

...implementar u...
...de una cultura del encuentro en tot...
...derechos universales. La ciencia, la cultura, la...
...contribuir al logro de sociedades más justas, so...
...comprometidas con el cuidado de la casa común.

Francisco

PONENCIAS

SEMINARIO DERECHO HUMANO AL AGUA

PONENCIAS

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23 al 24 de febrero de 2017
Casina Pio IV | Ciudad del Vaticano



PONENCIAS

SEMINARIO

DERECHO HUMANO AL AGUA

APORTES Y PERSPECTIVAS INTERDISCIPLINARIAS SOBRE
LA CENTRALIDAD DE LAS POLÍTICAS PÚBLICAS EN LA
GESTIÓN DE LOS SERVICIOS DE AGUA Y SANEAMIENTO

23 y 24 de febrero de 2017

Casina Pio IV | Ciudad del Vaticano



CÁTEDRA DEL DIÁLOGO Y
LA CULTURA
DEL
ENCUENTRO





“En realidad, el acceso al agua potable y segura es un derecho humano básico, fundamental y universal, porque determina la sobrevivencia de las personas, y, por lo tanto, es condición para el ejercicio de los demás derechos humanos.”

(Laudato Si', 30)

EJE 2

LA CENTRALIDAD DE LAS POLÍTICAS PÚBLICAS EN LA CONSTRUCCIÓN DEL BIEN COMÚN



Panel 5

GOBERNABILIDAD E INNOVACIÓN EN LA GESTIÓN PÚBLICA EN LOS SERVICIOS DE AGUA Y SANEAMIENTO

DEMOCRATIZING THE POLITICS, MANAGEMENT, AND ACCESS TO ESSENTIAL WATER AND SANITATION SERVICES

ESTEBAN CASTRO⁵⁷

ABSTRACT

The paper argues that achieving the new Sustainable Development Goals set by the international community for the year 2030, which includes the universalization of access to essential water and sanitation services, requires radical action to overcome serious obstacles. In particular, it is needed to abandon the prevailing approach promoted by international financial institutions, governments, donors, and private corporations that aim to organize the delivery of these services on market, for-profit principles. Given that most of the unserved population in the planet is composed of marginalized and poor, vulnerable communities, what is needed is an approach like the one that allowed rich developed countries to achieve full universalization of these services during the Twentieth Century. This was made possible through decisive State intervention to ensure the access to quality water and sanitation for everyone, independently of their capacity to pay. This principle was enshrined in the notions of public good and social citizenship rights in the most civilized capitalist democracies. The paper argues that there is no reason to expect that the democratization of the politics, management and access to these services at the global level, as committed in the SDGs, could happen without a similar approach, based on decisive State intervention, abandoning the prevailing public policies that seek the commodification of these essential services. The paper concludes with specific recommendations, derived from the results of recent international research projects.

RESUMEN

La ponencia argumenta que el logro de los Objetivos de Desarrollo Sustentable anunciados por la comunidad internacional para el año 2030, los cuales incluyen la universalización del acceso a los servicios esenciales de agua y saneamiento, requiere acción radical para superar serios obstáculos. En particular, es necesario abandonar el enfoque prevaleciente promovido por las instituciones financieras internacionales, gobiernos, donantes, y corporaciones privadas, que intentan organizar la provisión de dichos servicios sobre la base de principios mercantiles, orientados a la ganancia privada. Ya que la mayoría de la población planetaria no

57 A sociologist by training, Prof. Castro has an interdisciplinary background in Social Sciences. He has a B.A. in Sociology from the University of Buenos Aires (1983- 1988), carried out studies for a B.A. in Psychology at the same institution (1984-1990), and obtained a Masters degree in Social Science from the Latin American Faculty of Social Sciences (FLACSO), Mexico (1990- 1992). In January 1998, he completed his Ph.D. in Politics at Oxford (1993-1998). He was awarded the 1998 British Mexican Society Postgraduate Prize for the best completed doctoral thesis produced at any British university or other institute of higher education on a topic relating to Mexico. He has done work on a number of countries, including Argentina, Brazil, Mexico, the United Kingdom, and Portugal. In 2012 he became a Corresponding Member of the Mexican Academy of Sciences (AMC). He currently coordinates project DESAFIO, which studies the implementation of socio-technical innovations to tackle inequality and injustice in the access and management of essential water and sanitation services in Argentina, Brazil and Colombia. Castro coordinates the international network WATERLAT-GOBACIT, dedicated to teaching, research, and practical intervention in relation to the politics of water.

atendida está compuesta de comunidades marginalizadas, pobres y vulnerables, lo que se requiere es un enfoque similar al que permitió que los países ricos y desarrollados lograran universalizar el acceso a dichos servicios durante el Siglo Veinte. Este logro fue posible gracias a la intervención decisiva del Estado para garantizar el acceso a servicios de agua y saneamiento de calidad para todas las personas, independientemente de su capacidad de pago. Este principio fue consagrado en las nociones de bien público y de derecho social de ciudadanía en las democracias capitalistas civilizadas. La ponencia argumenta que no existe razón para esperar que la democratización de la política, la gestión y el acceso a estos servicios a nivel global, como se ha comprometido en los ODS, pueda ser logrado en ausencia de un enfoque similar, basado en la intervención decisiva del Estado, abandonando las políticas públicas dominantes que buscan la mercantilización de dichos servicios. La ponencia concluye con recomendaciones específicas, derivadas de los resultados de proyectos internacionales de investigación recientes.

WHY DEMOCRATIZING? THE PROBLEM OF STRUCTURAL INEQUALITY

Although in many regards the Millennium Development Goals (MDGs) were a timid attempt to decrease inequality in the access to water and sanitation services (WSS), compared with the more radical goals of the 1980s, we failed to achieve the real target even if nominally the MDGs have been met. In the 1980s, the UN International Drinking Water and Sanitation Decade had the goal of bringing 40 litres of safe drinking water to every human being in the planet by 1990 (UN, 1980). This ambitious and universalistic goal was not achieved, as in 1990 there were 1.1 billion people, 17% of the world population, without safe drinking water, and 40% lacked basic sanitation facilities. Then, the MDGs set in 2000-2002 aimed at halving the proportion of the unserved population by 2015 (UN, 2000, 2002), a tacit admission that universalization of essential WSS was not to be achieved for at least two more decades. In this sense, the MDGs were timid, conservative, and even mean compared with the goals of the 1980s. Yet, we failed to achieve them too.

For some, admitting that we failed to achieve the MDGs may sound unacceptable, a too radical judgement they would say. For instance, taking the example of Latin America and the Caribbean (LA&C), they may point to official figures showing that LA&C would have met the MDG targets. However, the official figures show that 11 LA&C countries did not meet the target of halving the proportion of the population without access to an "improved water source", while 19 countries of the region failed to meet the target for sanitation consisting in halving the proportion of the population lacking access to "improved sanitation facilities" (ECLAC, 2015: 65). In rural areas, the situation is much direr, and in countries like Bolivia, Colombia, Ecuador, Haiti, Nicaragua, Peru, and Venezuela, 80% of the rural population continue to "lack sustainable access to drinking water" (ECLAC, 2015: 65). A recent report from the Inter-American Development Bank (IDB) suggests that between 30% and 40% of rural water systems in LA&C are out of working order, while others suffer chronic problems of water quality, intermittence, and quantity of water delivered (Ducci, 2015). Although the situation for basic sanitation has improved since 1990, still only 64% of the LA&C population in rural areas had access to "improved sanitation facilities" in 2015. The figure was less than 50% in Bolivia, Guatemala, and Haiti (ECLAC, 2015: 65). The IDB report cited above estimates that 12% of the LAC population still practiced open defecation in 2015, ranging from 11% in Honduras and Ecuador, 13% in Brazil, 14% in Colombia and Nicaragua, to 35% in Haiti and 46% in Bolivia (Ducci, 2015).

