The "Commons" Versus the "Commodity": Alter-globalization, Anti-privatization and the Human Right to Water in the Global South

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Abstract: In response to the growth of private sector involvement in water supply management globally, anti-privatization campaigns for a human right to water have emerged in recent years. Simultaneously, alter-globalization activists have promoted alternative water governance models through North-South red-green alliances between organized labour, environmental groups, women's groups, and indigenous groups. In this paper, I explore these distinct (albeit overlapping) responses to water privatization. I first present a generic conceptual model of market environmentalist reforms, and explore the contribution of this framework to debates over 'neoliberalizing nature'. This conceptual framework is applied to the case of anti-privatization activism to elucidate the limitations of the human right to water as a conceptual counterpoint to privatization, and as an activist strategy. In contrast, I argue that alter-globalization strategies—centred on concepts of the commons—are more conceptually coherent, and also more successful as activist strategies. The paper concludes with a reiteration of the need for greater conceptual precision in our analyses of neoliberalization, for both academics and activists.

Keywords: water, privatization, neoliberalism, commons, human right, alter-globalization, social movements, protest, environment.

Prologue

On a rainy Friday in 2003, the world's Water and Environment Ministers met in Kyoto to discuss the global water crisis. While Ministers met behind closed doors, participants at the parallel public World Water Forum were presented with alarming statistics: water scarcity had been growing in many regions; and over 20% the world's population was without access to sufficient supplies of potable water necessary for basic daily needs. In response, conference organizers had drafted an Inter-Ministerial declaration, based upon the view that the best response to increasing scarcity was the commercialization of water. International support for the commercialization of water supply had been growing since the controversial Dublin Statement on Water and Sustainable Development in 1992.[1] In light of endemic "state failure" by governments supposedly too poor, corrupt, or inept to manage water supply systems,

increased involvement of the private sector in water supply management was openly advocated by many conference participants.

Reflecting this shift in international water policy, private water companies had been invited to meet with government delegations, international financial institutions, and bilateral aid agencies to develop solutions to the world's water problems. Yet many of the governments represented at the conference had themselves been accused of irresponsible water management by their citizens. The government of South Africa, for example, had continued to support the Lesotho Highlands Water Project (the largest in Africa), despite the participation of its then-Minister for Water Affairs in the high-profile World Commission on Dams which comprehensively reviewed—and condemned—the social, environmental, and economic record of large dams around the world (Bond 2002). The private water companies in attendance at Kyoto were similarly targeted by activists, with corporations such as Enron under attack by an international alliance of anti-dam activists, environmentalists, public sector unions, international "bank-watcher" and "anti-globalization" think tanks, indigenous peoples, and civil society groups. These self-named "water warriors" protested both inside and outside the Forum, critiquing the Forum co-organizers (the Global Water Partnership and the World Water Council) for their close ties to private water companies and international financial institutions, and for an unrepresentative, opaque, and illegitimate process (ironically, similar critiques were directed by the Forum organizers at activists).

Activists' protests culminated with the disruption of a planned highlight of the Forum—a plenary session chaired by Michel Camdessus (former head of the IMF) promoting active government support for increased private sector involvement in the water sector in the South (Winpenny 2003). Chanting "water is life", activists stormed the stage and demanded the withdrawal of the private sector, a return to local "water democracy", a rejection of large dams as socio-economically and environmentally unsound, and a recognition of water as a human right. Yet activists' calls fell largely on deaf ears. Southern and northern ministerial delegates reached consensus; including, controversially, support for private sector financing, new mechanisms for private sector involvement in water supply management, and a conspicuous failure to refer to water as a human right.

Introduction: The Triumph of Market Environmentalism?

The Kyoto Declaration embodies an increasingly dominant philosophy of development, variously termed "liberal environmentalism" (Bernstein 2001), "green neoliberalism" (Goldman 2005), or market environmentalism (Bakker 2004): a mode of resource regulation which aims to deploy markets as the solution to environmental problems (Anderson

and Leal 2001). Market environmentalism offers hope of a virtuous fusion of economic growth, efficiency, and environmental conservation: through establishing private property rights, employing markets as allocation mechanisms, and incorporating environmental externalities through pricing, proponents of market environmentalism assert that environmental goods will be more efficiently allocated if treated as economic goods—thereby simultaneously addressing concerns over environmental degradation and inefficient use of resources.

Critical research on market environmentalism frames this paradigm as the "neoliberalization of nature" (Bridge 2004; Mansfield 2004a; McAfee 2003; McCarthy 2004; McCarthy and Prudham 2004; Perrault 2006; Prudham 2004). The majority of this research focuses on the negative impacts of neoliberal reforms, including both environmental impacts and the distributional implications of the various forms of "accumulation by dispossession" enacted by neoliberalization (Glassman 2006), although some research also suggests that states can rationally administer environmental degradation and resource appropriation from local communities (Scott 1998), or that environmental improvements can occur in the context of state re-regulation which accompanies privatization (Angel 2000; Bakker 2005).

This debate is particularly acute in the water sector. The increasing involvement of private, for-profit multinational water corporations in running networked water supply systems around the world has inspired fierce debate internationally (see, for example, Finger and Allouche 2002; Johnstone and Wood 2003; Laurie and Marvin 1999; Swyngedouw 2005).[2] Proponents of market environmentalism in the water sector argue that water is an increasingly scarce resource, which must be priced at full economic and environmental cost if it is to be allocated to its highest-value uses, and managed profitably by private companies whose accountability to customers and shareholders is more direct and effective than attenuated political accountability exercised by citizens via political representatives (Rogers et al 2003; Winpenny 1994). Opponents of market environmentalism argue that water is a non-substitutable resource essential for life, and call for water supply to be recognized as a human right, which (they argue) both places an onus upon states to provide water to all, and precludes private sector involvement (see, for example, Bond 2002; Goldman 2005; Johnston, Gismondi and Goodman 2006; Laxer and Soron 2006; Morgan 2004b).

