

**A Stormy War of Position:  
An Investigation of the Use of Human Right to Water and  
Sanitation Discourse to Legitimate Accumulation by  
Dispossession**

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## **Abstract**

This thesis examines the corporate appropriation of human right to water and sanitation discourse. David Harvey's concept of accumulation by dispossession provides the political-economic basis for this analysis while enabling a discussion of water conflicts that looks at neoliberalization strategies beyond the privatization of services. Inspired by Gramsci's notion of a "war of position", this thesis investigates the role of corporate appropriation of human right to water and sanitation discourse in legitimating strategies of accumulation by dispossession. Through content and critical discourse analysis of publications of a corporate policy consortium called the 2030 Water Resources Group the investigation concludes that this lobby group simultaneously undermines human rights while actively using key elements of rights discourse to advance its neoliberal water policy objectives.

## Table of Contents

<b>INTRODUCTION</b> .....	<b>6</b>
1.1 <i>Background</i> .....	7
1.2 <i>Analytical framework</i> .....	10
1.3 <i>Central research question</i> .....	12
1.4 <i>Structure of the thesis</i> .....	12
<b>CHAPTER TWO: LITERATURE REVIEW</b> .....	<b>14</b>
2.1. <i>The study of neoliberalism</i> .....	14
2.2. <i>Neoliberalism as accumulation by dispossession</i> .....	17
2.2.1 <i>Accumulation by dispossession within water conflicts</i> .....	18
2.2.2 <i>The campaign for a human right to water as a tool against accumulation by dispossession</i> .....	24
2.3. <i>Gramsci and the war of position</i> .....	26
2.3.1 <i>War of position and strategies of legitimation</i> .....	28
2.3.2 <i>The war of position and appropriation of discourse</i> .....	29
2.4. <i>Neoliberalization of water</i> .....	33
2.5 <i>Summary and research question</i> .....	36
<b>CHAPTER THREE: METHODOLOGY</b> .....	<b>39</b>
3.1 <i>Intertextual analysis through content analysis of discourse appropriation</i> .....	40
3.2 <i>Examination of legitimation through critical discourse analysis</i> .....	52
3.3 <i>Summary</i> .....	55
<b>CHAPTER FOUR: CONTENT ANALYSIS</b> .....	<b>56</b>
<b>4.1. Direct appropriation of human right to water and sanitation discourse</b> .....	<b>56</b>
4.2. <i>Appropriation of key human right to water and sanitation principles</i> .....	58
4.3 <i>Significant omissions</i> .....	61
4.4 <i>Summary</i> .....	62
<b>CHAPTER FIVE: CRITICAL DISCOURSE ANALYSIS</b> .....	<b>64</b>
5.1 <i>Destructive strategy: De-legitimizing human rights</i> .....	64
5.2 <i>Constructive strategies</i> .....	67
5.3. <i>Perpetuating strategies</i> .....	73
5.3.1 <i>Justifying capital accumulation through sustainability discourse</i> .....	74
5.3.2 <i>Environmental sustainability discourse to perpetuate state redistribution</i> .....	79
5.3.3 <i>Accumulation by dispossession perpetuated through financial sustainability discourse</i> ....	83
5.4 <i>Transformative strategies</i> .....	88
5.4.1 <i>Redefining participation and equity to promote multi-stakeholder processes</i> .....	88
5.5 <i>Summary</i> .....	94
<b>CONCLUSION</b> .....	<b>96</b>
6.1. <i>Direct appropriation of human right to water and sanitation discourse</i> .....	97
6.2. <i>Indirect appropriation of human rights discourse</i> .....	98
6.3 <i>Limitations and recommendations for future research</i> .....	102
6.4 <i>Concluding remarks</i> .....	104
<b>BIBLIOGRAPHY</b> .....	<b>107</b>

## INDEX OF TABLES

Table 3.1 2030 Water Resource Group Publications .....	42
Table 3.2 Human right to water and sanitation themes .....	48
Table 4.1 Frequency of use of the term “right” in 2030 WRG documents .....	57
Table 4.2 Words occurring at a frequency greater than 200 .....	59
Table 4.3 Terms associated with participation .....	60
Table 4.4 Terms associated with non-discrimination and gender equality .....	62
Table 5.1 Explicit references to the human right to water .....	65
Table 5.2 Building a narrative of financialization through private rights discourse .....	70
Table 5.3 Examples of the ambiguous use of “rights” .....	72
Table 5.4: Use of water sustainability discourse in the sample .....	74
Table 5.5 Use of the term cost in the sample .....	84
Table 5.6 Use of the term investment in the sample .....	85
Table 5.7 Use of terms associated with the principle of participation in the sample .....	89
Table 5.8: Use of the term equity in the sample .....	92
Table 5.9: Use of the term accountability in the sample .....	93
Table 6.1 Legitimation of accumulation by dispossession .....	101

## INTRODUCTION

For the last two decades, social justice organizations, small farmers, urban community activists, environmentalists and trade unions have joined forces to campaign for formal recognition of the human right to water and sanitation as part of their campaigns against the privatization of water and sanitation services, contamination of water sources and various forms of corporate takeover of freshwater supplies. Collectively, this grouping of anti-globalization activists has come to be known as the global water justice (GWJ) movement. It distinguishes itself from other groups campaigning for the human right to water by its adherence to a clear stance against the privatization of water and sanitation services, market-based water allocation schemes, deregulation, and free trade.

The campaign for a human right to water is not without its detractors despite public opinion polls and referenda in Europe<sup>1</sup>, Latin America<sup>2</sup> and Canada<sup>3</sup> showing widespread support for right to water initiatives. Led by a number of international NGOs and grassroots activists, the global campaign for the human right to water and sanitation (HRTWS) began to gain momentum in the early 2000s. These events coincided with an emerging debate regarding the appropriateness of the human right to water as a tool in campaigns against the privatization of water and sanitation services (Bakker 2007).

The notion of a human right to water has resonated strongly among civil society and grassroots activists as a strategy for opposing policies aimed at privatizing water and sanitation services. It has also served as a tool for campaigns against bottled water and

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<sup>1</sup> Nearly 2 million signatures were collected in Europe in 2013 as part of a European Citizen's Initiative, a

<sup>2</sup> Referenda calling for constitutional recognition of the HRTWS have showed majority support in Uruguay, Bolivia, Colombia, Ecuador, El Salvador and Mexico.

<sup>3</sup> A 2011 Environics Research poll commissioned by the Council of Canadians revealed that 73% of Canadians wanted the Harper government to recognize the human right to safe clean drinking water and sanitation: <http://www.canadians.org/media/water/2011/21-Mar-11.html>

big beverage companies seeking access to community water supplies in India, contamination of water resources by mining companies in Latin America and countless other struggles surrounding freshwater policy. However, one of the key arguments levied against the notion of a human right to water is the charge that corporate interests have appropriated this concept. Bakker (2007), for example, argues firmly against the use of the human right to water as a tool for anti-privatization campaigners averring that corporate appropriation of this discourse demonstrates its compatibility and complicity with neoliberalism. As she puts it,

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 (p.447).

Through content analysis and critical discourse analysis (CDA) of the policy documents of a powerful corporate policy consortium spearheaded by the World Bank's International Finance Corporation (IFC), Nestlé, Coca-Cola and other multinational corporations, this thesis examines the accuracy of this charge and its relevance to global water justice campaigns. Content analysis is used to determine whether one of the world's leading corporate lobby groups within the water sector appropriates human right to water discourse, and CDA is used to investigate the relationship between corporate appropriation of discourse and policies of privatization, financialization and state redistribution.

## **1.1 Background**

Over the past few decades, the social control of water resources and water and sanitation services has been a site of popular resistance to the economic model widely known as neoliberalism (see Swyngedouw 2005, Bakker 2007, Barlow 2008, Barlow and Clarke

2002, Robbins 2003). In July 2010, the United Nations passed a resolution recognizing the human right to water and sanitation. This was considered a major victory for social justice organizations campaigning on water issues (Barlow 2013).

With formal recognition of the human right to water and sanitation at the international level and a growing push for constitutional amendments to the human right to water and sanitation in several countries, including Italy, Uruguay, Bolivia, Mexico, El Salvador, Colombia, Tanzania, Ghana and others, the contest to define the human right to water and sanitation is all the more significant. GWJ activists must now contend with the reality of ensuring that the human right to water is implemented in such a manner that it strengthens campaigns for social control of freshwater resources as well as publicly run and community-controlled water and sanitation services.

Proponents and critics of the human right to water and sanitation often cite concerns surrounding corporate appropriation of discourse, but there has been very little empirically grounded analysis of corporate appropriation of discourse. The limited understanding of the corporate appropriation of human right to water discourse makes it difficult to evaluate the veracity of claims that this phenomenon contributes, or may contribute, to making the human right to water and sanitation an inappropriate tool for campaigns against privatization.

The reality of corporations adopting the discourse of their opponents is nothing new. In the mid-1990s Greenpeace coined the term 'greenwash' to denounce corporations that were portraying themselves as champions of the environment in their public relations campaigns (Bruno and Greer 1996). Rather than advocating for environmental movements to abandon the appropriated discourse, Greenpeace set out to expose and

denounce the hypocrisy of corporations like BP and Shell whose actions contradicted their discourse.

Baxi (1998) distinguishes between dominant-hegemonic rights talk and subaltern rights-talk of which the human right to water, forged out of global struggles against privatization, is part. Rajagopal (2004) likewise argues that the ability of human rights to serve counterhegemonic ends needs to be studied on a case-by-case basis. He critiques what he calls “compliance/effectiveness literature” that aims to evaluate international human rights as absolute without recognizing the role of domestic courts and “norm interpreters” in applying and interpreting these laws. Rajagopal (2004) argues that studies that evaluate human rights compliance and effectiveness in a vacuum without considering regional realities fail to “ask the crucial question of how victim groups perceive the ‘law’ or even to what extent ‘law’ (and what law?) is relevant to the goals of victims themselves” (p.347).

Seen in this light, Bakker’s critique of the human right to water fails to acknowledge factors that have contributed to making the human right to water such a resilient campaign within the GWJ movement as well as the ways in which human right to water campaigns have served to reverse neoliberal policies. Moreover, her analysis of the human right to water as a tool in campaigns against neoliberalism is limited to a largely theoretical evaluation of campaigns against “private water supply.” Yet, the human right to water has, and continues to be used in anti-globalizations campaigns that go far beyond this form of privatization of services.

The discussion advanced in this thesis starts from the position of what a significant number of impacted communities want, and proceeds from the premise that the human

right to water and sanitation remains a popular and meaningful organizing tool and campaign strategy for GWJ movements. Given the prominence of this issue within the GWJ movement, if corporations and corporate lobby groups are appropriating human right to water discourse, the phenomenon requires further examination. In the light of ongoing successes in using the human right to water as a strategy against neoliberal water policy this thesis empirically examines how corporations are appropriating human right to water discourse.

## **1.2 Analytical framework**

This thesis is modeled on what Swyngedouw refers to as “critical water literature” that engages with hydro-social dynamics of water conflicts by examining the political economic and social contexts in which they occur. It applies David Harvey’s concept of “accumulation by dispossession” to the context of conflicts surrounding water resource allocation and the control of water and sanitation services. He contends that Marx’s notion of primitive accumulation<sup>4</sup> continues to be applicable to contemporary forms of capital accumulation that result in the violent enclosure of common goods<sup>5</sup> and forcible separation of producers from the means of production (Harvey, 2008).

Corporate discourse appropriation is examined within a Gramscian framework that looks at discourse as a product of underlying power dynamics. Multinational corporations are seen not simply as businesses peddling their wares, but as actors within a global hegemonic bloc – an elite class seeking to attain and consolidate power. Contemporary

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<sup>4</sup> According to Marx, primitive accumulation is the “historic process of divorcing producer from the means of production,” which gave birth the establishment of a capitalist society:  
<http://www.marxists.org/archive/marx/works/1867-c1/ch26.htm>

<sup>5</sup> Common goods in this context refer to goods that can be equally accessed by all and cannot be privately owned by any one individual. Water is considered a common good in the majority of jurisdictions.

Gramscian political economists refer to this global hegemonic bloc as the transnational capitalist class (TCC). It is seen to comprise a range of actors that form a superstructure to develop strategies to achieve the hegemony of neoliberal globalization. These actors include, transnational corporations (TNCs), politicians and bureaucrats, technical professionals, banks, and global institutions.<sup>6</sup>

Gramsci's analysis of hegemony (i.e., power achieved by co-opting public consent), provides the analytical framework for investigating how corporate appropriation of discourse serves to promote strategies of accumulation by dispossession. The underlying premise of this framework within the context of the thesis is that the transnational capitalist class is working to legitimate, or build public consent, for accumulation by dispossession in the water and sanitation sector (e.g., privatization of water and sanitation services, market-based water allocation schemes, deregulation and free trade).

The textual analysis undertaken in this study is rooted in an understanding of appropriation as being different from mere reflexivity wherein one text reflects elements of another. Hence, in the pages that follow the term appropriation is used to describe a process akin to theft, where the discourse of one group is taken away, and made impotent or counterproductive through its use by another. Corporate appropriation of discourse is examined from the perspective of the GWJ movement as a strategy to legitimate three mechanisms of accumulation by dispossession within the area of water and sanitation: privatization, financialization, and state redistribution.

It must be noted from the outset that the author of this thesis is an active member of the Global Water Justice Movement as an employee of the Council of Canadians' Blue

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<sup>6</sup> Sklair (2002) argues that, "while TNCs have always been political actors, the demands of economic globalization require them to be political at the global level in a more systemic sense than previously" (p.145).

Planet Project. For more than 15 years, she has participated in and written about anti-globalization movements. For the past 10 years, she has researched and campaigned on Canadian and global water issues. This work places her in regular communication with grassroots activists and communities challenging neoliberal water policies around the world. This experience provides the author with a nuanced perspective that is informed by the direct experiences of communities on the front lines of struggles against the neoliberalization of water.

### **1.3 Central research question**

The aim of this thesis is to investigate the efforts of the transnational capitalist class at building consent for its strategies of accumulation by dispossession in the water sector through the appropriation of human right to water and sanitation discourse. It is guided by the following central research question: *How has the 2030 Water Resources Group sought to legitimate strategies of accumulation by dispossession (privatization, financialization, and state redistribution) by appropriating human right to water and sanitation discourse?*

### **1.4 Structure of the thesis**

This thesis is divided into five chapters. This introductory chapter has set out the background to the debate surrounding right to water discourse, and the theoretical framework and key concepts employed to structure the study. The discussion in the second chapter provides an overview and analysis of the key concepts framing the research question. In chapter three the methods used to investigate the central research question are outlined. The data obtained from the analysis of policy documents is presented and discussed in the fourth and fifth chapters. Chapter six concludes the thesis

by answering the research question, discussing the relevance and limitations of the study, and providing recommendations for future research.

## **CHAPTER TWO: LITERATURE REVIEW**

The discussion in this chapter situates the contest for the meaning of the human right to water within the context of a global struggle for resources within the dominant economic model of neoliberalism. In so doing, it draws from Gramsci's notion of hegemony and the associated concept of "war of position" as a basis for examining the pitting of the global water justice movement against a global capitalist elite comprised of transnational corporations, international financial institutions, corporate-friendly governments and international institutions. The discussion is divided into five sections beginning with an overview of the concept of neoliberalism. In the second section, David Harvey's definition of neoliberalism as accumulation by dispossession is explained and proposed as a basis for investigating corporate legitimization strategies. This is followed by a presentation of Gramsci's notion of the "war of position" is advanced as a complementary theoretical framework for examining the corporate appropriation of the human right to water as a strategy within the battle for public consent in section three. Section four examines the application of accumulation by dispossession to neoliberal water policies. The central research question guiding this study is re-iterated in the concluding section.

### **2.1. The study of neoliberalism**

Understanding the neoliberalization of water requires an unpacking of the concept of neoliberalism itself. The propensity to identify neoliberalism as an overarching source of inequality and injustice is ubiquitous within social movement and activist discourses (See, for example, Hosseini 2010). However, the notion of neoliberalism as a subject of analysis is highly contested, with much debate focusing on whether it constitutes a

significantly new political economic moment or an extension of the old capitalist model.

Peck and Tickell (2012), Harvey (2005a), Carroll and Carson (2003), Robinson and Harris (2000) are among those who argue that neoliberalism marks a distinctly new era of post-nation-state capitalism. A key characteristic of this perspective is the assertion that neoliberalism goes beyond the political boundaries of traditional capitalism, involving a global order supported by international mechanisms including international financial institutions, trade agreements and multilateral bodies such as the World Trade Organization, World Economic Forum, the International Monetary Fund, the World Bank and others (Bakker 2010; Carroll and Carson 2003). Harvey (2005a), for example, traces neoliberalism back to the crisis of over-accumulation of the 1970s when Northern states expanded markets in the global South for the purpose of absorbing growing surpluses and restoring profitability. Carroll and Carson (2003), likewise attribute a series of defining moments during the 1970s and 1980s (e.g., the 1973 U.S. backed coup in Chile that led to the ousting of the government of Salvador Allende, Margaret Thatcher and Ronald Reagan's dismantling of welfare state policies in the U.K. and U.S., and Deng Xiaoping's transitioning of the Chinese economy to capitalism) to the end of the Keynesian era and the dominance of "a resurgent political right" (Flew, n.d., p.15).

Barnett (2005), by contrast, criticizes attempts to define neoliberalism as a grand ideational project. He characterizes neoliberalism as a "critic's term" that stems from "a style of analysis that makes it impossible to acknowledge diverse dynamics of change, and in turn remains blind to emergent public rationalities" (p.25). He maintains that in their generalizations, Harvey and other "neoliberal purists" (p.22) downplay diverse mechanisms of human agency and contending views of the state (e.g., state as protecting

the class interests of the elite versus the state as a counterweight to markets). This, he claims, results in a propensity to overlook a range of possibilities for creating social change. For example, he contends that policies are shaped, not solely by policy paradigms like neoliberalism or Keynesianism, but also by micro-level factors including the motivations of key agents, and the various relationships and interactions between politicians, bureaucrats and users.

Bakker (2010) is also critical of treating neoliberalism as a unitary concept. She argues that different natural resources have been differently affected by neoliberalism in accordance with the constraints biophysical characteristics place on capital accumulation. Water as a flow resource, for instance, has been more difficult to commodify than food or mineral resources, in part, because private property rights have been more difficult to establish for flow resources. Consequently, the neoliberalization of resource management has been far more limited for water resources than for energy, with the latter tending to be subject to public control and oversight whereas the extraction of oil resources has witnessed a growing shift from state to private control and deregulation.

