 million children die as a result of diarrhea and other diseases caused by unclean water and poor sanitation.

Then the “Declaration” ends with the following assertion:

We, the undersigned scholars, community members, activists, officials and citizens, declare that the principal form of the water crisis is not a shortage of water, nor failures of government, but the many injustices in access to, the allocation of, and the quality of water. The global water crisis is not likely to be resolved by the provision of more water.

These figures have only slightly improved over the past seven years. Besides these dimensions, there are other aspects of the global water crisis related to the management of fresh-water resources. More and more, the rights and ownership of these resources are accumulating in the hands of fewer but bigger corporations, leaving poor communities without access to water or with polluted water. Inequalities increase, while corporations seek higher profits and knock out ‘competitors’ in what they see as a market.

So, where do we stand now as the crisis continues? Are inequality and injustice persistent? I would not accept this as a conclusion. It basically shows that injustice, poverty and inequalities are hard to fight. This always reminds me of the famous words of many people who stood up to fight for their rights in Latin America: *la lucha continua*. I think these words address the crisis better than any so-called Millennium Development Goal or the newly invented Sustainable Development Goal. Let me be clear on this: each well-meant effort to reduce poverty must be undertaken. But they have to be seen in the light of a fight for justice.

That is where the Santa Cruz Declaration helps and is so useful: it identifies injustices as roots of the crisis. People generally tend to turn away from injustice, because it confronts them with a dilemma: they should act against injustice, but most of the time people don’t know what to do or they are afraid it would require of them a big change in behaviour. Take for example Nestlé, exploiting water resources worldwide at the expense of local communities and the environment. Should people stop drinking Nespresso, or boycott their chocolate? People don’t like to fight, but on the other hand people like to do

good. So the fight for justice must be linked to a ‘doing-good feeling’. The remedies that are suggested in the declaration should be turned into actions: actions that give people a feeling they are doing something ‘good’.

But this is limited to individual action. Added up, they make a change, but a bigger, societal change is needed to achieve water justice for all. The paradigm of competition, economic growth and market logics has to change. This paradigm is the basis of inequality, and in the unequal global competition the (powerful) winners remain winners and the (powerless) losers remain losers.

This means that large-scale political action is needed that can only follow from the critical engagement of people. Awareness of power relations in water and mobilizing people to stand up for their rights is the first step towards overturning existing inequalities and injustices. The power balance must be brought to a fair equilibrium; and to know how to reach this, we must identify the forces that maintain inequalities and the status quo in power balance. The Santa Cruz Declaration is a tool to raise awareness and should be brought to the attention of a wide audience. Its message must be repeated the way corporations repeat their annoying advertisements.

In Europe, people led by a coalition of trade unions and NGOs have used another tool, the European Citizens’ Initiative, to raise awareness on the right to water and to spark the fight for water justice. A huge mobilization made a change in European policies with regard to water, and it still continues to change the political discourse. We need more of these kinds of declarations and mobilizations of masses to generate actions that slowly but surely shift the balance of power in water from injustice and inequality to water justice around the world.

Maude Barlow

Council of Canadians, Ottawa, Ontario, Canada; Food and Water Watch, Washington, DC, USA and formerly Senior Advisor on Water to the 63rd President of the United Nations General Assembly

I am very pleased to offer a comment and strong support for this declaration. I have been deeply involved in the struggle to protect water as a public trust, a public service and a human right for many years and I cannot strongly enough stress the need for dialogue on the principles upon which we must move ahead to build a water-secure future for all.

The declaration challenges one of the fallacies of modern water thought, and that is that technology will fix everything and we therefore have no need to curb our consumption of water or the way we move water around the world for our convenience. Modern societies view water as an endless resource for our personal pleasure and profit and not as the most essential element of a living ecosystem. We have disassociated ourselves from the cultural, historic, ecological and spiritual aspects of water and see it as something to be tamed for the service of a modern economy based upon unlimited growth.

So we pollute, mismanage and displace water, redirecting local water supplies to the wealthy and to industry and out of the reach of millions of small farmers, indigenous people and those living in urban slums in the global South, and increasingly in the global North as well. Privatizing water services and trading water on the open market are manifestations of a mindset that sees water as property that rightly privileges the powerful.

The declaration clearly places inequality and injustice as the core issues of the water crisis, and I agree. I would add that even the ecological crisis – and we are truly a planet running out of accessible clean water – is a legacy of the cavalier way in which we have allowed water to be used for development. Massive amounts of land-based water are

dumped into the rising oceans every year, after they have ‘served’ the needs of big cities and industry, instead of being returned to local communities. Virtual water imbedded in the global trade in food, clothing and electronics keeps the global market profitable for an elite but takes a terrible toll on water supplies removed from watersheds never to be replenished.