Several conceptual questions underlie this debate. Is water a human right? If so, is private sector provision incompatible with the human right to water? What is the relationship between property rights regimes and privatization? And how can we best conceptualize and mobilize alternatives to neoliberalization? This paper explores these questions, documenting the different constructions of property rights adopted by pro- and anti-privatization advocates, questioning the utility of

the language of "human rights", and interrogating the accuracy of the (often unquestioned) binaries—rights/commodities, public/private, citizen/customer—deployed by both sides of the debate. In doing so, the paper undertakes two tasks: the development of a conceptual framework of market environmentalist reforms; and the application of this framework to the case of water supply.

The first part of the paper develops a typology of market environmentalist reforms in resource management, arguing that conceptual confusion frequently arises due to a lack of analytical precision about the wide range of ongoing reforms that are often over-simplified into a monolithic (and inaccurately labelled) "neoliberalism". The second section examines one example of these conceptual confusions: the positioning of "human rights" as an antonym to "commodities" by anti-privatization campaigners. After documenting the tactical failures of such an approach, the paper contrasts "anti-privatization" campaigns with "alter-globalization" movements engaged in the construction of alternative community economies and culture of water, centred on concepts such as the commons and "water democracies". In this third section of the paper, an attempt is made to complicate the public/private, commodity/rights, citizen/customer binaries underpinning much of the debate, through exploring the different socio-economic identities of citizens, and different property rights, invoked under different water management models around the world. In the concluding section, the conceptual and political implications of this analysis are teased out, focusing on the implications of this analysis for our understandings of "neoliberal natures".

Neoliberal Reforms and Resource Management: Clarifying the Debate

Much of the literature on "neoliberalizing nature" is concerned with the creation of private property rights for resources previously governed as common pool resources.[3] Of particular interest have been the impacts of "neoliberalism" on specific resources (Bakker 2000, 2001; Bradshaw 2004; Bridge 2004; Bridge and Jonas 2002; Bridge, McManus and Marsden 2003; Gibbs and Jonas 2000; Johnston 2003; Maddock 2004; Mansfield 2004a, 2004b; McAfee 2003; Robertson 2004; Smith 2004; Walker et al 2000). As Noel Castree notes in his review of this literature (Castree 2005), much of this work has emphasized case-specific analyses of very different types of processes broadly grouped under the rather nebulous banner of neoliberalization: privatization, marketization, deregulation, reregulation, commercialization, and corporatization, to name just a few.

Although Castree acknowledges the utility of this work in illustrating that "neoliberalism" is actually constituted of a range of diverse, locally rooted practices of neoliberalization, he identifies two analytical traps:

failure to identify criteria by which different cases of neoliberalizing nature can be deemed sufficiently similar in order to conduct comparisons; and the occlusion of distinct types of neoliberal practices when subsumed under the broad (and overly general) label of neoliberalism. This paper responds to Castree's call for analytical frameworks with which to clarify these issues. As Sparke notes in a recent review (2006), this task is both analytically and politically crucial, insofar as the ideal types to which some of this work falls prey risk reinforcing or even reproducing the idealism of neoliberalism itself.

In developing such an analytical framework, an iterative approach is required which articulates (and revises) conceptual frameworks of neoliberalization (as a higher-order abstraction) and empirical analysis of the contingent mediation of neoliberal agendas by historically and geographically specific material conditions and power relations. In undertaking this analysis, it is important to distinguish between three categories of resource management upon which neoliberal reforms can be undertaken. Resource management *institutions* are the laws, policies, rules, norms and customs by which resources are governed. Resource management *organizations* are the collective social entities that govern resource use. And resource management *governance* is the process by which organizations enact management institutions; the practices by which, in other words, we construct and administer the exploitation of resources (Table 1).

As illustrated in Table 1, reforms can be undertaken in distinct categories, and are not necessarily concomitant; one may privatize without deregulating; deregulate without marketizing; and commercialize without privatizing, etc (Bakker 2004). To give a simple example: privatization of the water supply industry in England and Wales in 1989 did not entail marketization; that is, it did not entail the introduction of markets in water abstraction licenses. This example illustrates one of the main confusions which arises in the literature: reforms to institutions, organizations, and governance are all subsumed under the general term "neoliberalization", despite the fact that they often involve very different types of reforms, applied to different aspects of resource management. Another source of confusion arises when different types of reforms are assumed to be interchangeable, and when distinct terms (marketization, privatization) are assumed to be synonymous, when they are not.