Concerns have also been expressed about the propensity to conflate “rhetoric with results”, especially with regard to claims about neoliberalism having taken a firm hold throughout the world (Belfrage and Ryner 2009, p.258). Pierson (1996), for example, points to the Thatcher government’s inability to eliminate the National Health Service in Great Britain, and the Reagan administration’s inability to push certain radical Medicare Reform policies through Congress as examples of the incompleteness of any neoliberal project. Using an analysis of aggregate levels of social spending he maintains that there was limited welfare state retrenchment by both regimes despite their avowed hostility

towards welfare state policies. Echoing this notion, Belfrage and Ryner (2009) point out that efforts to financialize the universal pension fund in Sweden faced significant challenges that resulted in the emergence of a hybrid model that retains “solidaristic values” of universality and redistribution of wealth from its pre-neoliberal past.<sup>7</sup>

## **2.2. Neoliberalism as accumulation by dispossession**

For Harvey (2006), the fact that the outcomes of neoliberalism have in many cases diverged from the original template is not particularly important. He is less interested in regional variations in outcomes than in overarching patterns in the policy agenda of key agents of neoliberalism including international financial institutions. Harvey argues that international institutions like the World Trade Organization (WTO) and the International Monetary Fund (IMF) have established a universal set of rules to which all states must adhere, thereby creating a certain consistency and universality. He writes, “Neoliberalism has in effect swept across the world like a vast tidal wave of institutional reform and discursive adjustment, and while there is plenty of evidence of its uneven geographical development, no place can claim total immunity (with the exception of a few states such as North Korea)” (Harvey 2006, p. 145). He also maintains that there has been a global trend of increasing social inequality over the past three decades, particularly in countries where neoliberal policies have been strongest (eg. Britain and the United States) (Harvey 2005b).

Harvey sees capital accumulation rather than economic growth as a key driving force within the neoliberal agenda. Neoliberalism is, in his view, “a political project concerned

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<sup>7</sup> Belfrage (2013) further develops this idea arguing that Sweden is a model of “subversive neoliberalism” in which neoliberal policies such as financialization are channeled through the welfare state.

both to re-establish the conditions for capital accumulation and the restoration of class power” (p.149). When capital reaches a saturation point and is no longer able to accumulate, new channels are sought to perpetuate a rate of accumulation often entailing violent strategies of dispossession. As Harvey (2005b) explains, “if system-wide devaluations (and even destruction) of capital and of labour power are not to follow, then ways must be found to absorb these surpluses” (p.63). According to this view, the absorption of surplus through temporal and geographical reorganization ensures continued profits either through geographical expansion into new markets and access to production, labour and resources elsewhere or through temporal displacement via long-term investments and projects that allow for profits at some future date.

### **2.2.1 Accumulation by dispossession within water conflicts**

In defining the decollectivization of public services and the privatization of common resources as a process of “accumulation by dispossession,” Harvey argues capital accumulation can only occur at the expense of those who are dispossessed. His framework makes clear that neoliberalization is not a neutral process, let alone one that is beneficial to the majority of the population as proponents of trickle-down economics argue. As such, variegation within the neoliberal model is understood as different levels and patterns of accumulation and dispossession within a coherent doctrine that consistently benefits the wealthy (i.e., those who accumulate) and harms the poor (i.e., those who are dispossessed). For the purposes of this thesis, Harvey’s theory of accumulation by dispossession has the added advantage of taking into account a broad range of struggles within the continuum of neoliberalization of water, including both

resource and service-related struggles.<sup>8</sup>

Harvey's work has been valuable for critical water researchers who have sought to frame discussions about water conflicts within an ideological context that investigates the political-economic context and social impacts of water policy debates. Gordon and Webber (2008), for example, use Harvey's framework to show how the expansion of Canadian mining into Latin America over the past decades has involved the use of violent and predatory means of dispossessing indigenous and rural communities of their land, natural resources, and livelihoods. They explain that in order to allow for the activities of the Canadian mining industry to expand, the Canadian government has played an active role in shaping national policies allowing Canadian mining interests to be pursued unimpeded by environmental and social protections.

Swyngedouw (2005) describes how water became vulnerable to strategies of accumulation by dispossession over the last two decades as investors began to seek new channels for capital accumulation within sectors that had previously been nationalized or which remained outside the purview of markets. He explains that making money from water entails both the commodification of local water resources in order to integrate them into the global economy, and a series of strategies aimed at ensuring sufficient returns on investments in water and sanitation infrastructure and services. This process entails introducing reforms aimed at expropriating common goods, restraining public or political involvement in water policy, ensuring greater power and autonomy for the corporations involved, and increasing productivity and prices for water and sanitation services in order to maximize profit. In the end, he argues, "private actors and companies become much

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<sup>8</sup> This is in stark contrast to Bakker's critique of the human right to water that focuses predominantly on its role in campaigns against the privatization of water supply.

more powerful voices in strategic water-related decisions at the expense of other civil society organizations or the state” (Swyngedouw, 2005, p. 93).

Widespread public resistance to corporate control of water resources has posed numerous challenges for corporations seeking to take advantage of water as a space for accumulation (Swyngedouw 2005). Spronk and Webber (2007) draw upon Harvey’s framework of struggles against accumulation by dispossession to examine conflicts surrounding water and energy privatization in Bolivia from a political-economy perspective that focuses on how structural factors influence social movement struggles. The case of accumulation by dispossession through privatization of community water services they examine encountered strong public resistance in the city of Cochabamba, Bolivia in 2000. Tariff hikes aimed at ensuring a 15 to 17 per cent rate of return and a new water law granting exclusive water rights to Agua del Tunari, a subsidiary of Bechtel, triggered massive street protests in which a teenager among the 100,000 protestors was shot and killed by the police. Eventually, the government was forced to withdraw its contract.

Spronk and Webber (2007) argue that despite being larger and extremely well coordinated, countrywide mobilizations against export-oriented energy policy have failed to yield the similar results. The account for this difference by contending that protests against accumulation by dispossession in the natural gas sector in Bolivia were framed around macro-level politics that sought a restructuring of the economy and which required the reversal of 15 years of neoliberalism. By contrast, movements contesting accumulation by dispossession in the water sector framed their struggle around micro-level demands including public control of water and sanitation services that the state was

able to ultimately concede without abandoning its neoliberal orientation.

More recent anti-privatization struggles are significant to the focus of this thesis because unlike the extractive struggles described by Gordon and Webber (2008), where corporations appear to rely primarily on coercive and violent strategies of dispossession against marginalized communities, water corporations attempting to force their way into larger urban markets often need to engage in legitimation strategies to achieve their objectives.

Swyngedouw (2005) argues that since the 1980s the push to privatize has been accompanied by a two-pronged public persuasion campaign seeking to make accumulation by dispossession desirable by, on the one hand, undermining public faith in the state and in non-private models, while simultaneously celebrating the private sector as the solution and on the other hand. Likewise, Spronk (2010) assesses the World Bank's focus on economic efficiency as a strategy to delegitimize the public sector and justify private-sector service provision. She argues that proponents of privatization downplay the negative social impacts of job cuts, tariff hikes and other cost-cutting and profit-making measures by reframing them as standards of efficiency. Raising water rates, for example, are commonly framed as "reflecting the 'true value' of water" (Spronk 2010, p.158).

Despite these efforts, proponents of privatization have failed to achieve the desired success. As Spronk (2010) explains, "after a wave of protests in the poor countries of the global South in the 1990s, large multinational water companies have begun to withdraw from the [water and sanitation] sector in Asia and Latin America where currency devaluations and social mobilizations have led to a series of renegotiated and cancelled contracts" (p.157). Even the World Bank acknowledges that protests against water

privatization have been commonplace and pose a serious political risk for investors and governments seeking to enforce privatization (Bakker 2013).<sup>9</sup>

Nonetheless, accumulation by dispossession persists in the water and sanitation sector as private industry continues to seek new entry points for market expansion within a context of financial crisis and austerity measures. Barlow (2013), for example, notes that most banks now have investment funds targeting water, that public pension funds (including Canada's) continue to invest in water and sanitation services, and points to a 2012 U.S. industry publication titled *U.S. Water Industry Outlook*, which predicts a surge in privately operated water and sanitation services in the U.S. within five years (Barlow 2013). The 2014 version of the report explains that the financial crisis had been beneficial to the water industry as investors moved funds to "safer asset classes" (Weiser Mazar, 2014).

Barlow (2013) also emphasizes that control of, and access to, water resources is fundamental for capital accumulation in other water-intensive sectors. According to Environment Canada, 60 per cent of Canada's Gross Domestic Product (GDP)<sup>10</sup> is directly dependent on water. Agribusiness, the energy sector, mining, and numerous other industries are aggressively pursuing greater access to water resources in order to ensure their ability to maintain unfettered capital accumulation. This gives rise, among other things, to concerns about large-scale contamination of water resources and over extraction of scarce supplies. As a consequence, there has been an observable shift in

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<sup>9</sup> A report by Lobina *et al.* (2014) documenting 180 cases of communities where privatization deals have been reversed or abandoned in the last 14 years – a process referred to as remunicipalization – shows that campaigns to justify and promote privatization are failing around the world. Lobina *et al.* argue that the wave of remunicipalizations since 2000 represents the failed marketing and propaganda tactics of corporations that attempted to sell private-public-partnerships (P3s) as distinct from privatization.

<sup>10</sup> The World Bank defines GDP as "the value of all final goods and services produced in a country in one year": <http://www.worldbank.org/depweb/english/beyond/global/glossary.html#34>

focus within the GWJ movement with groups and networks who traditionally focused on struggles against water privatization paying closer attention to water resource battles.<sup>11</sup>

Reflecting this shift, Morinville and Rodina (2013) draw upon Harvey's framework to look beyond the question of privatization of water and sanitation services to trace the long history of struggle of the Kalahari Indigenous peoples against dispossession of their water and land rights in Botswana. These authors point to the role of the state in relocating residents of the Central Kalahari Game Reserve in order to make room for private ecotourism and extractive industries. In 2011, a Botswana court of Appeals decision returned possession of traditional water sources on the Central Kalahari Game Reserve to the Kalahari San and Bakgalagadi granting them access to these resources.

Likewise, Gordon and Webber's (2008) study points to water justice struggles that intersect with campaigns against extractives in Latin America:

Most new areas of mining investment in Latin America are on inhabited land, and even when these areas are not directly inhabited, communities nearby are commonly affected by the inevitable environmental repercussions of mining, which include industrial run-off affecting local water sources or the destabilization of the migratory and mating patterns of game and the loss of arable land resulting from the infrastructural development accompanying it. (Gordon and Webber, 2008, p.68)

Their case studies of community struggles against Canadian mining demonstrate that popular movements have been a significant impediment to the expansion of an industry that is at the heart of Canadian accumulation by dispossession strategies. For instance, Barrick Gold's Pascua Lama project has been stalled due to fierce resistance in Argentina and Chile with environmentalists, farmers and indigenous peoples pushing back against the impacts the mining project would have on watershed. These struggles demanding

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<sup>11</sup> See statement from 2012 meeting of La Red Vida, a Latin American network of GWJ groups historically focused on privatization struggles: <http://censat.org/es3/noticias/declaracion-de-mexico-red-vida-la-red-de-vigilancia-interamericana-por-la-defensa-y-el-derecho>

sovereignty over land and natural resources, where water plays a central role, appear to bear more in common with the Bolivian natural gas wars than they do over the localized struggles against water privatization noted by Spronk and Webber (2007). These local struggles have been supported by national campaigns with broader implications beyond the community.

### **2.2.2 The campaign for a human right to water as a tool against accumulation by dispossession**

For a number of GWJ movements, the struggle for the human right to water and sanitation has been a central strategy in campaigns against accumulation by dispossession. Since the publication of Bakker's 2007 article, there have been a number of important court rulings in which the privatization of water supply has been deemed in violation of human rights.

Social movements in Uruguay, Ecuador and Bolivia campaigned successfully for constitutional recognition of the human right to water and sanitation that resulted in the banning of private water and sanitation services despite ongoing challenges against neoliberal water policies in these countries (Harris and Roa-Garcia, 2013). The 2011 Botswana ruling – the first instance of a court citing the 2010 UN General Assembly resolution on the HRTWS – showed the potential for the human right to water as a tool against dispossession (Morinville and Rodina, 2012). In 2012, water justice advocates in Europe made history by submitting the first European Citizens' Initiative calling for human right to water legislation that would exclude water services from EU liberalization directives. The petition campaign obtained over 1.8 million signatures throughout Europe and is currently being debated at the European Parliament. In 2014, a top Greek Court

stopped the sale of the country's largest water utility, Athens Water, to private investors claiming it was a violation of the constitutional right to public health<sup>12</sup>. In March 2015, a Jakarta Court annulled a 17-year-old private concession and returned the water utility to public hands claiming that private operators had violated the human right to water.<sup>13</sup>

Taken together, these examples transcend debates about the compatibility of the human right to water and sanitation with private sector service provision of services, as well as indicating the extent to which the struggles of the GWJ movement extend beyond the privatization of these services. In so doing, these cases demonstrate the value of the human rights framework in protecting and supporting marginalized communities in their struggles against accumulation by dispossession.

While corporations like the Coca Cola Company<sup>14</sup>, Nestlé<sup>15</sup> and PepsiCo<sup>16</sup> have adopted human right to water discourse as a public relations strategy, when it comes to actual policy, they continue to favour voluntary mechanisms and symbolic declarations over legislation (Barlow 2010; Livesey 2002). This perspective is also evident in the 2012 the World Water Forum Declaration that was signed by 84 government ministers and dozens of other national government representatives.<sup>17</sup> Equally noteworthy is

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<sup>12</sup> Although not directly an example of right-to-water legislation, the Athens case demonstrates the value of right-based approaches in stopping privatization projects.

[http://www.ekathimerini.com/4dcgi/\\_w\\_articles\\_wsite2\\_1\\_26/05/2014\\_540043](http://www.ekathimerini.com/4dcgi/_w_articles_wsite2_1_26/05/2014_540043)

<sup>13</sup> See, <http://www.thejakartapost.com/news/2015/03/24/court-decision-ends-privatization-water-jakarta.html>

<sup>14</sup> See The Coca Cola Company's brief mention of the human right to water and sanitation within its statement on water stewardship: <http://www.coca-colacompany.com/sustainabilityreport/world/water-stewardship.html>

<sup>15</sup> An interview with Nestle Chairperson Peter Brabeck-Letmathe on the company's website is aimed at refuting claims that the company does not support the right: <http://www.nestle.com/aboutus/ask-nestle/answers/nestle-chairman-peter-brabeck-letmathe-believes-water-is-a-human-right>

<sup>16</sup> Pepsico's report on water stewardship claims to support the human right to water and sanitation: [http://www.pepsico.com/Download/PepsiCo\\_Water\\_Report\\_FNL.pdf](http://www.pepsico.com/Download/PepsiCo_Water_Report_FNL.pdf)

<sup>17</sup> The declaration was widely criticized by activists for failing to acknowledge the human right to water.

Barlow's (2010) observation that all the countries that most strongly advocate for market-based economies – including Canada, the United States, Australia and the United Kingdom – abstained from voting in support of the July 201 United Nations General Assembly resolution on the human right to water and sanitation.

### **2.3. Gramsci and the war of position**

Gramsci's concept of hegemony is particularly relevant within a context in which the concern is not simply that transnational corporations are adopting human rights language, but that this adoption of human rights discourse seeks to legitimate neoliberal water policies that have, to date, been widely unpopular. For the purposes of this thesis, hegemony is understood as power exercised by winning the consent of the governed.

Harvey (2005) explains:

for any way of thought to become dominant, a conceptual apparatus has to be advanced that appeals to our intuitions and instincts, to our values and desires, as well as to the possibilities inherent in the social world we inhabit. If successful, this conceptual apparatus becomes so embedded in common sense as to be taken for granted and not open to question (p.5).

In examining how this phenomenon occurred in post First World War Italy, Antonio Gramsci emphasized the efforts of the fascist *Risorgimento* to absorb revolutionary struggle, and provided a framework for understanding the appropriation of discourse. Gramsci's (1971) theory of hegemony advances the notion that power is acquired not only by coercion or force but also through public persuasion. In his view, minority elite rule is heavily contingent upon successfully persuading a majority of the population to adopt the values of the ruling class as the "common sense values" of the masses. He refers to this form of power as hegemony, which he defines as: "the spontaneous consent given by the great masses of the population to the general direction imposed on social life

by the dominant fundamental group” (Gramsci 1971, p.12)

Gramsci viewed the struggle for a counter-hegemonic revolution to dismantle the hegemony of the ruling class as both a material and an intellectual challenge. As Harris (2007) explains, he saw the need for advanced capitalist societies to maintain a cultural hegemony that generates the public participation and support necessary to bring all segments of society into market relations in order to serve the interests of the bourgeoisie. Put simply, Gramsci challenged the notion that revolutionary consciousness could spontaneously occur among the working classes as a result of their class oppression. Hence, for Gramsci, the process of legitimation is central to understanding how power is achieved.

Viewed through a Gramscian lens, the resistance to privatization expounded by Hall and Lobina (2013), Ioris (2012), and Spronk and Webber (2007) demonstrates the incompleteness of the neoliberal project in establishing its hegemony with regards to water policy in many parts of the world. It follows that the corporate appropriation of water may be understood as occurring within a context of what Gramsci refers to as a “war of position,” or the struggle to gain power by swaying public opinion through moral leadership (Gramsci, 1971, p.88).

The pitting of transnational corporate elites actively seeking power against strong public opposition and social resistance to the neoliberalization of water has required clever strategies of public persuasion. Allen and Pyrke (2013) argue that the first wave of privatization in the UK in the late 1980s was sold to the public with the rhetoric of “increased competition and customer choice” (p.419). Ioris (2012) points to the efforts made under the leadership of President Alan García to justify water privatization in Peru

during his second mandate (2006-2011). In a climate of great hostility towards private corporations, the Peruvian government sought to reduce community resistance to neoliberal water reform policies by investing in a public education campaign that use the slogan *sin agua no hay democracia* (without water there is no democracy.) to equate water privatization policies with democracy.

### **2.3.1 War of position and strategies of legitimation**

Given the strong public resistance to privatization over the past two decades and the desire to commodify water resources within the context of increasing scarcity, corporate legitimation strategies to promote the neoliberalization of water require further investigation. Legitimation refers to the process of establishing popular support for a ruling party or a particular set of ideas that serve the interests of the ruling elite. According to Gramsci (1971), in order to maintain power over the working and subaltern classes, the ruling elite legitimates its values and positions by convincing the masses that its values are the “common sense” values and positions of all (p.134). As Hall (1987) notes, “the political character of our ideas cannot be guaranteed by our class position or by the ‘mode of production’, it is possible for the Right to construct a politics which does speak to people’s experience, which does insert itself into what Gramsci called the necessarily fragmentary, contradictory nature of common sense, which does resonate with some of their ordinary expectations” (p.20).

Although Ioris (2012) acknowledges the importance of the legitimation strategies employed by the García government in Peru in the face of widespread resistance to water privatization, his analysis fails to articulate the mechanisms were used to do so. Specifically, he describes the advertising campaign launched by the Peruvian government

in 2007 to promote privatization of water and the use of the phrases “without water there is no democracy” and “water for all” without providing an explanation of the strategy behind the language or imagery used in the campaign.

Swyngedouw (2005), by contrast, argues that “tactics of accumulation by dispossession are embedded within a wider discursive and ideological frame that renders such acts of theft not only legitimate, but normatively desirable” (p.82). He explains that this discursive strategy involves first attacking public (i.e., non-private communitarian or collective) models as inefficient and wasteful, followed by a strategy of glorification of private market-based models as the desirable solution to address these inefficiencies. However, Swyngedouw fails to offer empirical evidence to support his claims or provide greater detail about how and where this strategy is employed.