In my new book, *Blue Future: Protecting Water for People and the Planet Forever*, I argue that we must create a new water ethic that puts water and its preservation and restoration at the heart of all we do if we and the planet are to survive. This new ethic must be based on four principles: that water is a human right; that water is a common heritage and public trust; that water has rights, too; and that water can teach us how to live together.

As the authors of the Santa Cruz Declaration understand, we cannot tackle the environmental crisis in a vacuum. To do it right, we must confront the issues of environmental injustice and bring the voices of the marginalized into the centre of decision making. As I said in *Blue Future*:

The quest to protect water forever is also inextricably bound with human rights. If we want to transform conflict into peace and create new ways to govern that honour watersheds and ecosystems, it is essential to recognize that lack of access to clean water is a form of violence and that there can be no peace or good governance without justice. That means putting the human right to water and sanitation as well as the right to engage in the process at the centre of a new, more collaborative form of watershed governance. Conflict transformation goes beyond the concept of conflict resolution in that it requires confronting unjust social structures that underlie the conflict.

K.J. Joy

Senior Fellow, Society for Promoting Participative Ecosystem Management and Facilitator of the Forum for Policy Dialogue on Water Conflicts in India

The Santa Cruz Declaration on the Global Water Crisis: a good beginning to repoliticize the water discourse

The Santa Cruz Declaration, outcome of a workshop organized by the University of California, Santa Cruz, that brought together a range of academics and others to seek ways of making water governance more equitable, is much needed and timely. In the present-day mainstream discourse on water, centred around scarcity, supply augmentation, efficiency, institutional reforms and different modes of privatization, by characterizing the present water crisis as primarily one of “many injustices in access to, the allocation of, and the water quality of water”, the declaration has the potential to repoliticize the water discourse. Since the 1990s, the water discourse was becoming increasingly depoliticized and sanitized, and it is high time that we take a break from such a discourse. I do think that by centre-staging water justice and equity as the core issues, the declaration provides a departure point from the mainstream discourse and a rallying point for all those who have been critical of the mainstream water discourse led by supranational agencies like the World Bank, the Asian Development Bank and the Global Water Partnership, and the national governments – all wedded to a neoliberal agenda.

Having said the above, I do think that there are a few problematic formulations and propositions, and in the rest of this brief note I would like to discuss a few of them. These are not to be seen as criticisms of the declaration or an effort to belittle the declaration in any way. I am making these comments and observations more as a co-traveller of those who drafted this declaration, with the hope that these comments and suggestions would help in further refining and sharpening it.

First, I really did not understand the compulsion or desperation to bring the Right and the Left onto the same page. For example, see the statement:

Equality in some dimension is sought by almost all political philosophies. Philosophies of the Right seek equal freedoms and liberties... Philosophies of the Left seek equal opportunities and outcomes... Water justice can address both sets of concerns, those of freedoms and those of capabilities.

According to me, this is problematic on two counts. One, the equal freedoms and liberties the Right talks about are primarily within the market and commodity exchange framework and not the same as of the Left's transformative framework. Two, along with historically embedded inequalities, the capitalist and neoliberal state is responsible for the wide-spread injustices and inequities in the water sector. It is like trying to reconcile the irreconcilable, and in the process the political edge of the declaration has been significantly blunted. I think it is important to recognize that the social justice and equity the declaration talks about cannot be fully realized within the capitalist framework or state and are possible only within a radical social transformative framework. And this needs to be stated clearly in the declaration if it is to inspire new forms of political action. It also has implications for agency that would take the social justice and equity agenda contained in the declaration forward. I was rather surprised that the word 'capitalism' is not mentioned even once in the declaration.

Second, though one would agree broadly with the statement that "large irrigation schemes in many parts of the world become mechanisms for accumulation by large landholders, while small farmers are dispossessed with only residual access to water that ignores domestic needs", inequity is not a hallmark of large projects alone. The smaller ones too are very often iniquitous. In other words, inequity and injustice cut across the size of the projects. Experience in India shows that very often it is easier to fight against injustice in relation to larger, centralized projects because the enemy is outside and far removed from the day-to-day life of the toiling masses. In the case of smaller projects, very often the fight has to be against the local elites who control and monopolize water, and this is all the more difficult because the deprived depend on them for their day-to-day life. Thus, my suggestion would be to take the water justice and equity issue beyond the sterile debate of 'large versus small' and similar binaries. Of course this is not to belittle the struggles against the destructive content of large hydroelectric projects.