How is such a typological exercise helpful in either analysis or activism? First, the failure to distinguish between categories of resource management, and between targets and types of reforms, obscures the specificity of the reform processes which are the object of analysis, and limits our ability to compare cases, as Castree has noted. For example, comparing the introduction of water rights for "raw" water (water in nature) (Haddad 2000) in California to private sector participation in water supply management in New York (Gandy 2002) is of limited interest,

Table 1: Resource management reforms: examples from the water sector

Category	Target of reform	Type of reform	Example drawn from the water sector
Resource management institutions	Property rights	Privatization (enclosure of the commons or asset sale)	Introduction of riparian rights (England; Hassan 1998); or sale of water supply infrastructure to private sector (England and Wales; Bakker 2004)
	Regulatory frameworks	De-regulation	Cessation of direct state oversight of water quality mechanisms (Ontario, Canada; Prudham 2004)
Resource management organizations	Asset management	Private sector 'partnerships' (outsourcing contracts)	French municipal outsourcing of water supply system management to private companies (Lorrain 1997)
	Organizational structure	Corporatization	Conversion of business model for municipal water supply: from local government department to a publicly owned corporation (Amsterdam, The Netherlands; Blokland, Braadbaart and Schwartz 2001)
Resource governance	Resource allocation	Marketization	Introduction of a water market (Chile; Bauer 1998)
	Performance incentives/ sanctions	Commercialization	Introduction of commercial principles (eg full cost recovery) in water management (South Africa; McDonald and Ruiters 2005)
	User participation	Devolution or decentralization	Devolving water quality monitoring to lower orders of government or individual water users (Babon River, Indonesia; Susilowati and Budiati 2003)

because two distinct processes are at work (marketization versus private sector participation). In contrast, comparing the introduction of water markets in Chile (Bauer 1998) and California (Haddad 2000) is worthwhile, because in both cases private property rights for water supply have been introduced via a process of marketization of water resource allocation. In short, the typology presented in Table 1 is analytically

useful because it enables us to correctly compare different types of market environmentalist reforms, and to more accurately characterize their goals and evaluate their outcomes.

This typology is also useful in addressing the widespread failure to adequately distinguish between different elements of neoliberal reform processes, an analytical sloppiness that diminishes our ability to correctly characterize the aims and trajectories of neoliberal projects of resource management reform (Bakker 2005). Commercialization, for example, often precedes privatization in the water supply sector, which is sometimes followed by attempts to commodify water. The biophysical properties of resources, together with local governance frameworks, strongly influence the types of neoliberal reforms which are likely to be introduced: common-pool, mobile resources such as fisheries are more amenable to marketization, whereas natural monopolies such as water supply networks are more amenable to privatization (Bakker 2004). In other words, in failing to exercise sufficient analytical precision in analyzing processes of "neoliberalizing nature", we are likely to misinterpret the reasons for, and incorrectly characterize the pathway of specific neoliberal reforms.

As explored in subsequent sections of the paper, this typology may also be useful in clarifying activist strategies, and in structuring our analyses of activism and advocacy. For example, in much of the literature on "neoliberal nature" (and in many NGO and activist campaigning documents), water as a "commodity" is contrasted to water as a "human right". Careful conceptualization of the neoliberalization of water demonstrates that this is misleading, insofar as the term "commodity" refers to a property rights regime applicable to resources, and human rights to a legal category applicable to individuals. The more appropriate, but less widely used, antonym of water as a "commodity" would more properly be a water "commons". As explored in the following sections, this distinction has had significant implications for the success of "anti-privatization" and "alter-globalization" struggles around the world.

Debating Neoliberalization: Anti-privatization Campaigns and the "Human Right to Water"

The international campaign for a human right to water has grown enormously over the past decade. This campaign has its roots in the arguments of anti-privatization campaigners, who have fought numerous campaigns to resist, and then overturn water privatization projects around the world. Advocates of private sector involvement in water supply—private companies, bilateral aid agencies, and many governments—argue that it will increase efficiency, and deliver water to those who currently lack access. They point to the failure of governments and aid agencies to achieve the goal of universal water supply during the International Water and Sani-

tation Decade (1981–1990), and to the low efficiency and low levels of cost recovery of public utilities. Through efficiency gains and better management, private companies will be able to lower prices, improve performance, and increase cost recovery, enabling systems to be upgraded and expanded, critical in a world in which one billion people lack access to safe, sufficient water supplies. Privatization (the transfer of ownership of water supply systems to private companies) and private sector "partnerships" (the construction, operation and management of publicly owned water supply systems by private companies) have, it is argued, worked well in other utility sectors (see, for example, DFID 1998; Dinar 2000; Rogers et al 2002; Shirley 2002; Winpenny 2004).

This view has been strongly critiqued by those who argue that neoliberalization entails an act of dispossession with negative distributive consequences that is emblematic of "globalization from above" (Assies 2003; Barlow and Clarke 2003; Bond 2004a; Hukka and Katko 2003; McDonald and Ruiters 2005; Petrella 2001; Shiva 2002). According to its opponents, the involvement of private companies invariably introduces a pernicious logic of the market into water management, which is incompatible with guaranteeing citizen's basic right to water. Private companies—answerable to shareholders and with the over-riding goal of profit—will manage water supply less sustainably than public sector counterparts. Opponents of privatization point to successful examples of public water systems, and on research that private sector alternatives are not necessarily more efficient, and often much more expensive for users, than well-managed public sector systems (see, for example, Estache and Rossi 2002). They assert the effectiveness of democratic accountability to citizens when compared with corporate accountability to shareholders; an argument less easy to refute following the collapse of Enron, which by the late 1990s had become one of the largest water multinationals through its subsidiary Azurix.

Opponents of water supply privatization frequently invoke a human right to water to support their claims (Gleick 1998; Hukka and Katko 2003; Morgan 2004b, 2005; Trawick 2003). The argument for creating a human right to water generally rests on two justifications: the non-substitutability of drinking water ("essential for life"), and the fact that many other human rights which are explicitly recognized in the UN Conventions are predicated upon an (assumed) availability of water (eg the right to food).

