

ABSTRACT

Title of Thesis: Defending the Human Right to Water: Grassroots Activist
Methods in Detroit’s Fight for Livability, Dignity, and
Recognition

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This thesis makes the connection between international human rights mechanisms and local activism in Detroit upholding those rights, particularly the human right to water. It asks how are human rights upheld on a local level, and what methods do activists in Detroit use to uphold the human right to water? This paper argues that the human right to water is upheld in the Universal Declaration of Human Rights (1948), United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997), General Comment No. 15 issued by the Committee on Economic, Social and Cultural Rights (2002), and the Joint Press Statement issued by the Special Rapporteurs for Housing and Water (2014). Activists uphold the rights defined in these declarations through calling on international organizations, doing community-engaged research, expressing grievances in domestic court, and using direct action through protest and water distribution in response to water shutoffs in Detroit. Using community-engaged research methods including interviews with half a dozen activists and participant observation, this thesis aims to be of benefit to activists and community members to better understand what systems led to the water shutoffs and how one can effectively combat them in Detroit and beyond.

Defending the Human Right to Water: Grassroots Activist Methods in Detroit's Fight for
Livability, Dignity, and Recognition

By

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Dedication

I dedicate this thesis to all those who have stood up in the face of injustice in Detroit and beyond, and to our visionary dream of a world in which everyone has what they need to thrive.

“Our job is to turn thinkers into fighters and fighters into thinkers.”

-General Gordon Baker

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Chapter 1: Introduction

Introduction

This thesis aims to understand the role of the international human rights framework in local grassroots struggles against water shutoffs in Detroit, Michigan. This project focuses on activism working to end water shutoffs in Detroit because, as the United States' largest majority black city and the largest city to face municipal bankruptcy—two crucial issues in the discussion of Detroit and its water shutoffs—the city is at the front lines for the fight for the right to water and against neoliberal government policies domestically and internationally. This is embodied in the United Nations (UN) Special Rapporteur's 2014 statement denouncing the city's water shutoffs as a human rights violation (United Nations Human Rights Office of the High Commissioner, 2014). Many scholars and activists see water shutoffs, the right to water, and neoliberalism in cities as international issues, and I support this claim through this paper.

This project aims to be of benefit to local activists. It is guided by what activists say they need from academia in their struggles, and it aims to spread greater awareness to the larger population of the inequities facing Detroit, particularly in the fight for water. Findings and methods are impacted by interviews with local activists as well as research and literature surrounding their work.

This project and guiding framework leads me to ask the questions: *How are human rights upheld on a local level, and what methods do activists in Detroit use to uphold the human right to water?* These two research questions recognize the reciprocity of human rights mechanisms and frameworks with grassroots activism to study and understand the links between human rights law and local organizing. This project aims to understand the links between local and international activism to understand how local issues become internationally relevant.

Through the theories presented in this paper and the findings about methods used by activists, I show that local issues become internationally relevant and contentious for larger populations when activists show the connections between their experiences and the experiences of others through framing the issue in common terms and by calling on transnational activist networks. This project analyzes the connections between local and international organizing through the regional and timely scope of Detroit from 2013-2023, the beginning of Detroit's emergency management to the present. It places Detroit and its movements within the world, asserting that Detroit is internationally relevant. As is later explained in further detail, Detroit has experienced much of the same austerity measures as many other majority black cities in the United States and Global South countries in the world. There is much to learn from the fight for the human right to water in Detroit that can be applied in other cities in the United States and beyond. In light of decades of fiscal, social, and racial degradation by government and private entities as well as visionary struggles for justice in Detroit, this paper aims to understand what Detroit and its residents can teach the world about the human right to water and how to defend that right at home and abroad.

Literature Review

This section reviews the existing scholarly literature on various elements in studying water shutoff activism in Detroit and its connection to international activism. These elements include existing literature on Detroit water shutoffs, human rights, and transnational activism. This topic is contemporary, unique in terms of place and scope, and expands the role of academic research as a community-engaged research project that aims to be of benefit to activists. Actions by impacted residents against water shutoffs in Detroit have been ongoing since the mass water

shutoffs began in 2013 and continue into the present. Detroit is an important place to study, particularly in the fight for the right to water, because of its unique circumstances as a major city that was put under emergency management, a place that has a robust movement against water shutoffs and for the right to water, and because of the movement's use of numerous scopes of advocacy by engaging in transnational activism through calling on international partners and organizations for recognition. This project recognizes where the advocacy for the right to water stands in Detroit as it builds upon the work of the movement and its goals to disseminate information about the discriminatory water shutoffs. Recognizing this importance, the human right to water and activism upholding that right requires further study.

In this research project, I do not mean to hinder or overly academize the struggles of local activists in Detroit whose lives depend upon a positive outcome. Amanda Alexander, the Executive Director of the Detroit Justice Center, supports this approach as she poses important questions for academics and outsiders to ask themselves before engaging in community struggles such as “Why are you here?” “What can you add?” and “How can we equip residents to guide this work themselves?” (Alexander, 2021). Gaber et al. also argue for the importance of community-led research and ethnographic elements that aid in a complete understanding of the issue that exists outside of, or can fill in the gaps of the data, method, and purpose (Gaber et al., 2021). I used interviews and collaboration from local activists to help guide the questions in my research. This project has developed as activists gave me feedback, told me how this project could be of use to them, and reshaped my learning and understanding of the issue. This project has done its job if it 1. Connects activists to themselves, new framings for the issue, and new resources provided by research and academia, and 2. If everyone who reads this paper leaves it

with a greater understanding of the water shutoffs in Detroit and how they are connected to racism, austerity, and human rights.

Why Detroit Matters

This project focuses on the city of Detroit for many reasons. As Brian Doucet argues, Detroit symbolizes deindustrialization and the challenges and opportunities it represents. As many cities struggle with urban decline, racial and ethnic tensions, and the consequences of neoliberal governance and political fragmentation, Detroit's story becomes more relevant (Doucet, 2017). Detroit can be an example for other cities that have or will face the same economic degradation and racial marginalization such as other Rustbelt cities. The authors and editors of the *People's Atlas of Detroit* agree as they aim to counteract the narratives of the city as a "post-apocalyptic landscape" waiting to be saved by outsiders and institutions. They argue that Detroiters have been there the whole time fighting for representation and dignity outside of traditional structures of power (Campbell et al., 2020).

Detroit is important because it is one of the largest examples of economic decline in the United States. In 2013, the city filed for the largest municipal bankruptcy in US history. It was once the fifth largest city in the United States at its peak of 2 million people in the 1950s. Detroit is also one of the largest majority black cities in the US with 80% of its population being black people (U.S. Census Bureau, 2022). Although Detroit is smaller than other major cities and a place left behind by white flight to the suburbs, it is an important economic engine and activist hub for the state of Michigan, the United States, and the World. Thomas Sugrue supports this point through his seminal book titled *Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* which is a historical and contemporary study of structural factors in Detroit's

hardship including the building of highways, white flight, urban renewal, racist housing policies, the power of car companies, and the effects of the 2008 housing crash including the Detroit bankruptcy, foreclosures, and water shutoffs, all of which informs the current struggle against water shutoffs (Sugrue, 2014).

Detroit is impacted by the same austerity, neoliberalism, and privatization that we see in the many Global South countries looking to escape debt by applying for loans from the International Monetary Fund (IMF) and the World Bank. This movement of neoliberalism became popular in the 1980s with Margaret Thatcher and Ronald Reagan as its most famous proponents. Breaking with the Keynesian model of the Bretton Woods agreements, neoliberalism called for liberalized trade and investment, tax cuts, and cuts in public spending such as social services, deregulation, and the privatization of state-owned industries and services (Ayres, 2005). International institutions such as the IMF require structural adjustment programs for countries to apply for loans, which often requires the privatization of state services (Stiglitz, 2002).

These neoliberal programs, however, are profit and ideologically driven, as Joseph Stiglitz argues in his book *Globalization and its Discontents*. It runs contrary to a large body of scholarly work that argues for the strengthening of state and democratic institutions, including the ability for states to provide for their citizens (Elbadawi & Sambanis, 2000)(Fearon & Laitin, 2003)(Raleigh, 2010)(Stiglitz, 2002). Detroit's emergency management, consolidation of public utilities such as water into the Great Lakes Water Authority, water shutoffs, foreclosures, and other budget-cutting measures follows this trend of austerity, neoliberalism, and privatization (Campbell, 2020). This thesis makes the connection between global neoliberalism to emergency management and water shutoffs in Detroit, arguing that the city fits within this global trend.

Water and Human Rights

While there is no commonly held and enforceable human right to water, Salman and McInerney-Lankford make the argument that there is a direct link between human rights and water based on the connections between water access and poverty: those who are impoverished are often denied access to water globally (Salman & McInerney-Lankford, 2004). This is supported by General Comment 15 by the United Nations Committee on Economic, Social, and Cultural Rights, the 1993 Dublin Conference on Water and Development, the 1993 World Conference on Human Rights in Vienna, and the Rio Summit on Environment and Development which recognized the human right to access to clean water and sanitation (Salman & McInerney-Lankford, 2004). We the People Detroit, a Detroit nonprofit fighting for water access and affordability through advocacy and community research, support this claim for a human right to water by pointing out that the state of Michigan has laws against depriving animals of water while having no such laws for humans (We the People of Detroit Community Research Collective, 2016). On the contrary, in a 2014 court case that ten Detroit families brought against the City of Detroit and its Water and Sewage Department for the water shutoffs titled *Lyda v. City of Detroit*, a federal judge ruled that, despite irreparable harm to the families as a result of the shutoffs, he would not halt the water shutoffs (We the People of Detroit Community Research Collective, 2016). He cited the potential revenue losses to the city, concluding that water was not a right (We the People of Detroit Community Research Collective, 2016). This is all despite a UN rapporteur naming the water shutoffs in Detroit a human rights violation (United Nations Human Rights Office of the High Commissioner, 2014).

We the People Detroit is the most prominent research group and advocate for water rights in Detroit, and they produced many seminal articles at the height of the crisis in 2014 including

Mapping the Water Crisis: The Dismantling of African-American Neighborhoods in Detroit

which numerically tracks the water crisis using publicly available data, surveys, and Freedom of Information Act (FOIA) data (We the People of Detroit Community Research Collective, 2016). They also contributed to Gaber et al. in the study of the effects of poverty and the water shutoffs on psychological stress, concluding that having one's water shutoff is traumatizing and dangerous (Gaber et al., 2021). In addition, Sabourin discusses the history and implications of the switch to the Great Lakes Water authority, which only serves to uphold the claims of institutional profiteering made by We the People Detroit and gives a contextual basis for this paper (Sabourin, 2016).