Third, as the declaration rightly points out, "Water justice can be imagined as equitable or comparable access for particular water uses and deliberated fairness between uses." In fact, equity within a particular use shows how egalitarian and fair the distribution is. However, when it comes to allocation across different uses, then the fairness of allocation very much depends on the developmental trajectory adopted by the state. For example, India, and also many other countries with similar developmental trajectories, with the preoccupation with high growth rate through the industrialization and urbanization route, has been re-allocating water from agricultural use to industrial use and from rural to urban areas in a nontransparent, undemocratic manner. Allocations across uses, their re-allocations and resultant trade-offs are embedded in the political economy of the country, and I do not find much of an explicit discussion of the political-economy angle of water allocations and injustices in the declaration.

Fourth, of course the demand for justice "needs to be connected to and informed by demands for equity and justice articulated by movements or struggles for water justice". However, there seems to be an underlying disdain in the declaration for any larger

normative principles around the question of justice and equity, and this could be problematic. I would argue that what happens on the outside has a bearing in shaping the world-view of the local, and we also need to accept that, for historical reasons, very often the world-views around justice and fairness may not be all that egalitarian, even within local communities. In such situations, commitment to certain larger normative principles – for example the human right to water – can help in working with the people in evolving a socially just water agenda. So the issue is not of choosing perceived world-views over larger principles of justice, but one of problematizing the relationship between the two, and in this, efforts need to be made to see that lived experience and articulations are not compromised. In fact, this is important in the context of how we harmonize the “local actions” and “multi-scalar mobilizations” that the declaration talks about.

Finally, the declaration talks about “policy dialogue”, “local actions, multi-scalar mobilizations and democratic assessment”, and “academic and reportorial investigations” as a possible portfolio of measures to mitigate inequities and to seek a wider water justice. It adds that, in the case of dialogue amongst multiple stakeholders with differing and conflicting interests, there should be certain “harmonizing mechanisms to redress imbalances of power”. This is all the more true in the case of India and other similar countries where the power relations amongst different stakeholders are very skewed. Here I would argue that creating a level playing field for all is an important precondition if such dialogues are to result in socially just outcomes. In my many years of work in the water sector in India in general, and water conflicts in particular, I have found that lack of access to reliable data and information asymmetry amongst the different stakeholders is a major impediment. Thus, democratization of data should be an important demand. I would very much like it if a demand for making all water-related data easily accessible and in the public domain were also reflected in the declaration.

Notwithstanding the above critical comments and suggestions, I do endorse the basic proposition of the declaration that water justice and equity are at the core of the water crisis, and not water scarcity alone. The declaration is a good beginning in the much-needed repoliticization of the water discourse, and we need to further build on it.

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From water justice to eco-political equality: politicizing water

As the Santa Cruz Declaration attests, water is an extraordinarily contested and problematic thing. First, while water accessibility has improved in many parts of the world, the reality remains that progress is painfully slow, with more than a billion people worldwide still living with inadequate access to water and/or sanitation services. Unsatisfactory access to water remains the number-one cause of premature mortality in the world, and of serious health problems, poverty, stalled development, and conflict. Despite detailed information and sophisticated insights into key drivers and bottlenecks, the simple fact remains that too many people die unnecessarily because of water-related conditions that are easy to remedy and have invariably to do with uneven power relations and the perverse geographies of uneven development. The situation on the wastewater side of the cycle is even more disastrous: 80% of wastewater is not collected and treated, with negative consequences for health, ecological service provision and socio-economic development. Indeed, water keeps flowing uphill, to money and power.

The declaration highlights the variegated processes of water injustice and inequalities, water struggles and strategies of water dispossession that choreograph many of the world's diverse hydro-social constellations. In a context of proliferating accumulation by dispossession, of unchecked concentration of resources in the hands of the few – often nurtured by managerial objectives that consider the techno-managerial organization of optimal market forces as the only horizon of the possible – and of a rapid deepening of unequal social, political and economic power relations, all manner of socio-ecological struggles that revolve around the signifier of 'justice' are actively resisting the often violent theft, not only of water but of a wide range of common-pool resources. These struggles, despite their radical heterogeneity, nonetheless share a concern with a more equitable and solidarity-based organization of access to, appropriation and transformation of the commons.

While 'justice' remains an ethically grounded and deeply humanitarian concern that galvanizes much of the social struggles against the often forced dispossession of hydraulic resources, the notions of 'equality' and 'solidarity' are of course more openly political terms. I would like to suggest the opening up of the debate from an ethical concern with 'justice' to a political vision aimed at ega-libertarian collective management. The idea of water-as-commons organized through democratic being-in-common may permit the shifting of the terrain from ethics and justice and a focus on struggles of resistance (against the dispossessing intruder) to more directly and openly political visions and imaginaries that might nurture and galvanize political struggles aimed at the ega-libertarian transformation and collective management of the commons instead of the dominant exclusive and private regimes of managing the commons.