The claim to a human right to water rests on shaky legal ground: no explicit right to water is expressed in the most relevant international treaty,[4] although the UN Committee on Economic, Social and Cultural Rights[5] issued a comment in 2002, asserting that every person has a right to "sufficient, safe, acceptable, physically accessible, and affordable water" (ECOSOC 2002; Hammer 2004). Accordingly, a significant element of anti-privatization campaigning of NGOs in both the North

and South has been a set of intertwined campaigns for the human right to water, beginning with a set of declarations by activists in both the North and the South,[6] and growing to include well-resourced campaigns hosted by high-profile NGOs such as Amnesty International, the World Development Movement, the Council of Canadians, the Sierra Club, Jubilee South, Mikhail Gorbachev's Green Cross and Ralph Nader's Public Citizen.[7] Activists have also focused on country-specific campaigns for constitutional and legal amendments, notably Uruguay's 2004 successful referendum resulting in a constitutional amendment creating a human right to water in 2004.

As the anti-water privatization campaign has transformed into a campaign for the human right to water, activists have gained support from mainstream international development agencies including the World Health Organization and the United Nations Development Programme (ECOSOC 2002; UNDP 2006; UN Economic and Social Council 2003; WHO 2003). These agencies articulate several arguments in favour of the human right to water: higher political priority given to water issues; new legal avenues for citizens to compel states to supply basic water needs; and the fact that the right to water is implicit in other rights (such as the rights to food, life, health, and dignity) which have already been recognized in international law, and which are implicitly recognized through legal precedents when courts support right of non-payment for water services on grounds of lack of affordability (UNWWAP 2006).

Opponents have pointed out the difficulty of implementing a "right to water": lack of clear responsibility and capacity for implementation; the possibility of causing conflict over transboundary waters; and potential abuse of the concept as governments could over-allocate water to privileged groups, at the expense of both people and the environment. Others argue that a right to water will effect little practical change: the right to water enshrined in South Africa's post-apartheid constitution,[8] for example, has not prevented large-scale disconnections and persistent inequities in water distribution (Bond 2002; McDonald and Ruiters 2005). Another critique pertains to the anthropocentrism of human rights, which fail to recognize rights of non-humans (or ecological rights); providing a human right to water may, ironically, imply the further degradation of hydrological systems upon which we depend.

Another, more fundamental criticism is the argument that a human right to water does not foreclose private sector management of water supply systems. Critics of human rights doctrines argue that "rights talk" stems from an individualistic, libertarian philosophy that is "Eurocentric" (see, for example, Ignatieff 2003; Kymlicka 1995; Mutua 2002; Rorty 1993); as such, human rights are compatible with capitalist political economic systems. In other words, private sector provision is compatible with human rights in most countries around the world. A human right to water does not imply that water should be accessed

free (although it might imply an affordable basic "lifeline" supply) (UNWWAP 2006), although this is at odds with cultural and religious views on water access in many parts of the world.[9] Indeed, the UN's Committee on Economic, Social and Cultural Rights recognized the ambivalent status which a human right conveys upon a resource when it defined water as a social, economic, and cultural good as well as a commodity (ECOSOC 2003).

Many citizens of capitalist democracies accept that commodities are not inconsistent with human rights (such as food, shelter), but that some sort of public, collective "safety net" must exist if these rights are to be met for *all* citizens. This is true for housing and food (as inadequate as these measures may be in practice). The situation with drinking water is more complicated, because drinking water is a non-substitutable resource essential for life, and because networked water supply is a natural monopoly subject to significant environmental externalities. In this case, strong market failures provide an overwhelming justification for public regulation and, in many cases, ownership of assets. Full privatization is thus inconsistent with a human right to water unless it is coupled (as it is in England) with a universality requirement (laws prohibiting disconnections of residential consumers), and with strong regulatory framework for price controls and quality standards.[10] Private sector participation in water supply, on the other hand, certainly fits within these constraints. In short rooted in a liberal tradition that prioritizes private ownership and individual rights, the current international human rights regime is flexible enough to be fully compatible with private property rights, whether for water or other basic needs.

In summary, pursuing a "human right to water" as an anti-privatization campaign makes three strategic errors: conflating human rights and property rights; failing to distinguish between different types of property rights and service delivery models; and thereby failing to foreclose the possibility of increasing private sector involvement in water supply. Indeed, the shortcomings of "human right to water" anti-privatization campaigns became apparent following the Kyoto World Water Forum, as proponents of private sector water supply management began speaking out in favour of water as a human right. Senior water industry representatives identified water as a human right on company websites, in the media[11] and at high-profile events such as the Davos World Economic Forum.[12] Right-wing think tanks such as the Cato Institute backed up these statements with reports arguing that "water socialism" had failed the poor, and that market forces, properly regulated, were the best means of fulfilling the human right to water (Bailey 2005; Segerfeldt 2005). Non-governmental organizations such as the World Water Council, regarded by anti-privatization campaigners as being allied with private companies also developed arguments in favour of water as a human right (Dubreuil 2005, 2006). Shortly after the Kyoto meeting, the World

Bank released a publication acknowledging the human right to water (Salman and McInerney-Lankford 2004).

Two years later, at the Fourth World Water Forum in Mexico City in 2006, representatives of private water companies issued a statement recognizing the right to water, and recalling that the private sector had officially endorsed the right to water in 2005 at the 13th session of the UN's Commission on Sustainable Development (Aquafed 2006). At the Mexico City Forum, a somewhat contrived consensus across civil society, the private sector, and governments on the "right to water" emerged (Smets 2006). Despite dissenting views of Third World governments such as Bolivia, a "diluted" interpretation of the human right to water prevailed in the Ministerial Declaration of the Fourth World Water Forum, in regards to which private companies had an officially sanctioned role.

