

Conceptual Debates on Water as a Right and Emergence of Policy Frameworks: A Discussion

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Abstract: This paper presents a discussion on the fact that water is a right, and while presenting so it elaborates on the conceptual debates emerged out of discourse of rights. The paper argues and insists that the concept of Water Rights is different from Right to Water and this very difference has caused major alterations in policy paradigms that further have affected policy frameworks. In policy frameworks, values of both have respectively emerged and evolved as neoliberal policy frameworks and post neoliberal policy frameworks. The aim of the paper moves around such discussions to explore a global understanding on a simple fact that water is a right. The paper mainly focuses on some questions like, how the idea that water is a right is been defined and how the philosophical ideas and arguments are been used to design a policy framework. In the view of this aim, this paper is divided and subdivided into five parts, which highlights on the major arguments, argued by the notion of Water Right and Right to Water and elaborates on the policy frameworks emerged in the reference of the same.

Key Words: Right to Water, Water Rights, Neoliberalism, Post Neoliberalism and Policy Frameworks

Date of Submission: 12-08-2017

Date of acceptance: 18-08-2017

I. THEORETICAL BACKGROUND

In modern political systems of state, asking a question like what are rights is critical because political and philosophical arguments and justifications are expected to be endorsed by authoritative documents like either by a public law or by a public policy. The historical evolution of the idea of rights presents that common essentials of human life are considered and endorsed as right. The idea of essential further asks a complicated question like what is essential for human life. Seeking a rational answer for such question is significant as it provides justification to frameworks that are used to make a law or a policy. It is noted that policy systems as the inseparable part of all political systems, have their own limitations, and hence within the frame of a policy, everything that is been claimed as essential cannot be assured as rightⁱ. This pinpoints that there is a serious need to check on the logics of essentiality, the idea that water is a right, has easy win in this regard because claim of right on it is justified to have life itself.

It is noted that the simple argument to have water for life is increasingly complicated in twenty first century. The natural simplicity of water uses is been changed with dynamism of water uses that has advanced the idea (that water is a right) in different contexts and argued it with different perspectives. In the water related discourses, academia uses language of rights to argue for the purpose of use of water. It basically reflects on status of usability water in a society and environment. This presents three perspectives on the idea of water as a right. The first perspective explains that individuals have rights on water because it has multiple uses. The primary purpose of its use is to ensure minimum utility and maximum profitⁱⁱ. In academia, argument of maximum use for maximum profit is called and argued as Water Rights (Easter, 1998; Chong & Sunding, 2006; Griffin R. &, 1992; Hearne, 2000). The second perspective is an argument against the first that refuses to accept the argument of scarcity and utility depicted as a reason to consider water as a right. Scholars from this discourse argues that water scarcity is not natural but is human made and is been imposed by developed counties on the developing one (Bakker 2000 & 2010, Shiva, 2002 D'Souza, 2010 & 2014). Since it the first requirement of human survival, the most common acceptable use of water can be justified to satisfy basic need. In their view, instead of considering water as a source of profit, it must be treated as the first biological need. Water scholars have principled this value of water as Right to Water and argued it in the context of water to all and water for all (Gleick, P.H. 1996, 1999; Shiva 2002; Bakker 2010). The third perception states that water is a right as water is essential for the survival of nature herself. It claims that since ecology needs to maintain itself

(Shiva 2010), it requires a specific amount of water for itself, in the environmental studies this is described and argued as right of nature and right of waterⁱⁱⁱ.

II. WATER IS A RIGHT: A GLOBAL PHENOMENON

In water literature there is no disagreement about the fact that water is a right, the idea has global endorsement, values of which are discussed in philosophical, political, social, economic and environmental discourses^{iv}. In every culture water is accepted as a source of life and is endorsed as right, significantly the noticeable consensus on the idea has inspired international community to classify it as human right^v. In the view of human rights, the most influential arrangements are made by the United Nations. With other global agencies, it has made certain resolutions, conventions, and declarations, identified as moral bindings on nations^{vi}. It is a fact that the provisions determined by the U.N. have created global partners and has insisted for claimability and enforceability on water as a right. It has stated that ensuring accessibility of water is not a limited duty of a specific state but is an obligation of the global community.^{vii} To ensure universal claimability on water, as a right, global organizations, mainly the U.N. confer guidelines to the countries, which insist on maintaining minimum standards of water availability and accessibility.