Even these figures must be read with caution, as we are not discussing here the implications of the indicators used for the MDGs, "improved water sources" and "improved sanitation

facilities", which have been the subject of long debates. The inadequacy of these indicators has been already accepted as the evidence shows that not all "improved" water sources actually provide drinking water that is safe for human consumption (WHO, 2010: 9), because "water from improved sources is not necessarily free from contamination" (WHO-UNICEF, 2014: 42). As a result, in the discussions about the post-2015 Sustainable Development Goal Indicators (SDGs) a new definition was put forward: "safely managed drinking water", which means that "services reliably deliver water that is sufficient to meet domestic needs and does not represent a significant risk to health" (WHO-UNICEF, 2014: 41). In short, if we consider the quality of the water available to people, the official MDG figures would be much more modest and the reality that we have not truly achieved the real target becomes apparent. Moreover, the MDG reports alerted that the advances made towards meeting the goals in 2015 **have often reproduced or even generated new inequalities** in the access to WSS:

[I]t is usually the poor and otherwise excluded and marginalized populations who tend to have least access to improved drinking water supplies and sanitation. **Interventions that do not have an equity focus may exacerbate inequality by failing to reach the most disadvantaged subgroups.** Closing these gaps requires explicit consideration of those who are being left behind. [...] there are multiple dimensions of inequality, which can overlap, combine or reinforce one another. Without specific attention to marginalized or vulnerable groups, **it is possible to see national averages improve while within-country inequality increases** (WHO-UNICEF, 2014: 38; our emphasis).

A very important point in this statement relates to evidence presented earlier by the authors in the same report showing that in some countries that met the MDGs **intra-national inequalities increased because the wealthier tend to benefit first:**

[... There are] stark disparities across regions, between urban and rural areas, and between the rich and the poor and marginalized. The vast majority of those without sanitation are poorer people living in rural areas. Yet, **progress on sanitation has often increased inequality by primarily benefitting wealthier people** (WHO-UNICEF, 2014: 6; our emphasis).

The new Sustainable Development Goals (SDGs) approved in September 2015 setting the development agenda for the next 15 years have reaffirmed the universalistic rhetoric of the 1980s and in some ways have significantly raised the expectations:

On behalf of the peoples we serve, we have adopted a historic decision on a comprehensive, far-reaching and people-centred set of universal and transformative Goals and targets. We commit ourselves to working tirelessly for the full implementation of this Agenda by 2030. We recognize that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development. [...] In these Goals and targets, we are setting out a supremely ambitious and transformational vision. We envisage a world free of poverty, hunger, disease and want, where all life can thrive. [...]. A world where we reaffirm our commitments regarding the human right to safe drinking water and sanitation and where there is improved hygiene; and where food is sufficient, safe, affordable and nutritious. A world where human habitats are safe, resilient and sustainable and where there is universal access to affordable, reliable and sustainable energy (UN, 2015b: 3-4).

WSS are addressed in Goal 6, that among other important targets include

6.1 By 2030, achieve universal and equitable access to safe and affordable drinking water for all

6.2 By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations (UN, 2015b: 18)

While the approval by the UN of the ambitious and universalistic development agenda for 2030 must be celebrated, there is a need to highlight some of the obstacles facing its achievement that are directly related to this paper's topic, the democratization of the politics of WSS. In this regard, it is crucial to recognize that in the core electoral democracies there is no agreement on fundamental aspects of the approach needed to achieve the full universalization of WSS, and even **universalization is not necessarily a shared goal for everyone** in this group of powerful countries. In particular, it must be recognized that there exists a confrontation between **inclusionary and exclusionary societal projects**, which in the case of WSS finds expression in the status conferred to these essential services. For some, WSS should be treated as commodities that must be available only to those who can afford to pay their market cost, consequently excluding non-payers from accessing these services. For others, access to WSS must be considered a public good that must be guaranteed by the State, which is the approach that allowed Western democracies to achieve the universalization of these services during the twentieth century.

The confrontations between these divergent societal projects can be exemplified with the debate about the **human right to water**. This debate focused on the access to small amounts of water needed by human beings for a dignified life, estimated by the World Health Organization at roughly between 50 and 100 litres per person per day for domestic needs. For many years, a large number of governments involved in this debate **rejected the possibility of sanctioning the access to this essential water as a human right**. Finally, in July 2010 the governments of 122 countries voted in favour of the UN resolution and sanctioned the human right to water, but **41 countries abstained from the vote while 29 were absent** (Amnesty International and WASH United, 2014). The report by Amnesty International and Wash United just cited provides an analysis of the reasons why governments abstained or were absent from the vote, which included the governments of many of the leading countries of the world; most of them consolidated Western electoral democracies. Thus, the governments of many of the same leading countries that have "reaffirm[ed their] commitments regarding the human right to safe drinking water and sanitation" in the approval of the SDGs (UN, 2015b: 3-4) have also rejected to recognize that an essential amount of safe water for every human being on the planet must be recognized as a right, just for being human. It is a stark example of the **social, political, and ethical dilemma** facing the implementation of the SDGs.

The example of the confrontation surrounding the UN approval of the human right to water in 2010 demonstrates that these opposing views are not merely rhetorical or idealistic positions but have rather **very practical implications for policy and implementation in the WSS sector**. The privatist agenda that considers WSS as commodities promotes a well-known policy package in the WSS sector, seeking the privatization and mercantilization of these essential services. These policies are exclusionary, and are often implemented in the absence of democratic debate. In our research, we found examples of how these policies are being promoted by International Financial Institutions (IFIs) and other actors despite the significant evidence available about their **negative impacts on poor and vulnerable communities**. An

explicit example of the confrontation between these divergent societal projects is given in the following statement made at the VII World Water Forum that took place in Korea in 2015. The statement addresses the polarized situation characterizing the role of the State in tackling structural social inequalities, including inequalities in the provision of WSS, promoted by different national governments in LA&C:

There are [...] two well-differentiated visions of the role of the State in the definition of public policies and services management [in LA&C]. On one side, the countries of the Pacific Alliance, constituted by Colombia, Chile and Peru (in addition to Mexico in North America), which seek to achieve the liberalization of the economy, the free movement of people, goods, services, and capital. [...] The second block is integrated in the Bolivarian Alliance (ALBA) grouping 15 countries [including] Venezuela, Ecuador, Bolivia, and Argentina [the report included Argentina though it is not formally an ALBA country]. This group centres the attention on the struggle against poverty and social exclusion. It opposes reforms of the State that seek the deregulation and privatization of public services. Rather, these countries seek to strengthen the State and promote citizen participation in public affairs. They also propose State intervention to reduce social disparities. [... In contrast], the countries of the Pacific Alliance propose a subsidiary role for the State, having market regulation as the mechanism. The State at all levels tends to stop being a direct service provider to become an articulator, a mediator between the actors providing public services. In this context, the regulatory capacities of the State are focused on improving the quality of the services and the efficacy and efficiency of the operators. It tends to promote private activity, which requires establishing clear rules and specific regulations (CAF, 2015: 13).

This report from the Development Andean Corporation (CAF), a supporter of the Pacific Alliance of governments that have committed themselves to prioritize the privatization of essential WSS, openly dismisses "State intervention to reduce social disparities". This position seems to be in open contradiction to the findings about the growing inequalities in access to WSS caused by these policies during the last few decades, which are directly related to the failure in meeting the MDGs, as recent official reports suggest. This is just one example of the **ongoing confrontations** taking place in relation to our problem, the **democratization of the politics of essential WSS**.

From another angle, the prevailing forms of representative democracy, predicated on the **principle that public affairs are the preserve of professional politicians and technical experts**, continues to be one of the central obstacles for the advance of the democratization process in the water sector, including WSS. In Latin America, to give a relevant example, this framework is dominant despite the significant advances made since the beginning of the twentieth-first century in several countries of the region with the arrival of governments supported by a widespread mobilization of grassroots social actors. These include historically marginalized groups such as indigenous communities in Bolivia and Ecuador and large sectors of the impoverished working classes as in Brazil or Venezuela, just to mention notorious examples. The persistence of **top-down, non-participative, often authoritarian political institutions and practices** has been aggravated by the regressive tendencies that affect contemporary electoral democracy. These regressive tendencies are expressed in the exacerbation of social inequality, even in cases where there has been a decrease in the levels of extreme poverty, as it has been the case in Brazil since 2003. One of the roots of this aggravation has been the convergence of technocratic and top-down, authoritarian representative democracy with the resurgence of **neoprivatism**, which aims to reduce the role of the State to that of guarantor

of private wealth accumulation and free it from responsibility for guaranteeing the universal access to the essential goods and services required by civilized life. This combination is a most serious obstacle for the achievement of the Sustainable Development Goals (SDGs), including the targets for WSS.