The declaration's aspiration is to advocate a scholarly and practical move from considering water as a predominantly techno-managerial concern to one that focuses decidedly on socio-biological life and well-being, and consequently a concern with internal social tensions and conflicts over uneven access to and control over water resources. This of course presumes a perspective that does not ignore or disavow radical contestation, that explores mutually exclusive perspectives and imaginations, and that acknowledges the often profoundly varying social and political power positions of the interlocutors in the process. Achieving equitable access implies a form of 'democratic' governance that includes considering different political constellations of organizing the hydro-social cycle. It points inevitably towards a perspective that destabilizes consensus-based models that can presumably be assessed neutrally on the basis of efficiency, productivity and inclusiveness. It is precisely such a mode of consensual techno-managerial management within an assumedly undisputed frame of market-led efficiency that reproduces the existing water inequalities.

In sum, this declaration opens up a vital agenda for anyone concerned with water and political equality. The water issue is indeed an emblematic issue, one that expresses in its variegated meanderings the functioning of democracy, not just as a system of governing but as a set of principles articulated around equality, freedom and solidarity.

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The inequities affecting present water allocation and sustainable utilization are compounded by international investment protection agreements. Both these agreements and the international arbitration courts that enforce them are intended to protect the rights of

foreign investors. Public-interest considerations are secondary matters, and in a number of cases countries have been forced to pay compensation when regulations affected the returns of foreign investors. Consequently, many nations are wary of protecting the environment and water, since protections might result in penalties or condemnations.

The customary rights of local populations are also secondary to the interest of foreign investors. Investment arbitration relies on written law and formal records, which in most developing countries are not available. As a result, waters used through the millennia are considered vacant and granted in block, without research or inventory, to foreign investors. Local populations lose their means of survival, turn landless, and enter the long lines of illegal migrants. Their impact and fate are illustrated by the deaths in Lampedusa and Gibraltar and in the transit from Central America to the United States.

Further research on the reformulation of investment treaties to afford greater protection to local rights and interests is needed. Simply adjusting them to the national legal practices of nations would be an important, albeit not sufficient, step ahead.

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It is not easy to comment on a document like the Santa Cruz Declaration because it is a very comprehensive and well-structured text. Indeed, the declaration reviews some of the processes that are the basis of the current water crisis, defines what justice in access and use of water means, and suggests some lines of action to address the problems discussed.

For example, the cases of Peru related to mining and production of asparagus for export cannot be considered in isolation, because they reflect how development is understood in many countries, including Peru: that is, resources are leveraged without looking at the consequences for the environment or for the poorest people. Certainly this is short-sighted. However, it has become the dominant point of view in governing circles: that natural resources should be extracted, exploited and put on the global market before other countries do so. This is all carried out in the name of common interest, although the benefits actually accrue only to a few companies.

The declaration mentions some processes leading to the current problems of inequity. These include urbanization, irrigation, land and water concentration and the use of international rivers (although in this last case lakes and other sources of transboundary freshwater should also be mentioned). What makes the situation more delicate is that these different processes are usually going on simultaneously in many countries.

At a time when our concern for the preservation of the environment has grown, the declaration also clearly defines the underlying nature of this crisis. It is a crisis of water management, i.e. how use rights are allocated to water, how water is used and how the various systems of water management are viewed, beyond the aspects of technical or economical efficiency. Keeping in mind that the effects of climate change may exacerbate problems around water, the declaration emphasizes the main cause of these problems: it is related to the way water rights are allocated and how they are used. This creates more inequality in an increasingly unequal world.

In this regard, the Santa Cruz Declaration is in contradiction with the illusion that emerged during the industrial revolution, that science and technology are able to dominate nature and overcome any challenge. This conception is still present, and interestingly can be seen in the advertisements for a new private university in Peru, which, after noting that some water is running out, says in response, "They are not engineers." Without denying

the importance of efforts to better use water, with more efficiency and avoiding contamination, the problems posed by the declaration are broader in nature. We have known for a long time that water is a resource that serves many different uses, and that for that reason it must be managed socially. The technical and economic aspects must be addressed together, without forgetting that water belongs to everyone and therefore should not be a source of injustice for anyone.

Having said that, one cannot ignore the fact that modern agriculture consumes about 70% of available freshwater. In many parts of the world, family farming, which also includes peasant and indigenous communities, is the most important supplier of food from agricultural sources. This should oblige governments to support efforts towards improved efficiency in water use in modern agriculture, which would be to the benefit of all.

Over 20 years ago, the Dublin Declaration, the result of the International Conference on Water and Environment, urged that steps be taken to address the challenges of water management. A quick look at the global picture, as the Santa Cruz Declaration points out, shows that we have regressed instead of moving forward. It is time to start changing the way we manage water. The declaration is a good start in new discussions about this issue.