Ironically, this has occurred at the same time as private companies have been acknowledging the significant barriers to market expansion in the water supply sector in the South. Analysis of the discourse of the public statements of senior executives of water supply services firms reveals a retreat from earlier commitments to pursuing PSPs globally, with senior figures publicly acknowledging high risks and low profitability in supplying the poor (Robbins 2003). Some international financial institutions have begun officially acknowledging the limitations of the private sector (ADB 2003; UNDP 2003). High-profile cancellations of water supply concession contracts—including Atlanta, Buenos Aires, Jakarta, La Paz, and Manila—seem to bear out the hypothesis that water presents difficult, and perhaps intractable problems for private sector management. The private sector has indeed retreated from supplying water to communities in the South, but this has been largely due to the failure to achieve acceptable return on investment and control risk, not to anti-privatization, pro-human rights campaigns. Companies continue to insist that water is a human right, which they are both competent and willing to supply, if risk-return ratios are acceptable, but this not a condition which cannot be met by most communities.

Alter-globalization and the Commons

In reflecting on the failure of the "human right to water" campaigns to foreclose the involvement of the private sector in water supply management, we broach a question often raised by "alter-globalization" activists: how can we negotiate resistance to neoliberalization? In raising this question, alter-globalization (as distinct from anti-privatization) activists are often dismissive of human rights, arguing that "rights talk" resuscitates a public/private binary that recognizes only two unequally satisfactory options—state or market control: twinned corporatist models from which communities are equally excluded (see, for example, Olivera and Lewis 2004; Roy 1999; Shiva 2002). Instead, activists have

turned to alternative concepts of property rights, most frequently some form of the "commons", to motivate their claims, juxtaposing this view to that of water as a commodity (Table 2).

At the risk of over-simplification, the commodity view asserts that private ownership and management of water supply systems (in distinction from water itself) is possible and indeed preferable. From this perspective, water is no different than other essential goods and utility services. Private companies, who will be responsive both to customers and to shareholders, can efficiently run and profitably manage water supply systems. Commercialization rescripts water as an economic good rather than a public good, and redefines users as individual customers rather than a collective of citizens. Water conservation can thus be incentivized through pricing—users will cease wasteful behaviour as water prices rise with increasing scarcity. Proponents of the "commodity" view assert that water must be treated as an economic good, as specified in the Dublin Principles and in the Hague Declaration,[13] similar to any other economic good—such as food—essential for life.

In contrast, the commons view of water asserts its unique qualities: water is a flow resource essential for life and ecosystem health; non-substitutable and tightly bound to communities and ecosystems through the hydrological cycle (Shiva 2002; TNI 2005). From this perspective, collective management by communities is not only preferable but also necessary, for three reasons. First, water supply is subject to multiple market *and* state failures; without community involvement, we will not manage water wisely. Second, water has important cultural and spiritual dimensions that are closely articulated with place-based practices; as such, its provision cannot be left up to private companies or the state. Third, water is a local flow resource whose use and health are most deeply impacted at a community level; protection of ecological and public health will only occur if communities are mobilized and enabled to govern their own resources. In particular, those who advance the "commons" view assert that conservation is more effectively incentivized through an environmental, collectivist ethic of solidarity, which will encourage users to refrain from wasteful behaviour. The real "water crisis" arises from socially produced scarcity, in which a short-term logic of economic growth, twinned with the rise of corporate power

Table 2: The commons versus commodity debate

	Commons	**Commodity**
Definition	Public good	Economic good
Pricing	Free or "lifeline"	Full-cost pricing
Regulation	Command and control	Market based
Goals	Social equity and livelihoods	Efficiency and water security
Manager	Community	Market

(and in particular water multi-nationals) has "converted abundance into scarcity" (Shiva 2002). As a response to the Dublin Principles, for example, the P7 Declaration (2000) outlined principles of "water democracy", of decentralized, community-based, democratic water management in which water conservation is politically, socio-economically and culturally inspired rather than economically motivated.

Despite their divergent political commitments, opponents and proponents of neoliberalization of water supply share some common conceptual commitments, including an understanding (lacking in many "neoliberalizing nature" analyses) that commodification is fraught with difficulty.[14] In the language of regulatory economists and political scientists, water is conventionally considered to be an imperfect public good (nonexcludable but rival in consumption) which is highly localized in nature, and which is often managed as a common-pool resource, for which relatively robust community-controlled cooperation and management mechanisms exist in many parts of the world (Berkes 1989; Mehta 2003; Ostrom 1990). It is the combination of public good characteristics, market failures and common property rights which makes water such an "uncooperative" commodity, and so resistant to neoliberal reforms, as neoclassical economists recognize when referring to the multiple "market failures" that characterize resources such as water supply[15] (Bakker 2004). To rephrase this analysis in political ecological terms: water is a flow resource over which it is difficult to establish private property rights; is characterized by a high degree of public health and environmental externalities—the costs of which are difficult to calculate and reflect in water prices; and is a partially non-substitutable resource essential for life with important aesthetic, symbolic, spiritual, and ecological functions which render some form of collective, public oversight inevitable. Private property rights can be established for water resources or water supply infrastructure, but full commodification does not necessarily, and in fact rarely follows.