The long-standing traditions that characterize Latin American societies in relation to the social struggles for achieving substantive, material, not merely rhetorical democracy help partly to explain the progressive transformations introduced in the last two decades. These transformations have prompted the opening of limited, controlled, bounded forms of social participation, normally circumscribed to specific topics, to certain territories, and within well-defined time frames, but nevertheless bringing about some spaces for meaningful political engagement. In the case of essential public services, governments have frequently responded to the pressures resulting from these social struggles, for instance the struggles for the expansion of access to WSS, with the promotion of forms of social participation limited to self-help and co-responsibility in specific tasks such as the funding of infrastructure and materials or the provision of labour to extend service networks. However, with few exceptions, **substantive aspects such as decisions about the principles, values and material interests that must guide public policy** in the WSS sector are consistently excluded from public debate or at best reduced to electoral discourses with little material substance or political commitment.

This type of non-political, restricted, controlled, bounded social participation is promoted by international cooperation agencies and financial institutions, which have made “participation” a pre-requisite for the granting of financial support for services infrastructure. Regrettably, too often the notion of participation prevailing among these actors could be perhaps translated as “expected obedience” from the population to decisions taken by professional politicians and technical experts, while more substantive understandings of participation such as citizen involvement in water politics and in the democratic monitoring of decision making and implementation are not on offer. In recent decades, this situation has become particularly evident in relation to the politics unleashed by the advance of neoprivatist reforms seeking the commodification of essential goods and services. A main target of these policies has been the **eradication of the notions that essential goods and services such as public health or WSS are a public good or a social right of citizenship**. The reforms also seek to erase the notion that the State cannot relinquish its responsibility in guaranteeing the universal access to quality services independently of the capacity of individuals and families to pay for them. **The main thrust of the privatist reforms is to free the State from responsibility towards its own citizens, transferring the responsibility to private companies, social organizations, or the users themselves, including the poorest and more vulnerable**. Although the most extreme examples of these reforms have taken place through the introduction of different forms of private-sector participation in the government and management of essential services, the commodification of these services is taking place disregarding if the service providers are private or public. This is because in the new policy environment created by these reforms, public companies are required to perform like private companies, **giving priority to “profit” making activities rather than providing a universal public service to which all citizens are entitled**. Despite the colossal failures of the neoprivatist experiments in Latin America and elsewhere, these reforms have succeeded in **eroding the ethics of the public good, the social good** that, notwithstanding its well-known shortcomings, had inspired the universalization of quality essential services in developed countries during the twentieth century. In this particular sense, the political project of neoprivatism has been highly successful.

This erosion of the ethics of the public, in the broadest sense, and its replacement by a mercantilist, individualistic ethics, constitutes one of the most significant obstacles confronting the substantive democratization of WSS.

GOVERNANCE AND WATER GOVERNANCE REGIMES

The concept of "governance" has become the subject of significant debate in general, including the focus of this paper: the **democratization of the government, management, and access** to essential WSS. In addition to very extensive academic literature on the topic, the concept of governance can be found in most public policy documents produced in the last two decades by governments and international bodies as well as by private-sector and civil society organizations (e.g.: ADB 1995; UNDP 1997a,b; World Bank 2015; see also critical analysis by: Goldman 2001; Robertson 2004; Heynen and Robbins 2005; Swyngedouw 2005). It should not be surprising that the concept has taken many different meanings, which are often contradictory and even irreconcilable. The academic debate on the topic is very extensive and wide ranging. It includes the now classical work by Ostrom on institutional diversity and polycentric water governance arrangements (Ostrom 1990, 2005), studies on water governance and complexity (Bressers and Lulofs 2010), on the global and multi-scale dimensions of water governance (Swyngedouw, Page, et al. 2002; Conca 2006; van der Valk and Keenan 2011, Thielborger 2013), on adaptive water governance and conflict (Scholz and Stiftel 2005), on social struggles over water, governance and citizenship (Castro 2006), on governance to foster private sector participation (McGranahan and Satterthwaite 2006; Rouse 2007), on the failures of private-sector oriented water governance (Castro 2005a,b; Swyngedouw 2005; Castro 2007a; Bakker 2010), on conflicting governance regimes in the water and sanitation sector (Castro 2005a,b), on "indigenous" water governance (Wilson 2014), on the ethics of water governance (Groenfeldt 2013), in addition to an endless list of case-focused studies of water governance, among many other. International financial institutions (IFIs), development agencies, nongovernmental organisations (NGOs), and think tanks connected with the corporate private sector, among others, have also carried out research and published extensively about governance (Moss, Wolff et al. 2003; Rogers and Hall 2003; UNDP 2004; Hoekstra 2006; OECD 2012), and keep specialised websites about the topic (OECD 2013; UNDP and SIWI, 2013; World Bank, 2015). These actors have been long arguing for "sound" and "effective water governance" in water management, including water and sanitation services (e.g.: ADB 1995; UNDP 1997a,b; EC 2000, 2002). They have also argued that efficient water management requires transparency, accountability, and coordinated action at different levels (subsidiarity principle), with public participation by all sectors (active citizenship), including women and children (UN-DAW; UNDP 2003). This has important implications at all levels –global, regional, national, and local– as the lack of "good governance" came to be regarded as a **major constraint to development**. Therefore, donors, aid agencies, and IFIs have been requiring the adoption of "good governance" principles as a condition for **development cooperation and aid**. However, as a recent review of EC-funded research on governance in Europe highlights, these requirements of "good governance" are difficult to achieve even in the countries that are supposedly the model to follow (Mokre and Riekmann 2007). In fact, as suggested by the conclusions of another EU-co-funded project, recent developments in Europe's core capitalist democracies, particularly since the 2008 global financial crisis, have worsened the "democratic deficit" (Bellamy and Staiger 2013). This is particularly relevant in addressing the situation of developing countries, where the challenges facing the process of **substantive democratization** have been and remain significant (Fleury 1997; UNDP 2004; Garcés, Giraldez et al. 2006; Yamin 2006; Castro, Heller et al. 2015). These developments have far-reaching implications for "governance" in the water sector, which has been historically characterized by **top down, often authoritarian practices**, even in the central capitalist democracies.

CONFLICTING MEANINGS AND POLITICAL PROJECTS

We need to step back and reflect on the concept itself, rather than taking its meaning for granted. After all, what does “water governance” mean? The notion of “governance” and other related concepts such as “civil society” or “citizenship” emerged from the specific historical experience of developed countries and their **empirical reference** may be frail if not completely absent in other societies. Yet, in ongoing debates “governance” is applied as a concept that would be universally valid, independently of the context and conditions. This overgeneralization of the concept may render it meaningless for understanding and explaining the **politics and management** of water in specific situations locally, regionally or nationally. More generally, although there is increasingly a rhetorical recognition of the need to take diversity and specificity into account, the dominant pattern continues to be characterized by **instrumental and overgeneralizing** applications of concepts such as “governance”, “civil society”, “participation”, and related terms. Let us consider some examples.