Critics of Gramsci point to the coercive, and often violent, tactics used to spread neoliberalism against the will of those upon whom it is thrust. Barnett (2005), for example, argues that, “the deployment of the term hegemony in political economic accounts of neoliberalism over-estimates the degree to which the reproduction of unequal social relations depends on winning the consent of subordinated exploited actors” (p.5). However, in the case of water policy, the coercive strategies employed to impose the corporate takeover of water in its various forms are well documented (see, for example, Barlow and Clarke 2003, Olivera 2004, Swyngedouw 2005), while the persuasive strategies employed to build consent remain under-theorized.

### **2.3.2 The war of position and appropriation of discourse**

Much has been written about the corporate use of green discourse as a strategy to deflect public criticism from their environmentally destructive activities. In 1997, Greenpeace

environmentalists Kenny Bruno and Jed Greer coined the term ‘greenwash’ to describe this practice (Greer and Bruno, 1996). Greenpeace and other environmental organizations were interested in exposing the attempts of environmentally destructive corporations to promote themselves as green. To date, the analysis of greenwash has been largely limited to the public relations efforts of corporations attempting to maintain a good reputation within an increasingly environmentally conscious marketplace.<sup>18</sup> This thesis complements and extends this line of research by examining the appropriation of discourse as a strategy to legitimate neoliberal water policies.

Gramsci argues that in a war of position, oppositional forces use “all the political and moral ‘resources’ it possesses” in order to seek “dialectical transcendence of its opponent” (1971, p.109). As he explains, the war of position is one where the anti-thesis or the position that is contrary to the commonly held positions seeks to replace the thesis. This happens through a gradual process of incorporating elements of the opponent’s values and views with the objective of gradually absorbing and obliterating the oppositional position. (i.e., dialectic transcendence). As Gramsci puts it,

The thesis alone in fact develops to the full its potential for struggle up to the point where it absorbs even the so-called representatives of the anti-thesis: it is precisely in this that the passive revolution or revolution/restoration consists. (1971, p.110)

According to this view, a strategy of dialectical transcendence enables those who achieve hegemony to absorb elements of their opponents’ struggle into their own. David Harvey and Stuart Hall, each of who apply Gramsci’s theories to contemporary politics, see Margaret Thatcher as exemplary of a leader who successfully achieved this task. Harvey

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<sup>18</sup> Livesey’s (2002) case study of British Petroleum’s position on climate change, for example, shows how the appropriation of discourse was used to promote corporate-friendly alternatives to the climate change solutions being promoted by social movements. Recognizing that it could no longer deny the issue, BP broke with the corporate consensus of denying climate science by running advertorials recognizing the problem of climate change and promoting corporate friendly strategies to address it.

(2005a) argues that Thatcher was a pioneering leader who transformed concepts that, at the time, were obscure and had little traction into the hegemonic political discourse of our time. Hall (1987) refers to the changes made to British society by Thatcher as a “complete reversal” of values underpinning British political culture at the time (p.17). He also contends that the fact that elements of Thatcher’s discourse appeared contradictory was key to her success in winning popular consent. In his words, “ideology works best by suturing together contradictory lines of argument and emotional investments” (Hall 2011 p.19).

The term *appropriation* refers to the act of taking what belongs to another. History shows that the corporate appropriation of social movement discourse is neither a new phenomenon nor unique to the human right to water. While appropriation of discourse can be a neutral act of borrowing from another group (see, for example, Peebles 2012), when a more powerful group appropriates that which belongs to a subordinate group, it is generally seen as harmful to the latter. At issue is the end goal or the impacts of the appropriation. In the case of cultural appropriation, for example, the act of appropriation refers to a dominant group claiming elements of discourse or culture of a subordinate group in a manner that is seen to be detrimental to the latter (Hooks 1992).<sup>19</sup>

The corporate use of human rights to water and sanitation discourse is likewise seen as an act of appropriation because commercial interests use this language to promote objectives that are contrary to those that have been articulated *a priori* by the global water justice movement. Furthermore, corporate use of the human right to water and sanitation discourse does not seek to reinforce the goals of the GWJ movement rather it is

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<sup>19</sup> Bell Hooks (1992) refers to cultural appropriation this as “eating the other” (p.21) – a relationship where the white dominant culture exerts its power by commodifying and consuming non-white cultures thereby essentializing, decontextualizing and perverting codes and markers of subaltern cultural identities.

aimed at annihilating them. It makes strategic sense, therefore, for proponents of neoliberal water policy to take advantage of conceptual ambiguities by attempting to redefine the human right to water in a manner that best suits their own ends.

Viewed in this manner, it makes little sense to claim, as Bakker (2007) does, the presence of a flaw with the concept of a human right to water and sanitation. Instead, the appropriation of human right to water and sanitation discourse by corporate interests is a predictable outcome of a Gramscian war of position in which those who seek hegemony are driven to absorb elements of countervailing and opposing narratives in order to achieve dialectic transcendence. Likewise, it follows that even other discourses such as those pertaining to the water commons, which Bakker (2007) calls for the global water justice movement to focus its attention upon, are not safe from this process.

Evidence of this can be seen in the 2011 advertising campaign of Veolia Environment S.A. in France (Lobina et al, 2014). The company was promoting water as a public good and claiming that the private sector has a role to play in protecting the public good. Veolia's advertisements implied that it is not commodifying or privatizing a public service, but simply working under the authority of political decision-makers to offer a public service. In an effort to draw public attention to the contradictions in Veolia's statements, in 2011 members of *La fédération des Amis de la Terre France* nominated the corporation for a "Pinocchio award"<sup>20</sup> – an award granted to corporations whose work most contradicts their stated sustainable development objectives.

The discussion in the next section divides accumulation by dispossession into the three categories that are used to guide the analysis of legitimation that follows.

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<sup>20</sup> See, [http://www.prix-pinocchio.org/laureat-2011.php?id\\_rubrique=7](http://www.prix-pinocchio.org/laureat-2011.php?id_rubrique=7)

## **2.4. Neoliberalization of water**

Harvey (2006) isolates four strategies of accumulation by dispossession, each aimed at opening up new fields of capital accumulation: privatization, financialization, state redistribution strategies, and management and manipulation of crisis. In identifying these mechanisms, Harvey breaks down the specifics of neoliberal policy arguing that neoliberalism does not occur through one process alone. Rather, it is manifest through various interconnected processes that are all aimed at restoring class power through dispossession.

In operationalizing the analysis of legitimation of accumulation by dispossession, this thesis focuses on three categories that are most relevant to water conflicts: financialization, privatization and state redistribution. The category of management and manipulation of crisis is omitted from the discussion because it is not applicable to the discourse appropriation strategies of the 2030 Water Resources Group. The central elements of the three categories are provided below.

**1. Privatization:** For Harvey, privatization describes the range of strategies aimed at transferring public assets (e.g., utilities such as water, energy and telecommunications; public institutions such as universities; culture and natural resources) to private hands.. Within the global water justice movement, privatization has been a catchall phrase used to refer to the commodification of resources through such things as bottled water, and private ownership of surface water and groundwater rights. For the purposes of this thesis analysis falling into this category is limited to activities pertaining to the transfer of public water and sanitation services to the private sector and the transfer of water resource management and allocation from public to private entities.

In the Global South international financial institutions including the World Bank, the International Monetary Fund and Regional Development Banks have pushed for privatization through various policies of decentralization and deregulation under the rubric of structural adjustment (Bakker 2013, Hall et al 2010). Countries in need of loans have been forced by International Financial Institutions to sell public assets and privatize services through technical assistance programs and loan conditionalities. The push back from anti-privatization movements however has been strong. Between 2000 and 2014, there have been 180 documented cases of re-municipalization (Lobina et al. 2014).

Bakker (2013) explains that in the light of the widespread opposition to privatization of water and sanitation services in most parts of the world, private sector providers have justified the need for their services by pointing to state failures, arguing that they are better suited to provide services to poor communities who are neglected by the state.

While in most cases ownership remains public, deregulation and devolution of power from the state to local private-public authorities have led to greater corporate access to water (See Gleick et al. 2002, KruHa and Blue Planet Project 2012). Once utilities and services are privatized,<sup>21</sup> private entities dispossess by extracting rents for use of these utilities and services from the very populations who have contributed to their development Harvey (2006).

**2. Financialization:** The global financial system as a core element of the neoliberal

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<sup>21</sup> Although privatization can refer to the sale of a utility to a private entity, within this context it most often refers to private control and operation through long-term concessions known as private-public-partnerships (P3s) (Hall et al. 2010.). The term private-public partnership seeks to create the impression of an arrangement that is mutually beneficial to both parties however, opponents of privatization argue that P3's are simply another form of privatization. The public sector has limited control when operations are taken over by the private sector through long-term contracts protected in many cases by investment protection policies and agreements.

model. Financialization refers to the process of bringing activities and resources into the global financial system.. The global preeminence of financial markets over traditional markets has allowed for the interests of a highly concentrated and powerful few to dominate. According to Harvey (2005a) “Deregulation allowed the financial system to become one of the main centres of redistributive activity through speculation, predation, fraud and thievery” (p.154). As a strategy of accumulation by dispossession, financialization enables the temporal fix to the crisis of overaccumulation by setting up long-term investments through the creation of what Harvey refers to as “fictitious capital”.

The financialization of water is not well documented or extensively analyzed subject within the water justice literature. That said, Barlow (2013) outlines strategies of financialization of water that have begun to emerge in parts of North America and elsewhere, highlighting the deregulation of water resource management including payment for ecosystem services, wetland banking, water rights trading and polluter pays schemes. These mechanisms, she maintains, have allowed for water and water services to be commodified, priced, and traded in global financial markets. In the United Kingdom, the private financing of utilities did lead to the financialization of water and sanitation. In this case water and sanitation utilities went from public to private ownership, and eventually were taken over by an international consortium of investors that includes sovereign wealth funds, private banks and pension funds (Allen and Pryke 2013).

**3. State redistribution:** State redistribution refers to strategies led by the state to transfer wealth and assets from subordinate to dominant classes in society. It includes revisions in tax codes in a manner that is beneficial to the wealthy, replacing public funding with user

fees and subsidies, and tax breaks for corporations.

In this thesis the concept of state redistribution refers to the redistribution that occurs when public services are defunded and costs are transferred to citizens through user fees. A salient recent example is the shutting off of water services to thousands of lower income households in Detroit that were unable to afford the sharp rise in tariffs that resulted from decades of underfunding to municipal services in the United States (Blue Planet Project et al 2014).<sup>22</sup> The concept of state redistribution also extends to water resource allocation and the strategies through which private corporations gain greater control or access to scarce water supplies – a process often referred to as water grabs<sup>23</sup> – via environmental deregulation or other processes that reduce public oversight and social control of the environment.

## **2.5 Summary and research question**

Harvey (2006) explains that business policy roundtables were created in the United States in order to legitimate neoliberalism during the 1970s and to create the sense that “what was good for business was good for America” (p.149). The goal of this thesis is to look at how corporate appropriation of human right to water discourse creates a sense that what is good for business is good for those without water and sanitation.

According to Ioris (2012) the neoliberalization of water policies involves technical, economic and political mechanisms. He contends that the meta-attributes or the

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<sup>22</sup> A submission made to the United Nations by a coalition of international and local organizations stated that residents of Detroit had seen water rates rise by 119% within a decade despite 40% of people living under the poverty line in the city.

<sup>23</sup> The Amsterdam-based Transnational Institute refers to water grabbing “as situations where powerful actors are able to take control of or divert valuable water resources and watersheds for their own benefit, depriving local communities whose livelihoods often depend on these resources and ecosystems.” See, <http://www.tni.org/primer/global-water-grab-primer#whatgrab>

overarching forces leading to the neoliberalization of water in all its forms, merit further examination. While critics of rights-based campaigning such as Bakker (2007) and Kneen (2009)<sup>24</sup> are quick to lament the co-opting of the right to water discourse, there continues to be relatively little empirical analysis about how this co-opting is happening and why it matters. More specifically, and despite the presence of studies examining the rhetorical devices and discursive strategies employed in the struggles for and against neoliberal water policies, there appears to be relatively little research investigating the methods and strategies employed to build public consent for these policies.

Despite the significant strides made by in campaigns against the privatization and commodification of water resources, water remains a highly contested terrain for battles against neoliberalization (Swyngedouw 2005). Within this thesis the debate regarding the value of the human right to water and sanitation as an instrument in GWJ campaigns is placed within the context of a discursive struggle, or a war of position, pitting communities and GWJ activists against proponents of accumulation by dispossession.

Discourse is central to the Gramscian project of achieving power through hegemony,<sup>25</sup> as well as a key component underlying the mechanisms of accumulation by dispossession outlined by Harvey. This is because strategies to legitimate power and persuade the public to grant consent are vital to the process of hegemony. In order to investigate the role of discourse appropriation in legitimating neoliberal water policy, this thesis looks at how proponents of the neoliberalization of water resources seek to build consent for

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<sup>24</sup> Kneen argues that human rights are part of a Eurocentric model that promotes individualism and anthropocentrism rather than environmental protection and social equity.

<sup>25</sup> Recall that what distinguishes hegemony from coercive power is that hegemony “does not appear as domination, appearing instead as largely consensual and acceptable to most in a community” (Lazar 2005 p.147).

policies of financialization, privatization and state redistribution in the area of water resources management.

The principal assumption upon which the discussion in this thesis rests is that the transnational capitalist class is seeking to appropriate right to water and sanitation discourse in order to build consensus for its strategies of accumulation by dispossession in the water sector. In order to investigate this issue the empirical component of this study examines a sample of policy documents produced by the 2030 Water Resources Group. The central research question guiding this effort is: *How has the 2030 Water Resources Group sought to legitimate strategies of accumulation by dispossession (privatization, financialization and state redistribution) by appropriating human right to water and sanitation discourse?*

In order to address this broad question, three sub-questions were used to guide the data gathering and analysis. They are:

1. *Has the 2030 WRG appropriated human right to water discourse?*
2. *How is the appropriation of right to water discourse expressed in 2030 WRG policy documents?*
3. *How has appropriation of human right to water discourse been used to legitimate strategies of accumulation by dispossession in the water sector?*

In the next chapter our attention turns to methods used to answer these questions and the findings obtained.

### **CHAPTER THREE: METHODOLOGY**

The discussion in this chapter sets out the research methods used to examine the appropriation of the human right to water discourse presents the findings obtained from an analysis of the discourse contained in policy documents of the 2030 Water Resources Group (WRG). The 2030 WRG was launched at the 2008 World Economic Forum. It is a project of the World Bank's International Financial Corporation (IFC)<sup>26</sup> and positions itself as a public-private platform that helps “governments to catalyze sustainable water sector transformations in support of their economic growth plans.”<sup>27</sup> This entity is one of many international bodies directly engaged in global water policy discussions, involving major multinational corporations and joint initiatives with governments and public institutions. Other groups include the World Water Council, the Global Water Partnership the World Economic Council's Council on Water, and the CEO Water Mandate.

The 2030 WRG's membership includes Nestlé, The Coca Cola Company, PepsiCo and SABMiller, as well as a number of other multilateral and bilateral agencies including the Swiss Development Cooperation, the African Development Bank, the Asian Development Bank, the International Bank for Reconstruction and Development, Global Green Growth institute (Korea), the InterAmerican Development Bank, the Swedish International Development Agency, the United Nations Development Programme and the Global Water Partnership. The 2030 WRG also has one civil society partner, the World Wildlife Fund International, a Coca Cola-funded non-governmental organization.

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<sup>26</sup> The International Finance is a World Bank institution that promotes private sector participation in development projects:

[http://www.ifc.org/wps/wcm/connect/corp\\_ext\\_content/ifc\\_external\\_corporate\\_site/about+ifc](http://www.ifc.org/wps/wcm/connect/corp_ext_content/ifc_external_corporate_site/about+ifc)

<sup>27</sup> See, <http://www.2030wrg.org>

The 2030 Water Resources Group was chosen as a focus of analysis because it is a newly emerging and rapidly expanding entity in which multinational corporations play a direct and leading role in defining water policy through the support of governments and public institution. It has moved very rapidly within the last few years to produce tangible political outcomes through its policy intervention in select countries, and has been directly involved in proposing water policy reforms in Mexico, India (nationally and in the state of Karnataka), South Africa, Jordan, Mongolia and China, Tanzania, and Peru.

The discussion in this chapter is divided into three sections. The first introduces the approach used to conduct an intertextual analysis examining corporate appropriation of human right to water and sanitation discourse. The second section deals with the technique used to determine whether the appropriation of discourse is used to legitimate strategies of accumulation by dispossession.

### **3.1 Intertextual analysis through content analysis of discourse appropriation**

The study of appropriation often requires an evaluation of the ways in which a text contains and reflects elements of other texts (i.e., intertextual analysis). For example, Talbot (2005) uses intertextual analysis to examine the National Rifle Association's (NRA) appropriation of feminist discourse in advertising campaigns targeting women. She shows how the NRA's *Refuse to be a Victim* campaign in the early 1990s adopted the language of feminist theorist Andrea Dworkin, and compares this 'right to choose' message with that of the National Abortion and Reproductive Rights Action League (NARAL). Based on this analysis, Talbot concludes that the NRA misappropriated feminist notions of choice and victimhood to promote goals that are

neither feminist nor have anything to do with the original right to choose messaging from which it was inspired.

For this thesis, content analysis was used to identify instances of appropriation of human right to water discourse within 2030 WRG policy documents. Unlike more subjective methods of discourse analysis, content analysis strives to be objective, replicable, generalizable and objective (Neuendorf 2010). This technique systematically examines patterns within modes of human communication by quantifying elements such as frequencies of words, themes or specific codes (Weber 1990). From these patterns, the researcher may make inferences about focus, emphasis, attitudes, intentions, and cultural influences (Weber 1990).

For example, Collins (2011) employed content analysis to study the representation of women in the media by coding sample media content into various categories including sexualization, subordination, and traditional roles. This enabled her to examine the role of media in perpetuating negative stereotypes about women in terms of stereotypical representations, the roles assigned to women, the way they were dressed, body language, and their under-representation certain roles.

Rhoades and Jernigan (2013) use content analysis to examine the occurrence of content pertaining to risk and sexual activity in alcohol advertisements within youth-oriented magazines. They examined 1,261 alcohol advertisements recurring 2,638 times in 11 U.S. magazines with strong youth readerships between 2003 and 2007. They measured the content of these advertisements against industry guidelines referred to as 'risk codes' in order to demonstrate violations of these guidelines in a large proportion of alcohol advertisements targeting youth.

Content analysis is used in this thesis to look for evidence of the appropriation of human right to water discourse in sample consisting of nine policy documents from the 2030 WRG (see Table 3.1).

