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World Water, A Crisis of Global Governance?

Robert Weiner

In a global world, how can water, a necessary and increasingly scarce resource, be managed? We understand that water is a basic need. Do we also share the belief that water is a basic right? Does the international community share beliefs about water that may be the foundation of an international regime or system of global governance for the equitable implementation of global water policy? And finally, what international body or bodies might handle the disputes that arise as our population and need for water increase? The author tackles these questions and looks at models to guide us.

Water is the elixir and the essence of life. As we move further into the twenty-first century, humanity faces the serious crisis of increasing water scarcity.¹ The world's supply of water is finite. Water is located in rivers and lakes and in underground aquifers, and it is unevenly distributed throughout the planet² (fewer than a dozen countries contain about 60 percent of the world's water supply). The central problem of the world's water crisis is that the projected growth in the world's population will lead to the increasing scarcity of water and the further impoverishment of a large and growing segment of humanity. It is also feared that water scarcity will increase the chances of conflict between states, generating more resource wars over this precious liquid in the future.

The growing scarcity of water is closely linked to the broader issue of sustainable development, and given that about 1.1 billion people lack access to safe water,³ the world water crisis has found its way onto the global agenda of the United Nations. Water is important in the overall effort by the international community to promote economic justice and alleviate poverty and suffering. Lack of access to clean and safe water and sanitation greatly hinders the efforts of poorer countries to modernize.

Linking global water issues to economic equity also underscores the importance of developing common water ethics. A recent UN Report stressed the importance of "shifting gears from a needs based to a rights

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based approach, which would generate political will and a resource allocation culture that puts interest in the poor first.”⁴ Indeed, an ethical vision of World Water recognizes that access to safe water is a human right, as well as a basic need.

One might argue that from a constructivist or ideational point of view, the international community has been in the process of developing a common belief system that can serve as the basis for an international regime or a system of global water governance by providing guidelines for the equitable implementation of global water policy.⁵ This includes the elaboration of a set of international norms that deal with access to and the use of water. The international community has constructed a World Water Vision in which effective management of the finite resource of water would result in equity, but such a vision is in danger of being hijacked by the private sector and used as justification to sacrifice equity in the name of efficient and integrated management of freshwater under the rubric of IWRM (Integrated Water Resources Management).⁶

It is clear that international regimes, which have been defined as “a set of rules, norms, and procedures around which the expectations of actors converge on a certain issue-area”⁷ have evolved in connection with the issue-area of world freshwater. An international water regime consists both of formal and informal rules, organizations, and arrangements, and can involve a variety of stakeholders. Ideally, it should be as inclusive as possible, involving youth, women, and indigenous peoples, as well as the state and nonstate actors. Can a single global international regime deal with global water and is one now in the process of being constructed, or does there exist a number of overlapping international regimes that deal with various issues associated with global water and which altogether add up to a system of global governance?

Sustainable development represents an effort to create an international system based on economic justice, which will ensure the equitable distribution of scarce resources. Water is one of those scarce resources.

International organizations are nonstate actors composed of major stakeholders in the global governance of the world’s freshwater, in all of its complex dimensions.⁸ The UN is the lead international organization focused upon global water problems. Over the years, the UN has adopted various resolutions designed to mobilize the international community to carry out the recommendations and meet targets that have been adopted by UN-sponsored conferences and special sessions of the General Assembly over the past two and a half decades. Of course, targets and goals concerning world water can be set, but in the final analysis it is up to sovereign states to do what needs to be done to reach the goals.

Along with international organizations, states are a major stakeholder in dealing with water. World freshwater, of course, should be considered a public good, available to all who need it. But in reality, water is viewed by the majority of the international community as a shared resource, which is

subject to the sovereignty of states. As the UNDP (United Nations Development Program) points out, “The issue of transboundary water resources is highly complex and sensitive, as it involves national sovereignty of riparian countries.”⁹ State sovereignty, for example, has a bearing on how riparian states handle transboundary disputes over rivers and river basins. For example, over two hundred river basins are shared by two or more states. There are some two hundred sixty-three international river basins that cross the borders of more than two states.¹⁰ Approximately forty major international rivers have been the subject of international agreements.¹¹ These are examples of states that have been able to cooperate with one another in sharing water rather than engaging in conflict over its allocation. It is interesting (and perhaps surprising to some) that the impressionistic forecasts about the prospects of water becoming more valuable than oil and triggering water wars have thus far not been borne out.¹² Studies done at Oregon State University indicate that over a half-century (1948–98) states have shown an increasing tendency to cooperate with one another.¹³ “Hydrodiplomacy” rather than war is thus far the preferred method for states to resolve disputes over water.¹⁴ The codification of international water law has helped the international community to prevent and resolve water disputes. The Convention on the Law of the Non-Navigational Uses of International Watercourses of 1997 is an example of an international legal regime for solving disputes. It has been argued that this framework convention could serve as the basis for a global water regime, although it still runs up against the issue of state sovereignty.¹⁵