In some ways, it can be said that UNESCO’s 2006 World Water Report titled *Water, a Shared Responsibility*, constituted a milestone in the policy debates about “water governance”. In the presentation of the report, former UN General Secretary Kofi Annan stated that the world water crisis is mainly “a crisis of governance” (UNESCO, 2006: 1). At least, here there was a most authoritative report on the State of the world’s water recognizing from the start that the water crisis that we face worldwide cannot be explained primarily by reference to physical-natural factors or to the lack of technological development, not even to the lack of financial resources. Even if these and other factors remain significant, especially in poor countries, the report asserted that the crisis of “governance” would be the **primary factor to explain** the water crisis. However, a detailed reading of the report showed that there were problems with the **understanding of governance** adopted by its authors. In their understanding, “governance” was restricted mostly to the **administrative and techno-managerial aspects**. Governance, in this dominant view, would be almost an equivalent of **good management and administration**, and would have little if anything to do with **politics and power**. Moreover, rather than recognizing existing debates about governance, and particularly about water governance, the report takes the side of one of the most controversial policies: the **commodification** of WSS. In Chapter 12, after paying lip service to the “multifaceted value of water”, we read that domestic water and sanitation services are “commodities”, not public goods (UNESCO-WWAP 2006: 400, 409). The UNESCO report provides no justification for having taken such a radical position in the international debate; they just seem to have taken for granted that domestic WSS are commodities. Here the report was in contradiction with alternative views held by other UN departments, particularly the Committee on Economic, Social and Cultural Rights that was at the time heavily engaged on the discussion about the “human right to water” (Castro 2007b), which would be eventually sanctioned by the UN in 2010 (UN 2010). Moreover, they were also at odds with the wide range of social actors that have been campaigning against water commodification and related neoliberal policies.⁵⁸

The understanding of “water governance” that prevails in the public policy debate led by international institutions, donors, governments, etc., is highly instrumental and restricted to the practical matters of management and administration. The concept is emptied of **substantive political meaning**, even when the terms “political” or “social” are included in the definition. Pragmatic, instrumental understandings of “governance” are fitting for the design and implementation of public policies in absence of substantive democratic control. The message is that a pragmatic, instrumental approach would help to reduce the influence of

58 This is not the place to discuss the implications of the “human right to water”, including the distortions of the concept that make it potentially compatible with commodification and privatization of water services, which we addressed elsewhere: Castro and Heller (2009); Castro, et al. (2015).

messy social and political processes on the appropriate administration and management of goods and services, such as WSS. This understanding of governance became a core component of the **neoliberal political project** that seeks to reorganize the social order around market principles and give primacy to **market interests**. The empirical evidence demonstrates that the model of governance that has become dominant has fostered the emergence of a highly **authoritarian dominance of market actors** that are seemingly **immune to almost any kind of democratic control**. In fact, the neoliberal political project openly sought to free market actors from almost any constraints and controls. For instance, Penelope Brook Cowen, a World Bank officer writing in the late 1990s, argued for fully "unregulated privatization" and "unregulated private monopolies" to solve the lack of access to WSS in poor countries (Brook Cowen and Cowen 1998: 22). Brook Cowen's was a very straightforward and transparent exposition of the fundamental thrust of the neoliberal project: "privatization"⁵⁹ of WSS **transferring public utilities to monopoly private companies, with no regulation and no competition**. As demonstrated by a wealth of empirical research, this policy was not only implemented worldwide but is still systematically promoted today (e.g.: Drakeford 1997; Hukka and Katko 2003; Bakker 2004; Castro 2004; McDonald and Ruiters 2004; Melosi 2004; Swyngedouw 2005; Hall and Lobina 2006, 2007a-c; Goldman 2007; Saurí, Olcina et al. 2007; Hall 2008; Castro 2009; Bakker 2010). This has significant consequences because in fact, as Robert Picciotto, a World Bank economist, predicted, "markets", or perhaps we should say more precisely powerful market actors, have set unsurmountable "constraints on the role of governments" (Picciotto 1995: 19) to the point that regulation and democratic accountability of private WSS monopolies is currently virtually impossible in less developed countries but often also in the central capitalist democracies (Yarrow, Appleyard et al. 2008).

"GOVERNANCE" REGIMES: A SHORT HISTORICAL REVIEW

To overcome the limitations of one-fits-all, instrumental, and overgeneralizing definitions of "water governance", it is important to place the debate in a long-term perspective. If we examine the history of modern, urban WSS dating back to the late 18th century we argue that it is possible to broadly identify two contrasting, largely incompatible **"governance" regimes** that dominated the sector of WSS for the best part of two centuries.⁶⁰ For analytical reasons we call these two regimes "privatist" and, borrowing from Dryzek, "administrative rationalist" (Dryzek 1997). The emergence of modern WSS since the late 18th century in England and France took place within the framework of a privatist "governance" regime, which was dominant in all spheres of society at the time. The failures of this regime reached a critical point in the late 19th century, when it was displaced from central stage by "administrative rationalism", the regime that would become the dominant framework for WSS "governance" worldwide. Since the 1980s, we have witnessed the re-emergence of privatism, or **neo-privatism, converging with neo-conservatism** in what came to be known the neoliberal policy agenda. This division in historical stages does not pretend to be exhaustive, as there are important differences in the experiences of different countries and territories, but the sequence corresponds to the overall pattern of development of the WSS sector. Also, the emergence of "administrative rationalism" in the late 19th century and the eventual displacement of privatism as the dominant regime does not mean the disappearance of privatism, which has co-existed ever since and has come back with much strength since the late 20th century.

59 "Privatization" is used in the literature as an umbrella concept encompassing a range of policy reforms and arrangements.

60 This section is partly based on Castro (2005, 2006, and manuscript in preparation).

The privatist regime

The emergence of the early domestic, networked, urban water supply services in modern times took place in England and France, the two pioneering countries in this sector, since the late 18th century. These early domestic services were provided by private entrepreneurs, though the investment required for the infrastructure was often funded with public resources. In this early period, domestic access to piped water was an **individual choice**, and the service was provided as a **private, mercantile contract** between the provider and the client. A typical example of this model of provision was London, where in the middle 19th century the provision of piped water to family houses was in the hands of small private companies that operated as **territorial monopolies** (Hassan 1998; Castro, Swyngedouw et al. 2003). Similar processes took place in France and the United States (Goubert 1986; Melosi 2000; Pezon 2000), and the privatist model was soon exported worldwide (see for example the cases of Argentina, Brazil and Colombia: Herz 1979; Bordi de Ragucci 1997; Casas Orrego 2000; Castro and Heller 2006; Rezende and Heller 2008; among other).

This privatist regime was grounded on the **principle of exclusion**: domestic water supply was a private good available only to those who could pay for it. A couple of examples will help to illustrate the fundamental importance of this principle. French historian Jean-Pierre Goubert commented on a situation registered in France in 1819. A Consultative Committee of the French government was charged with evaluating a request to install systems to purify water for human consumption. The public officers decided that although the provision of clean water was desirable, it was not within the remit of the government and the issue had to be treated as a private matter (Goubert 1986: 40). In England, an article published by *The Economist*, the voice of British liberal capitalism, written just two years after the cholera epidemics that ravaged London in 1847-8 provides an even clearer example. The article was written in the heat of a political debate, with many calling for the statization of the private water companies in the aftermath of the epidemics. In this context, *The Economist* made a strong defence of the privatist regime arguing that the city already had the technology to deliver water to all households, but this was **dependent on the willingness of property owners** to foot the bill, suggesting that **providing universal access to water was not a matter for the government**. To dispel any doubts about the political-ideological character of urban water supply in mid-19th century London, the editor stated:

the great distinction between England and the nations of the continent, the principal source of our superiority, was the great scope here given to private enterprise and the very limited sphere of the operations of the government. Late events have strengthened that creed, and we cannot allow the influence of momentary terror occasioned by an epidemic, to suppress all the moral convictions which have been tangibly the experience of ages (*The Economist* 1850: 62).

These examples illustrate the dominant vision during this period: the notion that access to clean water for human consumption had to be guaranteed to the whole population **was not contemplated in the privatist regime of water "governance"**. According to the "creed" characterizing this particular regime, the provision of clean water must remain a **strictly commercial relationship between private parties**, even in the context of the calamitous water-related epidemics that were ravaging European cities during the 19th century. In addition, it must be remarked that the monopoly private companies were interested in providing clean water to profitable neighbourhoods but did not engage in the management of "dirty water". Wastewater management and the development of sewerage and treatment systems became an **exclusive responsibility of the government**. In addition, one of the implications derived

from the exclusionary character of the privatist, commodified, regime of water "governance" was the **limitation of service coverage to those urban areas considered profitable by the private companies**. This approach led to the pattern of **high inequality** in the access to essential water supply services that would characterize mid-19th century Europe, the United States, and later also the countries where the model was exported, including Latin American countries.