**Table 3.1 2030 Water Resource Group Publications**

<b>Title</b>	<b>Year</b>	<b>Format</b>	<b>Focus</b>
<i>2013 Annual report: Expanding Our Horizons</i>	2014	Annual report for 2013	Presents activities and projects for 2013 including projects in India, Karnataka, Mexico, Mongolia, Peru, South Africa and Tanzania. Provides background information, future plans, financial information and details regarding donors and partners.
<i>Collective Action for Water Security and Sustainability</i>	2014	Joint report by the 2030 WRG and the Council on Energy Environment and Water, India	Report investigating strategies to strengthen multi-stakeholder approaches to water conservation in India, referred to as “collective action.” Includes literature review and case studies examining best practices.
<i>2012 Annual report: Catalysts for Action</i>	2013	Annual report	Report on the organization’s activities in 2012 including its projects in Jordan, South Africa, India and Karnataka, Mexico and Mongolia. Statements by Chairman and CEO of PepsiCo Inc, Chairman and CEO of The Coca Cola Company, Chairman of the World Economic Forum and “guest contributions” from UN deputy Secretary General and Director General of WWF International. Includes financial report and donor information.
<i>Managing Water Use in Scarce Environments</i>	2013	Report: Catalogue of case studies	Features brief case studies showcasing water conservation and resource management strategies championed by the organization from China, South Africa, India, Yemen, USA, Australia, Mexico, Chile, Saudi Arabia and Namibia. The case studies explore conservation programmes in the municipal, industrial and agricultural sectors.

**Table 3.1 Cont'd**

<b>Title</b>	<b>Year</b>	<b>Format</b>	<b>Focus</b>
<i>Good Practices Catalogue</i>	2012	Report undertaken by the Stockholm International Water Institute (SIWI) on behalf of the 2030 WRG with support from the IFC and Nestlé SA	Provides cases studies showcasing best practices within initiatives and strategies promoted by the 2030 WRG in the municipal, industrial agricultural sectors. Also lists information regarding corporations providing solutions showcased within catalogue.
<i>National Water Resources Framework Study: Roadmaps for Reforms</i>	2011	Policy brief presented to Indian government	Provides detailed recommendations for steps towards water policy reforms in India. Calls for changes in water resource management including greater private sector involvement in decision-making, introduction of user fees and strategies to restrict water use of farmers.
<i>Charting Our Water Future; Economic Framework to inform Decision-making</i>	2009	Report	First study produced by the 2030 WRG, frames the issue of water scarcity as an economic issue of insufficient water resources to meet growing demands of economic and calls for an “integrated economic approach to water resource management.
Closing the Gap by 2030	N.d.	Brochure produced by the Strategic Water Partners Network South Africa (SWPN)	Colourful brochure highlighting the activities of the 2030 WRG through the SWPN – a joint multistakeholder initiative by the South African Department of Water Affairs and the 2030 WRG. The brochure features the projects through the 2030 WRG’s South African programme by The Coca Cola Company, Nestlé, Sasol, SAB, Eskom and Anglo American

**Table 3.1 Cont'd**

Title	Year	Format	Focus
Creating Shared Value	N.d.	Brochure by the Strategic Water Partners Network South Africa	Colourful brochure highlighting the “partnership” model of SWPN, which calls for greater private sector involvement in three priority areas: effluent and wastewater management, water efficiency and leakage reduction, and agriculture supply chain.

The publications listed in Table 3, which the organization refers to as ‘knowledge products’ represent the public face of the 2030 WRG’s lobbying work aimed at reforming water policy at the national level. They are produced in partnership with members of the organization’s global network including multinational corporations and local government agencies and departments. According to the 2030 WRG’s these “studies help water sector professionals and pertinent government officials harness solutions, expertise and investment generated by the private sector, civil society and the public sphere.”<sup>28</sup> They range from colourful brochures full of pictures to dense and detailed reports filled with charts describing proposed water governance models. It is clear that these are not the only lobbying tools used by the organization given that these reports already contain forewords and promotional messages from government ministers and corporate CEOs praising the approach and strategies described in the publications.

Appropriation of discourse is examined in this thesis through an intertextual analysis that compares themes from human right to water discourse within official United Nations documents with that of the 2030 WRG. When a first reading of the sample documents revealed very little direct use of the term ‘human right’ (whether within the context of

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<sup>28</sup> See list of knowledge products and description at: <http://www.2030wrg.org/knowledge-tools/>

water, sanitation or both water and sanitation), a list of themes was created from key UN policy documents on the human right to water and sanitation. These themes include elements that define the content of the human right to water and sanitation and the criteria by which states are evaluated on their performance. A brief summary of each of the UN documents used is provided below.

**1) General comment 15:** The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a treaty adopted by the United Nations General Assembly (UNGA) in 1966. The UN Committee on Economic, Social and Cultural Rights (CESR), the body that monitors the ICESCR publishes interpretations of Economic Social and Cultural Rights (ESCR) known as general comments. These documents outline the content of ESCR and the obligations of states. General Comment 15 on the right to water was adopted by the CESR in 2003 and provides the legal basis for the right, its relationship to other rights, its normative content and its application. It is the most comprehensive document on the human right to water and sanitation within international law and is the foundation for the UN General Assembly resolution and Human Rights Council Resolutions adopted after the UNGA resolution. General Comment 15 also deals with violations regarding to the implementation of human right to water and sanitation and emphasizes the obligation for states to take action.

**2) United Nations General Assembly Resolution 64/292:** Resolution 64/292 was passed by the UN General Assembly (UNGA) in July 2010, marking the formal recognition of water and sanitation as a human right. Despite General Comment 15 outlining the existence of the human right to water and sanitation in numerous treaties and conventions, the international community had up to this point in time been divided as

to whether or not such a right existed. States like Canada, for example, were vehemently opposed to the steps taken by the Human Rights Council to formalize the right and work towards its implementation (Diebel, 2008). The main purpose of the UNGA resolution was to have the international community formally recognize the human right to water and sanitation. It also called for international cooperation including technology transfer, capacity building and financial resources to assist developing countries in the provision of this right.

**3) Human Rights Council resolutions:** Four key Human Rights Council (HRC) resolutions were passed after the adoption of the UNGA Resolution 64/292. Notably, HRC resolution 15/9 established the human right to water and sanitation's relationship with existing human rights treaties, making the human right to water and sanitation legally binding in international law. Along with subsequent Human Rights Council Resolutions, HRC resolution 15/9 further defined the scope and content of the human right to water and sanitation by establishing criteria upon which compliance can be assessed. These resolutions also establish the obligations of States, calling upon them to realize the human right to water and sanitation according to various principles of international human rights law such as non-discrimination and gender equality, which require states to provide water and sanitation to all regardless of identity, economic status.

The intertextual analysis was conducted upon the second reading of the sampled 2030 WRG documents to determine whether the human rights principles drawn for the UN documents (indicated in the first column in table 3.2) were referenced in the sample documents. A list key words associated with the principles was extrapolated from the text

(as indicated in the third column of table 3.2). The key words were run through a content analysis software suite called TAMS Analyzer,<sup>29</sup> which generated word frequency table enabling the detection of general patterns within the documents.

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<sup>29</sup> TAMS Analyzer is an open source software suite that enables qualitative data analysis for Mac OSX. It allows for data coding, running searches and generating reports on specific data codes. See, [tamsys.sourceforge.net](http://tamsys.sourceforge.net)

**Table 3.2 Human right to water and sanitation themes**

<b>Code</b>	<b>Description of code within human rights documents</b>	<b>Associated terms/search terms within 2030 WRG texts</b>
<b>Transparency</b>	<p>Human rights Council resolutions 12/18 requires states to collect appropriate level, current and detailed information about sanitation coverage and information regarding unserved and underserved households. It recommends that this information be available to all.</p> <p>Human rights Council Resolution 21/2 calls upon states to promote transparency of budgets and other funding, as well as of programmes and projects of all actors in the water and sanitation sector</p> <p>General Comment 15 affirms that national strategy must be devised, and periodically reviewed, on the basis of a participatory and transparent process; it should include methods, such as right to water indicators and benchmarks, by which progress can be closely monitored</p>	<p>Transparency Transparent Clear Lack of clarity</p>
<b>Environmental sustainability</b>	<p>General Comment 15 states that the right to water must be realized in a manner that is sustainable and that ensures the right can be realized for present and future generations. It calls for sustainable access to water resources for agriculture to realize the right to adequate food incl. equitable access for disadvantaged and marginalized farmers and access to water management systems, including sustainable rain harvesting and irrigation technology.</p>	<p>Water/demand/supply gap Resource efficiency Water scarcity Water productivity Water deficit Water footprint</p>
<b>Accessibility</b>	<p>To ensure access to the minimum essential amount of water, that is sufficient and safe for personal and domestic uses to prevent disease. General Comment 15 specifies that the state is required to ensure water and sanitation services are physically and economically accessible to all without discrimination.</p>	<p>Accessible Feasible</p>
<b>Quality/safety</b>	<p>General Comment 15 states that everyone has a right to water, that is sufficient and safe for personal and domestic uses to prevent disease</p>	<p>Pollution Contamination Water resource security</p>

**Table 3.2 Cont'd**

<b>Code</b>	<b>Description of code within human rights documents</b>	<b>Associated terms/search terms within 2030 WRG texts</b>
<b>Economic sustainability and affordability</b>	<p>Human Rights Council resolution 21/2 requires states to monitor the affordability of safe drinking water and sanitation in order to determine whether specific measures are needed to ensure that household contributions are and remain affordable by means of, inter alia, effective regulation and oversight of all service providers</p> <p>Human Rights Council Resolution 24/18 calls on states to ensure that measures are adopted and funds are allocated appropriately to ensure sustainable access to the human right to safe drinking water and sanitation, during times of both economic stability and economic and financial crisis;</p>	<p>Sustainability Funding Financing Investment Cost Efficiency Efficient Investment Invest Investor</p>
<b>Non-discrimination and gender equality</b>	<p>UNGA resolution 68/157 calls upon states to ensure “equitable distribution of all available water facilities and services.” It further stipulates that states must ensure progressive realization of the human right to safe drinking water and sanitation for all in a non-discriminatory manner while eliminating inequalities in access, including for individuals belonging to vulnerable and marginalized groups, on the grounds of race, gender, age, disability, ethnicity, culture, religion and national or social origin or on any other grounds and with a view to progressively eliminating inequalities based on factors such as rural-urban disparities, residence in a slum, income levels and other relevant considerations;</p> <p>Human Rights Council Resolution 21/2 “expresses deep concern at the negative impact of discrimination, marginalization and stigmatization on the full enjoyment of the human right to safe drinking water and sanitation”</p> <p>Human Rights Council Resolution 16/2 calls on states to “adopt a gender-sensitive approach to all relevant policymaking in the light of the special sanitation needs of women and girls”</p>	<p>Equal Equality Equity Equitable Gender Woman Women</p>

**Table 3.2 Cont'd**

<b>Code</b>	<b>Description of code within human rights documents</b>	<b>Associated terms/search terms within 2030 WRG texts</b>
<b>Accountability</b>	Human Rights Council Resolution 15/9 calls for accountability through public regulatory institutions with sufficient capacity to monitor and enforce regulations, effective remedies for violations through effective grievance mechanisms and the integration of human rights into impact assessments.	Accountable Accountability Responsibility
<b>National plan</b>	<p>Human Rights Council Resolution 15/9 and 24/18 call on states and “development partners including donor agencies to adopt “a human rights approach when designing and implementing development programmes in support of national initiatives related to access to safe drinking water and sanitation”</p> <p>General comment 15 calls on states to “adopt and implement a national water strategy and plan of action addressing the whole population; the strategy and plan of action should be devised, and periodically reviewed, on the basis of a participatory and transparent process; it should include methods, such as right to water indicators and benchmarks, by which progress can be closely monitored; the process by which the strategy and plan of action are devised, as well as their content, shall give particular attention to all disadvantaged or marginalized groups”</p> <p>It further stipulates that existing legislation, strategies and policies should be reviewed to ensure that they are compatible with obligations arising from the right to water, and should be repealed, amended or changed if inconsistent with Covenant requirements.</p>	Law Reform Policy Legislation Water resource management

**Table 3.2 Cont'd**

<b>Code</b>	<b>Description of code within human rights documents</b>	<b>Associated terms/search terms within 2030 WRG texts</b>
<b>Public participation</b>	<p>Human rights Council resolution 21/2 and UNGA resolution 68/157 urges states to consult with communities on adequate solutions to ensure access to safe drinking water and sanitation.</p> <p>Human Rights Council resolution 15/9 calls for the free meaningful participation of concerned local communities and stakeholders.”</p> <p>Human Rights Council resolution 12/18 urges states “to ensure and promote access to information for, and the full, free and meaningful participation of, local communities in the design, implementation and monitoring of plans of action.</p>	<p>Participation Participatory Inclusive Stakeholder User Citizen Resident</p>

The final list of search terms used is provided in Appendix A. Words within the same family (common root and related meaning) were combined within the same search term. For example the search term ‘participate’ was used to determine the combined frequencies of the words participatory, participate and participation.

The content analysis provides a general picture of those aspects of the human rights discourse that are reflected in the 2030 WRG sample publications including the elements that are emphasized and those that are neglected. However, as previously noted, intertextuality (Fairclough 1992) alone does not indicate appropriation. The presence and frequency of words associated with human rights discourse, does not in itself present evidence of human right to water and sanitation discourse having been appropriated. What defines appropriation is the use of a particular discourse for ends that are different and often counterproductive to the purposes it was originally intended to serve.

With this in mind, the second stage of analysis was central to determining the extent to which the corporate use of the human right to water language is an instance of appropriation or the mere adopting of the right to water language.

### **3.2 Examination of legitimation through critical discourse analysis**

The second stage of the study used critical discourse analysis to examine how right to water discourse is appropriated to legitimate the neoliberalization of water. Meyer (2001 p.11) stresses the importance of discourse in producing “collective frames of perceptions called social representations.” In line with this view, the goal of the second stage was to investigate how the various social representations evoked by the human right to water are integrated and redefined within corporate discourse in order to legitimate strategies of accumulation by dispossession. Fairclough (1992) describes this process as a that of a text becoming ‘productive’ by transforming preceding texts and generating new conventions and understandings. Scollon (2005) refers to this as resemiotization or recontextualization, which he describes as “the transformation of a meaning from one semiotic form to another” (p.473).

Over the past two decades a growing number of scholars have used critical discourse analysis to uncover discursive strategies of legitimation and naturalization of the power (see Wodak and Van Leeuwen 1999, Briscoe and Khalifa 2013, Teo 2000). Feminist critical discourse analysts have used this methodology to generate critiques of gendered social practices reflected within discourse (Lazar 2005) and to unpack the discursive strategies used by governments to justify controversial policies (see Zukerstein 2014). Given that the mechanisms for obtaining public consent and establishing common sense values are often invisible, the critical discourse analyst plays a vital investigative role in

exposing these mechanisms by revealing how particular world views that contribute to the hegemony of the ruling class, are codified within discourse.

Critical discourse analysis (CDA) is a qualitative research technique that emerged during the 1980s and 1990s through the works of linguistics scholars, notably Norman Fairclough, Ruth Wodak and Teun Van Dijk. It does not spell out a specific methodology or precise data collection strategy. Instead, it involves a “cluster of approaches with a similar theoretical base and similar research questions” (Meyer 2001 p.14) to support a systematized method of critical reading. CDA distinguishes itself from other forms of discourse analysis by starting from a social problem as opposed to the text or language (Van Dijk 1993). Put simply, the focus of CDA is not discourse per se, but the role of language and communication within the context of social reproduction. According to Lazar (2005), CDA is rooted in an emancipatory perspective and an explicit ideological position. Critical discourse analysis is not and does not claim to be neutral. Its proponents view it as a counter-hegemonic strategy insofar as goal of CDA, to paraphrase Van Dijk (1993), is social change not simply contribution to academic theory. Further expounding on this view, Meyer (2001) explains that CDA is defined as being fundamentally concerned with analyzing opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language. In other words, CDA aims to investigate critically social inequality as it is expressed, signaled, constituted, legitimated and so on by language use (or in discourse) (p.4).

The critical discourse analyst therefore does not pretend to be objective, and, in fact, rejects the notion of neutrality (Lazar 2005). As Van Dijk (1993, p.252) explains, “Unlike other discourse analysts, critical discourse analysts (should) take an explicit sociopolitical

stance: they spell out their point of view, perspective, principles and aims, both within their discipline and within society at large.” This rejection of neutrality lends itself well to the views of the this researcher; a water justice activist who is engaging in an academic examination aimed at exposing corporate strategies to legitimate policies that she has and continues to actively oppose.

The key aspect of the second stage of the analysis then was to examine the key words identified in the first phase within their context. That is, to look at the use of human right to water discourse to examine how the three macro-strategies of dispossession through accumulation are manifest. Drawing on Van Leewen and Wodak’s (1999) examination of the Austrian authorities efforts at legitimating policies of immigration control, legitimation in this thesis seen by as a process of constructing new narratives, justifying and perpetuating existing practices, transforming our understanding of right to water discourses and destroying narratives that run counter to neoliberalization of water. The four categories of discursive strategies advanced by Van Leewen and Wodak guide the investigation into legitimation processes. The categories are:<sup>30</sup>

**Constructive strategies:** *How are elements of right to water discourse used to construct a neoliberal narrative within the texts? What are the new constructs introduced within the appropriated discourse?*

**Perpetuating strategies:** *How are elements of right to water discourse used to justify existing neoliberal water policy? How is the status quo supported?*

**Transformative strategies:** *How are elements of right to water discourse transformed to reinforce a neoliberal narrative? How is our understanding of the right to water altered?*

**Destructive strategies:** *What existing understandings of right to water discourse are destroyed within corporate discourse?*

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<sup>30</sup> The taxonomy presented here was used by Koreinik (2011) in an analysis of newspaper articles demonstrating how the use of the South Estonian dialect was delegitimated in order to promote wider use of Estonian as the preferred language for people in the region.

### **3.3 Summary**

Content analysis is used to determine general patterns of discourse appropriation and critical discourse analysis is employed to conduct a deeper assessment of strategies of legitimation. This mixed methodology approach enables one to investigate which specific elements of human right to water discourse are being appropriated by the 2030 WRG and how this appropriated discourse is used to legitimate strategies of accumulation by dispossession in water policy.

## **CHAPTER FOUR: CONTENT ANALYSIS**

This chapter presents the quantitative findings emerging from content analysis of the nine 2030 WRG documents in the sample.<sup>31</sup> The content analysis focuses on two aspects of discourse appropriation: (i) direct appropriation of the concept of the human right to water and sanitation; and (ii) indirect appropriation of the human right to water and sanitation discourse through appropriation of the discourse surrounding core principles. The presentation is divided into four sections. The first looks at direct appropriation of human right to water and sanitation language. The second deals with indirect appropriation of the human right to water and sanitation through the appropriation of core principles. In section three significant omissions are examined. A summary of the findings is provided in section four.

