

## COMMONS OR COMMODITY

### THE FIGHT FOR A WATER SECURE FUTURE RESTS WITH US NOW

Maude Barlow 's remarks for presentation to the Federal Chamber of Labour for the European Citizens' Initiative, "Water and Sanitation are a human right"

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I am really honoured to be with you today and to support the European Citizens' Initiative, "Water and Sanitation are a human right." I have enormous respect for the work you have done collectively as well as the incredible fight back being waged against the terrible austerity programs imposed in individual countries against the best interests of their citizens. A big shout out to our sisters and brothers in EPSU. We work very closely with unions and workers in Canada and believe this civil society/labour alliance can turn the tide back to sane public policy.

#### *The perfect storm*

As I see it, we have three major developments conspiring to bring about a very troubled water future. They form a kind of perfect storm or perhaps a perfect drought that we need to deal with together. We are in a life and death struggle over the planet's fresh water and a lot of what happens in the future depends on what we do right now.

#### *Running out*

*First*, we are a planet running out of fresh water. Let me be clear. The water is all on the planet somewhere, so it is not an issue of scarcity in the sense it is often spoken about by the World Bank for instance. The problem is that we humans have considered water to be a resource for our personal pleasure, profit and convenience and so we have paved over it, dammed and diverted it, polluted and shipped it all over the world in the global food trade without a thought that it might not be infinite.

Canadian water scientist and writer Jamie Linton says the water crisis is really a crisis of “modern water.” Having removed water from its cultural, social, spiritual and ecological roots, Western society has rendered water a scientific abstraction to be used to promote wealth and shape industrial development around the world. The state became an instrument of the conquest of water, and was able to privilege economic development over local needs and rights, he explains. Seeing water in this way led to massive overuse and also the redistribution of water to suit a market economy based on the notion of unlimited growth.

The results are devastating. Global water withdrawals have risen 50 per cent in the last several decades and are increasing dramatically. Using bore well technology that did not exist a hundred years ago, humans have relentlessly mined groundwater at an alarming rate. Worldwide over-pumping of groundwater more than doubled between 1960 and 2000 and is responsible for about 25 per cent of the rise in sea levels. By 2030, demand will outstrip supply by 40 per cent and almost half the world population will be living in areas of high water stress. By 2075, the number affected could be as high as 7 billion.

The world’s rivers are in crisis as are many of its major lakes. Whole watersheds are disappearing. Deserts are rapidly advancing in over 100 countries. China is heading for a dustbowl whose migration could number in the tens of millions, says the WorldWatch Institute. The Ogallala Aquifer, the “breadbasket” of the U.S. will run out of water in our lifetime. Australia, India, the Mediterranean, the Middle East, many countries in Africa, Mexico, the Southwest of the United States, are all facing more than drought. All may be running out of water.

### *Human tragedy*

*Second* is the human tragedy unfolding around us as millions still do not have access to clean water and sanitation. Every year, more people die from unsafe water than from all forms of violence, including war. Some 3.6 million people, 1.5 million of whom are children, die every year from water related diseases, including diarrhoea, typhoid, cholera and dysentery. One billion people still practice open defecation and 2.5 billion live without basic sanitation services. By 2030, more than 5

billion people – nearly 70 per cent of the world population – may be without adequate sanitation.

Most of those affected live the global South. By every measurement, global income disparities are the most severe they have been in a century. Billions live in poverty alongside great wealth. A child born in the global North consumes 30 to 50 times as much water as one born in the global South. Most in danger are those living in huge slums or impoverished rural communities in Latin America, Asia and Africa. Peri-urban slums ring most of the developing world's cities where climate and food refugees are arriving in relentless numbers, only to find no water services in their officially unrecognised settlements.

But not all victims live in poor countries. As we see deepening inequality in the countries of Europe and North America, water cut-offs are becoming all too common. Tens of thousands of inner city residents in Detroit Michigan have had their water cut off for inability to pay, and this phenomenon has migrated to European countries such as Greece, Portugal, and Bulgaria. Addressing the global water crisis means addressing the profound lack of democratic governance in our world.