Ponder & Omstedt conduct an analysis of Detroit's municipal debt as a conductor of racialized harm through the lens of racial capitalism, the violence against and displacement of black people for financial exploitation and gain, which is prevalent in this study of austerity, racism, and Detroit water shutoffs (Ponder & Omstedt, 2022). Sow uses a similar understanding of racial capitalism in her piece on a radical theory of law and human rights through the contract between citizens and governments as well as the racial contract that exists in society (Sow, 2020). She uses these contracts to understand the supposed necessity of the bankruptcy and water shutoffs and the relationship between the people of Detroit and city and state governing bodies (Sow, 2020). She reaffirms the contract between citizens of the city and the government to provide water and uphold a decent standard of living, coupled with a discussion on the racial contract that allows the city to deprive its black residents of such necessities, which residents break by demanding justice (Sow, 2020). This study gives a basis for the theoretical legal and contractual understanding of race and the water crisis that I use as a starting point in my paper in its relationship with the study of law, human rights, and the citizen's right to the city.

Beyond local laws and contracts, international laws are another option in arguing for the right to water. However, international legal solutions such as UN declarations, agreements, and statements are often difficult to enforce. They must either be voted upon and ratified then locally enforced or, in dire need, acted upon by the Security Council (Berdal, 2003). Sidney Tarrow explains the current human rights scheme in *Power in Movement: Social Movements and Contentious Politics*, which describes how international institutions tend to follow trend in intervening in domestic affairs, particularly around human rights, in three ways: by monitoring the practices of states and publicizing them— what Keck and Sikkink call “naming and shaming,”--by censuring their behavior, and by imposing sanctions. (Tarrow, 2022).

According to those who use this technique, naming and shaming through media attention and denunciation is the most productive driver of change when they are not locally based. However, Hafner-Burton argues against the merits of naming and shaming by pointing out that governments often maintain human rights abuses in other ways even under pressure from foreign entities (Hafner-Burton, 2008). Bell and Carens argue that naming and shaming is a method used primarily by international nongovernmental organizations that do not have local stakes or expertise to enact more material change through political mobilization (Bell & Carens, 2004). This argument is evident in how the UN Rapporteur responded to the water shutoffs compared to local activists. The discussion on the merits of naming and shaming as well as other responses to human rights abuses such as activism are further explored in the research done in this paper. It argues that naming and shaming can be a useful tool in bringing attention to the issue, especially for international actors who believe in a human right to water, but do not have local authority. This method is further explored in how local activists called upon the Council of Canadians and the UN Rapporteurs for further support.

Activism

A major framework for this paper is the boomerang effect. As discussed in Keck and Sikkink's *Activists Beyond Borders: Advocacy Networks in International Politics*, the boomerang effect is the phenomena in which domestic actors who are blocked from gaining redress for their claims domestically seek international allies through the form of governments, nonprofits, media, and most importantly other activists (Keck & Sikkink, 1998). This framework guides this paper's research question on the relationship between international and local activism in activists' fight against water shutoffs in Detroit. This relationship between local and international issues is inherently reciprocal. Both sides reflect the historical socio-political context in which they are situated.

The field of transnational activist network studies is a robust one that has studied many of the most famous socio-political movements in history from the French Revolution to the Tiananmen Square protests (Hosseini et al., 2021)(Keck & Sikkink, 1998)(McAdam et al., 2001)(Podobnik & Reifer, 2005)(Tarrow, 2022). However, this field of study often focuses on parties, governments, and mainstream NGOs in foreign contexts, and has yet to reach the inner cities of the United States and its contexts of grassroots community organizers. Through this project, I apply understandings of these international movement-building techniques to the techniques being used by Detroit organizers.

Conclusion

This thesis makes the connection between international organizing around human rights, racism, capitalism, neoliberalism, and water in the city of Detroit using Keck and Sikkink's framework of the boomerang effect, Tarrow et. al's theories of contention, and the contributions

of activists and organizations in their writings and interviews. It contributes to both the academic body of literature on political movement building and the toolbox of organizers in their respective communities through collaborative research, resource sharing, and a dissemination of knowledge on water shutoffs and human rights in Detroit.

Methods

This is a qualitative, community-engaged study. It uses the responses from organizers in semi-structured and informal interviews to guide the research and establish the connections it makes. The project studies the connections between local and international organizing through the mechanisms examined in the literature review. Furthermore, it aims to study existing human rights laws and frameworks that can aid the advancements of the right to water in Detroit and other communities, particularly marginalized communities, that are impacted by neoliberal policies. The results of this study aim to be of use for organizers in Detroit through increased access to academic information as well as human rights frameworks and organizing networks.

Research Design

This project is conducted with two aspects: interviews and a review of literature.

Interviews

I conducted semi-structured and informal unstructured interviews with about a half-dozen community organizers in Detroit who have been fighting against water shutoffs. Interviewees were selected and asked to participate by me, the principal investigator. Selection was based on their work and identified through organizing networks of which my advisor and I are a part, and

through snowball methods as interviews progressed. This process risks being subjective. I avoided discrimination based on the idealized or represented work of the organizers through thoughtful reflection, consultation with advisors, and input from interviewees. The body of participants included well known and less well known organizers based on willingness to participate and availability by organizations. Represented organizations, and people within them, include We the People Detroit, The People's Water Board, The Michigan Welfare Rights Organization, and the Damon J. Keith Center for Civil Rights as well as retired and nonaffiliated organizers.

The questions included those inquiring into the organizers' method of change to understand their beliefs towards structural versus grassroots change; questions about international frameworks in participants' organizing to see if the study of international organizing and human rights is relevant to them and to what degree; questions of what support they may need from international frameworks and other organizations to understand how this paper can be of benefit; and questions about what solutions to the crisis can look like to them to understand what their processes and goals are. The total list of questions is available in the appendix. Responses to the questions were considered and implemented through quotations and qualitative analyses.

Literature Review For Research Methods

The research methods in this paper builds on the work of Gomez et al's *Black Women's Involvement in the Environmental Justice Movement* which uses participant observation and ethnographic interviews to understand how environmental justice movements are built and run (Gomez et al., 2011). That paper, similarly to this thesis, focused on environmental organizing in

a specific area, on marginalized communities leading the movement, and employed snowball interview methods. This project also follows suit of Campbell et al.'s *A People's Atlas of Detroit* which is deeply rooted in both historical research and contemporary testimonials by many significant community organizers in Detroit (Campbell et al., 2020). Its holistic and community-oriented methods influenced the methods used in this paper. Finally, Gaber et al. argue for the importance of community-led research and ethnographic elements that aid in a complete understanding of the issue that exists outside of, or can fill in the gaps of the data, method, and purpose (Gaber et al., 2021). I used interviews and collaboration from local activists using similar methods as those used in these sources. Furthermore, I used community-developed research publications as supplemental literature to help guide my research.

Ethical Implications

In an effort to be conscientious of community needs and the implications of engaging in a majority black city as a white university researcher, this project makes every effort to be community-guided and to engage ethically. It follows the guidelines of the University of Michigan's Health Sciences and Behavioral Sciences IRB review, and can be identified as [HUM00226775](#). Most participants are identified in the final research because of the significance of giving credit to their work. This is only the case for those who have explicitly consented to be identified. Participants were given the opportunity to give or deny consent to be audio recorded during the interview.

Conclusion

This thesis argues that there is a human right to water, and that right is upheld through the activist methods used by those organizing in Detroit including calling on international organizations, expressing grievances in domestic court, and using direct action through protest and water distribution. This is expressed and supported throughout this thesis.

Chapter 2 describes the role of neoliberalism, privatization, and austerity in global and local Detroit contexts to explain the systems threatening the right to water. It does this primarily through discussing financialization, statecraft, and Detroit's emergency management in 2013, which took away democratic redress for Detroit residents, privatized and monetized the Detroit Water and Sewage Department (DWSD) and other city services, and exacerbated the rate of water shutoffs for black and low income residents.

Chapter 3 discusses the human right to water, how I define it in this paper, and what the legal bases are for a human right to water, particularly through United Nations treaties.

Chapter 4 discusses transnational activism, contention, and methods used by organizers in Detroit. It discusses the necessity for international partnerships when facing human rights violations and how Detroit activists used such a reciprocal relationship to bring greater attention to the issues they are facing.

Despite often being overlooked by international movements for human rights, domestic struggles for clean water, its own regional lawmakers and residents, Detroit is internationally relevant. Residents there are leading the way in our understandings of global neoliberalism, the right to water, and what to do about it. Activists in Detroit should not be overlooked anymore because they have had so much to add to the movement. This thesis works to elevate the voices

of Detroiters in their struggle for the right to water so they will finally be recognized for all that they have done.

Chapter 2: Neoliberalism and Urban Austerity in Detroit and Beyond

Introduction

This chapter discusses neoliberalism and austerity in American cities and abroad. It defines neoliberalism, austerity, statecraft, and financialization as understood within the context of Detroit and its Emergency Management. It argues that Detroit has been increasingly influenced by private business interests in relationship with a diminishing of democratic control. Especially during the bankruptcy, the city of Detroit committed acts of racial capitalist violence against its people through foreclosures, water shutoffs, emergency management, and forced displacement and other structural inequities. This conceptual backing is important in answering the guiding research question about the relationship between local and international activism and the methods of bringing awareness to the issue because the local experiences of austerity and neoliberalism in Detroit, as in many places globally, are connected to their international responses. The experiences and responses to structural inequalities can relate across places and resistance movements.

Neoliberalism

Neoliberalism is an economic system that arose in the 1970s in which market-based, competitive, capital-driven choices drive economic policy (Boas & Gans-Morse, 2009). It often includes privatization, austerity, and deregulation to encourage economic growth without government intervention (Harvey, 2005). The movement of neoliberalism stems from a rebirth of classical liberalism of the Enlightenment Era which espoused free market laissez faire economics, limited government, and the rights of individuals. Neoliberalism became popular in the 1980s with Margaret Thatcher and Ronald Reagan as its most famous proponents (Boas &

Gans-Morse, 2009). Its emergence was largely in response to major economic downfalls of the 1970s and a growing belief in small government by conservative politicians (Harvey, 2005). Breaking with the Keynesian model of the Bretton Woods agreements, neoliberalism called for liberalized trade and investment, tax cuts, and cuts in public spending such as social services, deregulation, and the privatization of state-owned industries and services (Ayres, 2005) It is now heralded by moderate liberals and conservatives (Ayres, 2005). Neoliberalism has come to mean a heavy reliance on corporations rather than accountable governments, the necessity of the individual to better their own situation through a pull-themselves-up-by-their-bootstrap mentality, and a lack of government and social services (Hosseini et al., 2021). Neoliberalism has become a popular economic policy in the United States and abroad in both the Global North and the Global South in all aspects of business and governance.