A high degree of state involvement, therefore, is usually found even in countries that have experimented heavily with neoliberal forms to water management. Here lies the second point of convergence between "commodity" and "commons" proponents: both neoliberal reformers and defenders of the "commons" invoke dissatisfaction with centralized, bureaucratic state provision (cf Scott 1998). Whereas over much of the 20th century, "public good" would have been opposed to "economic good" in defense of the state against private interests by anti-privatization activists, alter-globalization movements—such as ATTAC and the Transnational Institute—explicitly reject state-led water governance models (Shiva 2002; TNI 2005). In doing so, as explored below, they reinvigorate a tripartite categorization of service delivery which undermines the "public/private" binary implicitly underlying much of the debate on neoliberalism more generally (Table 3).

Table 3: Water supply delivery models: the cooperative, the state, and the private corporation

		State	Market	Community
Resource management institutions	Primary goals	Guardian of public interest	Maximization of profit	Serve community interest
		Conformity with legislation/policy	Efficient performance	Effective performance
	Regulatory framework	Command and control	Market mechanisms	Community-defined goals (not necessarily consensus based)
	Property rights	Public (state) or private property	Private property	Public (commons) or private property
Resource management organizations	Primary decision-makers	Administrators, experts, public officials	Individual households, experts, companies	Leaders and members of community organizations
	Organizational structure	Municipal department, civil service	Private company, corporation	Cooperative, association/network
	Business models	Municipally owned utility	Private corporate utility	Community cooperative
Resource governance	Accountability mechanism	Hierarchy	Contract	Community norms
	Key incentives	Voter/ratepayer opinion	Price signals (share movements or bond ratings), customer opinion	Community opinion
	Key sanctions	Political process via elections, litigation	Financial loss, takeover, litigation	Livelihood needs, social pressure, litigation (in some cases)
	Consumer role	User and citizen	User and customer	User and community member
	Participation of consumers	Collective, top-down	Individualistic	Collective, bottom-up

As indicated in Table 3, significant differences exist between the public utility, commercial, and community governance models, despite the fact that these models overlap to some degree in practice. One important distinction is the role of the consumer: a citizen, a customer, or a community member. Each role implies different rights, responsibilities, and accountability mechanisms. Yet this tri-partite categorization tends to compartmentalize water supply into ideal types. In fact, many governments have chosen to create hybrid management models. Some have chosen, for example, to retain ownership while corporatizing water services, as in the Netherlands. In France, private-sector management of municipally owned water supply infrastructure via long-term management contracts is widespread. Other countries such as Denmark, with a long tradition of cooperative management of the local economy, prefer the coop model—provision by a non-profit users "association in which local accountability is a key incentive". Moreover, this tripartite classification is clearly inadequate when applied to the global South, where "public" water supply systems often supply only wealthier neighbourhoods in urban areas, leaving poor and rural areas to self-organize through community cooperatives or informal, private, for-profit provision by water vendors, often at volumetric rates much higher than those available through the public water supply system. Indeed, most residents use multiple sources of water in the home, and rely on a mix of networked and artisanal water supply sources, through both state and private sector delivery systems, using a combination of household piped network water connections, shallow and deep wells, public hydrants, and water vendors for their water supply needs (see, for example, Swyngedouw 2004). A public/private binary, even where it admits to the possibility of a third "cooperative" alternative, is clearly insufficient for capturing the complexity of water provision in cities in the South (Swyngedouw 2004). Alternative community economies of water do, in fact, already exist in many cities in the South (Table 4), and represent "actually existing alternatives" to neoliberalism which activists have sought to interrogate, protect, and replicate through networks such as the "Blue Planet Project", "Octubre Azul", World Social Fora (Ponniah 2004; Ponniah and Fisher 2003) and alternative "world water fora".[16]

In opening up space for the conceptual acknowledgement of alternative community economies (cf Gibson-Graham 2006), this tactic is to be welcomed. Yet caution is also merited, insofar as appeals to the commons run the risk of romanticizing community control. Much activism in favour of collective, community-based forms of water supply management tends to romanticize communities as coherent, relatively equitable social structures, despite the fact that inequitable power relations and resource allocation exist within communities (McCarthy 2005; Mehta 2001; Mehta, Leach and Scoones 2001). Although research has demonstrated how cooperative management institutions for water com-

Table 4: Neoliberal reforms and alter-globalization alternatives

Category	Target of reform	Type of reform	Alter-globalization alternative
Resource management institutions	Property rights	Privatization	● Mutualization (re-collectivization) of asset ownership (Wales; Bakker 2004) ● Communal water rights in village "commons" in India (Narain 2006)
	Regulatory frameworks	De-regulation	● Re-regulation by consumer-controlled NGOs such as "Customer Councils" in England (Franceys forthcoming; Page and Bakker 2005)
Resource management organizations	Asset management	Private sector "partnerships"	● Public–public partnerships (eg between Stockholm's water company (Stockholm Vatten) and water utilities in Latvia and Lithuania) (PSIRU 2006) ● Water cooperatives in Finland (Katko 2000)
	Organizational structure	Corporatization	● Low-cost, community-owned infrastructure (eg Orangi Pilot Project, Pakistan; Zaidi 2001)
Resource governance	Resource allocation	Marketization	● Sharing of irrigation water based on customary law ("usos y costumbres") in Bolivia (Trawick 2003)
	Performance incentives/sanctions	Commercialization	● Customer corporation (with incentives structured towards maximization of customer satisfaction rather than profit or share price maximization; Kay 1996)
	User participation	Devolution or decentralization	● Community watershed boards (Canada; Alberta Environment 2003) ● Participatory budgeting (Porto Alegre, Brazil; TNI 2005)

mon pool resources can function effectively to avoid depletion (Ostrom 1990; Ostrom and Keohane 1995), other research points to the limitations of some of these collective action approaches in water (Cleaver 2000; Mehta 2001; Mosse 1997; Potanski and Adams 1998; St Martin 2005). Commons, in other words, can be exclusive and regressive, as well as inclusive and progressive (McCarthy 2005). Indeed, the role of the state in encouraging redistributive models of resource management, progressive social relations and redistribution is more ambivalent than those making calls for a "return to the commons" would perhaps admit.