### *Commodification of water*

This leads to the *third* development and that is the growing control of the world's water by private interests. The commodification of the world's water has made it increasingly inaccessible to those without money. Many poor countries have been forced by the World Bank to contract water services to private for-profit utilities, a practice that has spawned fierce resistance by millions left out due to poverty. Other struggles are taking place with bottled water companies who drain local water supplies, very often in poor and indigenous communities.

Peter Brabeck, CEO of Nestlé and a huge and dangerous proponent of private water, is the head of the 2030 Water Resources Group of the World Bank and advises governments all over the world on public private partnerships. This is man who says he would put 1.5 per cent of the world's water aside for the poor and put the rest on the open market. If Brabeck gets his way, there will one day be a water cartel

similar to big oil, making life and death decisions about who gets water and under what circumstances every day.

As well, there are “land grabs” where countries and investment funds buy up massive amounts of land in the global South for access to the water and soil for a future time. Some countries actually auction off water to global interests, such as mining companies, who now literally own the water that used to belong to rural communities and local farmers. And many countries are introducing water markets and water trading, whereby a water licence, often owned by private companies or industrial agribusiness, is converted to property to be hoarded, bought, sold and traded, sometimes on the open international market, to those who can afford to buy it.

In all of these cases, water becomes the private property of those with the means to buy it and is increasingly denied to those without.

### ***Effects on the ground***

All over the world, small farmers, peasants, indigenous people and the poor have found themselves unable to stand up to corporations. With every passing day, more and more water is taken out of the commons and claimed by private interests.

### ***Canada***

Let me give you three examples of this trend. The first is my own country. We have the most right wing government in our history. Prime Minister Stephen Harper wants Canada to exploit its massive tar sands operations to become an “energy superpower.” Working with the energy industry in Canada, much of which is foreign controlled, he has abandoned the Kyoto Accord; gutted clean water legislation, leaving the vast majority of Canada’s lakes and rivers totally unprotected from exploitation; slashed our environmental assessment laws, basically giving himself control over all mega projects; and cut independent science centres doing research on the impact of heavy oil on water – information the government doesn’t want to know.

Further, he is signing new trade and investment deals that give transnational corporations the right to sue the Canadian government for financial compensation in the billions if any future administration tries to re-instate these lost environmental protections. One is the Canada European Union CETA (Comprehensive Economic and Trade Agreement) that would give Canadian companies the right to sue European governments and European companies the right to sue Canadian governments if these corporations lose their “right to profit” through laws that are considered “barriers to trade.”

Already, regional and bilateral investment agreements give foreign corporations the ability to claim the actual water rights where they are operating – a very dangerous trend. A few years ago, the Canadian government paid \$130 million under the North American Free Trade Agreement to a big American pulp and paper company who claimed water rights in Newfoundland. The company had operated in the province for decades but went bankrupt and suddenly left its operations, leaving in its wake whole communities without work and laid off employees without benefits. Yet it successfully claimed it owned the water it had used in Newfoundland and had the right to be paid for it. CETA would give corporations similar rights. To fight for public water means that we have to fight CETA together!

### *Karnataka India*

Or take the water-ravaged state of Karnataka in India. So serious is the water crisis there, over 20,000 villages are in the grip of a severe water shortage and scientists say the state could actually run out of water. Eighty per cent of the population does not have potable water in their homes and 68 per cent still practice open defecation. What is desperately needed is a conservation plan based on rainwater harvesting and watershed restoration to renew the hydrologic cycle; a program of democratic local management of watersheds; and a plan to provide public water and sanitation for the population.

But the state government has other plan for its water supplies. They call Karnataka “Silicon Valley of India” and have targeted it for massive economic expansion. The state has become the poster child for water privatization and handed over water services to corporate giant Veolia

and other for-profit water providers. Authorities have shut down public distribution of water and shockingly even removed thousands of public taps to ensure a monopoly to the companies. This has had a devastating impact on the poor.

But the poor are seen as an unfortunate by-product of a system that is not questioned in the halls of government and business. The governments of both Karnataka and India have set an annual growth target of 8 to 10 per cent to entice foreign capital and help transform India from a still largely rural nation to an economic superpower. India's water is seen as a resource for industrial development and the country is ruthlessly damming its rivers and mining its groundwater to build industrial zones, displacing millions.