From the 1970s to the early 2000s, neoliberal policies became the preferred economic system in international aid and governance. International governing bodies and economic structures such the World Bank and the International Monetary Fund have promoted neoliberal policies including cutting government services, implementing austerity in government budgets, and shrinking government capacity and power, particularly in Global South countries (Stiglitz, 2002). The guiding purpose of the IMF and World Bank is to give loans to postcolonial developing countries, maintain sustainable growth, and achieve financial stability around the world (Stiglitz, 2002). Following decolonization and the implementation of new governments, many postcolonial Global South countries needed funds to implement social services, run the government, and pay off debts implemented by their former colonizers as punishment for declaring independence and lessening the colonizing country's economic exploits (Stiglitz, 2002). However, these programs, part of the Washington Consensus on stipulations for loans by

the United States Treasury, the World Bank and the IMF, often included reducing government spending, entering the global free market, and privatizing certain industries as well as forced changes in government even when these policies didn't make economic sense for the country (Stiglitz, 2002).

When developing countries such as Senegal, Ethiopia, Bolivia and many others applied for loans, they were subjected to structural adjustment programs as a requirement for loan disbursement. In Senegal, when seeking loans, the IMF and World bank forced the country to privatize its public water and electricity companies and open its borders to cheaper food imports, leading to mass unemployment from the public and agricultural sectors and increased food insecurity, poverty, and debt (Dembele, 2003). Ethiopia, a Global South country that was never colonized, was similarly forced to privatize many sectors including its water and sanitation system which led to more expensive rates and poorer quality and reliability of service (Stiglitz, 2002). Bolivia was subject to similar structural adjustment programs in the 1980s and in 1999 and 2000 attempted to privatize the water in cities such as Cochabamba. Residents saw their water bills triple and quadruple as the private company Agua del Tunari raised water costs and threatened water access for thousands of low income residents ("Water Privatization Case Study: Cochabamba, Bolivia," 2001). Due to widespread protests that are sometimes called the Cochabamba Water War or the Bolivian Water War led by activists such as Oscar Olivera, the government reversed the privatization ("Water Privatization Case Study: Cochabamba, Bolivia," 2001).

Neoliberalism and structural adjustment are the same tactics that were used in Detroit during financial hardship and emergency management. Like in Senegal, Ethiopia, Bolivia, and elsewhere, officials turned towards privatization, austerity, and neoliberalism which suspended

democratic control there and worsened the quality of life for most residents, particularly those who are low income.

Concerted Economic Decline in Detroit

Austerity, the cutting of government budgets and increasing of taxes by governments for cost-saving measures to reduce the budget's deficit, continues to be the norm in American cities (Peck & Whiteside, 2016). With overexpanded infrastructure, shrinking tax bases, and financial difficulty, city leaders have turned towards policies of "fiscal responsibility," austerity, and neoliberalism. While neoliberal policies are the norm today, they date back to even before the wide use of the term in the 1970s and 1980s. Austerity has always been the policy in black and other marginalized communities controlled by white legislators (Rothstein, 2017). Redlining and racial covenants in deeds that denied black people mortgages and access to certain neighborhoods, the purposeful defunding and initial underfunding of public services such as fire departments and social services in black neighborhoods, and the overcrowding and segregation of black schools since before the Jim Crow Era that continue today are evidence of this (Rothstein, 2017). Neoliberal policies are inherently racist, especially in cities such as Detroit, where majority black and low income residents are the most impacted and left to care for their communities as other wealthier residents move to the suburbs. These policies defund social services such as social security, pensions, healthcare, and foodstamps, assuming that residents have the jobs, income, and self-support that they need to survive.

Neoliberal policies are the response to shrinking tax bases such as white flight, mass exodus, and deindustrialization of cities. This movement was racially motivated as the surrounding suburbs had racial covenants in the deeds that denied homeownership there to black

people (Sugrue, 2014). Post-industrial cities such as Detroit have faced shrinking tax bases due to white flight and other movement to the surrounding suburbs since the 1950s (Sugrue, 2014). Detroit experienced a 50% decrease in manufacturing jobs between 1947 and 1967 in the city and an increase in white-collar jobs in the surrounding suburbs as corporations such as Ford and other car companies left the city for more suburban workforces or cheaper, un-unionized labor in the Southern United States and Global South (Sugrue, 2014).

The 1968 National Advisory Commission on Civil Disorders, a committee created by Lyndon Johnson to investigate the racial uprisings of 1967, especially the Detroit Rebellion, made the connection between loss of jobs, racial inequality, and contention and unrest in its report. It declared:

we are well on the way...to a divided nation... one predominantly white and located in the suburbs, in smaller cities, and in outlying areas, and one largely Negro located in central cities...Most new employment opportunities do not occur in central cities near all-Negro neighborhoods. They are being created in suburbs and outlying areas— and this trend is likely to continue indefinitely (pp. 406).

This report was created to understand why racial uprisings and protests were happening in cities like Detroit and how to avoid them. Its findings continue to ring true today. The report both predicted the forthcoming changes in urban areas and reflected on the changes up until that point as a result of white flight. While this remained the trend for decades, changes such as the Fair Housing Act of 1968, striking down of racial covenants and other forms of racial discrimination, and changing opportunities, suburbs have become increasingly accessible for black people in recent years (Rothstein, 2017). However, the lasting effects and other forms of systemic inequality remain.

This historical trend of jobs, corporations, and people moving out of the city continued until very recently, and has led to a decrease in tax revenue while the city was still responsible for maintaining and expanding its infrastructure, built for a larger population, with fewer funds (Klug, 2017). Most cities, including Detroit, rely on property tax revenue for the majority of their budgets. Today, property taxes are Detroit's fourth largest source of revenue (Boyle & Hatcher, 2021). However, with the Great Recession and housing market crash of 2008, Detroit's median property sales price dropped 82.2% between 2006 and 2008 (Mueller et al., 2021). And, between 2000 and 2010, the city lost 25% of its population (Campbell et al., 2020).

As hundreds of thousands of people left the city for the suburbs, the city was still responsible for expanding and maintaining its already overexpanded infrastructure built for its peak population of 2 million people. This infrastructure includes maintaining the Detroit Water and Sewage Department (DWSD) while building new pipes and infrastructure for the suburbs at lower rates, all subsidized by the majority black population still residing in the city (Sugrue, 2014). Detroit has an area of 139 square miles and a population of about 650,000 people, but its infrastructure and taxes serve an area of 1000 square miles and about 3 million people in metro Detroit (Sugrue, 2014) (We the People of Detroit Community Research Collective, 2016).

Statecraft and Tax Foreclosure in Detroit

To compensate for the most recent loss in property tax revenue, the City of Detroit illegally overassessed the property values of most homes between 2009-2015, especially low-value homes (Atuahene & Hodge, 2016). Overtaxing and foreclosing on homes is just one of many mechanisms that city officials use to make up for lacking finances while simultaneously denying black and low income citizens their right to housing and water. Rather than adjusting the

tax rate to the current market rate, the tax board maintained pre-recession tax rates despite a lasting 60% decrease in housing values during the recession in 2008 and an even greater drop in housing prices (Atuahene & Hodge, 2016). The process of overtaxing black residents is a national issue and stems back to the Jim Crow Era in which municipalities would overassess black residents in retribution for participation in civil rights actions (Atuahene & Hodge, 2016). The problems persists in the modern day in Detroit and elsewhere regardless of the recession as one 2004 study of property tax assessments in New Haven Connecticut found that black and Latinx communities were taxed at a rate 40% higher than the market value of their homes while white communities were taxed at rates 20% below the market value of their homes on average (Harris, 2004).

Tax foreclosure in Detroit happens through a process in which if one fails to pay all of their (overassessed) property taxes for one year, their taxes are transferred over to the Wayne County Treasurer. The county treasurer then pays the city for any taxes not collected and tack on their own additional interest (upwards of 18%) and fees to residents' bills to cover their additional risks (Atuahene & Hodge, 2016). These fees add up for three years, and if one fails to pay all of that off within that time frame, their house goes into foreclosure. The house then goes to a tax foreclosure auction where anyone can bid on the house starting with the amount of taxes owed– an average of just under \$1000– and become the new owner (Akers & Seymour, 2019). If no one bids on the house, it is then transferred to the Detroit Land Bank Authority who then sells the house for as little as \$1 with the promise of renovations within a year or it is labeled as blight and torn down (Campbell et al., 2020). Low income residents are eligible for payment plans and tax exemptions, but information on these is not readily available to residents, and some

homeowners lose their home to tax foreclosure without knowing about programs until it is too late (Campbell et al., 2020).

When remedies to the tax foreclosure crisis such as a commitment to adjusting the tax rate were made between 2014-2016 following civilian pressure and a lawsuit, the majority of low-value homes remained overassessed (Atuahene & Hodge, 2016). This overassessment led to more than 80,000 houses being taken in tax foreclosure alone in 2014, many of which were long-time family homes that are now owned by outside investors and landlords, causing homeowners to become renters and stripping black families of generational wealth (Campbell et al., 2020) (Akers & Seymour, 2019). Foreclosures and the loss of generational wealth was exacerbated in 2014 when Detroit's Emergency Manager Kevin Orr linked overdue water bills to tax bills, making tax foreclosure even more probable (Campbell et al., 2020). Today some residents on payment plans are still paying off their overassessed back taxes, and many homes remain overassessed as the tax review board has yet to do a thorough reassessment of all properties in the city (Atuahene & Berry, 2019).

Atuahene and Hodge call this process “stategraft” in which state agents transfer property from residents to the state in violation of the state’s own laws and to the detriment of a vulnerable group (Atuahene & Hodge, 2016). The city of Detroit’s overassessment of property taxes violates the Michigan Constitution’s Article IX, Section 3 in Section 211.27a(1) by assessing homes at more than 50% of the property’s market value (*Mich. Const. Article IX § 211.27(a)(1)*, 2017). This process benefits the state and the landlord economy as homeowners become renters. After the property is taken from residents and seized by the state, it becomes part of what Akers and Seymour call the “eviction machine” (Akers & Seymour, 2019). In the eviction machine, housing becomes a for-profit machine in which landlords and development

companies buy foreclosed houses, make no repairs, and overturn tenants at high rates through eviction cases by exercising systemic inequality in the judicial system and evicting tenants without cause (Akers & Seymour, 2019). Tax foreclosure and the reversion to being a majority renter city is a money-making process for the city of Detroit as well. It is an expression of stategraft when the city takes homes from residents to sell to developers and other private entities for more money and the promise of higher tax and rent revenues in the future. Before 2012, Detroit was the only American city where more black families owned homes than rented. The city has wavered in recent years from being majority homeowner in 2011 to majority renter in 2015 to back to majority (51%) homeowner in 2022 (Barrett, 2022). Today the rate of homeownership for white and hispanic residents increased at twice the rate of black residents with 59% of white and hispanic people in Detroit owning homes in 2021 and 50% of black Detroiters owning homes at that time (Barrett, 2022). The city and its neoliberal-led tax foreclosure process not only strips residents of their homes and wealth, but it is racially motivated and profitable for the city.