### **4.1. Direct appropriation of human right to water and sanitation discourse**

The word frequency data reveals very little direct reference to the human right to water and sanitation within the body of 2030 Water Resource Group policy documents examined. There were 85 instances of term 'right' being in reference to legal entitlements to freshwater or water and sanitation services (eliminating instances where the term right refers to other definitions of the word) identified across the nine documents. In most cases the term 'right' was used in reference to to riparian or groundwater extraction permits, not human rights. The information contained in Table 4.1 below shows that only two explicit mentions of the human right to water and sanitation, and one instance where the human right to water and sanitation is inferred were identified across the nine policy documents in the sample. However, numerous references to water rights (N=82) manifest

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<sup>31</sup> For a complete tally of word frequencies see Appendix A

broadly were identified. Indeed, the exact nature of the rights discussed in the text was ambiguous in 34 instances.

**Table 4.1 Frequency of use of the term “right” in 2030 WRG documents**

<b>Term</b>	Human right	Private rights	Ambiguous	<b>Total</b>
<b>Frequency</b>	N =3	N =48	N =34	85
	3.5%	56.47%	40%	

Laws governing the use and extraction of surface and ground water vary from jurisdiction to jurisdiction. They include resource allocation systems, permits to extract groundwater, laws governing the reasonable use of surface water and public navigation rights. They regulate the water use of landowners or commercial license and permit holders (often issued by the state). The water rights discussed in the texts sampled refer, for the most part, to permits and licenses for the commercial, agricultural and industrial use of water.

These private water rights are distinct from human rights, which are universal and inalienable. The term ‘rights’ is used 48 times to denote private rights, representing some 56% of the total incidences. References to rights were categorized as private rights when they referred to freshwater withdrawal, extraction and usage within a commercial, industrial or agricultural context. References to rights were also assigned to this category when made within a context of pricing or trading.

There is an increasing push from the private sector to commercialize and commodify these private rights through market-based allocation systems where they can be bought and traded. Market-based allocation systems give corporations seeking access to resources easier access to water resources. They also provide investors with attractive investment opportunities. Although they currently exist only in a handful of jurisdictions around the world, water markets are vehemently opposed by GWJ groups who see them

as a strategy to dispossess local users, small farmers and indigenous peoples of their access to water (Friends of the Earth International, 2013).

The term ‘human right’ only appears twice within the nine documents: once in the 2012 Annual Report where the 2010 General Assembly resolution is referenced and once in the 2014 report titled *Collective Action for Water Security and Sustainability*. The passage “while water is everyone’s right, it is nobody’s responsibility” taken from p.15 is also included in the tally of human right to water references despite the fact that the term ‘right’ is used without the qualifier ‘human’ in this instance. We can infer through the reference to a right that is universal, that the passage pertains to the human right not water rights connected to private property, which are not everyone’s.

In some 40% (N=34) of instances in which the term rights was identified in the sample documents there were ambiguities associated with its usage. The ambiguous category encapsulates mentions of rights without the qualifier ‘human’ or without specific reference to commercial and ownership rights. While a reading of the broader context of these references leads one to conclude that they likely refer to private rights, it is unclear whether these broad statements about rights also include human rights.

Hence while there appears to be little direct appropriation of human rights discourse in the sample documents, considerable emphasis on rights is evident, and the line between human rights and private rights is often blurred by the ambiguous manner in which the term ‘rights’ is used.

#### **4.2. Appropriation of key human right to water and sanitation principles**

The information contained in Table 4.2 sets out the terms appearing at a frequency greater than 200 within the sampled documents. The frequency counts reveal a strong

emphasis on the principles of economic and environmental sustainability, with nine of the 11 most frequently occurring terms pertaining either the former or the latter. The terms sustainability, efficiency and productivity refer varyingly to environmental and economic sustainability and are therefore classified within the broader category of sustainability.

**Table 4.2 Words occurring at a frequency greater than 200**

<b>Principle</b>	<b>Key word</b>	<b>Frequency</b>
Sustainability (Economic)	Cost	939
Sustainability (Environmental)	Efficien(t/cy)	536
Sustainability (Environmental)	Scarc(e/ity)	511
Sustainability (Environmental)	Gap	475
Participation	Stakeholder	462
Participation	Sustainab(le/ility)	335
Participation	User	298
Availability/environmental sustainability	Availab(le/ility)	288
Availability/environmental sustainability	Producti(ve/vity)	219
Economic sustainability	Invest (or/ment)	216
Availability/environmental sustainability	(water/resource/freshwater) security	211

Among the terms examined within the category of environmental sustainability, only the category ‘sufficien’ (which includes the terms sufficient and sufficiency in relation to availability of water) appears at an insignificant frequency (N=23) (see appendix A). Within international human rights law, the norm of sufficiency is situated within a perspective of human need and is used to gauge whether services or resources are available in quantities that meet basic needs (General Comment 15). The preferred descriptions within the 2030 WRG documents to describe insufficient supplies of water are scarcity (N=511) and gap (N=475). The term gap is used here not in reference to human need but rather in relation to capital growth objectives. The gap in question is that between projected future economic demand based on GDP calculations and projected supply of freshwater.

The categories ‘efficient’ (which includes efficient and efficiency) and ‘productive’ (which includes productive and productivity) were also examined within this category. They were both found to be discussed in relation to proposed solutions to the problem of unavailable fresh water supplies and in connection to lack of funding. The category ‘efficient’ was identified as the second most frequently occurring within the text.

The term cost is the most frequently occurring term among within the documents examined. It appeared within discussions about the economic sustainability of proposed conservation measures. Cost-benefit analysis evaluating the return on investments for various measures is the primary tool for assessing key water policy decisions.

The examination of terms relating to the process and subjects of participation identified ‘stakeholder’ as the most frequently occurring word (N=462) in this category (see Table 4.3). The term ‘user’ was the second most frequently observed participation-related term, appearing some 298 times. By contrast, very few instances of the terms resident (N=20) and citizen (N=10) were identified.

**Table 4.3 Terms associated with participation**

<b>Term</b>	<b>Frequency</b>
Stakeholder	462
User	298
Water user association/WUA	161
Participat(e/ion/ory)	151
Inclusive	75
Resident	20
Citizen	10

In these cases emphasis was not placed on those who live within the watershed but on those who use water or do business within the watershed. Unlike the terms resident and citizen, which is limited to individual rightsholders, the terms stakeholder and user

include corporations. In fact, one might argue that the two latter terms give greater prominence to corporations and industries who do a greater share of the “using.”

The frequency of incidence of the term ‘water user association’ or ‘WUA’ was examined in relation to the participation category given the 2030 WRG’s discussion of this model in relation to the principle of participation. This is a model promoted by the World Bank to decentralize watershed governance to local multi-stakeholder authorities. It was the third most frequently identified term (N=161) in the participation category within the sampled documents.

### **4.3 Significant omissions**

It is notable that within the discussion of water policy contained in the sample of documents the concepts of public interest, public good and the commons are absent. Yet, these terms are important tenets of both human rights law and water law. Indeed, the opening sentence of General Comment 15 states, “water is a limited natural resource and a public good fundamental for life and health.” Within common law jurisdictions (which include India and South Africa), water is considered a public trust, which means that the crown has a duty to protect public rights to water, and cannot sell or make decisions that would interfere with public uses (Olson 2014). The absence of these terms was particularly conspicuous in the 2009 *Charting our Water Future* publication, which maps out global water policy themes and gaps. In this text references the term ‘policy’ was identified 112 times but only one of these instances were in reference to public good. Moreover, this reference was used in relation to energy, not water. As for the term ‘commons’ it was identified three times within this document, and in each instance was applied in relation to the atmosphere.

In the 2014 report titled *Collective Action for Water Security and Sustainability*, only three mentions of the phrase ‘public good’ were identified and only one of those references specified water as a public good. The other two references dealt broadly with natural resources as opposed to water specifically. Likewise, the two instances in which the term commons was used in this document both pertained to the atmosphere.

It is noteworthy that notions of gender equality also are conspicuously absent in the 2030 WRG sample documents (see Table 4.4). Yet, non-discrimination and gender equality are core tenets of human rights law that are emphasized within UN policy documents and resolutions pertaining to the human right to water and sanitation. Indeed, UN resolutions and declarations dealing with water specifically highlight the importance of the gendered impacts of lack of access to water services and water resources.

**Table 4.4 Terms associated with non-discrimination and gender equality**

<b>Search term</b>	<b>Frequency</b>
Equit (y/able)	24
Equal(ity)	9
Woman/women	6
Gender	4
Discriminat (e/ory,/ion)	1

#### **4.4 Summary**

The evidence gathered from content analysis shows reveals very little direct appropriation of the term human right to water and sanitation within the sample of 2030 WRG documents analyzed. The high level of variation associated with the manner in which the term ‘right’ is applied offsets this finding, however. Terms associated with the principle of sustainability – economic and environmental – feature prominently within the sample of documents. Particularly noteworthy is the extent to which the concepts of

water as a public good or public resource, non-discrimination, and gender equality are seemingly marginalized within the sample.

## **CHAPTER FIVE: CRITICAL DISCOURSE ANALYSIS**

The information provided in Chapter Four offers a broad picture of the prominent and marginalized themes identified in the sample of 2030 WRG policy documents used for this study. In this chapter the four discursive legitimation strategies advanced by Wodak and Van Leeuwen (1999) are mobilized to support a critical discourse analysis that unpacks the ways in which corporate appropriation of discourse enables the 2030 WRG to legitimate strategies of accumulation by dispossession. The discussion is divided into five sections. The first deals with the destructive strategies used by the 2030 WRG to de-legitimate existing understandings of right to water discourse. In the second section, constructive strategies used to determine elements of right to water discourse that are used to construct a neoliberal narrative. The third section examines the perpetuating strategies used to justify existing neoliberal policies. Section four focuses on the transformative strategies used to reframe elements of right to water discourse in a manner that legitimates accumulation by dispossession. The chapter concludes with a summary of the qualitative findings obtained through this critical discourse analysis.

### **5.1 Destructive strategy: De-legitimizing human rights**

The content analysis revealed that explicit references to human rights and, more specifically, the human right to water and sanitation are negligible within the sample of policy documents examined. A closer look at the limited references to human rights reveals that the human right to water and sanitation is portrayed in a negative light within these publications. Evidence to support this claim is presented in Table 5.1 in the form of excerpts from the three references to the human right to water and sanitation identified. These excerpts are illustrative of a destructive discursive strategy in terms of how the

human right to water and sanitation is represented.

**Table 5.1 Explicit references to the human right to water**

<b>Source</b>	<b>Passage</b>
<i>2012 Annual report</i>	But while water is everyone’s right, it is often nobody’s responsibility. Who should ensure water resources are managed wisely in order to meet the needs of people, businesses and nature?[...] The 2030 Water Resources Group can help break down barriers and highlight mutual interests among diverse stakeholders, filling in where effective incentives and institutional structures for cooperation are lacking. Page: 15
<i>2012 Annual report</i>	That’s why UN Member States adopted a General Assembly resolution in 2010 recognizing that safe drinking water and sanitation are a human right; they reconfirmed this at the 2012 Rio + 20 Conference on Sustainable Development. [...] Yet governments can rarely, by themselves, provide all of the financing and human capacity we need. Public-private partnerships like those catalyzed by the 2030 Water Resources Group will play a complementary role in building and maintaining water and sanitation systems. Evidence such as the examples documented in the pages of this report shows that such partnerships improve both service quality and operational efficiency. Page: 14
<i>2014 Collective Action</i>	Water being a human right and a common pool resource cannot be denied to individuals, leading to the challenge of free-riding. Page: 7

The passages contained in Table 5.1 all serve to de-legitimize the human right to water and sanitation by suggesting supposed shortcoming with a human rights-based approach to water resource management. The passages in the first row, for instance, suggests that replacing the human rights-based framework with the 2030 WRG’s own multi-stakeholder approach that supposedly enables all stakeholders to cooperate and find common ground will “ensure water resources are managed wisely.” The phrasing used is designed to generate skepticism about the prioritizing of basic human needs and over commercial needs by implying that placing these two sets of needs on equal footing fosters irresponsible behavior. In claiming that it can “help break down barriers and highlight mutual interests among diverse stakeholders” the 2030 WRG puts itself forward as an appropriate arbitrator of these, supposedly, competing needs.

The passage from the 2014 *Collective Action* document, likewise challenges the human rights principle of universality, which prevents the right to water and sanitation from being denied to any individual, by associating universality with free-riding. This, in turn, conveys the idea that if the right cannot be denied, individuals will take abuse their access to water resources to the detriment of everyone else. The charge that people are prone to free riding is a classic argument levied against the principle of commonly owned and managed resources. Within this document, the concept of water as a public good – the sole mention of water as public good – is presented in connection with Hardin’s classic formulation of the theory of the Tragedy of the Commons which prescribes privatization as a strategy to restrain the natural human tendency to exploit that which is commonly owned. The charge that the human right to water encourages free riding is a non sequitur. The human right to water and sanitation protects the individual’s basic entitlements to common water resources. It neither defends nor encourages abuses of common resources. Moreover, and contrary to the claim that it allows for abuses, the human right to water can be a tool for enabling marginalized and vulnerable groups to challenge encroachments to their share of the water commons as in the previously noted case of the indigenous peoples of the Kalahari.

The passages in the second row of the Table 5.1, also taken from the 2012 Annual Report, references UN General Assembly resolution 64/292 on the human right to water and sanitation to promote greater private sector participation. Privatization, in the form of Public-Private partnerships, is presented as a viable solution to the financial woes of governments who are unable to fulfill their human rights obligations. The notion that “governments can rarely, by themselves provide all of the financing and human capacity

we need” has been challenged by empirical research showing that the vast majority of states *are* able to fund water and sanitation services, and have largely been doing so through taxation alone (Hall and Lobina, 2012).<sup>32</sup>

The passage also advances the claim that governments are unable to fulfill the human rights commitments made at the UN because they lack the capacity to deliver quality and efficient services. Yet, this assumption too has been contested by global water justice and labour groups who argue that with 90% of services being run by the public sector, partnerships between the public and community operators have proven to be more beneficial in the water resources sector than public-private partnerships involving for-profit businesses (Hall et al. 2009).

Overall, the examination of the very limited references to human rights within the sampled documents point to an attempt to de-legitimize human rights by portraying the human right to water and sanitation as catalyzing irresponsible behavior that is detrimental to the environment and that places an excessive burden on the State. This burden, supposedly, can only be alleviated through privatization of service provision.

## **5.2 Constructive strategies**

Constructive discursive strategies seek to build and establish support for particular ideas through discourse appropriation. The discussion in this section focuses on constructive strategies aimed at building support for processes of financialization. The first involves building a case for financialization by rationalizing the establishment of private rights. The second involves building support for financialization by blurring the lines between

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<sup>32</sup> The contributions of the private sector have been minimal to date, notably in Africa where needs are particularly high, private sector funding has been close to zero (Hall and Lobina 2012).

private property and human rights.

In recent years the financialization of nature has come under fire from a growing movement of environmental activists (see, for example, Friends of the Earth International 2013). Monbiot (2014) suggests that the financialization of nature is best summarized in terms of its proponents claiming:

All we care about is money. We don't really care about nature for its own sake. We don't really believe in any of this intrinsic stuff. We don't believe in wonder and delight and enchantment. We just want to show that it's going to make money (par 63).

While groups like Friends of the Earth International and individual critics like George Monbiot and David Harvey refer to these policies as financialization proponents of the introducing greater market allocation mechanisms into water resources management seldom use the term 'financialization.'

According to the limited literature about financialization and the water resources sector, it would require a complete overhaul of the ways in which water resources are managed in most jurisdictions in the world. The financialization of water hinges on turning freshwater resources into economic goods that in turn, require proponents to establish new ways of thinking about water resource management. In the words of Sullivan (2013):

The financialisation of environmental conservation is further rationalising human and nonhuman natures to conform to an economic system that privileges price over other values, and profit-oriented market exchanges over the distributive and sustainable logics of other economic systems (cf Büscher et al in press; Graeber 2001). In doing so it is aligning conservation with holders of expertise and resources in financial realms (p.200).

Bakker (2005) also notes that water resources do not easily lend themselves to processes of financialization, or market environmentalism, as she calls it. The

financialization and privatization of water are mechanisms that require pricing strategies, market-based allocation systems, and trading mechanisms, which most jurisdictions around the world are not set up to support when it comes to freshwater resources. Creating the necessary conditions for financialization requires, among other things, that states implement a number of roll-back and roll-out policies that would involve deregulation of water resource allocation and environmental reforms in favour of market-based allocation and conservation policies (Sullivan 2013, Friends of the Earth International 2013).

Despite the term financialization not being identified in any of the sampled 2030 WRG documents, references to the establishment of mechanisms that would enable the financialization of water resources were plentiful. Each of the nine documents examined called for the conversion of water resources into economic goods by promoting the pricing, deregulation and trading of water permits.

The material presented in Table 5.2 offers a snapshot of the rhetoric used to construct a financialization narrative, that combines the blurring of human and private rights with an environmental rationale and civic responsibility to promote water pricing, trading and the establishment of markets. In contrast to the presentation of human rights, as a vehicle for generating irresponsible behavior, private rights are presented as economic instruments for water conservation, greater participation and collective action. This private rights discourse is tied to proposals for mechanisms that would enable the deregulation and liberalization of water to financial markets.

In terms of the how the term ‘rights’ is applied in the 2030 WRG discourse contained the sample documents, it is often unclear which rights – human or private – are being

referenced in the text. This, in turn, makes it difficult to assess to whom the rights apply and whom they would benefit. It is this ambiguity that enables the 2030 WRG to be vague about potentially controversial measures.

**Table 5.2 Building a narrative of financialization through private rights discourse**

<b>Source</b>	<b>Passage</b>
<i>2014 Collective Action</i>	1. It would be safe to assume, therefore, that clearly defined and locally owned allocation and distribution rights are a positive pre- condition for collective action. Page: 14
<i>2009 Charting our water future</i>	1. The establishment of water rights and trading mechanisms for the Murray Darling Basin created the price signals needed to incentivize major shifts to high-value crops. Page: 121
	2. Businesses can then engage other stakeholders—if water rights are established, by buying water from them. Page: 110
	3. It is important for policymakers to be able to highlight such implementation challenges in dialogue. These non-quantitative factors that might stand in the way of a solution if unaddressed, include institutional barriers such as a lack of clear rights to water, fragmentation of responsibility for water across agencies and levels of government, and gaps in capacity and information. Page: 94
	4. A water price can be obtained in many ways—for example, by establishing water access rights, setting a cap on allocations, and creating functioning water markets to efficiently allocate water to uses. Page: 100

For example, the reference to “locally owned” rights (*Collective Action*, passage 1) makes the establishment of private rights sound more like a measure to protect the local economy at a time when ‘local’ is part of the zeitgeist within environmental discourses than a strategy of deregulation. However, the obscure reference to “locally-owned rights” fails to provide information about who actually has access to these rights. While it is plausible to assume this is a reference to farmers, peasants and small local businesses, in fact, these ‘local’ stakeholders include large multinational corporations. The private rights structure promoted as a strategy to empower local bodies within 2030 WRG publications, is in fact the same strategy that allowed for Chilean water resources to be bought up by a handful of foreign corporations (Larrain and Schaeffer, 2011).