The time is going to come in India soon – and in other countries too – where a choice is going to have to be made for dwindling water supplies and the needs of the people and the ecosystem will be pitted against the needs of modern development. The more that water is owned and controlled by private interests, the more likely these water supplies will be directed toward economic growth in the name of the “overall good.” We really are talking life and death here.

### *Europe*

Then there is, of course, austerity ravaged Europe, a story you know only too well. Pushed by the very banks that created the financial crash of 2008 and the big water companies who stand to profit from the transfer of public to private control, the European Commission and the European Central Bank have imposed bailout conditions which include in many cases the privatization of essential public services, including water. These directives fly in the face of not only public opinion but of direct evidence that privatization does not save governments money. A study by Public Services International Research Unit clearly shows that private European water companies are heavily subsidized by the public purse. And of course, citizens and their descendants will pay the price of privatization for years.

You know the austerity story: falling wages and income, frozen pensions, record high unemployment, closed schools and hospitals,

evictions. The water selloffs are adding their own burden. Thousands of households have had their water services cut off in Bulgaria, Greece and Portugal. Everywhere there are higher rates and poorer service. This is on top of serious problems caused by existing privatizations. In Greece, since the beginning of water privatization, the work force has been cut by almost two thirds, the price of water has risen 300 per cent and services have deteriorated. Lower investments in Italy's private utilities have resulted in terrible wastewater management with serious consequences for the country's rivers and the Mediterranean.

European governments thinking about more forced water sell-offs should be examining Great Britain, which was the pioneer of water sell-offs under Margaret Thatcher back in the late 1980s. Twenty-one companies now run all the water services in England and Wales and made a pre-tax profit of 2 billion Euros last year. The top two paid no taxes on their profits last year and most of the others paid very little. The CEO of Thames Water earned over one million Euros last year and is in line for another million in bonuses based on company performance. Not only have rates skyrocketed during these decades, but service is widely considered to be deplorable.

Britain's private companies are famous for their pollution record. Well over 3 billion litres of water leak out of the country's creaking sewage system every day and Thames Water has dumped raw or semi treated waste into the Thames River for decades, not once fulfilling its promise to stop the practice.

### *Fight back*

There is of course good news and that good news lies in the fight-back taking place here in Europe, in India, in my country and elsewhere. The referendum in Italy made headlines around the world and has staved off the privatization of Italy's water services for now. We are watching with excitement the growth of a similar public water movement in Greece and other European countries. A Turkish court recently ordered an immediate halt to the construction of the Ilisu dam, which would have displaced many communities and flooded heritage sites of incalculable value. Water warriors from around the world supported the incredible citizen-led opposition to this mega project. And your Europe wide

citizens' initiative referendum on the right to water is one of the most important developments to emerge here in decades and we cheer you from all around the world.

But in the absence of an agreement on generally accepted fundamental principles, we are always fighting brush fires and not stopping the devastating water catastrophe coming at us. To do this we must strongly advance several clear principles and work toward their universal adoption.

### ***Water is a Common Heritage and a Public Trust***

*This principle recognizes that water is a common heritage that belongs to the earth, other species and future generations as well as our own. Because it is a flow source necessary for life and ecosystem health and because there is no substitute for it, water must be regarded as a public trust and preserved as such for all time in law and practice. Water is to be preserved forever for public use and governments are required to maintain the water commons for the public's reasonable good.*

*Therefore, water must never be bought, hoarded, traded or sold as a commodity on the open market. No one can "own" water. While there is an economic dimension to water, the private sector must never be allowed to have control over access to water and must abide within the public trust framework in its dealings with the water commons.*

Most traditional societies already practice this principle; indigenous communities cannot imagine a system where anyone is left without food, shelter or water. But we are living in a time of enclosure of the commons and must fight to expand our commons heritage rights everywhere. No one can own water; we must pass laws that clarify it as a public trust. Any commercial enterprise wanting access to this commons trust must convince its public stewards that it will do so without harm and should be paying for the privilege of having this access.