Literature on water, dealing with the question of water as a right, provides that due to the efforts of the U.N., the idea of water as a right is institutionalized as a global promise. It believes that water is primarily a biological need with, no substitute (Gleick, P.H. 1996, 1999; Shiva 2002; Bakker 2010). The global interest on the idea has ascertained water as basic and has assured it as human right. The status of water as a human right has been emphasized to make water available, accessible, affordable and acceptable for all. Accordingly, global consensus on the idea of right to water implies that every individual is entitled to have accessible (regular and easy supply), affordable (issue of price) and acceptable (quality) water to lead a life with dignity. It is a fact that the influence of international organization is constantly increasing, especially in the matters of policy making and policy implementation. In a paradigm shift^{viii} it is observed as a major shift that has transferred obligations from state to a global community. States generally agreed with the internationalization of the obligation because in all the cultures, water is respected as a life giving resource and is stated as a right, perhaps with different perceptions. Due to the noticeable commonness of beliefs, contradictions that are commonly found between "cultural exceptionalism" and global rights, is almost absent in the discussion on human rights over water^{ix}. In the most rational sense, idea and practice of human right to water is differently universal. Fundamentally, it has different methods to achieve and has various understandings that are changing as per place and time.

III. WATER RIGHTS AND RIGHT TO WATER: CONCEPTUAL EMERGENCE

Conceptual interpretations and opines reflected from the debates, highlight that the claim-ability on water as a right has different purposes and so has different meanings^x. The claim for water as a right is justified for different reasons, interestingly even for other than life (Arrojo, 2006). In the process of modernization, water is used and demanded more for developmental purposes like what neoliberals and utilitarians insists for. According to the neoliberal and utilitarian perception, the idea of water as a right is a claim of right to freedom which emphasizes on efficiency and productivity. It persistently argues for rights on water for profit than merely for life^{xi} or it can say that they have observed life itself as profit, in academic discourses it is called as neoliberalism. The strongest opponent, to this idea comes from neo Marxist and eco feminists, who have asserted water as a right of all and in the pattern of water distribution as right, they have given special preference to suppressed and subaltern groups. In case of neo Marxist, suppressed and subaltern are the proletarians and in eco feminist understandings, they are women and nature herself. While opposing principles of neoliberals, both collectively argued for egalitarian values in water management, certainly with different focuses. Another major perspective on water uses is called as human right which has amalgamated the two and stated water as a freedom that equally values equality.

It is a fact that all perspectives have accepted water as a right. However, difference in values and purposes elaborated above has created two different notions. Water scholars have classified and described these notions as Water Rights and Right to Water. In the process of highlighting the difference, contributions by Indian scholars are notable. Argument of Sangameswaran (2007) and Khadka (2010), is comprehensive as he argues that the concepts of Right to Water and Human Right to Water should not be confused with 'Water Rights'. According to them, the idea and practice of Water Rights refers to property rights. To make water accessible, they emphasise on specific mechanisms and insist to develop mechanisms other than state. According to them, rise of new mechanisms has defined water as a property and commodity to sell. In this sense "water rights" often work against securing a "right to water", particularly for the marginalized, poor and vulnerable populations (Sangameswaran 2007:15–16; Khadka 2010a:40–41).

In Iyer's thesis, such differences are fundamental. He states that the difference between right to water and water right is so vast that there can be a conflict between them (2010: 616). He highlights the differences in the following words: "Right to water is not the same thing as water rights, latter term generally refers to use

right in the context of economic use of water such as irrigation and industry” (Iyer, 2007 page 142). For Iyer, the idea of right to water is different as it does not include the industrial claim on water as a right^{xii}. To avoid industrial claim on water, he insists that terms like “demand” and “supply” should not be used as they may dilute the idea of Right to Water and would mislead a state to assert water as commodity like other goods. He argues that the economic use of water is concerned with the ability to pay, which consequently creates a culture of water markets. Since markets are profit oriented, their interpretations on the idea of right cannot be in favor of commons but they use to interpret rights to justify entitlement of rights of a few. He explains: “When the World Bank and other economist talks about right or titles they mean something like property rights. This allied to the doctrinaire advocacy of water market i.e. state should step out from the area of water management and leave it to market for cost recovery, such paradigm shift converts life right into trade right ” (page 142-43). Thus, Iyer, in his writings highlights the contradiction between human rights, i.e. Right to Water and trade right, i.e. Water Rights. Like Iyer, Lindquist and Gleick (1997) have discussed the idea in the reflection of the differences between need and demand. In their thesis, the concept of “need” exists independently and focuses on use of water as a basic biological need. On the other hand, the concept of water rights has established water as a “demand”. By nature, it has economic preferences, which insists on use water to increase productivity and profit. In this reference, claim on water is considered as a kind of special right to use, as Li Baizhang (2000) argues.

Literature available on the issue of water as a right provides that the arguments for water rights are the domino effect of industrialization^{xiii}. It is an idea introduced by the United States in the nineteenth and twentieth century, known as Washington Consensus^{xiv}. Globally it received an influential start from the World Bank policies which have valued water for its usefulness in the developmental process. This idea as a part of policy is reflected in John Briscoe’s understanding. As a former Senior Water Advisor to the World Bank he expressed that, “Like any other good, water has a value to users that has a use cost, to store, treat and distribute water for public and private purposes”^{xv}. Due to the financial approach and influence of the World Bank, water is agreed upon as a commodity to be managed with a cost based approach^{xvi}. In policy matters this has made water a subject of market and ascertained it as a commodity^{xvii}. Since the idea was globally adopted, it has created a group of “neoliberal globalizers” (Jackie Smith 2006)^{xviii}, who has defined rights on water resources as use right and has accepted and justified marketization of water resources for the same.

