

**Organisation: The Community Water Center (CWC), USA**  
**Presenter: Susana de Anda**

## *Utilizing the Right to Water without Constitutional Guarantee*

**Introduction:** The Community Water Center was founded in 2006 in Tulare County, California, as a non-profit organisation that seeks to ensure access to safe, clean and affordable water for all communities. CWC believes that access to water is a basic human right, and uses the strategies of empowering communities, educating and engaging decision-makers, and building key coalitions in order to realise that right.

**Background to CWC:** Attorney Laurel Firestone started the Rural Poverty Water Project (RPWP) at the Center on Race, Poverty & the Environment (CRPE). Together with the community organiser at CPRE, Susana De Anda, the RPWP team successfully helped many Tulare County communities with water issues. However, over time it became clear that numerous communities in the area faced similar drinking water issues. Given the scale and nature of the problems, RPWP believed that the root causes could only be addressed by a dedicated organisation. In September 2006, Firestone and De Anda formed the Community Water Center as an independent entity that could focus on building local capacity to address water challenges in rural, low-income and ethnic minority communities.

**Where CWC works:** Tulare County is the poorest in the state of California and the centre of its agricultural heartland, the San Joaquin Valley. Water problems range from chronic drinking water contamination and long term shortages in homes, workplaces and schools, to barriers to participation in local and regional water governance. In Tulare County alone, up to 20% of small public systems are unable to meet legal drinking water standards. In California as a whole, around one million people a year are exposed to unsafe levels of nitrate and other contaminants in their water. Water infrastructure is often dilapidated and communities lack the funding to update or repair it; while water rates are unaffordable for those on low income and many people are forced to buy bottled water, essentially paying for their water twice.

The challenges Tulare County communities face to secure safe drinking water are not unique. The United States does not recognise access to water or sanitation as a right, so federal, state or local governments are not required by law to provide drinking water or sanitation services. Water supply comes from private companies contracted at state level. Water is a commodity to be bought and sold to the highest bidder, and so flows to the wealthiest. Many low-income, rural communities are left on their own to develop community water systems.

**How CWC works:** CWC's goal is to create community-based water solutions through three main strategies of organising, education and advocacy:

- Educate, organise and provide legal assistance to rural, low-income and ethnic minority, primarily immigrant, communities facing local water challenges;
- Advocate for systemic change to address the root causes of unsafe drinking water in the San Joaquin Valley;
- Serve as a resource for information and expertise on community water challenges.

To engage communities impacted by poor water quality, CWC goes door to door to understand what people are doing to cope and how much they really know about the quality of their water. The next step is a community meeting to share information about the water supply and facilitate a conversation about the right to water. CWC then helps the community structure an organised group and trains its members on how to engage the water board, what the water board should be doing, how water board meetings work and how to get onto the agenda at a meeting. Simultaneously, CWC trains the local water board so that they can be more responsive. This often involves encouraging them to provide translation, so that the board and the entire community can share information.

Throughout this process, the idea of water as a basic human right serves as an important organising tool. It resonates with the community despite the lack of a law making safe water a legal right, as communities recognise that water boards are accountable to them and that they are entitled to access, safety and information. Arguments around the right to water are also useful with water regulators, when persuading them of the need to be more accountable.

**Challenges and obstacles:** The scale of water problems in the San Joaquin Valley is the greatest challenge for CWC, who strive to allocate limited time and resources to bring the greatest impact to the most people, while continuing to work intensively with affected communities. Other challenges include seeking economically viable solutions to water supply issues in a community where people rely upon agriculture for their livelihood; dealing with misinformation about water quality spread by local officials; and the status of most community residents, who often have little formal education and are not citizens.

**Positive results:** CWC now has a strong, educated community base of more than 400 people who have much greater capacity to be part of their own water governance, including a CWC member on the regional water board and approximately 20 members on local water boards. Some concrete results include:

- Mothers who have forced a local water board to stop delivering water that was black and smelled like sewage;
- Neighbours organising to ensure that language access policies were enacted to allow the mostly Spanish-speaking population to participate in meetings;
- Residents without safe water for decades who united to form their own water board and secured public funding for a new well;
- In collaboration with other allies, passing new state legislation in 2008, which allocates more than US\$117 million to drinking water needs in disadvantaged communities, as well as \$4 million for two pilot projects on ways to solve the drinking water crisis in California's rural valleys;
- CWC and the Environmental Justice Coalition for Water are currently writing 'The Human Right to Water Act' to provide stronger foundation for advocacy on water justice in California.

**Lessons:** The affirmation of the right to water has been a successful tool for CWC to organise disenfranchised communities and in driving forward the momentum as obstacles arise in accessing water. It has also been helpful with policy arguments and community attempts to enforce other laws in court. For example, the Safe Drinking Water and Civil Rights acts provide some level of equity and safety standards, based on

the idea that everyone deserves to have safe, clean and affordable water, which can be used to argue for expanded or improved water access.

As a last resort, CWC uses lawsuits as a way to bring attention to the issues, which is expensive and difficult. Legal recognition of the right to water would make this process more fruitful.

Strategic use of local media has been a successful tool for CWC, as well as providing training on public speaking and how to grasp opportunities to speak on the issue.

CWC's community engagement model can be applied in other rural communities lacking access to safe drinking water. The model builds the foundation of systemic change by developing leadership capacity for disenfranchised communities to have control over their own future. Community members who have been trained to engage in water policy-making and advocacy will also be prepared to participate in other policy issues and processes that impact their quality of life.

**Latest publication:** *Guide to Community Drinking Water Advocacy* Jan 2009 (English or Spanish)

A comprehensive handbook drawing on CWC's four year experience in the region; contains summarised handouts on topics such as basic drinking water laws and proven strategies for securing water justice for communities

[www.communitywatercenter.org/downloads.cfm?content=Tools](http://www.communitywatercenter.org/downloads.cfm?content=Tools)  
or hard copy

**Prepared for presentation within session 4.1.2 Rights in Action: Sharing experiences on how civil society utilises RTWS as a tool to improve access for the poor and marginalised.**

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