Two passages (Numbers 1 and 4) from the 2009 *Charting Our Water Future: Economic Framework to inform Decision-making* document are exemplary justifying of the use market mechanisms on the basis of their providing incentives for water conservation, and a means of efficiently allocating water resources. We also observe, in contrast to the depiction of human rights noted in the previous section, the failure of the state to establish clear rights being represented as an institutional barrier impeding everyone's ability to playing their dutiful part in saving the environment (Passage 3).

Rather than presenting financialization policies as tools for capital accumulation, the 2030 WRG presents the establishment of water rights as a mechanism to encourage businesses to save the environment, and to address state failures to do so. Seen in this light financialization does not represent a process through which businesses are given the tools need to acquire water resources at a time of scarcity for their own benefit as critics as Friends of Earth International and Monbiot (2014) suggest. It is presented, instead, as reflecting a case of businesses 'engaging' other stakeholders by purchasing their water (passage 2).

Ironically, "fragmentation of responsibility" and "gaps in capacity and information" (Passage 3) are invoked as reasons for replacing government regulation with a market-based system that would eliminate the regulatory capacity of the state altogether. The establishment of water pricing mechanisms and financial incentives are advanced as the strategy of choice to manage water consumption (passage 5).

The 2030 WRG argues on the one hand that the state lacks the capacity, and is failing in its responsibility, to effectively manage water resources while promoting investment-friendly strategies that would further diminish the role of the state. Its use of rights

discourse to blur the lines between human rights and private rights is used as a mechanism for endowing the 2030 WRG with moral authority in its efforts to build support for strategies of financialization that go against the grain of traditional water resource allocation mechanisms and policies. Table 5.3 offers seven examples of 2030 WRG’s ambiguous use of the term ‘rights’.

**Table 5.3 Examples of the ambiguous use of “rights”**

<b>Source</b>	<b>Passage</b>
<i>2009 Charting our Water Future</i>	1. A more sustainable approach would require that the multiple users along the river renegotiate their rights to allow for consideration of environmental flows. Page:114
	2. There are, of course, additional qualitative issues that need to be addressed, including institutional barriers (such as a lack of clear rights to water), fragmentation of responsibility for water across agencies and levels of government, and gaps in capacity and information. Page: 115
<i>2014 Collective action</i>	1. Recommendation 9: Formalise Rights with Local Governments and Stakeholders Once the stakeholder-generated rights and responsibilities demonstrate more effective collective action, programme facilitators should work with the relevant government departments and ministries to institutionalise these rules and norms in order to end unsustainable practices and transform local relationships among various water stakeholders. Page: 61
	2. Absence of rights, rules and norms leads to freedom to use common pool resource, which in turn ruins it. Page: 9
	3. Another usual cause of conflict is under-defined rights and entitlements for water access and use. Page: 24
	4. Strengthening stakeholder networks, formalising rights and responsibilities, institutionalising monitoring and accountability measures, and defining exit strategies are some of the suggestive recommendations from this study. Page: 62
	5. Formulate rights and responsibilities through participatory means: Define clear rules and norms for water allocation and distribution in an inclusive participatory manner. Page: 64

Defining a failure to entrench corporate access to water resources as an institutional barrier (*Charting*, passage 2) a case of “under-defined rights” (*Collective Action*, passage 3), a failure to institutionalize or formalize rights (*Collective Action*, passage 4) make it seem like an administrative oversight by a state failing to live up to its obligations rather

than a deliberate environmental or political strategy. In representing the absence of conditions necessary for the financialization of water in this manner, the 2030 WRG is able to present its proposals as necessary, and perhaps necessary, next step. Passages 1 and 4 in *Collective Action* talk about ‘formalizing’ ‘strengthening’ and ‘institutionalizing’ thereby creating the impression that the establishment of market mechanisms would simply be an improvement on the status quo.

Being vague in its generalizations about rights, enables the 2030 WRG to potentially benefit from a generally positive attitude toward the human right to water and sanitation – which has gained traction since its formal recognition at the United Nations – while simultaneously obscuring potentially controversial plans to entrench the commercial rights of multinational corporations and big industry users within a watershed. For instance, labeling permits or licenses as rights contributes to a sense that commercial licenses are legal entitlements owed to corporations operating in the watershed rather than short-term contracts regulated by the public and the state in accordance with specific terms of engagement.

### **5.3. Perpetuating strategies**

Perpetuating discursive strategies seek to justify and perpetuate existing practices. The 2030 WRG works in countries committed to meeting their GDP growth targets and pushes water policy reforms that enable them to meet these targets in collaboration with corporations currently operating in their watersheds. The strategies examined in this section reflect efforts to use discourses of environmental and financial sustainability as mechanisms to justify an emphasis on capital accumulation in the wake of a water crisis.

### 5.3.1 Justifying capital accumulation through sustainability discourse

Within human rights law, sustainability includes the ability to ensure that human rights are protected into the future. According to General Comment 15, the human right to water must be realized sustainably to ensure that the right is protected for current and future generations. This includes protection of freshwater resources as well as adequate funding for water and sanitation services, and the establishment of special provisions for marginalized and vulnerable communities (de Albuquerque 2013).

**Table 5.4: Use of water sustainability discourse in the sample**

<b>Source</b>	<b>Passage</b>
<i>2013 Annual report</i>	1. Current demands consume all available water, yet by 2035 water availability must double. Page: 35
	2. We support governments to create an enabling environment for the private sector, civil society and other stakeholders to make a bigger contribution to sustainable water resource management by cooperatively identifying and analyzing risks and opportunities; Page: 12
	3. Our cost analysis lens seeks to quantify the water demand/available supply gap, reveal the value of water at risk to different sectors, measure the expense of units of water saved versus used, and offer a menu of practical technological, policy and economic options at the appropriate scale. Page: 14
	4. The gap will rise as a result of increased population and more irrigation. Page: 35
<i>2013 Managing Water Use</i>	1. The growing gap between supply and the demand for water is forcing the world to find new ways to generate higher growth while using much less water. Page: 5
	2. With finite limits to local water availability (including for environmental sustainability) facing many countries the critical challenge is how we can manage water resources to safely deliver the water needed to fuel growth as well as for meeting the needs of humans and the environment. Page: 9
<i>2012 Good practices catalogue</i>	1. The WRG aims to provide tools to assist in the analysis of water availability issues and identification of cost-effective levers for bringing abstractions back in line with natural renewal. Page: 2

**Table 5.4 Cont'd**

<b>Source</b>	<b>Passage</b>
<i>2012 Annual report</i>	1. Some now urge a "Blue Revolution" to boost investment in techniques and tools that increase India's agricultural productivity and use water more efficiently Page: 20
	2. The 2030 Water Resources Group provides tools that help countries 10. analyze water availability and identify the most cost- effective levers to harmonize urban, industrial and agricultural withdrawals in order to allow natural renewal. Page: 26
<i>2009 Charting our Water Future</i>	1. The second option for closing the water supply-demand gap is to increase the water productivity of existing activities across sectors of the economy. Page: 69
	2. Such tools have been used to quantify an abatement or availability "target", driven by economic and social growth, and to construct a marginal cost curve that estimates the impact of a wide range of possible interventions to meet that target. Page: 24
	3. Technology to use water more productively anywhere in the economy would also be included in this perspective, given its role in reducing the water demand of particular sectors and hence increasing availability for other uses. Page: 32
<i>2011 National Water Resources Framework</i>	1. Population growth and declining water availability as a result of increasing new urban and industrial demands will lead to severe shortages in many of India's towns and cities. Page: 49
	2. The availability and assurance of water supply at a reasonable cost to support industrial development is imperative, but it is also important to identify and recognise the need to include water availability and costs as part of the considerations in the geographical location and the nature of future industrial development. Page: 58
<i>2014 Collective action</i>	1. Business risks stemming from the reducing availability of water, social conflicts, and other environmental reasons threatening the supply chain, management or operations of businesses are a growing concern. Page: 12
	2. A hypothetical scenario asserted that the threat of low water availability had led the two major industries in a sub-basin to approach the local NGO, which in turn liaised with the government departments and local communities to act collectively for achieving water security. Page: 15

As previously noted, there is tremendous emphasis within sampled documents on the discourse of. A closer look at the terminology and rhetoric used to frame the issue of environmental sustainability within the sampled documents reveals the extent to which the 2030 WRG's agenda is packaged within a discourse of business being granted the tools to save the environment. A number of examples are provided in Table 5.4.

In examining the sampled documents it quickly becomes evident that the 2030 WRG is not adhering to a consistent definition of sustainability. In the 2014 document *Collective Action for Water Security and Sustainability*, for example, the term sustainability is linked to the concept of water security, in a manner that frames the latter from a business perspective. Elsewhere the term sustainability is used to signify sustainable access to water resources for industries and corporations with an agenda of capital accumulation (*2013 Annual Report* passages 3; *Managing Water Use* passages 5 and 6; *Charting Our Water* passage 9). The notions of sustainability put forth is very different from the concept of environmental sustainability within a human rights framework that requires sustainable access to water for current and future generations.

As the collection of passages in Table 5.4 show, the 2030 WRG uses highly economic rhetoric that reduces the freshwater crisis to a challenge that can be resolved using. This framing overlooks the human and social dimensions of the environmental crisis. Although a few passing statements are made about lack of access for basic human needs, these problems are not tackled in any substantive sense and the prescriptions put forth fail to address both the challenges of social inequities in access to water, and the impacts of the freshwater crisis on populations lacking access. For example, in a section focusing on Tanzania in the *2013 Annual Report* acknowledges that millions of people in this country are still lacking access to a safe reliable water supply, yet the strategies and solutions discussed have little to do with improving access for people. Instead the solutions deal with matching water supply with a GDP growth plan identified with corporate stakeholders, governments and international financial institutions.

As the information presented in Table 5.4 shows, water scarcity is framed by the 2030

WRG as a gap (*2013 Annual Report* passages 3 and 4; *Managing Water Use* passage 1) between demand and supply as opposed to rooting its analysis in the human or environmental dimensions of the crisis. Moreover, The solutions put forward focus specifically on maintaining growth projections by managing the supply and demand of freshwater resources. In so doing, the 2030 WRG delineates the discussion of solutions the management of water supply and demand through technological solutions and economic instruments serving processes of financialization.

The blurring of the lines between economic growth projections and human needs also is evident. For instance Passage 1 from *Charting our Water Use* conflates economic and social growth as if they are part of the same agenda requiring the same strategies when oftentimes they conflict in the form of trades-offs. Indeed, the water needs of social objectives such as increased access to health, schooling, and electricity are not factored in to the cost curve data presented in this document. Non-specific information about demand outstripping supply fails to provide information about who is doing the demanding. Instead, it favours an approach where all demands are treated equally. This anathema to a human rights framework that requires prioritizing basic human needs, and the needs of vulnerable and marginalized communities in particular.

In passage 1 from the *2013 Annual Report*, and passages 1 and 2 from *Managing Water Use* we observe capital accumulation being advanced as an incontestable and desirable reality: “yet by 2035 water availability must double.” Within the sampled documents information about how much water must be available in the future is derived solely from GDP growth projections. The common thread running through the sampled documents is the articulation of the need to bridge the gap between dwindling water

supplies and capital growth forecasts. However, the need to keep quenching the thirst for capital accumulation is not questioned.

There appears to be a contradiction in the manner in which the issue of human needs is presented in the sample documents. In some instances the descriptions provided sometimes suggests that they will be addressed by the measures promoted by the 2030 WRG. In other instances population growth and rising human needs identified as the source of the problem water crisis:

But within a few decades, billions more people will seek 2,400 billion more cubic meters to grow their food, produce their energy and for their household needs. Agriculture already uses 70 percent of annual global withdrawals and seeks more to produce a growing volume of food for a hungry planet (2013 Annual Report p.8)

Contrary to the claim contained in the above quote, the relationship between population growth and increased water use is not so straightforward. By 2030 WRG's own admission, "demand for water for domestic use will decrease as a percentage of total, from 14 percent today to 12 percent in 2030, although it will grow in specific basins, especially in emerging markets" (2013 Annual Report, p.6). Given the staggering inequalities in human consumption patterns (e.g., 20% of the world's population does not have access to electricity according the World Bank) the relationship between population growth is not on par with the impacts of capital accumulation on water supplies. Population growth and increasing human needs do not in themselves account for the increasing strain the agricultural sector places on water supplies either. Subsistence food production involves non-consumptive water use (water that stays within the watershed) as opposed to export-oriented agriculture, which is consumptive. Not all agriculture serves to feed the hungry, and a distinction must be made between big agriculture and small-scale farming if the analysis is to take into account the human dimensions of the

water crisis.

The propensity to conflate population growth, social growth and financial growth enables the 2030 WRG to foster a sense that its proposals will serve a social agenda. While the need for national planning around water to be based on factors other than water scarcity and resource efficiency is acknowledged, human rights are not mentioned. Instead, economic, trade and geopolitics are presented as key determinants:

In choosing scenarios, and to some extent the technical measures to close the gap projected under any one of those scenarios, the trade-offs decision makers will face go well beyond the issue of water: they will need to consider everything from the impacts on growth and jobs (including geographic distribution), to the implications for trade and geopolitics. A decision cannot be taken solely on the basis of the quantitative water calculations described in this report, but the tools presented here will make the critical elements of those trade-offs more transparent and will define the boundaries of discussion well beyond the confines of the traditional water sector. (2013 Annual Report p. 14)

The evidence presented above suggests that the 2030 WRG manipulates discourses on sustainability in order to justify a push for capital accumulation amidst dwindling water supplies by blurring lines between GDP growth needs and basic human needs. Hence, what appears on the surface to be a set of proposals to solve the freshwater scarcity crisis is perhaps better understood as a set of proposals aimed at ensuring secure water supply for sustainable capital accumulation.

### **5.3.2 Environmental sustainability discourse to perpetuate state redistribution**

*Water grabbing refers to situations where powerful actors are able to take control of or reallocate to their own benefit water resources at the expense of previous (un)registered local users or the ecosystems on which those users' livelihoods are based. It involves the capturing of the decision-making power around water, including the power to decide how and for what purposes water resources are used now and in the future.*

--Franco *et al* 2014

As noted in the above quote from a 2014 report published by the Transnational Institute,

the GWJ movement is increasingly sounding the alarm about state redistributive strategies aimed at reallocating freshwater resources from local populations to multinational resources, an process referred to as water grabbing. The state redistribution strategies examined in the sampled documents are geared at increasing corporate access to water while limiting the access of domestic users and small farmers. Here, we again observe a conflating of the environmental sustainability discourse with the notion of water security, which is used in reference to securing and sustainable access to resources for corporations. The objective seems clear: providing an environmentally based rationale to legitimate strategies aimed at redistributing water resources from local communities to corporations. Again we see an discourse framed in a manner that positions corporate rights as being oriented toward incentivizing and engaging the private sector, while human rights and public access to water resources are treated as a threat to water sustainability).

The only constraint considered by the 2030 WRG in its proposals regarding the distribution of water resource is economic growth. In the *2012 Annual Report*, the 2030 WRG poses the following question: *Where can nations reduce demand for water without affecting economic growth?* (p.9). This approach is contrary to former UN Special Rapporteur on the Human Right to Water and Sanitation, Catarina de Albuquerque's (2013) prescription to prioritize human needs in times of scarcity:

Even under conditions of water scarcity, global water availability is sufficient to meet the personal and domestic needs of all human beings. However, since the overall demand for water from all sectors exceeds availability, prioritization of uses becomes all the more important (p.4).

The 2030 WRG builds its campaign on a discourse of scarcity to justify its proposed redistribution of water resources rather than ensuring a prioritization of uses that protect

human rights. For example, its 2013 report *Managing Water Use in Scarce Environments* discusses a World Bank funded project in Yemen where farmers who are ‘beneficiaries’ of a water savings project enabling them to increase crop yields with reduced levels of water consumption. However, these beneficiaries are required to sign agreements with the Water User Association (WUA) mandating them not to increase their irrigation area with the saved water. No information is provided about what happens to the water once the farmers lose their rights to it. While it might be laudable for farmers to be granted the tools to save water, these farmers are signing away their freshwater access rights to a multi-stakeholder body. Similar projects have been implemented in China and South Africa where quotas and fees are referred to as incentives. As Varghese (2012) notes the term incentivize is a code for deregulation, allowing those who can afford to pay to take a greater share of natural resources. It also replaces penalties and regulations preventing bad behavior with an honour system that rewards good behavior. In so doing this creates a perverse incentive from which corporations may profit.

Another redistribution measure encouraged by the 2030 WRG that often is presented as being synonymous with conservation and environmental sustainability goals is switching to “high-value crops” (see, for example, Table 5.1, row 1). Yet, the notion of reorganizing the economy to prioritize crops that generate a greater financial return has the potential to marginalize small and subsistence farmers thereby undermining local biodiversity while favouring large-scale profitable monoculture operations.

Varghese (2012) explains that this strategy favours the membership of the 2030 WRG whose global network includes transnational agricultural and food companies who would benefit from the proposed reforms. India, where small holding farms represent 80% of

agriculture (Mahendra Dev, 2012) appears to be the laboratory for the 2030 WRG's redistributive strategies. Two of the nine publications examined in this study focus specifically on this country. In addition to the water allocation and crop selection strategies described above, the 2030 WRBG promotes, in India, a strategy of restricting the access of small farmers to water resources by eliminating energy subsidies that enable them to pump groundwater (*Annual Report* 2013). Without these subsidies farmers will not be able to access groundwater supplies required for their activities. However, the 2030 WRG counters that the "efficient pumping system [used by farmers in India] creates a risk of excess drawl of ground water and can cause environmental concerns" (National Water Resources Framework Study 2011).<sup>33</sup>

In locales where access to water resources is dominated by corporations or state-run industries rather than small-holding farms, the 2030 WRG appears to be concerned with balancing competing interests from different sectors (e.g. food, energy) and ensuring that the agenda of capital accumulation is not impeded by the water conservation agenda. Unlike the language of reward and punishment reserved for small farmers exploiting their cheap access to water, the tone of the language for facilitating compromises between big industries competing for water resources is far more conciliatory.

Yet large parts of our world, with narrow disciplines and tunnel vision, has not fully recognized the vital link between resources like water, food and energy security, and must better recognize the integrated nature of resources, and take a holistic view of the nexus between water, food and energy. In the interest of future economic growth, we must discuss and understand the options that we have and the tradeoffs we face so that we maintain credibility and momentum in the search for solutions to the challenges. We need to see all stakeholders who have an interest in reducing water scarcity work cooperatively (*2013 Annual Report*, p.5)"

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<sup>33</sup> Reforms aimed at restricting access of small farmers in India to water supplies– which the 2030 WRG refers to as a "blue revolution" (Table 5.4, *2012 Annual Report*, passage 1) – will likely be highly contentious in India where a farmer is reported to commit suicide every 30 seconds for reasons related to debt and drought (Sainath, 2007).

Governments are taken out of the equation so that corporations can negotiate water saving strategies that serve mutual interests. Rather than allocating water resources according to local needs and priorities set by the public, the proposal is to have these resources allocated according to trade-offs negotiated by stakeholders working cooperatively.