On the other hand, the concept of Right to Water argues against the notion and practice of Water Rights^{xix} as it leads to water privatisation. In the academic world this is viewed as a paradigm shift from a capitalist to a leftist approach, and is termed as post neoliberalism (Bakker 2010). Particularly with global justice movements, this argues for water justice for Third World countries (D’Souza, 2014). Since scholars belonging to global water justice movement^{xx} argue for water democracy, Jackie Smith calls them “democratic globalizers” (Smith, 2008). Different from the neo globalizers, “democratic globalizers” argued that water is the first need of life and privatization of it means putting life of commons in the hand of rich. While arguing against privatization to insist and uphold the idea of right to water^{xxi} that emphasizes to adopt egalitarian values in water management and urges for water justice.

IV. QUESTION OF WATER AS A RIGHT AND POLICY MODELS

It is clear that philosophically use of water is justified as a right that is assured with different logics and contexts. In policy frameworks they emerged and evolved as neoliberal that represents the values of Water Rights and post neoliberal policy framework which denotes the ideas of Right to Water^{xxii}. In the study of water policy models where such differences are identified as Neoliberal Policy Frameworks and Post Neoliberal Policy Frameworks (respectively argued for economic uses and biological needs). The idea of Water Right as a policy model has offered and argued for profit and efficiency, whereas the notion of Right to Water is presented and discussed as the core principle of water justice and water democracy^{xxiii}. Differences like these draw two policy paths that ensure water as a right with different policy models. This I explain as: Path (A) that frames policy with the principles of neoliberalism i.e. Water Rights and Path (B) which insists on the post neoliberalism i.e. Right to Water.

IV. (A) Water Rights: The Idea

The idea of Water Right assumes that water is a use right. Since it is based on the principle of profit, in the process of water distribution, it desires more for efficiency and emphasis on it based on the core value of water management. In a policy plan, it has adopted market based approach and has created market centric policy frameworks that assure water with a condition of pay and use. In this reference, significant explanations are found in the works of Oriol Miroso and Leila M. Harris (2012). While studying water as a question of right, they clarified that neoliberalization of water refers to policies and practices that promote market-oriented strategies. According to them, these policies have been increasingly taken up in many contexts, resulting in fundamental

shifts in state functions and policies, including increasing marketization, commodification, privatization and devolution of resource governance, including water^{xxiv}.

IV(A) (a) Policy Model: A Neo Liberal Policy Framework

For water management, the working principles of Water Right offer neoliberal policy frameworks^{xxv}. It presumes that water stress is a common phenomenon therefore to make water available to all, it is necessary to manage water with efficiency^{xxvi}. Since the state is presumed to fail in the matter of efficiency, the power of state on water management is argued to shift towards market forces. In policy framework it leads towards water privatization (Brennan and Scoccimarro, 1999; Brookshrie, Burness, and Chermak, 2002, 2004; Yang and Weersink, 2004; Yang H. Z., 2003; Richter, 2013, 2014, Buddes, 2004, Perreault, 2006). In the process of water supply, it constitutes a system of formal rules and regulations that decides on buying, selling and leasing of water use, practice of which is based on market values. Since the idea is introduced by the Prime Minister of United Kingdom Mrs. Margaret Thatcher in 1980s, globally it is propagated as Thatcherism^{xxvii} (Vaux and Howitt, 1984; Easter et al., 1998; Hearne, 1998; Sunding, 2000; Chong and Sunding, 2006; Griffin, 2006; Grafton et al. 2011; Freedman 2010; Peter Debaere, 2014). She pronounced that “Water privatization, I believe, will go very successfully indeed, very successfully indeed” (Mascarenhas, 2014). The history of Britain provides that for the success in water management, she persistently insisted that the virtue of competitiveness is essential to execute the idea of water to all and water for all (Peck, 2001). Significantly, principles of competitiveness got encouragement from the Chicago and Austrian schools of thought (Harvey 2005). Such schools have economic stake on the issue like water. With their vital influence on global political economy, it brought fundamental changes in the water policy governance. In the process of water management, it has profoundly encouraged market driven politics (Leys 2002) and has established “self-regulating markets” (Polanyi, 1944). Market based measures of self-regulating market have made water available for those who can and will pay for use of water. To implement this idea, modern states have placed privatization of water as thin policies of neoliberalism^{xxviii}. In the sphere of water management, this has empowered markets forces to use political powers to achieve economic ends (David Harvey 2003).