Austerity and Financialization in American Cities

Peck and Whiteside characterize this kind of stategraft as well as Detroit's bankruptcy within the framework of "financialization." They define financialization as:

a historic process of systematic financial intensification, which is reflected, inter alia, in an increased reliance on—and resort to—financial intermediation and financial engineering, along with a host of financial logics, metrics, and rationalities; in the empowerment of financial sector institutions and agents, including credit rating agencies, technocratic managers and overseers, bond market players, and legal advocates and

arbitrators; and in the *disciplinary roles played by shareholder value pressures, capital-market interests*, and the ‘permanent economic tribunal’ (Foucault & Senellart, 2008 pp. 247) that is *sustained budgetary restraint*” (Peck & Whiteside, 2016 pp. 237; emphasis added).

They argue that essentially, the local state has entered the capitalist market in pursuit of industrial revenue bonds and equity financing, and capital-market interests have entered the state (Peck & Whiteside, 2016). Competition for outside funding has led to the kinds of debts listed above that have led to the creation of a second constituency: creditors rather than citizen constituents (Peck & Whiteside, 2016). Detroit has witnessed this as city resources such as water, electricity, and access to homes through ownership have been taken away in the interest of supporting the “comeback” of downtown Detroit led by corporate interests.

The Detroit Future City Plan, a 2013 public-private plan to invest in building infrastructure for only certain neighborhoods including downtown and the gentrifying Midtown while disinvesting and “greening” others by turning them into parks, is one example of austerity, financialization, and statecraft in Detroit (Campbell et al., 2020). The city tried to depopulate majority black and low income neighborhoods on the outskirts of downtown to consolidate resources in the sprawling city through cutting off municipal resources and increasing tax foreclosures in those areas, continuing to displace black and low income people and stripping them of wealth and homeownership. The plan has since evolved to be less destructive, but exemplifies the displacement, austerity-driven decisions, and lack of racial consideration that the city was willing to pursue particularly during emergency management. Just as neoliberal policies try to consolidate finances, the city was trying to consolidate its people and resources forcibly.

Funding for post industrial cities such as Detroit has been difficult as white flight, fluctuating manufacturing jobs, and increased reliance on the city by suburbanites for municipal resources has weakened the tax base. Taxpayer government grants which were commonly used for urban development and maintenance became less accessible and more competitive as neoliberal-guided President Ronald Reagan consolidated some 79 grants into nine large block grants in 1981, leading to cities having to either compete or search elsewhere for funding (Peck & Whiteside, 2016). The lack of public grants led to a necessity for private investment, a trend that continues today.

Many cities have turned to public-private partnerships (PPP) for funding and logistics. Rather than hiring government workers with local expertise, government pensions, and full-time pay, cities now attract and hire outside private interests to provide public goods such as infrastructure, water, and electricity (Peck & Whiteside, 2016). Public-private partnerships often lead to less accountability to democratic systems and resident constituents as corporations report to investment boards, not voters, and simply receive funding from taxpayers (Peck & Whiteside, 2016). Governments engage in PPPs by offering tax incentives to attract corporations to provide government services through tax increment financing (TIFs)(Peck & Whiteside, 2016). TIFs attract investment upfront while deferring costs and tax revenue until later, often 15 or 30 years. This decreases tax revenue for current needs such as water, lighting, schools, and libraries, and speculates on more revenue later. Cities can attract private corporate partners by using deregulation, heavy financing, and even corruption (Peck & Whiteside, 2016). The entire process of using tax-increment financing and public-private partnerships is often not disclosed to city residents and holds their tax dollars up in speculative investments rather than immediate municipal needs (Campbell et al., 2020). Detroit has used TIFs and PPPs to fund public projects

such as the Renaissance Center, the TCF Event Center, the People Mover, and more recently Bedrock residential housing units, all downtown and whose tax revenue is both deferred and prevented from being spent outside of downtown based on the contracts (Campbell et al., 2020).

Detroit Emergency Management

The City of Detroit has used such methods in attracting investment and deferring payment of its debts. In 2013, the City of Detroit had \$18 billion in outstanding debt (Peck & Whiteside, 2016). It owed \$6.4 billion on its DWSD debt, \$5.4-6.4 billion to retiree health care, \$3.5 billion to retiree pensions, \$1.43 billion to pension-related bonds, \$343.6 million to interest rate swaps, and \$1.43 billion to general obligation debt and other liabilities (We the People of Detroit Community Research Collective, 2016). Due to its grave financial situation, Michigan's Republican Governor Rick Snyder appointed Kevin Orr as the Emergency Manager, a position which assumed responsibility over all public offices in the city, elected and not. This left 720,000 black Michiganders, 57% of the state's black population, without democratic representation or recourse (Howell et al., 2019).

Michigan's Emergency Manager laws are a recent invention with little democratic support. The first of such laws was Public Act (PA) 101 of 1986, and it created the position of an Emergency Financial Manager in Michigan for struggling municipalities, the first of which was Ecorse, Michigan. In 1990, the law was amended as PA 72 to include management of all municipal affairs including public schools. This lasted until March 2011 when the state legislature passed PA 4, the "Local Government and School District Fiscal Accountability Act," which replaced Emergency Financial Managers with the position of Emergency Manager. This act expanded their scope of power to include assuming the responsibility of all local elected

officials while also giving them quasi-judicial powers to break contracts including collective bargaining agreements, firing staff and officials, and dissolving local departments (Howell et al., 2019). In 2012, Michigan voters voted to repeal PA 4, but it was quickly replaced by an identical PA 436 by a Republican legislature and governor (Howell et al., 2019).

During this time, Governor Snyder enacted Emergency Managers in the cities of Allen Park, Lincoln Park, Benton Harbor, Flint, Hamtramck, Pontiac, and Detroit as well as Muskegon Heights School District and Highland Park Schools, all Michigan cities with notably large black populations (Fasenfest, 2019). Detroit's emergency management, led by Kevin Orr, lasted from March 2013 to December 2014. Immediately after assuming the position, Orr filed for chapter 9 bankruptcy on behalf of the city to relieve some of its \$18 billion debt, comprised of 33% Detroit Water and Sewage Department debt, 32% unfunded retiree health care liabilities, 19% unfunded pension liabilities, and 16% government debt (Peck & Whiteside, 2016). Through state contributions, bond deals, and massive cuts (80%) to retiree benefits in a deal called the "Grand Bargain," the bankruptcy shed \$7 billion of the \$18 billion long-term debt (Peck & Whiteside, 2016).

Orr tried many routes to relieve the city's debts including an attempt to sell off the Detroit Institute of Art's collection and to privatize the Detroit Water and Sewage Department, acts that are illegal according to the Michigan Constitution (We the People of Detroit Community Research Collective, 2016). This would have taken the assets of the public and put them into the hands of investors with no accountability to the public. In March 2014, Emergency Manager Kevin Orr officially announced that the city was seeking proposals for private companies to operate or buy the Detroit Water and Sewage Department, the city's largest asset (Peck & Whiteside, 2016). After major opposition from activists such as those with We the People Detroit

and the People's Water Board Coalition, Orr dropped the idea of outright selling the public utility, and settled on hiring Veolia Water to review its finances and staffing and to recommend budget cuts (Peck & Whiteside, 2016). He also contracted the private company Homrich Inc, a demolition company, to start shutting off people's water if they were either 45 days late or owed more than \$150 on their water bill as well as adding that debt to their delinquent property taxes, making tax foreclosure more imminent (We the People of Detroit Community Research Collective, 2016). This process of "cutting costs" led to more than 100,000 people losing access to clean, safe drinking water in the City of Detroit in 2014 and saved only \$118 million, or 1.8% of DWSD's debt (We the People of Detroit Community Research Collective, 2016).

Detroiters were already paying well beyond an affordable amount for water. The Environmental Protection Agency (EPA) suggests no more than 4.5% of income as an affordable rate, but most Detroiters were paying at least 10% of their income on water (Askew-Merwin et al., 2018). Despite that, residents only had 30 days to pay their water bill while corporations such as the Tiger's Stadium, Ford Field, and the TCF Center which owed the majority of unpaid water bills had 45 days to appeal and never faced shutoffs (We the People of Detroit Community Research Collective, 2016).

The inequity of these policies ignored the experiences of those most affected. The trauma of losing one's water has had lasting effects on Detroit residents to this day (Gaber et al., 2021) (Valerie Jean Blakely, personal communication, February 13, 2023). "It was humiliating and traumatic. You don't bounce back from not having water. Your family, you: the trauma of it you feel for years to come" (Valerie Jean Blakely, personal communication, February 13, 2023).

To avoid the most disapproved measures of privatizing the municipal water system that served over 3 million residents in Detroit and its surrounding communities, Orr struck a deal to

create the Great Lakes Water Authority, a municipal system which shifted the majority of power from the City of Detroit to representatives from the suburbs in 2014 (Sabourin, 2016). The seven person board of the DWSD which had four representatives from Detroit, one from Macomb county, one from Oakland County, and one from Wayne County became a six-person board of two Detroiters, one representative from the State of Michigan, one representative from Macomb county, one from Oakland County, and one from Wayne County under the Great Lakes Water Authority (We the People of Detroit Community Research Collective, 2016). Originally, the suburbanites were resistant to such merging of water systems because they believed they would take on substantial burden for the “negligent” Detroiters who refuse to pay their bills (We the People of Detroit Community Research Collective, 2016). To remedy that, the DWSD began shutting off Detroiters’ water at higher rates to show that they could force Detroiters to pay for their delinquent bills (We the People of Detroit Community Research Collective, 2016). Today, the Great Lakes Water Authority leases DWSD’s equipment and infrastructure at higher rates than before the deal, leading to higher water rates for suburbanites (We the People of Detroit Community Research Collective, 2016). The shift in power on the board disproportionately hurt the citizens of Detroit (We the People of Detroit Community Research Collective, 2016).

Used as political leverage by the city government, low income, primarily black Detroiters bore the brunt of the austerity measures taken by the emergency manager during the bankruptcy. This process, as argued by Ponder and Omstedt, enacted racial violence against thousands of black residents through economic and political means (Ponder & Omstedt, 2022). The Republican state government’s use of emergency management enacting foreclosures, water shutoffs, and threats of privatization to a majority black and low income population is what geographer Neil Smith calls “urban revanchism” (Campbell et al., 2020). He defines urban

revanchism as right-wing “revenge” politics that employs uneven development, heavy policing, and the privatization of public space in direct response to the gains made by Black people, people of color, women, LGBTQ, and other historically oppressed groups who are accused of stealing the city from them (Smith, 2005). Black Detroiters did not steal the city from anyone, but have been the majority population since white flight’s effects in the 1980s (U.S. Census Bureau, 2022). Emergency management was an undemocratic, Republican and corporate-led process to deprive black and low income residents of Detroit their right to the city, water, and housing for economic benefit. Campbell et al. call emergency management “a direct assault on the idea of the city as an inclusive, local democracy shaped by the distinct needs of the people who have long called it home” (Campbell et al., 2020 pp. 3).