### **5.3.3 Accumulation by dispossession perpetuated through financial sustainability discourse**

In Chapter Four it was noted that the term ‘cost’ is the most frequently occurring word of all the key words analyzed in the sample documents (N=939). The information in Table 5.5 offers nine examples of how cost-centered discourse about financial sustainability is used to justify deregulation in water resource management within the sampled documents. The exemplary passages show how decision-making surrounding the allocation of water resources is reduced to a discussion of cost-efficiency that, in turn, enables the 2030 WRG to promote the transfer of financing to the private sector or to users through full cost recovery measures. The references to ensuring the financial sustainability of national water conservation strategies are a distortion of the principle of sustainability, which according to international human rights law requires states to allocate maximum available resources towards meeting their human rights obligations while ensuring that resources are first directed to those who need them the most (de Albuquerque 2013).

In the 2030 WRG’s ‘menu’ of policy options (*2013 Annual Report*, passage 1), the only indicators assessed are those relating to the financial costs of implementing specific policies. The methodology of cost-benefit assessments this entity promotes does not take into consideration the social costs of the measures being proposed. This approach

encourages governments to cut public spending and create room for private investments, which favours full cost recovery (*2013 Annual Report*, passage 2; *2011 National water Resources Framework* passage 1).

**Table 5.5 Use of the term cost in the sample**

<b>Source</b>	<b>Passage</b>
<i>2013 Annual Report</i>	1. Our cost analysis lens seeks to quantify the water demand/available supply gap, reveal the value of water at risk to different sectors, measure the expense of units of water saved versus used, and offer a menu of practical technological, policy and economic options at the appropriate scale. Page: 14
<i>2013 Managing Water Use</i>	1. These are cooperative associations of water users that must be financially sustainable and cover the full costs of providing access to water. Page: 29
	2. While the thinking of many farmers on the scheme is focussed on minimising costs, at Soetmelkvei the philosophy is to maximise yield from their allocation of water and to invest accordingly. Page: 46
	3. Like any significant input to a process, maximising the efficiency of usage of the primary inputs is key to driving down not only the operational cost of the process but also reducing the environmental footprint of the process. Page: 79
	4. Most significantly, the project was fully funded by a private development team with the cost being recovered out of a small percentage of the water savings over a period of five years. Page: 100
<i>2012 Annual Report</i>	1. The 2030 Water Resources Group provides tools that help countries analyze water availability and identify the most cost- effective levers to harmonize urban, industrial and agricultural withdrawals in order to allow natural renewal. Page: 26
<i>2011 National water Resources Framework</i>	1. In all cases service fees collected from users will cover the full economic cost of the service provision. Page: 4
	2. The savings in water use costs discussed above will give an indication of the level of funding that can be justified, on purely financial grounds, for allocation to water conservation. Page: 66
<i>2009 Charting our water Future</i>	1. As a key tool to support decision-making, this study developed a “water-marginal cost curve”, which provides a microeconomic analysis of the cost and potential of a range of existing technical measures to close the projected gap between demand and supply in a basin (Exhibit V provides an example of the cost curve for India). Page: 11

In cases where the cost of services are transferred to users, the higher price paid by users is not considered in the cost analysis. Consequently, the social costs associated with eliminating public funding such as greater disparities in access experienced by women,

lower income users and vulnerable communities (Spronk 2010) are overlooked. The result is the putting forth of an investor-centric cost-and-return perspective, as opposed to a cost-and-benefit user perspective.

The focus on quantitative data related to cost and financial viability allows the 2030 WRG to appear neutral as this approach provides a ‘factual base’ for the controversial measures it promotes (*2011 National Water Resources* passage 2), and which have the potential to drive out lower income users (Varghese 2012, Hall and Lobina 2010). Packaging such information in the form of technical reports that are meant to offer governments tools to make sound decisions contributes to (*2013 Annual Report*, passage 1; *2012 Annual Report*, passage 1; *2009 Charting*, passage 1) conveying an impression that it is not lobbying for a particular ideological orientation, but rather providing supposedly neutral technical expertise.

**Table 5.6 Use of the term investment in the sample**

Source	Passage
<i>2014 Collective Action</i>	1. Users should not be considered as beneficiaries alone, but should be encouraged to invest and develop a sense of ownership towards the project. Page: 25
<i>2013 Annual Report</i>	1. Water Resources Plan to determine the cost effectiveness of its interventions, prioritizing water sector investments and setting up a public-private-civil society platform to implement water conservation measures Page: 28
<i>2013 Charting our water Future</i>	1. One missing piece has been the lack of a rigorous analytical framework to facilitate decision-making and investment into the sector, particularly on measures of efficiency and water productivity. Page: vii
	2. What part of the investment backlog must be closed by private sector efforts, and what part does the public sector play in ensuring that water scarcity does not derail either economic or environmental health? Page: 4
	3. In India, drip irrigation offers potential for lending and equity investments alike: our analysis implies that the penetration of this technology will grow by 11 percent per year through 2030, requiring increased manufacturing capacity and credit for farmers. Page: 19
	4. The beginnings of change are under way and there is good reason to believe that water will be an important investment theme for public, multilateral and private financial institutions in the coming decades. Page: 20

**Table 5.6 Cont'd**

<b>Source</b>	<b>Passage</b>
<i>2013 Charting our water Future</i>	5. Chapter 1, “Shining a light on water resource economics,” outlines the central problem—a lack of clarity on the economics of water resource planning, leading to under- investment and inefficient use—that has prompted the Group’s initiative; Page: 26
	6. Reports issued by the World Water Council and others argue that if MDGs are to be met, annual investments in the order of \$180 billion will be required to 2025 (although even the achievement of the MDGs will still leave many without safe water access). Page: 33
<i>2012 Annual Report</i>	1. Some examples of key impacts that 2030 WRG activities can generate, measured against benchmarks, are the following: <ul style="list-style-type: none"> <li>• Increased water productivity across the economy;</li> <li>• Improved levels of service provision;</li> <li>• Increased financial viability of the water sector;</li> <li>• More investment by private and public sector, through PPPs Page: 11</li> </ul>
	2. As the 2015 MDG deadline approaches we should accelerate investment and innovation. Page: 14
	3. Some now urge a ”Blue Revolution” to boost investment in techniques and tools that increase India’s agricultural productivity and use water more efficiently Page: 20
<i>2011 National Water Resources</i>	1. Once the sector is bankable, Government and the Planning Commission could supplement private investment through appropriate financial instruments and tax incentives for the sector. Page: 55
	2. Acceptance of entrepreneurial contributions through regulation will recognise their investment, protect them from unfair competition and provide them with the security to invest well, secure in their longer-term future. Page: 56
<i>2011 Creating Shared Value</i>	1. “The Department of Water Affairs has been extensively engaging with business to create private/public partnership platforms for business to support and invest in municipal infrastructure to reduce water risks. Page: 13
	2. Furthermore, a large number of wastewater treatment systems are not meeting effluent discharge standards due to inadequate knowledge and under-investment in infrastructure. Page: 13

The use of the term ‘investment’ (N=216) within the sample documents reveals the extent to which financialization and privatization strategies are promoted within a logic that presents the private and financial sectors as saving the public by ensuring financial sustainability for water conservation measures (see Table 5.6). Unlike the terms funding or financing, the term investment implies a model of financing based on the expectation

of a return. Rather than pointing to governments' failure to allocate maximum available resources, the 2030 WRG talks about under-investment (2013 *Charting*, passage 5; 2011 *Creating Shared Value*, passage 2) and the "investment backlog."

Language used in association with investments is noteworthy because of the weight it bears within international trade law. Foreign investments are protected through various trade and bilateral investment protection agreements that enable corporations to sue governments when expected returns on investments are impeded as a result of political decisions or policy changes.<sup>34</sup> This is alluded to in passage 2 of the *2011 National Water Resources* document which recommends that investors be "protected from "unfair competition" and be provided "the security to invest well." While these sound like benign recommendations, they are very specific reference to provisions within international trade law that protect foreign investments. In short, it is disingenuous to call for private investments in water resource management as a fix for financial challenges experienced by governments without also discussing the range of long-term consequences involved in opening the water resources sector to global financial markets.

An in-depth look at the narrative about investments that is contained in the sample documents makes it clear that measures promoted as ideal environmental policies are, in fact, gateways to financialization. Drip irrigation, for example is promoted within five of the documents as a measure to help farmers improve groundwater recharge. In the 2013 *Charting* document (passage 3) this method is presented as also being suitable for lending and equity investments with a promising potential for growth. Equally noteworthy is the

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<sup>34</sup> See, for example, the case of Costa Rica vs Infito Gold: <http://globalnews.ca/news/883756/calgary-based-mining-company-suing-costa-rica-for-more-than-1-billion/> and El Savador vs Oceana Gold: <http://www.theguardian.com/commentisfree/2014/oct/03/australian-mining-is-poisoning-el-salvador-it-could-soon-send-it-broke-too>

2030 WRG's identification of the UN development agenda as an entry point for promoting stronger private sector participation to ostensibly ensure the financial sustainability of international obligations regarding water and sanitation (*2012 Annual Report*, passages 2; 2013 *Charting*, passage 6).

The discourses of environmental and economic sustainability are a strong theme within the 2030 WRG documents analyzed. The organization uses these discourses to advance policy proposals promoting financialization, privatization, and state redistribution of water supplies from local users to transnational industries under the guise of “a rigorous analytical framework to facilitate decision-making and investment into the sector, particularly on measures of efficiency and water productivity” (*Charting Our Water Future*, 2009 (p.vii).

## **5.4 Transformative strategies**

This sections looks at how the principles of participation, equity and accountability are re-framed within the sampled documents to support the strategies of accumulation by dispossession championed by the 2030 WRG. Despite the results of the content analysis showing that principles of equity and accountability do not feature prominently within the sampled documents, it is nonetheless important to examine how they are defined within these texts given their centrality to human rights discourse.

### **5.4.1 Redefining participation and equity to promote multi-stakeholder processes**

Participation in decision-making is a well-entrenched human right. A number of key UN covenants and treaties demand “active, free and meaningful participation” in decision-making and in the elaboration and implementations of policies that affect peoples' lives (De Albuquerque 2014, International Covenant on Civil and Political Rights). The

content analysis identified 151 instances of this term and its variations in the sampled documents. As was noted in Chapter Four, within the broad category of ‘participation’ a number of other related terms were also identified including, stakeholder, user, water user association, inclusive, resident, citizen (see Table 4.3). The information presented in Table 5.7 offers a number of examples of the manner in which these participation-related terms were applied in the sampled documents.

**Table 5.7 Use of terms associated with the principle of participation in the sample**

<b>Source</b>	<b>Passage</b>
<i>2014 Collective Action</i>	1. Programme initiators should convene scientific and technical bodies, water users groups and other relevant stakeholder groups to undertake participatory data collection. Page:
	2. While collective action has been defined as ‘a process of economic, physical and social value creation by addressing institutional imperatives in an inclusive, participatory manner to meet the common goal of water security and sustainability. Page:
	3. For instance, the inclusive participation of various stakeholders—such as the industry, government, civil society and community—cannot be overlooked if water security is to be achieved sustainably. Page:
	4. However, by encouraging inclusive participation, decentralisation models and monitoring and accountability measures, corruption can be implicitly addressed. Page:
	5. Where rights and entitlements are unclear or ambiguous, programme facilitators should convene stakeholders at an early stage to define clear rules and norms for water allocation and distribution in an inclusive participatory manner. Page:
<i>2013 Managing Water Use in Scarce Environments</i>	1. building consensus among multiple stakeholders, and helping them make difficult choices Page: 5
	2. Public participation was encouraged by establishing Water Users Associations (WUAs) Page: 25
<i>2013 Charting our Water Future</i>	1. If all stakeholders are able to refer to the same set of facts, a more productive and inclusive process is possible in developing solutions. Page: 15

**Table 5.7 Cont'd**

<b>Source</b>	<b>Passage</b>
<i>2012 Annual Report</i>	<p>1. Who provides neutral, practical, contextual and comprehensive advice in these matters?</p> <ul style="list-style-type: none"> <li>• How can government water officials and other water professionals engage new actors (private sector, civil society, other government ministries), in the debate, change water's political economy, and trigger a substantive reform in resource management?</li> </ul> <p>There are no simple and definitive answers to these questions. We can only try to engage the right mix of individuals and institutional stakeholders to seek answers that help the world adapt, build resilience and accommodate the needs of all by developing a portfolio of solutions Page: 9</p>
<i>2011 National Water Resources Framework</i>	<p>1. Water resources allocation will be fair and transparent, with water users participating in the decision-making processes. Page: 3</p>

An examination of how the various terms associated with the processes and actors involved in strategies prescribed to increase or ensure participation reveals that the 2030 WRG frames concept of participation around multi-stakeholder processes that involve corporations in decisions regarding water. It builds on a World Bank strategy of setting up Water User Associations to decentralize water management to local associations that include farmers and industries operating in the watershed. This strategy is promoted as inclusive and participatory (*2014 Collective Action*, passages 3, 4, and 5). What is essentially a deregulation scheme limiting government involvement by relegating water governance to multi-stakeholder processes is described as fair, transparent (*2011 National Water Resources*, passage 1) and as contributing to the elimination of corruption (*2014 Collective Action*, passage 4).

This position differs from the recommendations of UN policy experts who call for participation strategies aimed at ensuring that impacted individuals are given access to meaningful participation in decisions that affect their lives, livelihood and their ability to enjoy their human rights (de Albuquerque 2014). Redefining participation as consensus

building and collective action between stakeholders actually marginalizes the voices of impacted communities who are required to make compromises with more powerful entities through multi-stakeholder processes. Idealizing consensus building as a water conservation strategy also fails to acknowledge the extent to which the goals of big industries are at odds with those living within the watershed and who valorize environmental objectives.

Furthermore, within the sampled documents participation is framed as something that should occur through a selection process as opposed to a public right. Within the *2013 Managing Water Use* document, for instance, the 2030 WRG calls for states “to engage the right mix of individuals and institutional stakeholders to seek answers”, encouraging public participation models through models it proposes (passage 2), and in its *2012 Annual Report* it asks “Who provides neutral, practical, contextual and comprehensive advice in these matters?” (passage 1)? This approach ostensibly excludes the most critical voices in favour of those willing to be conciliatory towards proposed policies and projects.

In a discussion of participatory collective action contained in its 2014 *Collective Action* document, the Narmada Bachao Andolan, a broad-based social movement representing frontline communities including small farmers and indigenous peoples impacted by large dam projects on the Narmada River, is described as a failed model. Yet, this movement has been very effective in its campaigns against the World Bank-funded Sardar Sarovar dam project (Chowdury 2014). Moreover, within this document the NBA’s position is presented as a response to “subjective states of disadvantage vis-à-vis social and physical reality” and the movement is criticized as being unable to work

collectively with other actors (Collective Action, p.13).

Rhetorical use of the concept of equity to justify multi-stakeholder processes also is observable within the sample documents.<sup>35</sup> Here we see the term equity used to promote greater inclusion of stakeholders within decision-making processes on equal footing rather than ensuring better access for marginalized and vulnerable groups (see Table 5.8). As a consequence, the special needs and rights of subsistence farmers, women, indigenous groups and other marginalized populations are placed in risk of being further neglected.

**Table 5.8: Use of the term equity in the sample**

<b>Source</b>	<b>Passage</b>
<i>2014 Collective action</i>	Equitable participation of stakeholders in decision-making, creating a sense of ownership and building trust are the fundamental elements for sustaining collective action. Page: 61
<i>2013 Annual Report</i>	Combined together, the Catalogue advances national priorities of development and equitable water allocation among competing economic, societal and environmental demands. Page: 36
<i>2013 Annual Report</i>	the 2030 WRG eliminates the risk of inequity through inclusion. Page: 16
<i>2012 Annual Report</i>	This initiative will contribute to the transparent and equitable planning and management of water resources. Page: 27
<i>2012 Good practices catalogue</i>	GIZ is a partner of the Southern African Development Community (SADC) and ORASECOM, and supports water conservation initiatives in riparian states, with a view to promoting equitable sharing of water resources. Page: 22

The manner in which the notion of equity is used within the sample of 2030 WRG publications stands in contrast to human rights-based notions of equity, which require special provisions for the inclusion of marginalized groups to ensure their needs are reflected in decisions. To force marginalized groups, through multi-stakeholder processes, to negotiate their rights and needs with powerful corporations whose interests

<sup>35</sup> Within the human rights resolutions, the principle of equity is tied to gender equality and non-discrimination. General Assembly resolution 68/157 deals with eliminating inequalities in access and explicitly lists marginalized and vulnerable groups whose needs must be taken into consideration.

compete with their own is counterproductive to the objective of achieving equity for these populations.

#### 5.4.2 Reframing accountability to legitimate privatization and financialization

Human Rights Council Resolution 15/9 calls for stronger accountability by increasing the capacity of states to monitor regulate and ensure grievance mechanisms for human right to water violations. Although 2030 WRG draws upon the notion of accountability, the evidence from the sample documents analyzed suggest that it advocates for exactly the opposite – i.e., decentralization and deregulation strategies favouring the privatization and corporatization of public systems. Examples of this provided in Table 5.9.

**Table 5.9: Use of the term accountability in the sample**

Source	Passage
<i>2014 Collective Action</i>	1. It specifically mentions the role of private participation in bringing discipline and accountability to users. Page: 14
<i>2013 Managing Water Use in Scarce Environments</i>	1. Greater accountability resulting from volumetric metered payment system. Page: 29
<i>2011 National Water Resources Framework</i>	1. To generate a widespread and consistent acceptance by politicians and senior government personnel that the water supply sector in urban and rural areas needs to adopt the principles of “sound business-like” management and planning for its water utility entities for ensuring autonomy in day-to-day functioning and accountability to the customers. Page: 52
	2. Establish a target that by the end of 12FYP, at least half the cities with more than a million people are made more accountable to the customers either through accordingly higher autonomy or by “corporatisation”. Page: 52
	3. Ensuring professionalisation of services coupled with improved autonomy that would attract skilled managers into the sector and make service delivery more accountable while also promoting cost recovery Page: 52
<i>Closing the Gap by 2030</i>	1. The operating philosophy is based on systematic metering of water use in different parts of the brewing process, thus driving accountability in the different sections Page: 12

In the examples presented in Table 5.9 emphasis is placed on accountability within the context the financial transactions between the service provider or corporation and the

customer. For instance, in the *2011 National Water Resources Framework* we observe narrative focusing on ensuring “accountability to the customer” through corporatization strategies (passages 1 and 2). Terms such as “business-like” (*2011 National Water Resources Framework*, passage 1) and “professionalization” (*2011 National Water Resources Framework*, passage 3) imply that the public sector must be transformed to look more like the private sector – an approach that is widely promoted by the World Bank and which is considered to be a strategic stepping stone towards privatization (Magdahl 2012). In other passages, it is the user who is to be held accountable through metering of water consumption (*2013 Managing Water Use in Scarce Environments*, passage 1; *Managing Water Use in Scarce Environments*, passage 1) or cost recovery (*2013 Managing Water Use in Scarce Environments*, passage 1). In each of these instances accountability is used as an argument to limit public oversight and promote private sector involvement.