With reference to the history of water struggle, I contend that by encouraging the virtue of competitiveness in water management has led to the increase in control by private enterprise and that has further aggravated corruption (Bolivian experience)^{xxix}. It is a fact that efficiency cannot resolve a problem like water stress. At the same time, water policies, based on market values cannot assure justice in water supply^{xxx}. It is important to understand that water is not a subject of production but it is a subject that has to be managed. Market approach has not assured accessibility of water for all, but it has created a situation like water haves and water have nots which undoubtedly leads to water injustice. Therefore the question is, how shall one justify such a policy framework in a welfare state or in a state that is constitutionally committed for democratic arrangements of all natural resources?

IV (B) Right to Water: The Idea

The notion of Right to Water has recognized water as a basic need and has argued that water should be made available to all. It is an unavoidable obligation of a state to assure water for all and make it as affordable. As a principle, it is based on the egalitarian values that offers and insists further on equal water supply. In the discourse of Right to Water, water is argued as the basic need of life. While entitling commons to claim on water as their rights, it insists to consider women, children, weak and refugees as the first beneficiaries. It is important to note that claimability on water as a right is not unlimited but is a matter of priorities, which indent to entitle individuals with equal freedom to use water to fulfill and satisfy their basic needs like drinking, food, health and sanitations.

According to me, use of water for small agriculture can also be considered to be the first priority of water use as after all it fulfills requirement of food. Use of water for other needs like industrial growth and employment, can be allowed only if the first priority of life is satisfied. The discourse developed in a way that has identified many parties as obligators of right to water, including states, private sectors, NGO's and even researchers (WHO2003). I found that in the discourse of Right to Water, right to water is described and argued as trumping powers of individuals (Dworkin 2000). It entitles individuals and obligates governments to guarantee and preserve the entitlements. However, I believe that in case of right to water, interpretations are wider than this. Since it is a resource on which nature has clear dominance it is more important to discuss it in the context of rights, duties link (Anand 2007), where duties are of the governments as well as of individuals. Accordingly, I insist that it not wise to analyze Right to Water as a mere claim. I believe that in the notion, rights are not prior to duties or duties are not prior to rights but here rights and duties are simultaneous and complementary. In this sense idea of Right to Water is not just a meaning, rather a process which creates a system that preserves water and guarantees availability, accessibility and affordability of water, to all.

IV (B) (b) Policy Model: Post Neoliberal Policy Framework

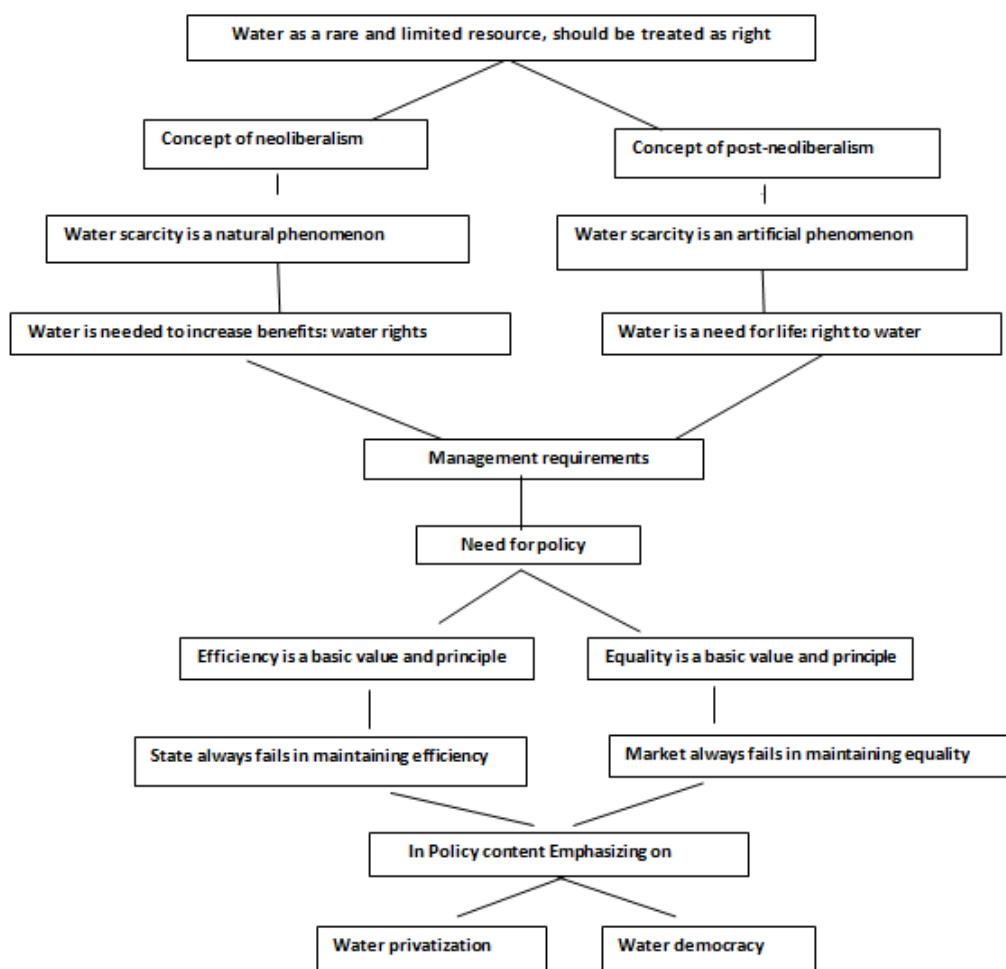
The argument that flows from post neoliberal perspective is identified and discussed as the leftist approach to water policy. As a system of policy, it has tried to search life beyond neoliberalism^{xxxix} (Marston, 2013) and persists to use the theory of “equitable distribution” in water management^{xxxix}. In this respect, Shiva (2002) argues that globally, water is required for different uses, therefore, one fits for all policy i.e. privatization will not work effectively (Swyngedouw, 2004: Ganday, 2008: Budds, 2009: Loftus, 2009: Linton, 2010 and Roy, 1999). Requirement of an alternative policy frame^{xxxix} has been realized to pursue on the objectives like water justice and water democracy^{xxxix}. In the water discourses, this is discussed under the idea of Post Neo liberalism (Saden, 2009, Brand, 2009, Burdick, Oxhorn, & Robert, 2009 & Escobar, 2010) and has been argued as Post Washington Consensus (Sandbrook, 2011).