Clearly, civil society concerned with global water issues has organized itself into nongovernmental organizations (NGOs) that function at all levels of government.¹⁶ Several hundred NGOs focus on water, and some of them might function as a form of “watershed democracy” to protect human rights.¹⁷ One of the more important NGOs is the World Water Council, which describes itself as an international water policy think tank.¹⁸ The World Water Council is also an important stakeholder in the issue-area of global water, because it is one of the major organizers of the World Water Forum, which meets every three years and brings together representatives of states, NGOs, and international organizations.

Another important type of nonstate actor, very much involved in the debate over access to water and whether water should be viewed as a commodity or a human right, is the large multinational corporation, such as Suez or Vivendi. (It is also important to note that multinational corporations may, of course, be more interested in reaping profits from the exploitation of water resources rather than in assuring that poverty-stricken elements of world society have access to water in a just and equitable fashion).¹⁹

International water companies as owners and operators of water systems globally is on the rise, especially in the developing countries. This raises many questions that are associated with dependency theory and the exploitation of third world countries by transnational corporations based in

the industrialized sector of world society. A number of NGOs, representing global civil society have mobilized to oppose the privatization of water for profit. They find that privatization ultimately deprives poor people of access with obvious negative health effects.²⁰ Some multinationals have decided to end operations, faced with determined opposition from indigenous populations in the Third World. Furthermore, critics of the privatization of water and its delivery systems (as well as sanitation systems) argue that the international financial institutions (such as the World Bank) are working with global water corporations to exploit poorer people in the developing countries, linking loans conditionality to the privatization of water services and infrastructures, thereby undermining one of the Millennium goals of the United Nations by making water unaffordable and therefore inaccessible to the poor.²¹ Three major global water companies — Suez, Vivendi, and RW — control a monopoly of the water markets in the developing countries of Asia, Latin America, and Africa. Global water companies wield considerable influence at international and national levels of government through their lobbying efforts and sharing interlocking memberships in the governing boards of international water think tanks, such as the World Water Council. Even though only about 5 percent of the world's water is currently privatized, projections are for significant increases in the future. Global companies boast that this is a safe and lucrative area of investment for corporate as well as private investors.

In the final analysis, global water corporations view water as a commodity rather than a human right or a basic need, which can be sold to consumers for a profit. Critics of privatization argue that water should be considered a human right (as the United Nations does) which should be made available to all human beings. The private sector should not be able to gain control over a liquid which is considered the essence of life.

The important question is whether or not existing international institutions and regimes are sufficient to deal with the many problems associated with access to and the management of increasingly scarce freshwater. Should there be a single international regime, or a form of global governance that would include all the stakeholders, or should world water be dealt with on a regional basis, perhaps through the regional economic commissions of the United Nations or on a more decentralized basis where local communities are empowered to deal with water access and supply?²² The relationship between an international organization dealing with global water and regional organizations like the European Union might be spelled out in the constitution of any projected global water organization. Should the international community hold a conference to create an international organization dealing with global water issues? Should such an international organization be based on the model of the International Maritime Organization, the International Telecommunications Union, or the World Health Organization — all functional international organizations? Another question relates to the structure, organization, and distribution of power in such

a projected international institution. Should such a global water institution be based on the principle of one state one vote, as a concession to national sovereignty? Or should it follow the model of such organizations as the International Labor Organization, which is based on the notion of weighted voting, with states categorized as being of “chief industrial importance” having more votes than other members on the Governing Board of the organization. Or might the International Atomic Energy Agency provide a model. Here the major producers of uranium are given additional votes? How would this work in the case of freshwater? Would the states that have most of the world’s freshwater on their territory be given more votes than others, or would voting rights be allocated based on a formula of consumption of water per capita?

Rather than creating a brand new organization to deal with the complexities of global water, another possibility is to elevate an organization like the UNEP (United Nations Environment Program), which engages in a wide-ranging freshwater program as a subordinate agency of the UN, but can be transformed into a full-fledged international organization. Since freshwater is viewed as a shared resource rather than as part of the global commons, compliance with an international regime for water would seem to rely very heavily on the willingness of national governments to either coordinate their policies or cooperate with other governments and international organizations to realize the goals of implementing a world water governance regime.