Thus, the most progressive strategies are those that adopt a twofold tactic: reforming rather than abolishing state governance, while fostering and sharing alternative local models of resource management. In some instances, these alternative strategies tackle the anthropocentrism of neoliberalization (and "human right to water" campaigns) directly, recognizing ecological as well as human needs, the latter being constrained through a variety of norms, whether scientifically determined "limits", eco-spiritual reverence, or eco-puritan ecological governance. In other cases, they may make strange bedfellows with some aspects of neoliberal agendas, such as decentralization, through which greater community control can be enacted (Table 4).

These models are necessarily varied; no one model of water governance can be anticipated or imposed (cf Gibson-Graham 2006). Rather, they build on local resource management and community norms, whether rural water users' customary water rights ("usos y costumbres") in the Andes (Trawick 2003); revived conceptions of Roman "res publica" and "res commmuna" in Europe (Squatriti 1998); or community norms of collective provision of irrigation in Indian "village republics" (Shiva 2002; Wade 1988). In each instance, a place-specific model of what Indian activist Vandana Shiva terms "water democracy" emerges, offering a range of responses to the neoliberalization agendas identified earlier in the paper. In other words, these "really existing" alter-globalization initiatives are a form of what Gibson-Graham terms "weak theory": deliberately organic, tentative, local, place-based, and (at least at the outset) modest.

"Weak", does not, however, imply "insignificant". These reforms are, of course, necessarily local—because water is usually consumed, managed, and disposed of at a local scale. But they are nonetheless replicable, and thus represent potentially powerful "actually existing alternatives" to neoliberalization. One example is the recent proliferation of "public public partnerships", in which public water supply utilities with expertise and resources (typically in large cities in the North) are partnered with those in the South, or with smaller urban centres in the North (PSIRU 2005, 2006; Public Citizen 2002; TNI 2005). Activists have actively promoted these strategies as a tactic of resistance to water supply privatization initiatives, while acknowledging the political pitfalls

of promoting public–public partnerships in the wake of failed private sector contracts, particularly the potential for such partnerships to be promoted as a strategy for less profitable communities, allowing more limited private sector contracts to "cherry pick" profitable communities. Institutional support from multilateral agencies may soon be forthcoming, as the newly commissioned UN Secretary General's Advisory Board and Water and Sanitation has requested the UN to support the creation of an international association of public water operators.[17] Encouraged by the UN Commission on Sustainable Development's official acknowledgment of the importance of promoting public–public partnerships (TNI 2006; UNCSD 2005), and by specific campaigns by public water supply utilities—notably Porto Alegre—governments in Argentina, Bolivia, Brazil, Indonesia, Holland, Honduras, France, South Africa, and Sweden have initiated public-public partnerships, at times also entailing a radical restructuring of management–worker relationships within water supply utilities (TNI 2006).

Conclusions

As explored in this paper, the adoption of human rights discourse by private companies indicates its limitations as an anti-privatization strategy. Human rights are individualistic, anthropocentric, state-centric, and compatible with private sector provision of water supply; and as such, a limited strategy for those seeking to refute water privatization. Moreover, "rights talk" offers us an unimaginative language for thinking about new community economies, not least because pursuit of a campaign to establish water as a human right risks reinforcing the public/private binary upon which this confrontation is predicated, occluding possibilities for collective action beyond corporatist models of service provision. In contrast, the "alter-globalization" debate opened up by disrupting the public/private binary has created space for the construction of alternative community economies of water. These "alter-globalization" proposals counterpose various forms of the commons to commodity-based property and social relations. Greater progressive possibilities would appear to be inherent in the call of alter-globalization activists for radical strategies of ecological democracy predicated upon calls to decommodify public services and enact "commons" models of resource management (see, for example, Bond 2004a, 2004b; TNI 2005).

How does a more refined understanding of neoliberalization, as outlined in the typology introduced at the outset of this paper, assist in this task? First, it enables activism to be more precise in its characterization of "actually existing" neoliberalisms, and thus to develop alternatives which have more political traction. For example, the "commons" is an effective strategy for combating privatization because it correctly opposes a collective property right to private property

rights. Second, in locating the application of neoliberalization in specific historically and geographically contingent contexts, it emphasizes what Sparke terms the "*dis*locatable" idealism of neoliberalism (Sparke 2006), both through generating alternatives and through demonstrating how ostensibly neoliberal reforms may be congruent with other political agendas. In so doing, it enables us to see that neoliberalism is not monolithic—and that it creates political opportunities that may be progressive. For example, some neoliberal reforms may be congruent with the goals of alterglobalization activists—such as decentralization leading to greater community control of water resources. Third, it reminds us to pay attention to the multiplicity of reforms that typically occur when "neoliberalizing nature", not all of which focus on property rights. Specifically, the typology presented in Table 1 allows us to refine our academic analyses and activist responses to different types of neoliberalization, which vary significantly, opening up the creation of a range of alternative community water economies (Table 4).