The reframing of the terms participation and participatory to legitimate private sector involvement contradicts recommendations recently made by the Special Rapporteur on the Human Right to Water and Sanitation (see De Albuquerque, 2014) while providing moral weight to the 2030 WRGs proposals for stronger private sector participation. More specifically, the manner in which these terms are reframed fosters a sense that the measures being promoted will serve the public interest by generating greater equity, participation and accountability.

## **5.5 Summary**

The discussion in this chapter used critical discourse analysis to highlight noteworthy discursive strategies used by the 2030 Water Resources Group to legitimate processes of

financialization, privatization and state redistribution by appropriating important themes from human right to water and sanitation discourse. While in some instances, the 2030 WRG promotes its own framework by de-legitimizing the human rights framework. In other instances, it uses rights-based rhetoric to uphold private access to water as a right. The analysis of the documents in the sample also points to an appropriation of key human rights principles to justify the 2030 WRG's ends.

An economic approach to freshwater sustainability marginalizes human and social dimensions of the water crisis in order to promote strategies of financialization and privatization. A deeper look at the 2030 WRG's 'fact-based' evaluation of freshwater sustainability reveals that its approach is predominantly based on ensuring sustainable access to water supplies to fuel an agenda of capital accumulation. A discourse of environmental sustainability is used to justify the diversion of water supplies from local communities to big industries that are better able to afford water allocated through market-based mechanisms and fulfill the 2030 WRG's criteria for water efficiency and higher value use. Financial sustainability discourse is used to promote greater private financing and cuts in public spending in favour of user fees and full cost recovery models.

The human rights language of participation, equity and accountability, though not as prominent within the texts, are reframed to promote private sector participation and deregulation within models that devolve power to "local" multi-stakeholder authorities.

## CONCLUSION

This thesis set out to examine corporate appropriation of human right to water and sanitation discourse through content and critical discourse analysis of a sample of publications produced by the 2030 Water Resources Group.

The literature review outlined the theoretical base for this thesis, situating the debate regarding the corporate appropriation of human right to water discourse within the Gramscian framework of a war of position between the global water justice movement and proponents of neoliberal water policies. Harvey's concept of accumulation by dispossession was used to provide a political economic basis for the analysis provided while enabling a discussion of water conflicts that extends beyond concerns pertaining to the private supply of water.

The central research question this thesis sought to address was: *How has the 2030 Water Resources Group sought to legitimate strategies of accumulation by dispossession (privatization, financialization, and state redistribution) by appropriating human right to water discourse?*

In order to address this broad question, three sub-questions were used to guide the data gathering and analysis:

1. *Has the 2030 WRG appropriated human right to water discourse?*
2. *How is the appropriation of right to water discourse expressed in 2030 WRG policy documents?*
3. *How has appropriation of human right to water discourse been used to legitimate strategies of accumulation by dispossession in the water sector?*

### **6.1. Direct appropriation of human right to water and sanitation discourse**

The findings of this study reveal two trends with regards to the appropriation of human right to water and sanitation discourse. First, the very limited discussion of human rights identified in the sample suggests an attempt to de-legitimize this framework as a basis for guiding the management of water resources. Secondly, the findings suggest that it is not human rights discourse but a more ambiguous rights-based discourse that is being appropriated for the purpose of promoting strategies of accumulation by dispossession.

In other words, despite at least three of the four leading corporations (i.e. Pepsico, The Coca Cola Company and Nestlé S.A) claiming to support the human right to water and sanitation within their corporate social responsibility statements, the corporate policy consortium through which they directly engage in water policymaking appears to show little-to-no for the human right to water and sanitation. In the three instances where the human right to water and sanitation was explicitly named in the sampled documents, the consortium was advancing a critical stance regarding the human right to water and sanitation. To this end, the implications that human rights promote free riding and irresponsible behavior expose attempts to de-legitimize the human right to water and sanitation.

By contrast, the numerous references to private rights identified, combined with a large number of ambiguous references to generic rights imply an effort to seek to benefit from general public approval of rights-based discourse. Specifically, blurring the lines between private and human rights appears to be used to build support for measures aimed at financializing water resource allocation.

The discussion of rights, which varies from specific structures and mechanisms to

financialize water resources to vagueness illustrates why critics of rights talk (i.e., Bakker 2005) and rights-based activism (i.e., Kneen 2009) might benefit from a more nuanced analysis that distinguishes between discourses of human rights and private rights. While the 2030 WRG may attempt to blur the lines between human rights and private rights in their policy tools in order to garner greater political and public support for financialization strategies, legally the lines remain distinct. Private entities cannot access human rights mechanisms to defend private water rights. This might explain why the 2030 WRG speaks disparagingly about human rights, while simultaneously using a rights-based discourse to argue for commercial water rights.

At another level, the findings of this thesis also appear to support Barlow's (2010) and Livesey's (2002) assertions that proponents of neoliberalism may give lip service to human rights in public relations campaigns, but have generally opposed the adoption of human rights legislation and mechanisms.

## **6.2. Indirect appropriation of human rights discourse**

Given the limited direct appropriation of human right to water and sanitation discourse, this thesis investigated indirect appropriation by examining the use of language related to core themes within official UN human right to water and sanitation resolutions and policy documents. The content analysis revealed significant appropriation of discourse related to the concepts of environmental and financial sustainability.

The appropriation of sustainability discourse is not particularly surprising given that sustainability often is criticized as a catchall term that despite its ubiquity remains fuzzy in terms of its concrete application. Some critics have even argued that this term subordinates environmental and social needs to economic interests (see, for example,

Cachelin et al, 2014). Nonetheless, sustainability is a prominent theme within human rights and international development policy. The findings regarding the ways in which the 2030 WRG seeks to frame scarcity is therefore noteworthy.

The terms scarcity and gap are predominant in framing the concept of sustainability. The analysis of the use of these terms revealed that they are part of an economic framing of environmental sustainability that serves to promote sustainable access to water resources for the purposes of capital accumulation rather than environmental or human rights objectives. To this end, the findings of this study suggest that the 2030 WRG employs terms associated with environmental sustainability to promote strategies aimed at diminishing the gap between available water resources and the water requirements for capital accumulation. This economic framing of environmental sustainability, which is based on quantitative analysis of demand, supply and value, promotes financialization as a strategy through which the business sector is granted the necessary tools to solve the water scarcity crisis through market-based mechanisms including the establishment of corporate water rights and water pricing strategies that enable the trading of these rights.

Environmental sustainability discourse is also used to promote state redistribution strategies geared towards diminishing public control and increasing corporate access to water supplies. Contrary to a human-rights based allocation strategy that requires water resources to be distributed based on publicly determined priorities emphasizing human rights and the public interest, the 2030 WRG legitimates market-based allocation of resources that would enable those with the ability to pay the highest price to secure the highest share of limited water supplies. It also uses sustainability arguments to push for measures that would limit the access of small and subsistence farmers to water supplies

including an end to energy subsidies for farmers in India and crop selection strategies that would favour large-scale monoculture as the more environmentally sustainable option.

Finally, the predominant use of the concepts of cost and efficiency point to an economic sustainability rhetoric that justifies greater private investments in water resource management, while narrowly focusing on cost and benefit to investments and profit. Poor budgetary allocation on the part of states towards environmental sustainability is framed as under-investment in order to promote the elimination of barriers and the establishment of incentives (i.e. tax breaks, subsidies and deregulation) to facilitate greater private sector investment in the sector.

The 2030 WRG promotes multi-stakeholder governance models as inclusive participatory, and equitable. However, these multi-stakeholder bodies are not only to be consulted by the state in decisions regarding the use and allocation of water resources, they are to replace the state as the decision-maker. Contrary to human rights standards pertaining to equity for marginalized and vulnerable groups and their participation in decision-making the model promoted by the 2030 WRG severely diminishes the capacity of the state to protect the interests of these groups thus forcing them to instead negotiate their rights with more powerful actors with competing interests within the watershed.

This represents both a privatization of functions that have traditionally been held by national or subnational governments, and a potential redistribution of water resources that is likely to result form greater corporate access to decision-making about water allocation. In line with this process, the concept of accountability is re-framed to undermine faith in the public sector while promoting reforms such as water metering and corporatization of water and sanitation systems in order to make the sector more

conducive to generating profits for private investors.

**Table 6.1 Legitimation of accumulation by dispossession**

<b>Strategy of Accumulation by Dispossession</b>	<b>Appropriated discourse</b>	<b>Legitimation strategy</b>
Financialization	Environmental sustainability Economic sustainability Rights discourse	<ol style="list-style-type: none"> <li>1. Appropriate rights discourse to promote market-based water allocation through pricing and trading</li> <li>2. Blur lines between private rights and human rights to promote private rights</li> <li>3. Use water sustainability discourse to promote financialization as a vehicle for efficient allocation of water resources</li> <li>4. Use financial sustainability discourse to create greater access for private investors/private investment as a solution to funding gaps</li> </ol>
Privatization	Financial sustainability Participation Accountability	<ol style="list-style-type: none"> <li>1. Promote notion that private funding is necessary for implementation of human right to water and sanitation</li> <li>2. Delegitimize human rights and promote privatization by evoking free-rider theory</li> <li>3. Promote reforms aimed at making water and sanitation sector more conducive to generating profits to attract private sector participation</li> </ol>
State redistribution	Environmental sustainability Participation Equity	<ol style="list-style-type: none"> <li>1. Use environmental sustainability discourse to strip small farmers of water access rights and means (energy subsidies)</li> <li>2. Crop selection strategies justified through water sustainability discourse to divert water to large-scale monoculture and commercial crops</li> <li>3. Water sustainability discourse to facilitate multi-stakeholder processes to negotiate trade-off between big industries</li> <li>4. Reframe participation and use language of “equity” and “inclusion” to push for multi-stakeholder involvement that eliminates role of state in decision-making</li> </ol>

In sum, it may be concluded that the 2030 WRG does not directly or explicitly promote the human right to water and sanitation. The discussion of human rights within the documents examined shows strong criticism of the human right to water and sanitation within the policy tools of the 2030 WRG despite the fact that its individual corporate members claim to endorse the right within their public relations statements. The critique is combined with the presence of an ambiguous rights-based discourse that blurs the lines between private and human rights, thereby potentially creating greater space for otherwise controversial proposals to introduce market mechanisms to water resource allocation.

The evidence from this study suggests that the 2030 WRG indirectly appropriates human right to water and sanitation discourse by appropriating key elements of human rights discourse to legitimate strategies of privatization, financialization and state redistribution. The findings (see Table 6.1) suggest that the appropriation of water and sanitation discourse does not occur because of direct links between neoliberalism and human rights, but rather as a dialectical transition aimed at achieving greater consent for strategies of accumulation by dispossession within the water resources sector. Put simply, the 2030 WRG's rights discourse distorts and contradicts human rights norms and principles in order to promote neoliberalization within the water sector. This suggests that the counter-strategy should not be to abandon human rights as a tool within campaigns against neoliberalization in the water resources sector, but to challenge and build public resistance to the distortions of rights-based discourses.

### **6.3 Limitations and recommendations for future research**

The documents examined for this thesis represent but one set of persuasive tools used

by the 2030 WRG; the knowledge products available on the 2030 WRG website. An examination of national policy documents in the countries where the group is operating would enable a fuller investigation of strategies used to legitimate accumulation by dispossession as well as facilitating an examination of patterns of discourse appropriation and variation based on local and/or national contexts. It is important to note in this regard that the global strategies of accumulation by dispossession discussed do not occur within a uniform political economic landscape and that taking into account regional variances in the degrees of accumulation by dispossession along the continuum of neoliberalization patterns within the water sector, may yield more precise information regarding the strategies used to build consent for accumulation by dispossession.

For example, the relevance of the human right to water and sanitation as a legitimization tool may vary from state to state. Some states targeted by the 2030 WRG recognize water as human right, others do not; some states have maintained strong public sector control others have water sectors that are already deregulated and privatized. A comparative or more localized analysis therefore would be useful in exposing legitimization strategies that may be more relevant to national and local GWJ campaigns in the regions where the 2030 WRG is active.

Secondly, this thesis has focused on legitimization strategies based on appropriation of human right to water and sanitation discourse, which likely represent but one small subset of legitimization strategies used by the group to promote mechanisms of accumulation by dispossession. There is much room for further analysis on other strategies of legitimization employed by the 2030 WRG and other similar consortiums.

It is also important to note that Harvey's model of accumulation by dispossession is

lacking in intersectional analysis. Harvey himself does not take into account the ways in which dispossession is experienced differently based on race, gender and other categories of oppression and discrimination. Future research may build on the findings presented in this thesis to determine how racism, patriarchy and other axes of oppression intersect with the legitimization strategies presented in this work.

Finally, given the highly technical nature of the policy proposals and their broad-ranging implications beyond water policy reform, this investigation would benefit from a collaborative process drawing from local experts and experts from other affected sectors including food sovereignty, land rights and indigenous rights, as well as a participatory approach that allows for input from impacted communities.

#### **6.4 Concluding remarks**

Official recognition of the human right to water and sanitation is still a relatively recent development. As the war of position between the GWJ movement and proponents of accumulation by dispossession rages, the strategies revealed in this thesis show how far corporations involved in lobbying for water policy reforms have come in terms of defining key concepts associated with the human right to water and sanitation. While the GWJ movement has gained considerable momentum and achieved significant victories including human right to water legislation in Latin American countries that have banned privatization, and the Botswana Court of Appeals ruling in favour of the Kalahari San and Bakgalagadi, it has a long way to go in terms of operationalizing its aspirational goals surrounding the human right to water and sanitation.

There are numerous references to the UN development agenda in the 2030 WRG publications. Notably, several mentions of the MDG deadline and the post-2015

Development Agenda where some states have called for the mainstreaming of human rights language within UN development objectives rather than explicitly asserting the commitment of member states to human rights. The mainstreaming approach favours the inclusion of key concepts such as equity and sustainability into the post 2015-Development Agenda rather than explicitly outlining human rights objectives. This thesis points to potential dangers of this approach within the water resources sector. The evidence presented shows that when human rights principles are divorced from a human rights framework, they no longer serve a human rights agenda.

Secondly, the UN General Assembly and Human Rights Council resolutions did not provide sufficient information regarding the application and definition of the human rights principles examined in this thesis. The intertextual analysis comparing human rights language with the 2030 WRG's discourse was complemented by recent reports of the Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation. While the analysis of the Special Rapporteur was valuable in determining discrepancies between human rights obligations and 2030 WRG proposals, it also raises concerns regarding the vague and general nature of the actual resolutions that have been endorsed by governments. As a newly recognized right, there is a role for human rights experts including UN Special Rapporteurs to play in refining our understanding of the application of the human right to water and sanitation.

This investigation suggests that the private sector appears well equipped with benchmarks and indicators to promote the operationalization of its own solutions towards greater sustainability, participation, equity and accountability, but remains hostile towards formal recognition of the human right to water and sanitation. This points to a

greater need for GWJ advocates of the human right to water to strengthen campaigns for clear and explicit commitments to human rights-based approaches to the global water crisis.

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**Appendix A**  
**Word frequency data**

<b>Category</b>	<b>Search terms</b>	<b>Annual report 2012</b>	<b>Collective action</b>	<b>Good practices</b>	<b>Annual report 2013</b>	<b>National Water Commission</b>	<b>Charting our water future</b>		<b>Managing water scarcity</b>	<b>SWPN South Africa</b>	<b>Total</b>
<b>Transparency</b>	Transparen n(cy/t)	7	12	0	31	4	10	0	1	0	65
	Clarity	2	2	0	0	0	10	0	1	0	15
<b>Adequate</b>	Adequate	1	10	0	0	17	4	1	3	2	38
	Public good	0	3	0	0	0	1	0	0	0	4
	Public interest	0	0	0	0	0	0	0	0	0	0
<b>availability/envi ronmental sustainability</b>	Availab (le/ility)	1	56	4	10	19	159	0	35	4	288
	sufficien	0	1	2	1	0	9	0	9	1	23
	gap	14	0	0	39	14	358	1	8	27	475
	efficien(t/ cy)	46	18	31	39	70	188	1	115	15	536
	productiv( e/ity)	10	7	8	3	20	107	1	63	0	219
	scarc (ity/e)	24	9	5	36	6	66	2	139	5	511
	Trade-off	1			1		23			1	
(Water, resource, freshwater r) security	40	68	2	47	0	34	6	10	4	211	
<b>accessibility</b>	Accessib (le/ility)	0	1	0	0	0	73	0	1	0	75

	Access (to water)	8	40	0	11	6	5	0	3	4	63
	Feasible	0	2	1	5	2		1	1	0	12
<b>quality/safety</b>	quality	2	31	4	7	13	45	5	80	12	199
	Safe(ty)	7	10	2	2	4	2	0	11	4	42
	Pollut(ion /e/tant)	12	22	1	4	6	10	3	10	4	72
	Contamin a(ant/te/ion)	1	2	2	1	0	2	1	2	2	13
<b>affordability</b>	Affordab( le/ility)	1	0	6	0	2	4	0	4	0	15
	Cost (effective, curves)	17	11	64	13	20	596	5	208	5	939
	Payback	0	0	1	0	0	69	0	18	0	88
	price	1	3	2	1	3	17	0	15	0	42
	revenue	0	2	1	1	2	13	1	23	0	43
<b>Non-discrimination and gender equality</b>	equal (ity)	0	4	1	3	1	0	0	0	0	9
	Equit(y/able)	6	7	1	8	2	0 <sup>36</sup>	0	0	0	24
	gender	0	3	0	1	0	0	0	0	0	4
	Woman/w omen	1	2	1	0	0	0	0	3	0	6
	discriminat ion	0	0	0	0	1	0	0	0	0	1
<b>Accountability</b>	accountabil ity	0	49	0	6	1	0	1	2	1	60
	responsibil ity	3	8	0	4		7	2	8	2	34
<b>Participation</b>	Participat(e /ion/ory)	15	54	4	11	25	10	3	26	3	151
	stakeholder	43	189	2	65	36	71	10	36	10	462
	user	11	65	7	5	49	102	3	53	3	298
	citizen	1	1	0	2	1	0	2	1	2	10
	population	4	40	3	8	18	55	2	19	2	151
	people	12	23	3	6	20	7	3	20	3	97
	resident	0	9	0	0	0	1	1	9	0	20
	Water User Association/ WUA	4	0	0	0	5	0	0	152	0	161
Inclus(ion/i ve)	1	44	0	20	1	6	0	3	0	75	
<b>National plan</b>	Reform	22	9	1	15	20	23	0	20	0	110

<sup>36</sup> References to equity stakes and investments were not taken into account

	Law	1	10	1	1	0	2	1	1	1	18
	policy	11	12	3	10	12	112	1	8	0	169
	Legislat(iv e/ion)	2		1	2	7	1	0	7	0	20
	Water resource managem ent	11	4	0	8	4	28	1	6	1	62
<b>Financial sustainability</b>	Sustainab (le /ility)	28	10 1	13	28	38	43	2 3	39	22	335
	Fund (ing)	6	0	14	16	54	13	0	48	0	151
	Financ (e/ial/ing)	10	0	2	12	35	89	4	33	6	181
	Invest(men t)	11	11	4	8	14	133	4	27	4	216
	Regulat (or/ion/ory )	0	10	1	2	0	17	1	23	1	55