Historically, post-neoliberal policy frameworks emerged from the global justice movements^{xxxv} which insisted on determining water as a fundamental right. As a global argument^{xxxvi} it opines that since water is a fundamental right of all living beings, accessibility and affordability is supposed to be guarded at all levels of the government^{xxxvii}. Thus, post neoliberalism as a policy model has serious commitment to egalitarian values, for which state is accountable at all levels. In my understanding and argument, policy pattern of post neoliberalism is comprehensively inclusive. In the context of policy discourses, it is identical to public choice theory^{xxxviii} and recognizes that government must perform certain functions to remedy market failure. In policy framing, it is discussed as ‘living well together’ (Gudynas, 2011), ‘indigenous neo developmentalism’ (Calderón, 2008), ‘indigenous nationalism’ (Postero, 2010) and ‘communitarian socialism’ (Dieterich, 2006).

However, here I find that the egalitarianism, which appears in post neoliberalism, does not carry a precise meaning. Since the idea of water as right is conceptualized differently in different countries, it always remains a question as to how the idea will be translated or framed into a policy and how promise will be kept though policy implementation. Its interest in inclusiveness has ignored the conflicting aspects. I believe that since policy implementation is more action oriented and supposed to be performed with efficiency, philosophical arguments for inclusiveness, alone may not work well in policy execution. To an extent it is unrealistic as well. To my surprise, policy frameworks in post neoliberalism presume that in a given situation all individuals and communities will agree in the same manner and will behave commonly. Another issue is that there is confusion in the framework itself as it is not clear that how the state will assure water to all, especially in the situation of water stress and what policy mechanisms it will adopt. There are some other fundamental questions too on which post neoliberal policy frameworks are silent. These include as to how a developing state will provide water for free and how will it make affordable when its arrangement have a heavy cost? Another question which arises is what is an affordable price? Is there anything affordable to the poor? Who will decide what the affordable price is? Is it fair to decide on affordable price as per the norms of governments? How will a state maintain equal water distribution without harming the developmental processes, which is another major issue before the developing states? Bakker rightly writes that post neoliberalism that is also known as Third Way approach is at times deeply flawed and less widely applicable; even their proponents might admit this (2010: 163). Like Bakker, Garret Hardin expresses his doubt. He asks if it can be morally right to redistribute resources, even if the benefits are far from evident. According to him, redistributing benefits may have an effect on what is distributed. Indirectly, what Hardin denies is the right of the poor to have a share in the resources of richer countries. He casts doubt on the moral efficacy of charitable redistribution. What he assumes is that the benefit is fixed and if are spread too thinly it will cease to be a benefit.

Here, the limitations of both the policy frameworks presents that developing states cannot adopt either of the policies. At the same time, both the policy frameworks are so extreme in nature that they cannot work together. This can be better understood through the following figure:

Figure 2: Conceptual development of water as a right in neoliberal and post neoliberal policy frameworks



The figure 1 presents that it is globally accepted that water is a rare and limited resource and its essential to treat it as a right. The figure notes that global consensus on the fact is reflected in the policy frameworks as well, that are developed with the support of neoliberal and post neoliberal beliefs and simultaneously offer separate models for water management. Both have their own strengths and weaknesses, as the neoliberal framework has the virtue of development with efficiency but has ignored equality. Similarly, post neoliberal framework values equality but has not given enough space and significance to development and efficiency. Considering the unavoidable limits of the two, I believe that for the modern water requirements, (which includes efficiency and equality both) requirement is to adopt middle approach, which insist for limited ownership on water uses and moral obligation of both, the government and the private owners. I think that moral obligation on both of them, a strong force in democracy, will compel them to follow the principle of “*enough must be left for others*”. It may appear close to the concept of public-private partnership but here the public is not a political society i.e. the state, but the community as a whole, which is by nature more social than political. It is an approach which focuses more on morality than anything else. I strongly argue that public-private may not work until the state’s negative interference is not controlled and the private is not built as being independent and a sector that is morally bounded in all the situations.