The capacity of an international organization to gather and distribute data and information working with epistemic communities that are perceived by their constituencies as objective, can be an important factor in ensuring compliance by sovereign state actors with the rules of international water regimes. But in the final analysis, a single water organization may not be able to deal with the complex problems associated with global water. The solution may lie not in constructing a single global water organization, but rather in relying on the existing system of ad hoc global governance that has sprung up — a network of formal and informal institutions and regimes, which provides a framework for the input of civil society to ensure that water is distributed and managed equitably.

Water in the twenty-first century should not be viewed as a commodity like oil. It is a basic human right.

Notes

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1. See Lester R. Brown, "The Effect of Emerging Water Shortages on the World's Food," in *Whose Water is It? The Unquenchable Thirst of a Water-Hungry World*, eds., Bernadette McDonald and Douglas Jehl (Washington, D.C.: National Geographic, 2003), 78.
2. About 2.5 percent of the world's water consists of freshwater. See "World Water Assessment Program Executive Summary" retrieved from <http://unesdoc.unesco.org/images/0012/001295/129556e.pdf>.
3. See "Water, It's Attitude That Counts" retrieved from http://www.unesco.org/water/wwap/news/wwap_wwd_05.shtml.
4. See "Sustainable Development Preparatory Meeting Concludes Weeklong Session" Retrieved from <http://www.un.org/News/Press/docs/2005/envdev827.doc.htm>.
5. On the general issue of global governance, see Matthew Paterson, "Global Environmental Governance," in *International Society and Its Critics*, ed. Alex J. Bellamy (Oxford: Oxford University Press, 2005), 163–77.
6. For essentially a corporate view of the international public policy issue of global freshwater, see "Water a Crisis of Governance Says 2nd World Development Report, Mexico City, 9/03/2006" retrieved from <http://www.unwater.org/wwdr2-news2.html>.
7. Joshua S. Goldstein, *International Relations* (New York: Longman, 2003), 120.
8. This section of my essay relies very heavily for its theoretical framework on the work of M. J. Peterson, "International Organizations and the Implementation of Environmental Regimes," in *Global Governance: Drawing Insights from the Environmental Experience*, ed. Oran R. Young (Cambridge: MIT Press, 2000), 115–51.
9. Retrieved from <http://www.undp.org/water/trans.html>.
10. See "The World Water Crisis," retrieved from <http://www.unesco.org/water/wwap/wwdr/pdf/chap.1.pdf>. More agreements, of course, need to be concluded.
11. To gain a very detailed picture of international freshwater agreements dealing with riverbasins, check the International River Basin Register.
12. See "Water for Life Decade 2005–15" retrieved from <http://www.un.org/waterforlifedecade/waterforlifebklt-e.pdf>.
13. See "Conflict and Cooperation over International Freshwater Resources: Implications and Findings of the Basins at Risk Project" retrieved from http://www.transboundarywaters.orst.edu/projects/bar/BAR_chapter4.htm.
14. See Aron T. Wolf, " 'Water Wars' and Other Tales of Hydromythology," in *Whose Water is It?*, 109–24; Peter H. Gleick, "Water and Conflict: Fresh Water Resources and International Conflict," *International Security* 18, no.1 (Summer 1993):79–112; Miriam R. Lowi, "Bridging the Divide: Transboundary Resource Disputes and the Case of West Bank Water," *International Security* 18, no.1 (Summer 1993):113–38.
15. The Convention on the Law of the Non-Navigational Uses of International Water courses was adopted by the UN General Assembly in 199, by a vote of 103 in favor, 3 against, and 27 abstentions. It had been preceded by the 1911 Madrid Declaration on the Use of International Watercourses for Purposes Other Than Navigation.
16. For a general discussion of global civil society, see Paul Wapner, "Governance in Global Civil Society," in Young *Global Governance*, 65–84; for a highly original discussion of the role of civil society in the international system, see John Keane, *Global Civil Society* (Cambridge: Cambridge University Press, 2003).
17. See Ken Conca, *Governing Water: Contentious Transnational Politics and Global Institution Building* (Cambridge: MIT Press, 2006), 214.
18. See World Water Council at <http://www.worldwatercouncil.org/>.
19. For some of the difficulties that multinational water companies have encountered in Uruguay, Chile, Argentina, Peru, and Bolivia, see *New York Times*, February 22, 2005, C2.
20. See Maude Barlow, "The World's Water: A Human Right or Corporate Good?" in McDonald and Jehl, *Whose Water is It?* 25–39.

21. For the World Bank's view that the "entry of private sector operators has challenged public monopolies and stimulated better performance among operators," see "The World Bank's Group for Water Supply and Sanitation" retrieved from http://www.worldbank.org/watsan/pdf/wss_report_find_19feb.pdf.
22. The theme of the Fourth World Water Forum, which met in Mexico City in 2006, was "Local Action for a Global Challenge."

oil