The “crisis” created by the financial crisis of the Great Recession, the Emergency Management, the foreclosure crisis, and the water crisis all perpetuate what Dr. Kyle Whyte calls the “epistemology of crisis” (Whyte, 2020). The epistemology of crisis is when a crisis arises, decision-makers opt for the fastest solution, even if it does not address the whole problem, and make sacrifices by leaving out the most affected or marginalized (Whyte, 2020). Governor Rick Snyder and Detroit’s emergency manager used a crisis epistemology when addressing financial hardship in Detroit by shutting off water, foreclosing on houses, and consolidating neighborhoods. Dan Gilbert, the city’s most influential billionaire, reinforced this epistemology when he said “As hard as it is to sort of suspend democracy for a short period of time if you will, my view is let’s get it over with, let’s get it done, let’s stop talking about it, let’s go through the pain and then move forward, and I think it will fade into the background” (Klinefelter, 2013).

When powerful governments, corporations, and entities decide who may have water, housing, and land, they go so far as to decide who lives and who dies. When entities make this

decision for others, particularly without considering the implications of historical racial inequities in regard to access to life-granting resources, it is called “necropolitics” (Mbembe, 2019) . The term, coined by Achille Mbembe, is no over exaggeration when one considers that the policies implemented under Detroit’s emergency management and in Global South Countries during structural adjustment, neoliberal, austere policies have control over whether one can survive or not. One cannot live, be healthy, or maintain their family together when their water is shut off. Necropolitics and crisis epistemologies employed under Detroit’s emergency management combine the role of racial capitalism, statecraft, neoliberalism, financialization, and revanchism into a situation that is not just about money. It is life or death.

Conclusion

Foreclosures, water shutoffs, neighborhood consolidation, pension cuts, and emergency management are all connected. They are all products of financialization, statecraft, and neoliberalism in the City of Detroit. Basic needs of housing, water, and means to live were taken away from hundreds of thousands of residents of the country’s largest majority black city. Neoliberal austerity, as conducted by the Detroit city government and its undemocratic emergency manager broke a moral, social, and racial contract between the government of all levels and the citizens of the City of Detroit (Sow, 2020). The government collects taxes and holds a legal and moral responsibility, under city, state, federal, and international law, to provide basic services of infrastructure, social services, and water to its residents. During the years of emergency management and lack of democratic governance in Detroit, the city failed to uphold that contract. When all democratic means of redress such as locally elected officials were

stripped from the citizens of Detroit, many became activists and turned towards grassroots community organizing and outside help (Howell et al., 2019).

Chapter 3: The Human Right to Water

Introduction

While there is no commonly held and enforceable human right to water, a vast body of international, domestic, and local laws and norms uphold the human right to water for drinking, sanitation, and the environment in Detroit and beyond (Salman & McInerney-Lankford, 2004). Declarations, resolutions, and statements by United Nations bodies including the Universal Declaration of Human Rights (1948), United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997), General Comment No. 15 issued by the Committee on Economic, Social and Cultural Rights (2002), and the Joint Press Statement issued by the Special Rapporteurs for Housing and Water (2014) uphold this right. This chapter analyzes the legal basis for the human right to water as well as the enforcement mechanisms for human rights in general. It then makes the connection between this legal right to water and how that is applicable in Detroit and the water shutoff crisis. This chapter argues that there is a human right to water and that right is upheld by international and domestic law even as Detroit's government argues otherwise.

Defining Human Rights

There is no one agreed upon definition for human rights, but one of the most accepted is found in Jack Donnelly's book *Universal Human Rights in Theory and Practice* as "the rights that one has simply because one is human" (Donnelly, 2013 pp. 7). This definition is important because it explicitly states that human rights are exercised and held not because of any identity, jurisdiction, or privilege— they are universally applicable to all people. Thus, there is often much debate about what constitutes a human right so as not to be exclusionary or unattainable

(Donnelly, 2013). Maurice Cranston presented an even more encompassing definition for human rights in his book *What Are Human Rights?* saying they are “a universal moral right, something which all men everywhere, at all times ought to have, something which is owing to every human being simply because he is human” (Cranston, 1973 pp. 36).

The word “right” in English has both a moral and a political connotation. One knows what the “right thing to do” is in a moral sense and one can have a “right” or entitlement to something. Laurie Wiseberg says in the Introduction of *Encyclopedia of Human Rights* “the premise of current international law is that rights are inherent in the human person: they are not given to people by the state, and the state cannot deprive people of their rights” (Wiseberg, 1991 pp. xix). This notion asserts that, unlike most international law, human rights law does apply irrespective of a state’s sovereignty, and that human rights are inherent in the person, not given by the state. This is partially because there is no one enforcement body for all international law including human rights, and it allows for intervention when necessary. Understanding human rights in this way allows room in UN conventions and norms such as the Convention on Genocide and the Right to Protect doctrine for intervention in another state if human rights abuses are being committed.

In an ideal world, rights would be widely respected and therefore not require enforcement. In reality, as Donnelly argues, rights are upheld in three ways. *Assertive exercise* is when a right is exercised by a “right-holder,” activating the obligations of the duty-bearer to either respect or violate the right, violation resulting in repercussions. *Active respect* is the case in which the “duty bearer” actively respects the right of the “right-holder” without the “right-holder” ever exercising it. *Objective enjoyment* is when rights are respected without ever having been exercised or enforced (Donnelly, 2013). Every actor can choose whether or not to

respect another's right, and that right can be enforced by any number of actors, whether they are the "duty bearer" (oftentimes the government) or the "right-holder" (oftentimes citizens).

Enforcing Human Rights in the UN

The UN governing structure is not designed to enforce law. Most UN resolutions act as action plans or recommendations, but are largely not legally binding. This is the consequence of the origins of the United Nations following the World Wars, the dissipation of the League of Nations, and the burgeoning Cold War. Powerful Western and Northern states vied to maintain their power on the world stage, using victor's justice and political influence to weaken the decision-making power of the general assembly, particularly the Global South Postcolonial member states (Berdal, 2003). By placing nearly all actionable power in the hands of the Security Council, the creating members of the UN rendered the general assembly largely powerless (Berdal, 2003).

The Security Council is made up of five permanent members (P5) with veto power, the "winners" of World War II the United States, United Kingdom, France, Russia, and China, and ten rotating members (Berdal, 2003). The UN body was meant to be an international decision-making and peacekeeping body, but powerful countries such as the P5 limit its power out of a concern for their own sovereignty and domestic decision-making power (Wilcox, 1945). The UN General Assembly has the ability to sign declarations, resolutions, and action plans which are unenforceable (Salman & McInerney-Lankford, 2004). It also has the ability to sign conventions and treaties which are enforceable given that they are voted upon, passed by the body, and ratified by states by writing and passing domestic laws that meet the same goal (Salman & McInerney-Lankford, 2004).

The UN Security Council is the most powerful body in the United Nations. It exists to address the most pressing international issues of peace, security, and human rights. The 15 member council has the power to admit new members to the UN, take military action such as dispatching peacekeeping forces, refer cases to the International Criminal Court, and impose sanctions (United Nations, 1945). Thus, it is the most responsible governmental body in enforcing human rights.

Human Rights Law in the UN

In the legal realm, human rights law consists of a series of documents including the UN Charter, the Universal Declaration of Human Rights (UDHR) along with the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR) which make up the International Bill of Human Rights, more specific conventions such as the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention Against Torture, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Elimination of All Forms of Discrimination Against Women, as well as with International Humanitarian Law including the Geneva Conventions and customary law (Salman & McInerney-Lankford, 2004). Most notably, the UN Charter seeks to “reaffirm faith in the fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small” (United Nations, 1945, preamble). The Universal Declaration of Human Rights reaffirms many of the rights presented in the conventions listed above (United Nations, 1948). While not enforceable, scholars have begun to argue that certain aspects of the Universal Declaration of Human Rights have become customary

law and are therefore legally enforceable (Hannum, 1995)(Salman & McInerney-Lankford, 2004). Through the UDHR, the belief that people have rights simply because they are human, the belief in life, liberty, and happiness, and more specific beliefs against slavery and human trafficking have become well accepted and sometimes enforceable.

Support for the human right to water lies within these documents. Salman and McInerney-Lankford argue that a legal right to water is reaffirmed in many conventions, declarations, and action plans, but ultimately the strongest legal support for the universal human right to water lies in the International Covenant on Economic, Social, and Cultural Rights, particularly through General Comment 15 by its working committee in 2002 (Salman & McInerney-Lankford, 2004). The International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights were drafted in 1954 as enforcement mechanisms for the Universal Declaration of Human Rights. It took until 1966 for both of them to be passed and until 1976 for them to be implemented. The International Covenant on Civil and Political Rights represents “first generation” rights such as freedom of expression, freedom of association, and freedom from torture while the International Covenant on Economic, Social, and Cultural Rights constitutes “second generation” rights such as the right to food, shelter, and health care (Salman & McInerney-Lankford, 2004). There is a large divide in support between the two covenants in which Soviet-aligned countries were more likely to vote for and support the ICESCR while Global North capitalist countries were more likely to vote for and support the ICCPR based on their view of rights and because of the cost of social programs necessary to uphold the ICESCR (Black, 2012). The United States has not ratified the International Covenant on Economic, Social, and Cultural Rights, but is subject to the outcomes of the Committee on Economic, Social, and Cultural Rights as a member of the Economic and

Social Council (ECOSOC) (Salman & McInerney-Lankford, 2004).

Figure 1.

The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights

	Description	Supporters	Includes Right to Water?
International Covenant on Civil and Political Rights (1966)	Written as an enforcement mechanism for the UN Declaration on Human Rights. Includes “first generation” rights including right to self-determination, freedom of expression, freedom of association, and freedom from torture. Compliance is monitored by the UN Human Rights Committee.	173 parties, meaning most countries. Particularly the Global North capitalist, democratic countries such as the US.	Not explicitly, but yes in article 6: right to life.
International Covenant on Economic, Social, and Cultural Rights (1966)	Written as an enforcement mechanism for the UN Declaration on Human Rights. Includes “first generation” rights including right to food, healthcare, shelter, and employment. Compliance is monitored by the UN Committee on Economic, Social, and Cultural Rights.	171 parties, meaning most countries. Particularly supported by the Global South countries and at the time, the Soviet Union. The United States has not ratified this treaty.	Not explicitly, but yes in article 11: right to adequate standard of living including food, clothing and housing, and the continuous improvement of living conditions.