V. THE CONCLUDING WORDS:

This paper underlines that in modern water policy frameworks, ideological dominance is significantly noticeable. It insists that to understand the objectives and aims of water policy document, it is essential to read the values emerged from different theoretical perceptions. I positively argue in favour of the idea that water as a right has emerged and has collided with different ideological backgrounds that have divided the idea into two, known as neoliberalism and post neoliberalism. In the policy discourses, this division has created two policy frameworks, separately based on the principles of neoliberalism and post neoliberalism. I propose that two prevailing models have not addressed the problem well. To have a practical solution, this paper proposes a

middle approach, which is not a simple public-private model. In this regard I insist to develop a moral principle of positive non-interference. In my perception non interference is not a complete absence of state and neither am I advocating for the dominance of private sector on water policies. Rather I insist that state should make a policy which classifies the areas where state as a representative body of a political community can have power to check on the private management.

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ⁱ The fact is that every political system has some intake mechanisms, which receives rights as claims to be entitled. Notably fulfillment of claims is not always a choice of intake mechanisms but many times it depends on the availability of what is been demanded as a right.

ⁱⁱ Scholars such as Bower, Kindler, Russell & Sewell, (1984), Rogers (1985) and Merrett (1997) have emphasized that water has use value and to add more value to the state should follow economic principles in water management (Barlow, 2002, Finger and Allouche, 2002, Salman, McInerney, and Lankford, 2006). Idea of Briscoe is cited in Finger & Allouche, 2002, p. 77.

ⁱⁱⁱ The relevant principles of the Rio Declaration on Environment and development in the principles of 1,4,7,23,and 25. Concludes that the environmental right to water is provided implicitly. Paragraph 18, of the declaration argues that since water is an indispensable component of the environment, it is logical that ecosystem has a right to get the minimum amount of water to sustain itself (Deshang, 2006:114). Para 18.8 provides that in developing and using water resources, priorities have to be given to the satisfaction of basic needs and the satisfaction of ecosystem. Para 18.36, stipulates that the freshwater management should be holistic and based on a balanced consideration of the needs of people and the environment. It requires that state to adopt an integrated approach to environmental sustainability including the protection of adequate ecosystems and freshwater resources (para 18.39).

^{iv} The term "Blue Gold" was prominently introduced by Barlow and Clarke (2002), and is becoming more and more common in the current debate, see for instance: Petrova (2006) or Kessler (2007). However, I disagree with the term. Gold can be substituted but in the case of water, nature is supreme and the ultimate producer of water which doesn't have a substitute.

^v There are some specific resolutions that have expressed significance of water in human life. Like in December 2000, the General Assembly issued a resolution proclaiming the year 2003 as the "International Year of Freshwater." (see: Resolution 55/196 (87th Plenary Meeting, December 20, 2000). The other resolution, "International Decade for Action, 'Water for Life' 2005–2015," was adopted in December 2003 (see: Resolution 58/217 (78th Plenary Meeting, December 23, 2003)). With the reference to the Millennium Declaration and the Johannesburg Plan of Implementation, the Resolution proclaimed the period 2005 to 2015 as the International Decade for Action, Water for Life, and stated that the period would commence on World Water Day, March 22, 2005 (see: A/Res/47/193 December 22, 1992)

^{vi} Although international conventions and declarations are formally non-binding, they can be used as interpretative guides with respect to states as a part of the obligation of the treaty. For the argument like such see: Centre on Housing Rights and Evictions [COHRE], Legal Resources for the Right to Water and Sanitation: International and National Standards, 41 (2nd ed. 2008).

^{vii} It is to be noted that here the term right to water is not used as human rights. It is a term which carries the idea of cultural relativism also. Political philosophy has a separate debate on this issue of relevance of human rights. As an argument, it is developed as universal or cultural relativism. Here I have not discussed it as it may disturb the continuity of the idea.