Many of these alternatives, it should be noted, are not produced in reaction to neoliberalization, but rather resuscitate or develop new approaches to governing the relationship between the hydrological cycle, and socio-natural economies and polities. Some aspects of these reforms are congruent with a neoliberal agenda, but the work of alterglobalization activists reminds us that they need not be subsumed by neoliberalization. Rather, these reforms open up new political ecological and socio-natural relationships through which an ethic of care—for non-humans as well as humans—can be developed. As this paper has argued, this "alter-globalization" agenda necessitates a refinement of our conceptual frameworks of neoliberalization, accounting for multiple modes of property rights and service provision. This conceptual reframing allows us both to accurately analyze neoliberalization in situ and also to generate politically progressive strategies with which to enact more equitable political ecologies—particularly if our definitions of prospective "commoners" are porous enough to include non-humans.

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PSIRU (England), Public Citizen (US), and the Urban Social Forum (Indonesia).

Endnotes

[1] The 1992 International Conference on Water and the Environment set out what became known as the "Dublin Principles": including the principle that "water has an economic value in all its competing uses and should be recognized as an economic good". The Dublin Principles have been adopted by numerous international, multilateral and bilateral agencies. For assessments and critiques of commercialization in the water sector, see Bakker (2004), Finger and Allouche (2002), Huffaker and Whittlesey (2003), Johnstone and Wood (2001), Kaika (2003), Kijne (2001), Kloezen (1998), Kumar and Singh (2001), Landry (1998), McDonald and Ruiters (2005), Shirley (2002), Takahashi (2001), and Ward and Michelsen (2002).

[2] For an NGO perspective critical of water privatization, see the Council of Canadians Blue Planet Project (http://www.canadians.org/blueplanet/index2.html). For academic studies critical of the privatization process, with a focus on developing countries, see the Municipal Services Project website (http://qsilver.queensu.ca/~mspadmin). The US-based Public Citizen runs a campaign on water supply (http://www.citizen.org/cmep/Water/). The Global Water Partnership is an influential network of companies, governments, and lending agencies committed to the Rio-Dublin principles (http://www.gwpforum.org/). For an international public sector union perspective, see the PSIRU website (http://www.psiru.org).

[3] See, for example, articles in the recent special issue of *CNS* 16(1) (2005), or in the special issue of *Geoforum* on neoliberal nature (2004: 35(3)) edited by James McCarthy and Scott Prudham.

[4] The International Covenant on Economic, Social and Cultural Rights, one of the keystones of international human rights law. None of the United Nations conventions on human rights (except article 24 of the Convention on the Rights of the Child) explicitly recognizes the right to water (Morgan 2004).

[5] The Committee on Economic, Social and Cultural Rights (CESCR) is the body of independent experts that monitors implementation of the International Covenant on Economic, Social and Cultural Rights by its State parties.

[6] These declarations include the Cochabamba Declaration, the Group of Lisbon's Water Manifesto (Petrella 2001), and the Declaration of the P8 (the world's poorest eight countries, organized as a counterpart to the G8) at their fourth summit in 2000.

[7] Campaigns include the UK-based "Right to Water" (http://www.righttowater.org.uk) and "Blue October" campaigns, the Canada-based "Friends of the Right to Water Campaign", and the US-based "Water for All" campaign and "Green Cross" campaign for an international convention on the right to water (http://www.watertreaty.org).

[8] The Constitution of the Republic of South Africa guarantees the right of citizens access to sufficient water (Act 108 of 1996, section 7(2)).

[9] For example, water is defined as collective property ("waqf"), with water available free to the public, under Islam (Faruqui, Biswas and Bino 2003).

[10] As recognized by the UN Committee in its comment on the human right to water, which stated that, in permitting third parties (such as the private sector) in addition to state actors to supply water, an additional burden is placed upon regulatory frameworks, including "independent monitoring, genuine public participation, and imposition of penalties for non-compliance" (ECOSOC 2002, article 24).

[11] See Frérot (2006). Antoine Frérot was, at the time, the Director General of Veolia (one of the two largest private water companies in the world).

[12] Veolia's French language website states, for example, that "L'eau est considérée à la fois comme un bien économique, social, écologique et comme un droit humain"

["Water is considered an economic, social and ecological good as well as a human right"], http://www.veoliaeau.com/gestion-durable/gestion-durable/eau-pour-tous/bien-commun. See also the Open Forum on "Water: Property or Human Right?" at the 2004 Davos Forum, http://gaia.unit.net/wef/worldeconomicforum_annualmeeting2006/default.aspx?sn=15810.

[13] The Ministerial Declaration of the Hague on Water Security in the twenty-first century followed the inter-ministerial meeting known as the "2nd World Water Forum" in 2000. See http://www.worldwaterforum.net.

[14] Commodification entails the creation of an economic good through the application of mechanisms to appropriate and standardize a class of goods or services, enabling them to be sold at a price determined through market exchange.

[15] The classic definition of a market failure is a case in which a market fails to efficiently allocate goods and services, due to the "failure" to meet assumptions of standard neoclassical economic models. For example, market failures occur when property rights are not clearly defined or are unenforceable, when goods are non-excludable and non-rivalrous ("public goods"), when prices do not incorporate full costs or benefits ("externalities"), when information is incomplete, or in a situation of monopoly.

[16] See, for example, the on-line chatroom at http://www.waterjustice.org; the website of the second alternative world water forum (http://www.fame2005.org).

[17] See archived meeting session history on the Advisory Board website: http://www.unsgab.org.

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