The Committee on Economic, Social, and Cultural Rights is an actionable body of ECOSOC tasked with interpreting the Covenant on Economic, Social, and Cultural Rights (CESCR). It made General Comment 15 establishing the human right to water on the grounds of Article 11 of the ICESCR saying:

The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses. An adequate amount of

safe water is necessary to prevent death from dehydration, to reduce the risk of water-related diseases and to provide for consumption, cooking, personal and domestic hygienic requirements (United Nations Committee on Economic, Social, and Cultural Rights, 2002).

The general comment included the factors of availability, quality, and accessibility as necessary factors (United Nations Committee on Economic, Social, and Cultural Rights, 2002). The statement is based on Article 11 of the Covenant on Economic, Social, and Cultural Rights, which guarantees:

The right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent (United Nations, 1966)

with the interpretation that the use of the word “including” means nonexhaustive and therefore includes water (United Nations, 1966). This interpretation also highlights the importance of water for health and sanitation beyond the obvious necessity for food and hydration to stay alive. The 2003 World Health Organization (WHO) report titled *Domestic Water Quantity, Service Level and Health* gives guidelines for gauging the health risks of lack of water, with collection of water outside the home taking more than 5-30 minutes being a high health risk (Howard et al, 2003). This general comment applies to Detroit in that shutting off residents’ water denies them of the international human rights enforced by the CESCR. And, the WHO report stating that having to travel more than 5-30 minutes from home for water being a high health risk shows that

when residents' water was shut off in Detroit, they had to make journeys of more than 5-30 minutes for water, and experienced serious health risk from that one factor alone.

While General Comment No. 15 is the strongest legal basis for the human right to water, other international conventions also maintain this right in law. The Universal Declaration of Human Rights upholds the right to life (Ar. 3) and

To a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" (Ar. 25) (United Nations, 1948).

Without access to safe, affordable water, this article of the UDHR cannot be upheld.

The United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses says in Article 10 that, among the factors that must be taken into account in solving a conflict between water uses, special attention should be given to the supply of water needed to sustain human life (United Nations, 1997). This upholds the human right to water in economic and trading means while also considering the human implications of the need for water.

Figure 2.
Documents Upholding International Human Right to Water

	Description	Legally Enforceable?	Explicitly States Right to Water?	Is US Party to This Document?
UN Declaration of Human Rights (1948)	The UNDHR declares and defines human rights.	No. It is becoming customary law which may be enforceable in some cases.	Not explicitly, but yes in article 3 : life, liberty, and security of person and article 25 : right to standard of living adequate to the health and wellbeing of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age, or other lack of livelihood in circumstances beyond his control.	Yes
General Comment No. 15 (2002)	Written by the Committee on Economic, Social, and Cultural Rights to clarify the meaning and jurisdiction of the ICESCR. It explicitly states there is a human right to water based on article 11 of the ICESCR.	Yes, in some cases	Yes	No, but is subject to its jurisdiction as a member of the Economic and Social Council, the Committee's hosting body.
Joint Press Statement by Special Rapporteurs for Housing and Water (2014)	Statement declares Detroit water shutoffs as threat to rights to adequate housing, life, health, adequate food, and integrity of the family.	No	Yes in that the lack of access to water denies other connected and defined human rights.	Yes/ not applicable
UN Convention on the Law of the Non-Navigational Uses of International Watercourses (1997)	Convention that governs us of bodies of water for non-navigational uses.	Yes	Yes	Yes

Beyond the enforceable mechanisms of the ICESCR, member states of the United Nations and interested nongovernmental organizations meet regularly to discuss pressing issues. Conferences on water such as the Mar del Plata Water Conference of 1977, the 1992 Dublin Conference on “Water and Development,” and the 1992 Rio Summit on “Environment and

Development” have written resolutions and statements, reaffirming actors’ commitment to safe, clean, affordable, and accessible water and action steps to meet their goals. Unenforceable reaffirmations of the right to water include the Mar del Plata Water Conference of 1977 that stated that all people have the right to have access to water in quantities and of a quality equal to their basic needs (Salman & McInerney-Lankford, 2004). The 1992 Dublin Conference on “Water and Development” and Rio Summit on “Environment and Development” recognized the basic right of all human beings to have access to clean water and sanitation, and acknowledged this right as a “commonly agreed premise” (Salman & McInerney-Lankford, 2004, pp. 9). The 1999 General Assembly resolution titled “The Right to Development” stated that “the rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the international community” (Salman & McInerney-Lankford, 2004, pp. 9).

The 1993 World Conference on Human Rights in Vienna declared that extreme poverty constitutes a violation of human dignity and called for urgent steps to be taken to achieve a better understanding of poverty and its causes, making the link between poverty and lack of access to water, a basic necessity (Salman & McInerney-Lankford, 2004). This conference declaration is particularly important as it identifies the violation of human dignity that comes with shutting off low-income people’s water in Detroit and beyond. It showed that access to services such as housing, water, and effective governance are the right of all people, including low income people; a government is not justified in denying those services, even if it is to save costs.

Each of these conferences strongly asserted the human right to water and identified the systemic injustices that can prevent that right from being exercised, and so should be taken seriously in understanding and upholding human rights.

Making the Connection: International Human Rights and Detroit

In the United States, Joint Press Statement issued by the UN Special Rapporteurs for Housing and Water who visited Detroit in 2014 and met with people impacted by the water shutoffs upheld this right to water by saying that the water shutoffs were racially and economically discriminatory and compromised the right to health, food, hygiene, and housing for residents in Detroit (United Nations Human Rights Office of the High Commissioner, 2014). A 2014 court case titled *Lyda v. City of Detroit* brought against the City of Detroit and its Water and Sewage Department for the water shutoffs concluded in a federal (bankruptcy) judge ruling that despite irreparable harm to the families as a result of the shutoffs and a violation of the rights discussed earlier in this chapter, he would not halt the water shutoffs citing the potential revenue losses to the city, (We the People of Detroit Community Research Collective, 2016). He concluded that water was not a right in the city of Detroit. There is a notable connection between poverty, stress, and access to water as Gaber et al. showed in their study *Water Insecurity and Psychosocial Distress: Case Study of the Detroit Water Shutoffs* (Gaber et al., 2021). Despite research on the necessity for access to water for hygiene and sanitation, activists in the city have had to fight for a moratorium on water shutoffs during the pandemic that impacted Detroit so disproportionately (Hughes et al., 2021). The city and its water department repeatedly denied the connection between water and health and resisted the moratorium on water shutoffs.

International Human Rights, Detroit, and Activism

Outside of the aforementioned enforcement mechanisms of the UN, international institutions and foreign governments can intervene to protect human rights. Sidney Tarrow argues that actors intervene in three ways: by monitoring the practices of states and publicizing

them, by censuring their behavior, and by imposing sanctions (Tarrow, 2022). Monitoring and publicizing abuses is a strategy that is widely used by international organizations, foreign governments, and news media in a process Keck and Sikkink call “naming and shaming” (Keck & Sikkink, 1998). Keck, Sikkink, and Tarrow all argue that naming and shaming can be an effective form of resistance used by activists (Keck & Sikkink, 1998) (Tarrow, 2022).

Naming and shaming through media attention and denunciation forces human rights abusers to protect their image as an entity that respects human rights. However, Hafner-Burton argues against the merits of naming and shaming by pointing out that governments will often amend human rights abuses they are being “shamed” for while maintaining human rights abuses in other ways even under pressure from foreign entities (Hafner-Burton, 2008). These abuses often include suppression of an ethnic and/or revolutionary faction of society (Hafner-Burton, 2008). Bell and Carens argue that naming and shaming is a method used primarily by international nongovernmental organizations that do not have local stakes or expertise to enact more material change through political mobilization (Bell & Carens, 2004). In this way, it is a form of transnational activism used by foreign humanitarian entities.

However, the use of naming and shaming remains a form of resistance and can employ the boomerang effect posed in Keck and Sikkink’s *Activists Beyond Borders: Advocacy Networks in International Politics* in which domestic actors who are blocked from gaining redress for their claims domestically seek international allies through the form of governments, nonprofits, media, and most importantly other activists, connecting local and international organizing through transnational organizing (Keck & Sikkink, 1998). These transnational connections can only be made by elevating the issue from a local issue to a global one, particularly through the use of naming and shaming and other knowledge-spreading and media-seeking strategies. The

persistent use of naming and shaming is evident in how local Detroit activists called upon the UN Rapporteur to denounce the water shutoffs, even though there were no immediate legal implications. I will explore this idea more in the next chapter on organizing methods. The other methods posed by Tarrow of censuring perpetrator states' behavior imposing sanctions are less used state-based approaches to responding to human rights violations.

Conclusion

While there is no commonly held and enforceable human right to water, there ought to be. A vast body of international, domestic, and local laws and norms uphold the human right to water for drinking, sanitation, and the environment in Detroit and beyond, and it should be enshrined in law at every level from the local to the global. Conventions by UN bodies such as the Universal Declaration of Human Rights (1948), United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997), General Comment No. 15 issued by the Committee on Economic, Social and Cultural Rights (2002), and the Joint Press Statement issued by the Special Rapporteurs for Housing and Water (2014) uphold this right, but should be more strongly enforced. The human right to water should go beyond this piecemeal body of international law. This chapter analyzed the legal basis for the human right to water in the international system as well as the enforcement mechanisms for human rights in general. It made the connection between the legal right to water and how that is applicable in Detroit and the water shutoff crisis. It argued that there is a human right to water and that right is upheld by international and domestic law. The next section will discuss how activists in Detroit conceive of the human right to water and how they fight to uphold that right.

Chapter 4: Activist Methods

Introduction

This chapter discusses the methods used by activists fighting for the right to water in international and domestic settings through the United Nations and through local grassroots organizing. It starts out exploring why and how certain communities become involved in environmental justice and human rights organizing. It then discusses broadly how activists and nongovernmental organizations fight for human rights in the international system through methods such as naming and shaming, calling on governments, and gaining media attention as well as through international courts and UN bodies. It then explores how that international approach relates to local actors such as impacted residents and grassroots organizations. Finally, this chapter explores the methods used by activists in Detroit to fight for the right to water and against water shutoffs for low income residents and the privatization of water in the city. It analyzes several methods including calling on UN rapporteurs, taking grievances to domestic courts, doing research on the issue, and using direct action through protests and providing water in their own community. This chapter aims to meld the international and the local through the lens of organizing around water in Detroit by arguing that activists fight for the right to water in three ways: calling on international organizations, expressing grievances in domestic court, and using direct action through protest and water distribution.