^{viii} Policy paradigm is known as framework that governs the policy process. They embody linguistic, normative, epistemic, empirical, and methodological dimensions: They regulate what is to be defined as a meaningful problem; how it is to be schematized and described; what is to be considered worthy as data; who is to be recognized as a legitimate participant, and with what status; and how the policy process is to be enacted, realized, and evaluated. Policy paradigms are powerful regulatory forces in the generation and enactment of policy. Their boundary maintenance function, by which terms, themes, problems, data, and personnel are excluded from consideration, is a critical feature of their regulatory power. As Kuhn (1962) himself puts it: cited in Denis O'Sullivan (1993) *The Concept of Policy Paradigm: Elaboration and Illumination* Journal of Educational Thought, Vol. 27, No. 3, pages - pp. 246-272

Stable URL: <http://www.jstor.org/stable/23767396> Accessed: 08-09-2016

^{ix} I have taken this idea from Frank (2001). He states that human rights discussions are developed as a consequence of the tension between "cultural exceptionalism" and global rights. He presents that some rights *are universal*; however, *it is the methods for achieving them that vary* according to place and time.

^x Perceptual differences on water use diversify arguments for water justice. Consequently, the issue gets highlighted as water rights and right to water (Iyer 2010). Although both the terms apparently seem to hold the same meaning, but the theoretical and practical differences in their arguments emphasize remarkable differences which requires for an academic discussion.

^{xi} I argue that in philosophical discussions this can be highlighted as the basic difference between neoliberals and post neoliberals. The study of political economy provides that the basic principles of Neoliberalism and Utilitarianism advocates for water right whereas water for life is advocated by the theories like human rights and eco-feminist rights. In the theory of human right and eco-feminism, the conception of water as right is based on egalitarian values that confirm water as a right for all.

^{xii} Karan Barker has discussed this idea under the heading of Tragedy of Commons (1999).

^{xiii} See for details, Thobani, 1997; Simpson & Ringskog, 1998, Batabyal, 2001; Tsur et al., 2004, Giordano et al., 2002, Pickens, 2004, Young, 2005 and more recently, by Peter Debaere Brian D. Richter, Kyle Frankel Davis, Melissa S. Duvall, Jessica Ann Gephart, Clark E. O'Bannon, Carolyn Pelnik, Emily Maynard Powell and Tyler William Smith 2014.

^{xiv} The term Washington Consensus is coined by John Williamson, which represents a set of economic principles. Basically, the idea refers to a design of a standard reform package for countries that are in need of help. It is run by the Washington-based institutions like IMF, World Bank, and the U.S. Treasury Department. In Policy analysis, the term is used to describe a range of policies broadly associated with expanding the role of market forces and limiting the role of the state.

^{xv} Scholars such as Bower, Kindler, Russell & Sewell, (1984), Rogers (1985) and Merrett (1997) have emphasized that water has use value and to add more value to the state should follow economic principles in water management (Barlow, 2002, Finger and Allouche, 2002, Salman, McInerney, and Lankford, 2006). Idea of Briscoe is cited in Finger & Allouche, 2002, p. 77.

^{xvi} This is also known as demand and supply based approach. See Kamata Prasad (2015), *Water in the coming decades: Policy and Governance Issues in India*. Delhi : Foundation

^{xvii} For reference declarations made by World Bank in 1993 and 2004 are significant.

^{xviii} For details see Sunding (2000), Milton Friedman (2002) and Richter (2014).

^{xix} For the study, scholars have used approaches like human right approach and rights based approach.

^{xx} The water justice movement strives to offer an alternative source of knowledge and policy prescriptions to those provided by the World Bank and other powerful actors on the global water stage. Legally it does not have

the power to directly influence governments on water policy. Their approach is to support local initiatives, insisting on constitutional amendments and banning privatization. This movement expresses support for policies that increase people's participation and community oversight. At the same time they advocate for providing funding for public companies to improve service and support public-private partnerships as an alternative to PPPs.

^{xxi} The idea emphasizes that policy at the local national, or international levels must refer explicitly to human rights standards" (Nelson & Dorsey, 2007, page 189).

^{xxii} Ideas developed in post-neoliberal are also known as post Washington Consensus and Third Way Approach.

^{xxiii} Economists like Manuel Couret Branco and Pedro Damião Henriques (2015) pinpoint that mainstream economic discourse can be conflictive with human rights in general, and with the right to water in particular (Branco & Henriques, 2015).

^{xxiv} See footnote 6 of Oriol Miroso and Leila M. Harris (2012) Human Right to Water: Contemporary Challenges and Contours of a Global Debate, The Authors *Antipode* C _ 2011 Antipode Foundation pp 932–949

^{xxv} In the policy discussions, neoliberal policy framework is emerged as a movement against Kantian theory of welfare state. Globally this has changed the regime of governability (privatization) and ascertained claim on water as a negative right, with a strong argument that the government may fail as an investor (Castle, 1978 & Wolf, 1979). Neoliberal policy frameworks are classified into two schools. The first school, is called as the market proponents, maintains that water should be priced through the market. Its economic value would arise spontaneously from the actions of willing buyers and willing sellers. This would ensure that the water is allocated to uses that are valued highest. The second school interprets 'water as an economic good' to mean the process of integrated decision making on the allocation of scarce resources, which does not necessarily involve financial transactions (e.g. McNeill, 1998; Perry et al., 1997) This detail is taken from the research paper, presented by Pvan Der Zaaz and H.H.G. Savernije with the title; Water as an Economic good: The Value of pricing and the failure of market, published by UNSCO in 2006.