It is understandable that the privatist regime faced strong opposition and resistance, which led to increasing attempts to **control and regulate** the private utilities, and the expansion of **government involvement**, especially at the municipal level, in the provision of water supply and later sanitation services. London was a notorious case, where after decades of political confrontations a Conservative government decided in 1902 to **close the private monopolies** and place all water services in the city under the control of a **public entity**, the Metropolitan Water Board. Similar processes took place in the rest of England, Europe, the United States and elsewhere (Mukhopadhyay 1975; Ogle 1999; Casas Orrego 2000; Melosi 2000; Pezon 2000; Rezende and Heller 2008; Castro and Heller 2009). An important driver of this process was the Sanitary Movement, although the actors that participated in these confrontations for the expansion of the access to essential water services formed a **wide-ranging alliance that included defenders of the free market and private enterprise**. As a general trend, towards the early 20th century a certain consensus had emerged that the **responsibility for the control and management of essential public services must be in public hands**. This was reflected in the progressive displacement of the privatist regime of water "governance" and the consolidation of the emerging regime of **administrative rationalism**.

The regime of administrative rationalism

The concept of administrative rationalism is derived from Max Weber's work on **rationalization and bureaucratization** (Weber 1978; Dryzek, 1997). It refers to the management models that were increasingly adopted in Western capitalist countries from the late 19th and early 20th centuries. Administrative rationalism is grounded on the **articulation of scientific knowledge and the development of organized State bureaucracies** in the management of resources, goods and services. The increasing regulation of private activities such as the introduction of regulation of private water supply services in the late 19th century is a clear example. This was a process that progressively led to the development of a management model centred on the **control and direct intervention of the State** in almost all spheres of activity. The process was consolidated after the collapse of free market capitalism in the inter-war period, which would eventually derive in the 1929 global financial crisis (Polanyi 1957, Aglietta 1976, Hobsbawm 1994). One of the undeniable results of the expansion and consolidation of administrative rationalism in the field of essential public services, and particularly WSS, was the virtual universalization of quality WSS in the core capitalist countries, including some areas of the capitalist periphery.

From another perspective, it is important to highlight important contradictions and shortcomings of the administrative rationalist "governance" regime. Undoubtedly, administrative rationalism must be credited with the success in organizing **effective universal access** to essential WSS and other services wherever this goal was achieved. In turn, the universal access to these essential services was a fundamental step in the **redistribution of the benefits of social wealth** to ever-wider sectors of the population that had been historically excluded from access to these services. This expansion of access to essential goods and services was part of the **qualitative and quantitative expansion of citizenship rights**, particularly in Western Europe, with the consolidation of the notion of **social rights**. In this new political scenario, access to

essential goods and services became sanctioned as social rights, meaning that the access must be **universal**, and **independent from the capacity of individuals and families to pay for them**. In the words of one of the now classical theorists of social citizenship, British sociologist T. H. Marshall, “[s]ocial rights in their modern form imply an invasion of contract by status, the subordination of market price to social justice, the replacement of the free bargain by the declaration of rights” (Marshall 1950: 68). The recognition of these rights in post WWII Great Britain was a response to the claims from the excluded sectors of the population who sought to get **access to the minimum standards of civilized life** achieved by the country. As Marshall put it, this was a claim from the majority “to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society” (ib.: 11). This approach represented a complete **reversal of the principle of exclusion** that was at the heart of the privatist regime. In the social-liberal concept of citizenship defended by Marshall, access to essential services like WSS had become part of the standard of civilized life achieved by British society and could no longer be conceptualized as a matter for individual choice, something to be bargained and contracted between private actors, a commodity available only to those who could afford to pay for it. In contrast, **access to these essential services now became a State duty to all members of society**, independently from their individual standing in the market. Moreover, social rights not only became a core component of citizenship, but also came to be conceptualized as a requirement to enable people to become full citizens that could exercise the rest of citizenship rights, particularly political rights. It is worth highlighting here that the concept of social citizenship has been and still is a major cause of disagreement in several areas, and has been attacked from both left and right, particularly the latter, though this is not the place to engage in this discussion. The main point here is to illustrate the radical departure represented by administrative rationalism, reinforced in post-WWII Western Europe by the **development of welfare systems and the adoption of different versions of the notion of social rights**, with respect to the privatist regime that had prevailed until the late 19th century.

However, and precisely in connection with the exercise of citizenship rights, a particular characteristic of administrative rationalism was its **top-down approach** grounded on the understanding that the management of public services is the **preserve of professional politicians, bureaucrats, and scientific experts**. In the words of John Dryzek, this approach can be summarized as “leave it to the experts” (Dryzek 1997).⁶¹ In this regard, although administrative rationalism must be credited with the great achievement of democratizing the access to essential services, at least in the core capitalist countries and some regions in the countries of the capitalist periphery, its top-down approach provided little if any space for the **effective participation of citizens in the democratic control** of policy making and implementation in the provision of the services. While in the central capitalist countries this pattern of lack of spaces for participation was somewhat offset by the effectiveness of the regime to deliver high quality WSS on a universal basis, in developing countries the top-down, often authoritarian approach of administrative rationalism prompted **resistance and long-lasting confrontations**, largely because, with few exceptional cases, the regime has been unable to deliver sustainable quality WSS on a universal basis. The reasons for this are very complex and present differences across countries, but the overall pattern is clear, and even today the provision of essential WSS is still substandard in most developing countries.

Finally, it is also important to examine the fact that administrative rationalism has been **combined with very diverse political systems**, from representative liberal democracy to civic-

⁶¹ This is a necessary generalization given the scope of the report, but certainly an in-depth examination of the pattern of administrative rationalism in different countries would reveal important differences and provide a more nuanced appraisal of different degrees of openness and accountability.

military dictatorship. Disregarding the type of political system, the historical record shows that as a general trend administrative rationalism left little if any room for the **exercise of political rights** in relation to decision-making processes involving the management of public goods and services. That is, substantive citizen participation has been **severely restricted** in the administrative rationalist tradition even in the context of democratic governments, given that the central presupposition of this regime has been that participation in this field is the preserve of scientific experts and professional administrators and politicians. This dominant approach of the administrative rationalist regime raises a number of questions in relation to the exercise of political rights. For instance, what are the **mechanisms** for the definition of **societal goals** in relation to the provision of WSS in the framework of this regime? What **values** and whose **material interests** underpin these decisions? Who decides what will be the **means** to reach those societal goals? How are these decisions taken? What mechanisms are available to common citizens to exercise **democratic control** over the actors and institutions that take these decisions and go on to implement the resulting plans? The historical evidence suggests that, in general, administrative rationalism, even when it has succeeded in delivering, for instance, the universalization of WSS in developed countries, has been characterized by top-down approaches, **opaque to public scrutiny**, with very limited citizen participation, when not by straightforwardly **authoritarian or even dictatorial arrangements**. This fact was used with great success by the advocates of the return of the privatist regime since the 1980s, who, among other arguments, have pointed at the low participation that characterizes the administrative rationalist regime **to justify the promotion of neoliberal policies such as de- and re-regulation, liberalization and commodification**. As discussed in the following section, this relatively recent development has significant consequences for the democratic government and management of WSS.

