

# WATER DEMOCRACY IN CALIFORNIA

## COMMUNITY RIGHTS NOT CORPORATE CONTROL

### WATER: A "HUMAN RIGHT" NOT A COMMODITY

From local communities to the international stage, people are rejecting water-as-a-commodity where the price is determined by the market in favor of the fundamental right to water for people and nature.

#### INTERNATIONAL "RIGHT TO WATER" TREATY

On December 10, 1948, when the United Nations General Assembly adopted the Universal Declaration of Human Rights, water was not listed as a "right," perhaps because the threat of scarcity was not yet looming. Today, with 1.2 billion people lacking access to safe drinking water and more than 2 million people, mostly children, dying each year from water-borne diseases, a "Right to Water" treaty is urgently needed.

A first step was taken in November 2002, when 144 countries signed "General Comment 15" on the "Right to Water" declaring that access to water is fundamental to realization of all human rights. An enforceable, binding International treaty is needed, however, with penalties if nations, corporations, or international financial institutions violate the treaty. The Council of Canadians Blue Planet Project is spearheading this movement. [www.blueplanet-project.net/RightToWater/index.html](http://www.blueplanet-project.net/RightToWater/index.html)

#### URUGUAY, ECUADOR, COLOMBIA LEAD THE WAY

In **Uruguay in 2004**, a 2/3rds majority amended the Constitution to state: water is a natural resource essential to life, access to piped water and sanitation services are "fundamental human rights," and water policy is to be based on social conditions and principles of sustainability rather than economic and market factors. Water will be supplied by state-owned entities and for-profit corporations banned from supplying water for human use. **In Bogota, Colombia on Sept. 15, 2008** people of all ages marched to the National Registry to submit more than 2 million signatures collected in a six-month campaign to qualify a national Referendum on the human "right to water." And, in **Ecuador on Sept. 28, 2008**, the people approved by 65% a new constitution that states water is a "fundamental and inalienable human right" and prohibits the privatization of water assets and services. And, Ecuador is the first country in the world to change the status of

ecosystems from being regarded as property under the law to being recognized as having inherent rights, similar to "Rights of Nature" laws passed in New Hampshire, Pennsylvania and Virginia communities.



Jan Edwards, the creator of the Tapestry of the Commons

The "Tapestry of the Commons" is a way for people to envision how aspects of the natural world and culture are interrelated and interdependent. For example, how do the laws we make about water impact how water is used, water quality, who has access, and how much there is for nature? Who should make and vote on these laws? Visit [www.tapestryofthecommons.org](http://www.tapestryofthecommons.org)

#### NEW HAMPSHIRE COMMUNITIES ASSERT LOCAL CONTROL OF WATER AND THE RIGHTS OF NATURE

In rural Barnstead, NH, with plentiful river, lake and groundwater, townspeople took action after two nearby towns failed to prevent USA Springs from mining their water to bottle for profit, unsuccessfully challenging the state regulatory process that recognizes corporations' rights to water and grants permits for quantity allowed. Inspired by Pennsylvania towns that had passed laws to ban corporate farming, the people of Barnstead asserted their right to protect their community from corporate harm.

In March 2006, after months of discussion, the "Water Rights and Local Self Government Ordinance" was passed at the annual Town Meeting. The ordinance asserts that water is essential for the town residents and the functioning of the ecosystem, bans corpo-

rations from "engaging in water withdrawals" and denies them court-conferred rights of corporate personhood and other Constitutional protections.

Barnstead became the first municipality in the nation to protect their water by asserting community rights over corporate rights. In their March 2008 Town Meeting, Barnstead voters amended this Water Rights Ordinance to include the Rights of Nature. The same day nearby Nottingham stood up to the state and USA Springs by passing the "Nottingham Water Rights and Local Self-Government Ordinance."

Visit [www.thealliancefordemocracy.org/waterordinance](http://www.thealliancefordemocracy.org/waterordinance)

#### What path will communities in California take? What path will the state take?

##### THE WATER COMMONS

The Barnstead and Nottingham ordinances suggest a definition of the water commons that includes:

- the rights of nature and the obligation of the community to protect nature's rights, in this case water for the ecosystem, into the future, to the seventh generation.
- the community's right to use water to promote the common welfare, and
- the rejection of the rights of corporations to take water from the community to sell for profit, and more broadly to be able to use Constitutional law to deny the rights of people and nature.

At this stage of corporate globalization, when corporations and individuals want to commodify, privatize and profit from almost every aspect of nature and cultural creation, a focus on "the commons" is emerging as people ask: What should be part of the "commons?" And, what principles should apply to use and sharing of "the commons?"