^{xxvi} Principle of maximum water with maximum efficiency includes no wastage.

^{xxvii} For details see, Harvey, A Brief History of Neoliberalism , 2007 and Harvey, The New Imperialism , 2003, Oxford Oxford University Press.

^{xxviii} Frameworks of water policies in developing countries, emphasizes that the ideas of neoliberalism are supposed to reflect in government policies. Jamie Peck (2001) has described it as "thin policies of neoliberalism".

^{xxix} Cochabamba, the third largest city of Bolivia (South America's poorest nation), is among the first that has experienced the negatives of neoliberal practices in water policy management. Bolivian history provides that in late 80's city's public water system, SEMAPA (Servicio de Agua Potable y Alcantarillado de Cochabamba) was incapable of keeping up with the demand for expansion of the population. To meet the increasing demands, World Bank, which had given various packages of financial aid to the local water company over more than a decade, decided to make the public water system private and made it clear to Bolivian officials that privatization is the price that Bolivia needed to pay for Bank financial assistance in the future. In February 1996, Bank officials told Cochabamba's Mayor that it was making a \$14 million loan to expand water service conditioned on the city privatizing its water. In June 1997, Bank officials told Bolivia's President that \$600 million in international debt relief was also dependent on Cochabamba. Looking on debt, the Bank advised the Bolivian government that, "No public subsidies should be given to ameliorate the increase in water tariffs in Cochabamba..." In other words, Cochabamba residents, including the poor, should pay the full price that the market demanded in order to provide them with water. In 1999 the Bolivian national government, have been given a clear ultimatum from the Bank, initiated a process to put Cochabamba's public water system in private hands. In a closed-door process with just one bidder, Bolivian officials signed an agreement leasing off Cochabamba's water for 40 years to a mysterious new company named Aguas del Tunari – which would later turn out to be a subsidiary of the California giant, Bechtel. The agreement guaranteed the company an average profit of 16% per year every year and increases water bills for locals. Within weeks of its takeover of the water

Bechtel's company hit local families with rate increases of up to 200%. For the Local resistance to the water price hikes was fierce as workers living on the local minimum wage of \$60 per month were told to pay as much as \$15 just to keep the water running from the tap. Consequently, there was a broad protest in Cochabamba demanding that the water price hikes be rescinded.

^{xxx} Here justice means equal right to have water for domestic purposes.

^{xxx}ⁱ Water activist and scholars insist on identifying life beyond neoliberalism because as an idea neoliberalism is deeply problematic. It is an incoherent term that has multiple and contradictory meanings, problems of it are not conceptual but also real (Doug, MaCarthy and Zald, 1988, Bakker, 2003, Kaika 2003).

^{xxx}ⁱⁱ This is the term which is used by Vandana Shiva to explain international water rules. For the detail see: Shiva (2002), *Water Wars: privatization, Pollution and profit*, Indian Research Press (page 78).

^{xxx}ⁱⁱⁱ For a detailed study see Karl Polanyia (1944) *Great Transformation*, sage publications, New Delhi.

^{xxx}^{iv} Shiva (2002) argues that the argument of water requirements include biological, social and cultural needs. She insists that they are the real preferences of human life and are more important than economic demands.

^{xxx}^v Endnote vii, has already given some of the details. Here movement is discussed in similar reference. It refers to the protest against water privatization in Bolivia. The history of Bolivia provides that neoliberal mode adopted in 1990, has not confirmed equal accessibility and affordability. In processing the water supply, private companies increase water prices, which lead to organized revolt against water privatization. For a detailed history, see Shiva (1999, 2001, 2002), Parmar, (2008), Iyer (2010), Karan Bakker (2011) Radha D'suza (2013, 2014).

^{xxx}^{vi} It is said to be global because countries like, Venezuela, Bolivia, Ecuador, Argentina, Brazil, Uruguay and Paraguay, have witnessed social movements against neoliberal policy in water governance.

^{xxx}^{vii} This has proclaimed that water cannot be commoditized, privatized or cannot be use for trade for commercial purposes.

^{xxx}^{viii} Public Choice Theory believes that the market cannot provide public good because their costs of management excludes their value to any single buyer and a single buyer would not be in position to keep non-buyers from using it. It may impose uncompensated cost on others.

IOSR Journal Of Humanities And Social Science (IOSR-JHSS) is UGC approved Journal with Sl. No. 5070, Journal no. 49323.

Deepti Acharya. "Conceptual Debates on Water as a Right and Emergence of Policy Frameworks: A Discussion." *IOSR Journal Of Humanities And Social Science (IOSR-JHSS)*, vol. 22, no. 8, 2017, pp. 10–20.