Public trust is not a return to unlimited access to water sources. We must run a fiercely protected and strictly managed commons if we are



to ensure both protection of the water sources and just and equitable sharing of water in a world heading toward 10 billion inhabitants.

### ***Water is a Human Right***

*This principle recognizes that denying people or communities access to drinking water and sanitation is a violation of their human rights. In our world today, wealthy people and corporations have access to all the water they want while millions go without because they cannot pay for it. The right to water is not a free for all, allowing anyone to use all they want for any purpose; rather it guarantees clean accessible drinking water and sanitation for personal and domestic use for all.*

*The human right to water places the onus on governments to provide water and sanitation to their people and prevent harm to their drinking water from third parties. Most essentially, the human right to water is an issue of justice, not charity, and requires a challenge to the current power structures that favour elite access to the world's dwindling water supplies.*

We have made huge strides toward this goal. On July 28, 2010, the General Assembly of the United Nations recognized the human right to water and sanitation, and in doing so, took a collective evolutionary step forward. Since then, many countries have adopted laws or amended their constitutions to recognize the right to water. Governments have clear obligations placed upon them now with respect to providing public water services and we must hold them to it. We must also seek to expand the definition and scope of these rights to include local community rights over local resources, indigenous and cultural rights and collective rights.

The fight for the right to water was long and hard and opposed by powerful forces within governments, the World Bank, the UN and the World Water Council. While all now pay lip service to the human right to water, the forces that fought it are doing everything they can to undermine the very kind of policies that would ensure this right. We must not cede any ground on this hard won victory.

### **Water has Rights Too**

*This principle recognizes that water has rights outside of its usefulness to humans. Source water and watersheds must be protected for all time in practice and in law. The belief in unlimited growth and our treatment of water as a tool for industrial development have put the world's water in jeopardy. Water is not a resource for our pleasure, profit and convenience but rather the essential element of a living ecosystem from which all life springs. Since most nation-state laws consider nature and water to be forms of property, it is imperative to create new laws more compatible with the laws of nature.*

*If we, other species and the planet are to survive, we must adopt an earth-centred form of governance based on the conservation, protection and restoration of watersheds and nature and build all policies - environmental and economic - around the needs of Mother Earth. And we must abandon the development model of unlimited growth and learn to live within nature's boundaries.*

In his wonderful book *Wild Law*, South African environment and human rights lawyer Cormac Cullinan says that the day will come when the failure of our laws to recognize the “right of a river to flow, to prohibit acts that destabilize the Earth’s climate or to impose a duty to respect the intrinsic value and right to exist of all life” will be as reprehensible as allowing people to be bought and sold. He says our treatment of nature is akin to a form of slavery and will be looked back on by future generations – if there are future generations - as a terrible chapter in human history.

Every thing we do, the way we design cities, the way we grow our food, the way we trade among nations, all policies we adopt be they economic, social, energy, trade or environmental, must put protecting water and nature at their heart. Restoring water is part of the key to fighting climate change and a step down a long path to recovery of a healthy planet.

### *Final thoughts*

My water journey has been a long and magical. It has taken me from the seats of power at the UN and in various Parliaments around the world to the poorest favelas and slums in the world. I have marched with local

communities around the world in their fight for water justice and been proudly present at the birth of many local, national and regional water justice movements. I have protested and challenged authority at every single World Water Forum from The Hague to Kyoto to Mexico City to Istanbul to Marseilles and been tear gassed on every continent.

What I can tell you is that the struggle for water justice is the most powerful struggle I know and absolutely key to all the others. We need democratic, just and public control of water if we are to survive. And the beauty of it is that the struggle for this water justice will teach us what we need to know about to live more lightly on this lovely planet and live more gently with one another.

I thank you with all my heart for the wonderful fight you are putting up against this corporate power play going under the banner of austerity. I know water warriors around the world are with you in your fight to protect Europe's water for the earth and future generations. As the late American scientist Carl Sagan said, we are by accident of fate alive at an absolutely critical moment in the history of our planet. "Don't sit this one out! Do something!" he said. We won't sit it out and what we do today will steer us to the sustainable and just future we know is possible.