Why People Become Activists

In understanding the activism against water shutoffs in Detroit, it is important to understand who makes up the movement and why. Who chooses to be an activist? Why do they choose this work? The main reason that many people first choose to organize against an injustice

such as water shutoffs is because they often have no other choice. In the case of water shutoffs, living without water may result in death, the loss of a child, or homelessness/ foreclosure. Living without water may result in death because water is a life-sustaining substance, is necessary for health and hygiene, and is necessary for the majority of daily household tasks such as cooking and cleaning. Water shutoffs jeopardize the custody of a child as Child Protective Services can remove children from a home for inadequate living conditions, including lack of access to running water. The issue of cutting off one's access to water can be far-reaching as Detroit's Water and Sewage Department began combining municipal water debt with delinquent property taxes leading to foreclosure (Ponder & Omstedt, 2022).

A study of black women environmental justice organizers in Chosewood Park, Lakewood Heights, and South Atlanta in the Atlanta area found that black women, especially mothers, were more likely to fight for environmental justice in their communities out of concern for family and community (Gomez et al., 2011). Nearly 97% of the 30 activists interviewed in that study were mothers. This is also true in Detroit as one interviewee talked about how "women carry the water:" neighborhood mothers organized against the water shut offs by setting up phone lines to have people on call to physically disrupt water shutoffs, provide support if a neighbor's water is shut off, and set up water distribution stations at their homes (Valerie Jean Blakely, personal communication, February 13, 2023). The six key motivations that the activists identified in their interviews with Gomez et al. in Atlanta were family concern, concern for community health and welfare, family involvement on the issues, spirituality, and environmental racism (Gomez et al., 2011). These marginalized communities become involved in the movement because marginalized communities, particularly black and indigenous communities of color, are more likely to be impacted by environmental racism through proximity to heavy industry, prevalence of pollution,

and toxic chemicals in the soil and water in relation to discriminatory housing and environmental regulation (Gomez et al., 2011). Race is the best predictor of where commercial hazardous waste facilities are located throughout the United States (Bryant & Mohai, 2019). Black and brown communities are also more likely to have their water shutoff and to be subject to emergency management in Michigan (Ponder & Omstedt, 2022).

Black and indigenous people of color being most impacted by environmental hazards/ environmental racism is not inherent to their race, but is the cause of decades of systemic discrimination against people of color. The city of Detroit and its citizens share a social contract. The city has agreed through its charter to provide municipal services to its residents including clean water, however they have not upheld that contract through the water shutoffs (*CHARTER OF THE CITY OF DETROIT*, 2012). The city and its water department have not only broken that contract, but they have upheld the racial contract as presented by Charles Mills in which white supremacist structures such as the city government exploits people of color in order to maintain economic, social, and racial dominance (Mills, 1997). Through measures of austerity, racial capitalism, and structural racism expressed throughout the city's history and more recently with the water shut offs, the city maintains this racial contract. The city has done this through the water shutoffs that disproportionately affect black and low income residents of the city, and by denying black people in the city access to basic needs and services while exploiting them financially (Sow, 2020). In an effort to be more financially stable, profitable, and attractive to private interests, the city has cut services to its black residents while giving tax cuts, exemptions on water bills, and other support to corporations. This inequality and oppression has led many Detroit residents to move towards activism for many of the same reasons identified above.

Contention and Transnational Advocacy Networks

This discord and distrust of systems that perpetuate systemic oppression, racial capitalism, and environmental racism leads residents to organize themselves against such inequalities. It creates contention, as described in McAdam, Tarrow, and Tilly's *Dynamics of Contention*. Through looking at movements, revolutions, and protests across modern history since the 18th century, they argue that the dynamics of contention include social change, mobilizing structures, framing processes, opportunity and threat, and repertoires of contention that then lead to contentious interaction and political change (McAdam et al., 2001). They define contention as:

episodic, public, collective interaction among makers of claims and their objects when (a) at least one government is a claimant, an object of claims, or a party to the claims and (b) the claims would, if realized, affect the interests of at least one of the claimants,

or collective political struggle (McAdam et al., 2001 pp. 5). They analyze the contributing factors to political mobilization through various movements and the conditions and stimuli that lead to movement building. In Detroit, oppression, austerity, and actions such as water shutoffs are stimuli for movement building and create contention there. The community structures that exist amongst residents in many neighborhoods create the mobilizing structures of change. Furthermore, the long history of social, labor, and political organizing that has existed in Detroit from the labor movement in the factories, the radical black intellectual circles and community printers of the 1960s, and the history of fighting displacement from white supremacists, corporations, and governments has created framing processes, conditions for social change, and repertoires of contention throughout Detroit's history.

However, the definition of contention in *Dynamics of Contention* is quite state-centric. Tarrow addresses this in his more recent writings and books by including rebel movements and political movements less in an institutional, governmental sphere and more in a revolution, wide-reaching sphere of change including Arab Spring, Black Lives Matter, and beyond (McAdam & Tarrow, 2011) (Tarrow, 2022). When activists exhaust all given pathways of change and face no redress for social, political, and racial issues through government structures such as organizations, departments, and courts, they turn to other sources of change. The women environmental organizers in Atlanta turned to grassroots organizing because, as women of color, they lacked access to traditional pathways of change such as attention from policymakers and positions of power (Gomez et al., 2011).

In local and international settings, domestic actors who are blocked from gaining redress for their claims domestically seek international allies through the form of governments, nonprofits, media, and most importantly other activists in what Keck and Sikkink call the *boomerang effect* (Keck & Sikkink, 1998). The boomerang effect is a form of transnational advocacy network in which activists, through solidarity groups, nongovernmental organizations (NGOs), international organizations such as the UN, and foreign governments, put pressure on their own government by circumventing the domestic blockage (Keck & Sikkink, 1998).

Transnational advocacy networks emerge where

- (1) channels between domestic groups and their governments are blocked or hampered or where such channels are ineffective for resolving a conflict, setting into motion the "boomerang" pattern of influence characteristic of these networks;
- (2) activists or "political entrepreneurs" believe that networking will further their missions and campaigns, and actively promote networks; and
- (3) conferences and other forms of

international contact create arenas for forming and strengthening networks (Keck & Sikkink, 1998 pp. 12).

Boomerang strategies are most common in campaigns where the target is a state's domestic policies or behavior. When there are numerous targets, a campaign seeks broader pathways of support through numerous agents of change (Keck & Sikkink, 1998).

Transnational advocacy networks are necessary where governmental and diplomatic arenas are no longer accessible to affected citizens. In this case, the legitimacy of the government actors breaks down because they are no longer using democratic processes or responding to citizens' demands, as was the case during Detroit's emergency management, and is often the case in the Global South when civil war, authoritarian regimes, private interests, or nongovernmental organizations suspend democratic processes and rule without accountability (Ponder & Omstedt, 2022)(Lewellen, 2002) (Malkki, 1996)(Gabiam, 2012). In these cases, the idea of the nation breaks down when a contentious situation pits a government against its own people and activists turn towards other scales of change. These scales include the local and the international, as is the case in most social movements including activism against dams in Bolivia and the privatization of water in Detroit, South Africa, and Senegal (Malkki, 1994)(Conca, 2006)(Dembele, 2003). The level of diplomacy shifts from between states to within the country and complicates the idea of the nation and state sovereignty.

The breakdown of trust in governments and the utilization of transnational advocacy networks demonstrates activists' dissolution of the pillars of power, as described by Robert Helvey in *On Strategic Nonviolent Conflict* and adapted from Gene Sharp's *The Politics of Nonviolent Action* and George Lakey's theories (Helvey, 2007)(Sharp, 1973)(Engler, 2016). The pillars are the police, military, civil servants, media, business community, youth, workers,

religious organizations, and nongovernmental organizations that all uphold the small handful of power holders (Helvey, 2007). Movements are created and sustained through identifying these pillars and slowly chipping away at them, with the belief that the general population that makes up all of these pillars are really the ones who hold all of the power (Helvey, 2007). Through organizing members of society who uphold the pillars, the system of power and oppression can be dismantled. In this belief, movements must be multifaceted and reach many different parts of society or pillars, as Detroit water activism does as described later in this chapter.

Enforcing Human Rights in the International System

Because the official mechanisms of the international system such as the United Nations Security Council, UN General Assembly, and other international bodies including UN bodies and other intergovernmental organizations are state-centered and inaccessible to citizens in the world, many activists turn towards less formal methods of international attention and change. Tarrow explains how actors intervene in human rights violations in three ways: by monitoring the practices of states and publicizing them, by censuring their behavior, and by imposing sanctions (Tarrow, 2022). Monitoring and publicizing abuses is a strategy that is widely used in Keck and Sikkink's naming and shaming (Keck & Sikkink, 1998). This method brings attention to otherwise overlooked abuses, especially in places with little media attention or geopolitical significance. For many international NGOs witnessing human rights violations, naming and shaming through media attention and denunciation is effective (Bell & Carens, 2004). Bell and Carens argue that naming and shaming is a method used primarily by international nongovernmental organizations that do not have local stakes or expertise to enact more material change through political mobilization (Bell & Carens, 2004). International NGOs' lack of local

expertise, coupled with cultural insensitivity in international aid, is why it is so important that local affected people lead change in their communities rather than outside entities.

But, the boomerang transnational collaboration amongst activists and NGOs can still be useful by leveraging the media tools NGOs have access to. The use of naming and shaming remains an important form of resistance and can employ the boomerang effect (Keck & Sikkink, 1998). This was evident in Detroit when local activists partnered with the Council of Canadians, a nonprofit that advocates for clean water, fair trade, green energy, public health care, and a vibrant democracy based in Toronto, to get the attention of the UN and help provide water to affected communities (Valerie Jean Blakely, personal communication, February 13, 2023). Activists in Detroit made connections with members of numerous organizations focusing on water rights including Maude Barlow of the Council of Canadians who helped the Michigan Welfare Rights Organization and the People's Water Board draft a report to the UN requesting support (Howell et al., 2019). The persistent use of naming and shaming is evident in how local Detroit activists, through collaboration with the Council of Canadians, called upon the UN Rapporteur to denounce the water shutoffs, even though there were no immediate legal implications.

The other methods posed by Tarrow of censuring perpetrator states' behavior and imposing sanctions are less used state-based approaches to responding to human rights violations. Because communities like Detroit are located in the United States, they are often immune to scrutiny from outside actors due to the geopolitical power the United States holds. The United States holds unequivocal power over other countries and the international system through its economic power, political leverage generally and as a permanent member of the UN Security Council, and with its unmatched military (Wilcox, 1945). This has led to human rights

abuses in predominantly black cities in the United States to go unaddressed, and racial discrimination and violence to continue there without local and domestic solutions and international media attention (Ponder & Omstedt, 2022). The United States government's ability to block other countries from addressing its atrocities on the international stage is akin to the blockage local governments enforce domestically in transnational activism's boomerang effect, leading affected groups to seek other routes to addressing injustice.