The neoprivatist regime

The most recent period in the history of WSS, since the 1980s, has been characterized by the attempt to re-establish the privatist regime, hence, neoprivatism. This stage has been marked by the introduction of policy reforms oriented at replacing administrative rationalism by an updated version of the privatist regime that had prevailed until the second part of the nineteenth century. Much has been written about this stage and we will only make reference to some relevant aspects for our discussion here (see, among other: Atherton and Windsor 1987; Commander and Killick 1988; King and Waldron 1988; Ward 1997; Goldman 1998; Hall 2002; Katko, Juuti et al. 2002; Bauer 2004; McDonald and Ruiters 2004; Melosi 2004; Henisz, Zelner et al. 2005; Heynen and Robbins 2005; Swyngedouw 2005; Spronk 2007; Hall 2008; Bakker 2010; Castro 2010). It is important to highlight that although the promotion of policy reforms seeking to establish a neoprivatist regime in the WSS sector is often justified as a response to the acute problems facing WSS, in practice the origin of these policy reforms **has little if anything to do with the specific problems affecting water and essential WSS**. In general, the implementation of these policy reforms has been part of the so-called Washington Consensus, which provided an ideological and political framework for the attempts to establish a neoprivatist regime in almost all spheres of activity, including WSS. Latin America became a chosen territory for the neoprivatist experiment in the WSS sector, first in Chile and since the 1990s in most countries of the region, notoriously Argentina. Despite the dramatic failures of this neoprivatist experiment in the region, the impact of the policy reforms implemented were far reaching and will have **lasting effects** for years to come. Although since the beginning of the twentieth first century some countries like Argentina introduced significant changes to reverse the advance of the neoprivatist regime in the WSS, the neoliberal reforms left in place a tight legal and administrative framework and unleashed forces that retain **substantial inertial**

power. These legal and administrative mechanisms and inertial forces have become **structural determinants of public policy** in many respects, and will continue to have an enormous impact for the foreseeable future (Castro 2009, Echaide 2014).

The policies implemented to establish a neoprivatist regime in the WSS sector have a main thrust: to **free the State from responsibility** in the provision of essential services and **transfer that responsibility to “private” actors.** We place “private” between double marks because, as explained below, the concept of private, at least in the early days of these policies in the 1980s encompassed **all actors outside the State**, from private companies to NGOs and citizen groups. Effectively, the international debate in the 1980s was characterized by a **combination of economic, political, and technical arguments** that fitted the emergence of socio-technical innovations to deliver basic services to poor, vulnerable communities. The debate was strongly marked by the notion that governments should transfer most if not all responsibilities for the provision of basic services to other actors, **including the poor and vulnerable communities themselves.** Firstly, there were strong **neoconservative arguments** for the **transference of responsibility from the State to its citizens**, placing greater emphasis on the **responsibilities of citizenship** and tending to **restrict, if not even eliminate, pre-existing notions of rights**, particularly social rights to such goods and services like basic health, education, housing, or water and sanitation. Secondly, there was the **neoliberal strand** of argumentation, largely compatible with the neoconservative creed, arguing that the provision of basic services should be transferred from the State to other actors, ideally transforming these services into **commercial goods delivered by private companies.** Where this was not feasible (for example, because of lack of business interest), it was argued that these services should be transferred to **NGOs, religious organisations, end users, or a combination of these**, among other alternatives. Thirdly, there were also powerful arguments for the adoption of **simplified and low-cost technologies** and solutions, especially for the **extension of services infrastructure to the unserved poor.**

The central strategy of neoprivatism is to remove the State from the role of direct provision of essential services and transfer responsibility for these services to private companies. In addition, the idea is to reduce control and regulation to a minimum, effectively transforming the State’s role into that of facilitator and guarantor of commodified WSS. The neoprivatist regime aims to re-establish the model of minimalist State characteristic of individualistic liberalism, which in its contemporary version dictates that the State should surrender the role played under administrative rationalism to provide universal access to WSS as a public good and a citizenship right. In the new conditions, the status of WSS is reconceptualized as that of a commodity, a private good that must be traded between private parties with minimal or even without State intervention. That is, back to the situation that existed in the nineteenth century before the emergence of the administrative-rationalist regime. For instance, a World Bank document promoting the neoprivatist regime as the solution to extend the access of WSS to the poor, argues that one of the most important obstacles to establish the new regime is that “[t]he public has become used to [the provision of WSS by public companies] and perceives services of these utilities as a ‘public service’ or even a ‘social good’” (WSP and PPIAF 2002: 8). In other words, if the neoprivatist reforms are going to succeed, it is required to cancel the notion that access to essential WSS is a government responsibility and a social right for everyone. WSS must become private goods and people must buy them privately, in the market. This core principle of the neoprivatist regime has been also adopted by influential actors within specialized units of the United Nations, as illustrated earlier with UNESCO’s Second World Water Report where it was stated that WSS are “commodity (or private) goods” (UNESCO-WWAP 2006: 409). It is important to differentiate here between this discussion about converting WSS from public or social goods into commodities and the

"public vs. private" debate in the management of WSS of recent years. This distinction is very relevant because the neoprivatist reforms seek to reformulate completely the role of the State and the status of essential public services, disregarding the type of service provider, even if the provider is a public utility.

ESSENTIAL WSS AND THE POLITICS OF CITIZENSHIP⁶²

The concept of "participation" is now part of the standard public policy vocabulary in relation to the management of public services, including WSS. There are many reasons that can explain this increasing popularity of the concept in the public policy literature. An important driver has been the impact of **genuine pressures on governments** put by social actors who seek to improve their living conditions and demand **greater transparency and accountability** from the authorities and the service providers. However, another important reason has been the often-opportunistic approach of governments and other powerful actors that see "social participation" as an ideal mechanism for **co-optation and disciplinization to control and diffuse social dissent**. In addition, "participation" is constitutive of a number of key concepts belonging to the modern Western democratic traditions, including "citizenship", "public sphere", and "civil society". In these different traditions, "participation" may be given different meanings, which are often mutually contradictory and sometimes incompatible.

An important factor that helps to explain these variations in the notion of participation derives from the contradictions associated with the concept of liberty, which in turn influences the conceptualization of citizenship rights. For instance, the political tradition of individualistic liberalism emphasizes **negative liberty**, which is understood as the absence of limits or barriers to the pursuit of individual goals and satisfaction. In contrast, other democratic traditions place the emphasis on **positive liberty**, referring to the **structural conditions** that may allow all individuals to fulfil their potential, which requires the existence of **norms and boundaries** to stop the monopolization of these structural conditions by powerful social actors. Between these two understandings of liberty there is a range of different combinations, which help to explain the variations in the meaning and scope of concepts such as citizenship or participation and have a significant impact on the **institutional frameworks**, including those involved in the provision of essential public services.

In this connection, the notion of participation as a citizenship right related to the development of the public sphere, can take a diversity of forms in different territories and historical moments (Ferree, Gamson et al. 2002). For example, in the dominant Western political traditions, grounded on the principles of representative democracy, participation in the management of public affairs tends to be **restricted to professional politicians and experts**. In turn, political traditions that seek to widen and deepen the democratic process seek to **break the elitist monopoly** over the management of public affairs and include wider sectors of the citizenry in the process. These contradictions between elitist, restricted understandings of participation in the public sphere and rival traditions that conceive the expansion of social participation as a key element in the consolidation of **substantive democratization** have a determining influence in the institutions and practices associated with the management of essential public services, including WSS.

As discussed in the previous section on the administrative-rationalist regime, the historical evidence suggests that the management of public services in general, with few exceptions that tend to confirm the pattern, has been characterized by **technocratic, top-down**, even **authoritarian** approaches that conceive that these activities are the preserve of professional

62 This section is partly based on Castro (2012).

politicians and techno-scientific experts, **not open to common citizens**. This hierarchical, **non-participative** and often paternalistic approach, generally **opaque to public scrutiny**, was nevertheless highly successful in the central capitalist democracies, contributing to the universalization of access to quality WSS. In addition, in Europe, for instance, there have been important variations across countries in the level of participation in decision making in the WSS sector (Hall, Katko et al. 2007). In some cases like in the Nordic European countries, administrative rationalism in the field of essential services like WSS was developed within the framework of the strong traditions of local, **municipal democracy**, characterized by a higher degree of **democratic control by common citizens** (Pietilä, Gunnarsdóttir et al. 2009).

The tension between elitist and inclusionary understandings of social participation has been exacerbated since the 1980s with the political and institutional reforms introduced to establish the neoprivatist regime. For instance, breaking public monopolies in charge of WSS and transferring these services to the private sector was often justified as an opportunity to expand “social participation” and democracy (e.g.: Dinavo 1995). In practice, what was implemented was a **substitution of public for private monopolies**, which are now heavily protected from democratic scrutiny in the name of commercial privacy. In many cases not even government regulators can have access to the information necessary to monitor private monopolies operating in their territories (Solanes 2002, Jouravlev 2003), which also happens in the central capitalist democracies (Hall and Lobina 2006, 2007). In developing countries, neoprivatist reforms were implemented by governments that left little opportunity for meaningful democratic participation and scrutiny. It is unsurprising that these reforms led to an intensification of social conflicts over WSS in many countries.

PARTICIPATION IN WSS

It is possible to identify some patterns in relation to the forms of social participation in WSS, taking as an example cases from Latin America. These broad patterns are not mutually exclusive and are often combined in different ways, reflecting the tensions between **rival political traditions** and particularly the social struggles for the **democratization of water politics**. As an analytical exercise, we can identify three broad patterns:

1. **Technocratic exclusionary.** Policy decision making and implementation are restricted to politicians and technical experts. Opaque to public scrutiny. People are not allowed to participate in the process, whether as citizens or as users/clients/consumers of public services.
2. **Technocratic with restricted social participation.** Allows or even promotes spaces of social participation that are highly restricted and controlled. Participation tends to be circumscribed to the involvement of community members in providing funding, materials or labour for the construction and maintenance of infrastructure, other self-help activities, or the exercise of consumer rights. It often becomes a mechanism for the co-optation of social leaders to allow political control over dissenting groups, diffuse social unrest, etc. Citizen participation in policy-decision making, implementation, and monitoring of public policy is not allowed.
3. **Bottom-up social participation.** Driven by diverse social actors including political parties, community groups, NGOs, religious organizations, trade unions, user organizations, etc. Participation can take a diversity of forms, including self-organization to provide services in the absence of government action, lobbying, public mobilization and protests, to direct action resulting in violent outcomes. It can become institutionalized or remain as a diffuse, often intermittent, form of social

participation. It can be reactive (protests, complaints, etc.) or propositive, actively engaged in developing alternatives to the status quo.

These are broad patterns and in practice it is possible to identify diverse combinations, which over time may evolve as a result of the **dynamics of socio-economic and political processes**. For instance, the inducement of restricted and controlled forms of social participation within the framework of highly technocratic management of WSS often triggers unplanned and unexpected outcomes, which may contribute to the **emergence** of more substantive, bottom-up, **autonomous** forms of social participation. In contrast, forms of bottom-up social participation that may emerge with degrees of autonomy from the experience of mobilized community groups may be **co-opted** and eventually **demobilized** or **neutralized** by the authorities or other power holders in the WSS sector. In the following paragraphs we briefly examine some experiences from Latin America that illustrate these prevailing patterns and their interactions.

Non-participative, technocratic patterns

As discussed earlier, non-participative, technocratic approaches have been dominant in the organization of essential public services. In the period of expansion and consolidation of WSS during the twentieth century, these services were mostly an activity monopolized by the State, at different levels. This was clearly the case of the development of WSS in most Latin American countries (see, for instance: Castro 2006, Castro and Heller 2006, Rezende and Heller 2008). In this connection, the introduction of aggressive neoprivatist reforms since the 1990s, often **justified as a way to promote greater participation** from common citizens in the monitoring of public services has actually contributed to consolidate or even deepen the opaque, non-participative, often authoritarian character of technocratic management. A classic example was the massive transfer of WSS to the private sector in Argentina during the 1990s. In most cases, the Argentinian government took the decisions **without public consultation** or debate in the national Congress. Most concessions to private companies were approved by the Executive using the fast-track mechanism of Presidential Decrees of Need and Urgency, which allows the government to bypass the Congress. Although the case of Argentina is a key example given the extent of neoprivatist reforms in this country, this is not an isolated case. The non-participative technocratic approach to the provision of WSS **remains dominant** in most of Latin America, including those countries that have made substantial progress in democratizing the access to essential services in the last two decades. However, in most cases there has been a **progressive flexibilization**, and governments have been implementing **restricted, controlled mechanisms** to allow some degree of social participation within the framework of centralized, top-down technocratic management of essential services. This type of flexibilized technocratic management has become **more widespread in the region**.

Technocratic management with limited participation

For a range of reasons the dominant model of hierarchical technocratic management in occasions promotes, or tolerates, limited, **bounded, controlled forms of social participation**. In some cases, the process may take a paternalistic, clientelist approach, relatively "benign", where social participation induced from above may play a **positive function of limited social and political inclusion**. In other cases though, the main function of bounded participation is at best a concession, often provisional, to mobilized social actors in response to pressures on government to democratize public policy and management and make these activities more transparent and accountable to the population. Frequently too, restricted forms of participation are allowed as **a mechanism to co-opt** social leaders and organizations to **diffuse social dissent and re-establish political control**.

Bottom-up social participation

In recent decades there has been a widespread social mobilization in Latin America directed at deepening the democratization of the access and management of essential public services such as WSS (see, among others: Grosse, Thimmel et al. 2004; Grosse, Santos et al. 2006). This mobilization has taken diverse forms, from denunciations and pacific demonstrations to violent confrontations that sometimes result in the loss of human lives and material destruction. Often, the population has decided to **take responsibility for essential services** owing to State inaction, resorting to a diversity of strategies of self-organization involving from community water utilities to services' cooperatives, among others. In some cases, these grassroots movements have showed a great ability for **political action and articulation**, which has allowed them to gain access to important spaces of power and consolidate their capacity for direct intervention in the management of essential services. However, these experiences represent simultaneously successful grassroots, bottom-up forms of social participation, as well as processes of de-mobilization and co-optation, especially when the social actors involved were part of political projects that eventually succeeded in taking power, as has been the case in a number of countries of the region. Among many examples, it could be mentioned here the thousands of rural and peri-urban self-organized Committees for Potable Water and Sanitation in much of Central America (Barrios Jackman and Wheelock Díaz 2005; Kreimann Zambrana 2009) or the Technical Water Boards that emerged in peripheral neighbourhoods of Caracas, Venezuela, and became a national public policy years later under the government of President Hugo Chávez (Arconada Rodríguez 1996, 2005, 2006; Lacabana and Cariola 2005; López Maya 2008). There are also important examples from Colombia (Vélez Galeano, Budds et al. 2010, Colmenares 2014), Ecuador (CEDA 2009), Peru (Cabel Noblecilla, Ortiz Sánchez et al. 2004; Cárdenas, Makovski et al. 2005), and Uruguay (Santos and Villarreal 2005), among others, that we do not cover here in more detail for reasons of limited space.

Participation and democratization

The examples above not only illustrate important aspects of the three broad patterns identified in the management of WSS in relation to the **extent and forms of social participation** adopted, but also cast light on the **obstacles and opportunities** facing the process of **substantive democratization** of the access and management of essential services in the region. The social struggles taking place worldwide oriented at widening and deepening the democratic process have opened significant opportunities for **structural change**. In fact, it is possible to identify important advances in several aspects, from the introduction of **mechanisms of direct democracy** in the management of public services to the consolidation of **autonomous forms of management** of basic services, especially in rural and peripheral urban areas. There exist abundant examples of successful experiences that include participative mechanisms in the management and even in policymaking, which demonstrates that there is much **potential for the deepening of substantive democratization in WSS**. However, it is clear that there are no panaceas and that participative processes, even when they are bottom-up, genuinely emerging from the grassroots, are prone to all kinds of **distortions and failure**. The empirical evidence shows that **technocratic, non-participative forms of management and policymaking are prevalent**, and very often restricted forms of social participation are allowed in order to **diffuse unrest and maintain** the conventional hierarchical, top-down structures of government and decision making in the field of essential services. In addition, there is evidence that bottom-up participative processes are often **co-opted** by the State or other powerful actors, including international development and cooperation institutions, and private water monopolies. There is also **corruption** of social leaders and groups and a process of **weakening of grassroots organizations**, especially when these become part of political projects that succeed in taking

power at different levels of government. Powerful grassroots movements are weakened when their leaders come to occupy positions in government, even when this leads to **progressive transformations** of the State's structures and policies. Too often, the State machine ends up **disciplining** and converting formerly dissenting, even revolutionary actors into **docile components** of a stubbornly technocratic and largely authoritarian bureaucratic apparatus. Moreover, frequently the State has promoted forms of participation to cover up what can be termed the **politics of irresponsibility**. Largely inspired by the legacy of recent neoprivatist reforms but grounded on the long-term historical patterns of unequal and undemocratic politics characterizing many developing countries, the **State relinquishes its responsibility** for guaranteeing the universal access to essential WSS, often transferring this responsibility –including the responsibility to fund and run their own systems– to the users themselves, who tend to be the poorest, marginalized and most vulnerable sectors of the community. It is not without ground that "participation" has been labelled by some a "new tyranny" (Cooke and Kothari 2001).

WHAT TO DO: DEMOCRATIZING WATER POLITICS, MANAGEMENT, AND ACCESS

The defence, recovery, and deepening of the ethics of the public requires the rejection of the notion that essential goods and services such as WSS must be governed by a mercantile logic oriented to guarantee private profit accumulation. It also requires the consolidation of the alternative principle that the access to these goods and services essential for dignified human life is a public and a social good, and a human right, which cannot be subordinated to market interests. The lessons learned from our research have a range of implications for policy design and implementation. We summarize these below, and include recommendations that may be helpful to support policy design and implementation with the aim of fulfilling the UN's "historic decision on a comprehensive, far-reaching and people-centred set of universal and transformative Goals and targets", the SDGs (UN, 2015b: 3).

- The main causes explaining the failure of many countries to meet the MDGs in 2015 were neither environmental constraints nor the shortage of scientific and technical knowledge or the unavailability of technological solutions. The key challenges, risks, and uncertainties facing the international community in relation to the SDGs are mainly related to socio-economic, political, and policy-institutional processes.
- The evidence shows that a crucial reason for MDG failure were the deficiencies in the process of democratization of the politics and management of essential WSS.
- The extension of essential WSS to cover the unserved population must rely on heavy State involvement, and particularly on heavy public funding. It is not possible to rely on private funding to extend basic services to the poor and very poor. The provision of essential WSS cannot be organized as a profit making activity, whether by private or public organisations.
- The State must provide strong and continued support to make socio-technical innovations to democratize WSS possible, and more importantly, sustainable and replicable.
- It is unfair and undemocratic to transfer the responsibility for funding and running essential WSS to the poor and very poor, as it is a primary responsibility of the State to guarantee universal access to these services. There must be a balance between the promotion of autonomy and substantive citizenship in vulnerable communities and

the exercise of State responsibility for guaranteeing the provision of essential services.

- Prevailing public policies in WSS continue to alienate and exclude common citizens and users rather than promote democratic practices. The evidence shows that too often “citizen participation” in policy programmes means “willingness” to accept decisions already taken by power holders and technical experts with little or no consultation.
- Users are often reduced to the roles of passive beneficiaries, providers of labour and resources, or mere clients of profit-oriented WSS. However, substantive decisions about how WSS should be financed and organized (e.g. should these be provided as a public good and a social right or should rather be considered to be commodities to be delivered commercially by profit-oriented private or public operators?) are imposed on the population, often with disregard for the fact that large citizen majorities oppose the initiatives, which has triggered endless conflicts in many countries.
- These prevailing policies have created an imbalance resulting in the weakening of local governments and civil society. In many cases the authorities have lost the capacities they had acquired in the past to exercise democratic control and regulation over the management of essential public services such as WSS.
- The fact that responsibility for WSS and related activities such as management of water resources or environmental and public health is often fragmented across different sectors and levels of decision-making hampers design and implementation of effective policies.
- The production of scientific knowledge in this field continues to be characterized by high fragmentation between the natural, technical, and social sciences, which remains a significant factor affecting the pace of progress in tackling the challenges.

RECOMMENDATIONS

1. Achieving the universalization of access to essential WSS as envisaged in SDG 6 is an inclusive political project, which by definition cannot be achieved through exclusionary politics, such as the commodification of water and water services. It will require long-term planning, not just to build the infrastructures and extend coverage, but also to make the systems sustainable over time and the services available to all independently of the capacity of individuals and families to pay. The public policies required to achieve the universalisation of essential WSS must be grounded on the principles of equality and inclusion, and must subordinate economic efficiency and private profit to the higher goals of democratic wealth distribution and civilised wellbeing.
2. Governments and international institutions should stop promoting policies that privilege private profit over public benefits, such as the privatization and mercantilization of WSS in their different forms. Countries should put in place legal and policy mechanisms to prevent the commodification of water resources and WSS. If countries continue to allow the control of water resources and WSS by private companies and wealthy individuals, SDG 6 will be no more than a romantic idea never put into practice.
3. Successfully tackling the challenges facing the SDGs requires radical socio-technical solutions. In particular, requires breaking with the prevailing status quo dominated by technology-centred, top-down, often paternalistic and even authoritarian solutions in the provision of WSS that tend to privilege short-term interests over the common good.

4. Public policies related to essential public services must be oriented at strengthening the capacities of public authorities to deliver and regulate the provision of safe quality services. Governments and international institutions must invest heavily in the provision and long-term maintenance of the required infrastructure and management operations. These investments must privilege broad and long-term social "returns" (in public health, quality of life, etc.) over short-term economic gains. The revitalization of the Global Partnership for Sustainable Development envisaged in SDG 17 must radically change the prevailing emphasis on public-private partnerships, that often has served to promote privatization and mercantilization, and strongly support the development of public-public, public-community, and community-community partnerships to achieve SDG 6.
5. Meeting SDG 6 will also require tackling the world's water crisis, particularly the pollution of water bodies and the human-driven processes of desertification and desiccation. These are enormous tasks that many governments in the developing world will find extremely difficult owing to financial restrictions, lack of human resources, etc. There is a strong need for international co-responsibility in this matter.
6. Substantive democratization in the government, management and access to essential public services such as WSS requires social participation and control over the decision-making process by common citizens and users. This includes the scrutiny and democratic control of decisions about how water and essential services such as WSS are governed, managed, and distributed, by whom, for whose benefit, etc. This is seldom available to local communities and common citizens, even in the core Western countries with consolidated electoral democracies. Water politics and management are seldom transparent to citizens, are largely unaccountable, and tend to be openly authoritarian and top-down. There are currently no effective mechanisms to enable common citizens to exercise democratic control over these activities. Achieving substantive democratization in the WSS sector will require putting in place effective legal and administrative mechanisms to allow the meaningful involvement of citizen-users and make the activities of government and management of WSS subject to citizen scrutiny and control.
7. It also requires going beyond the dominant situation whereby international organisations and donors pay lip service to socio-technical innovations but in practice continue to favour the reproduction of a status quo that privileges the interests of private corporations and profit makers over the needs of the poor and very poor.
8. There is a need to make policy and technology subservient to the higher goals of achieving efficacy and effectiveness, not just efficiency, in the delivery of WSS if we are going to meet the SDG 6 target of full universalisation of WSS and other essential services.
9. One of the key elements to achieve success in tackling the challenges facing the SDGs lies in developing higher levels of understanding of
 - a. the conditions, factors and processes that facilitate the emergence of socio-technical innovations to solve the crisis of WSS affecting vulnerable communities;
 - b. the critical requirements to make successful socio-technical innovations sustainable and replicable;
 - c. the obstacles to their sustainability and replication.

10. The causes of failure to universalize the access to safe WSS are multidimensional, involving natural, social, and individual processes and factors that require systemic solutions drawing on interdisciplinary expertise and inter-sector collaboration in policymaking and implementation. Meeting the SDGs will require strong support from governments and international organisations to develop innovative socio-technical solutions for WSS that foster:
- a. inter-sectoral cooperation in the management of basic WSS;
 - b. inter- and transdisciplinary coordination for the production of knowledge and the implementation of research results
 - c. ensuring that policy design and implementation are grounded on the principles of social equality and inclusion, and substantive democracy. On the latter point, governments and international organisations should support the development of innovative socio-technical interventions that promote the active and meaningful, not merely tokenistic, involvement of local communities and other relevant actors.
11. There is a need to promote and invest in further research to identify the existing barriers and opportunities for enhancing the access to water technologies, especially for those sectors of the population who are the main targets of the SDGs, the poor and the most vulnerable sectors, in particular women and children. These actors must be involved in all stages of the research process, from the inception through the design, implementation, monitoring, and validation.

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