Human rights have historically had a place in the conversation of the rights of marginalized communities, particularly in black communities in the United States and abroad. The Bandung Conference, held in Bandung, Indonesia in 1955 for Asian and African states to discuss human rights, focused on the experiences of people in the Global South, particularly in a colonial-post colonial transition period (Burke, 2006). The conference highlighted the human rights abuses made by former colonizers who had recently signed and championed the 1948 UN Universal Declaration of Human Rights. This was the beginning of the hypocrisies of "human rights champions" who continued committing abuses at home despite supposedly fighting them abroad. The United States is one such "human rights champion."

In the United States, there is a history of black and marginalized people calling on the United Nations for human rights assistance. In 1947, W.E.B. Du Bois submitted with the National Association for the Advancement of Colored People (NAACP) *An Appeal to the World! A Statement on the Denial of Human Rights in the Case of the Citizens of Negro Descent in the United States of America and an Appeal to the United Nations for Redress*, one year before the Universal Declaration of Human Rights was signed. The United States government balked at this appeal and attempted to have it concealed (Anderson, 2003). However, black people at that time saw it as an opportune moment to call for assistance in their fight for justice, racial equality, and

safety in the United States. At the time, the 1940s iteration of the Civil Rights movement had been ongoing for a decade and the world was beginning to pay attention to the atrocities being committed by Nazi Germany in World War II as well as begin to define human rights (Anderson, 2003).

The NAACP and the Civil Rights Congress followed up with the 1951 petition titled *We Charge Genocide: The Historic Petition to the United Nations for Relief From a Crime of The United States Government Against the Negro People* which used scientific data and experiences of racist mob lynchings in the United States to make its appeal (Anderson, 2003). Finally, these groups fighting for black liberation backed the International Convention on the Elimination of All Forms of Racial Discrimination in 1965. The US government resisted these international callouts and treaties to maintain a good image during the Cold War (Anderson, 2003). The United States government made every effort during this time to appear as morally superior to the Soviet Union, including in racial relations. It also resisted international treaties for racial equality to undermine the sovereignty and strength of international governing bodies such as the United Nations of which the Soviet Union was a part and permanent member of the Security Council (Anderson, 2003). The U.S. did, however, pass the Civil Rights Act of 1964 to address many of the same issues, but only after a long, contentious civil rights struggle by activists.

Detroit Activist Methods

Activists fighting for racial equality in the United States and specifically in Detroit continue to call on UN bodies for support in their struggles while using many other methods. In 2014, UN Special Rapporteur on the Human Right to Safe Drinking Water and Sanitation Catarina de Albuquerque and Special Rapporteur on the Human Right to Adequate Housing

Leilani Farha visited Detroit at the request of the international NGO The Council of Canadians and released a joint statement (Howell et al., 2019). It said that the United States is bound to uphold the human right to water under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (United Nations Human Rights Office of the High Commissioner, 2014). It said:

When people are genuinely unable to pay the bill, it is the State's obligation to provide urgent measures, including financial assistance, a specially low tariff or subsidies, to ensure access to essential water and sanitation for all. Not doing so amounts to a human rights violation (United Nations Human Rights Office of the High Commissioner, 2014).

This event and attention from the media was important to advance the movement for the right to water in the city of Detroit, but made little tangible change to the situation. In conversation with one interviewee, Peter Hammer, director of the Damon Keith Civil Rights Center at Wayne State University, he said that human rights do not hold up in the United States as a valid argument. According to him, everything must be framed in a civil-political lens and made to fit with domestic law to be upheld (Peter Hammer, interview, January 23, 2023). However, the response to the UN visit and statement was widespread. It brought media attention to Detroit for its water crisis which had previously been in the shadows of the Flint water crisis that was happening at the same time. It infuriated the mayor of Detroit, Mike Duggan, and called him to action to save his and the city's image, according to an interview with Valerie Jean (Valerie Jean Blakely, personal communication, February 13, 2023). While there were no immediate solutions or concrete reactions to the visit, it did put the Detroit water crisis on the consciousness of American and international people through news coverage.

Activists have also used domestic courts to uphold the right to water and fight the shutoffs. A 2014 federal court case *Lyda v. City of Detroit* that ten Detroit families brought against the City of Detroit and its Water and Sewage Department to stop their water shutoffs resulted in a federal judge ruling that despite irreparable harm to the families as a result of the shutoffs, he would not halt the water shutoffs, citing the potential revenue losses to the city (We the People of Detroit Community Research Collective, 2016). In 2020, a group of plaintiffs filed *Taylor et al. v. City of Detroit*, again in federal court, to extend the Covid-related water shutoff moratorium permanently and to restore water to those whose water had been shut off prior to the moratorium (Sow, 2020). In December 2022, a similar court case titled *Taylor et al. v. City of Detroit* was filed again in federal court to extend the moratorium on water shutoffs indefinitely following the expiration of the covid-related moratorium. These court cases have been the most concrete, systemic courses of action for the affected people in Detroit and activists to seek redress and prevent water shutoffs in the future.

In response to pressure from activists in the streets and court cases such as *Taylor et al. v. City of Detroit 2020*, the city and its water department released the Lifeline Plan, a three-tiered income-based incremental water payment plan that relieves past water debts and temporarily stops water shutoffs, in 2022 (City of Detroit Water and Sewage Department, 2023). It is a temporarily-funded assistance program, a less robust version of the Affordable Water Plan created by the People's Water Board Coalition along with community researchers and economists years earlier. The original Water Affordability Plan was created in 2005 by activists, calling for a permanent moratorium on water shutoffs for everyone and a more inclusive and affordable income-based that remained below the EPA's 4.5% income recommendation for water (Valerie Jean Blakely, personal communication, February 13, 2023). This plan has been adopted

by the cities of Philadelphia and Baltimore to great acclaim (Valerie Jean Blakely, personal communication, February 13, 2023). Activists argue that the new Lifeline Plan is inaccessible to residents because it is poorly advertised, requires a social security number, and requires that one's ID matches their current address, bureaucratic hurdles that make relief less accessible to low income and undocumented people (*Taylor et al. V. City of Detroit. Plaintiff's Motion for a Preliminary Injunction*, 2023). And, it caps the amount of water allowed to be used on the plan at 4,500 gallons with no exceptions for different sizes of families. Activists have begun to call it a "water rationing plan" (Valerie Jean Blakely, personal communication, February 13, 2023). When the city first rolled out the plan, they asked groups such as the People's Water Board Coalition to advocate for it. The People's Water Board Coalition refused at first saying in Valerie Jean's words:

The city said 'we need you guys to advocate for this' because they are not the trusted people in the room, we are. They wanted us to start telling people, putting it out in our networks. 'Yes, yes go sign up for the lifeline plan.' We were looking at them like hmm 'you're going to have to make some adjustments first.' I'm sorry you're not the trusted people in the room and we are. You took people's water away, we provided it.

Community provided it. We organized with communities to provide water, so we're the trusted people in the room. They can't do it without us. And it's got to be right first (Valerie Jean Blakely, personal communication, February 13, 2023).

To continue the fight for affordable water, activists continue to take the city and its water department to court to permanently end water shutoffs and implement a truly equitable water affordability plan.

Another method of activism is research, which has been employed throughout the fight, but spearheaded by We the People Detroit along with the University of Michigan Poverty Solutions and Data Driven Detroit as well as researchers from all fields including Bernadette Atuahene on unequal housing and poverty in the city and Linda Campbell on all things including community organizing and austerity. They have released reports including *Mapping the Water Crisis: The Dismantling of African-American Neighborhoods in Detroit*, *Water Insecurity and Psychosocial Distress: Case Study of the Detroit Water Shutoff*, *Household Water Security in Metropolitan Detroit: Measuring the Affordability Gap*, *Addressing the Links Between Poverty, Housing, and Water Access and Affordability in Detroit* (We the People of Detroit Community Research Collective, 2016) (Gaber et al., 2021) (Askew-Merwin et al., 2018) (Hughes et al., 2021). We the People of Detroit Community Research Collective is a collective made up of scholars and activists who care about the issue and work to understand it together.

Research, particularly community research, is a necessary aspect to understand the gravity of the issue because without it we would not have the voices of the affected, an understanding of the systems at play, and the collective understanding of the issue synthesized in one place. Baba Darryl, a long-time organizer in environmental Justice in Detroit and Philadelphia, said that the most important thing to changing the issue is getting people educated about it (D. Jordan, personal communication, February 1, 2023). Rallies, info sessions, public hearings, canvassing, flyering, and conversations are just a few examples of how information on inequities and organizing happens in this movement. Conferences are another important mechanism for spreading information and organizing people. One was the 2010 US Social Forum in Detroit which brought over 15,000 people from around the world together to organize, strategize, and learn (Copeland, 2011).

Without community research, there would be no movement because there would be no organized people. Without the work of We the People, the People's Water Board Coalition, and the Detroit News, there would be no data on how many water shutoffs have occurred because the information has not been released by the city and is only available by combining Freedom of Information Act requests by these actors (We the People of Detroit Community Research Collective, 2016). Overall, over 141,000 people have lost access to water due to shutoffs in the city, and we would not know that without Detroit activist research (Sow, 2020).

Finally, activists in the community have been working through direct action such as protests and water distribution to provide for community members and fight for justice. This method of change is based on the idea of community care, a strong tradition in the city of Detroit. People in organizations such as the People's Water Board Coalition, We the People Detroit, Michigan Welfare Right Coalition, Michigan Coalition for Human Rights, the Eastern Michigan Environmental Action Council, Michigan Environmental Justice Coalition, St. Peter's Episcopal Church, the Council of Canadians, and many others have been in this fight since at least 2013. They have delivered thousands of gallons of water and blocked the shutting off of hundreds of water lines (Valerie Jean Blakely, personal communication, February 13, 2023). They have also organized communities to alert each other when someone's water is getting shut off so they can respond with direct action, and to set up water distribution stations throughout the city (Valerie Jean Blakely, personal communication, February 13, 2023).

Conclusion

Water shutoffs are a human rights violation. They are an example of environmental racism, racial capitalism, and the violation of contracts between people and their government.

Water is life, as indigenous leaders proclaim in a spiritual, physical, and political sense. You cannot live, thrive, or survive without water. Everyone knows this including the departments that have been denying their own citizens access to water for over a decade. As numerous pathways of change have failed or become less effective, new ways of organizing and fighting have arisen. Even as federal court cases have not improved the situation for those getting their water shutoff, they have continued to put pressure on the city to seek a solution. Activists have turned towards international NGOs including the Council of Canadians to bring in international organizations such as the UN to bring light to the issue. They have shamed the government and provided for their own people through direct action and resource sharing. The movement for the right to water and an end to water shutoffs in Detroit is a complex web of numerous methods at all levels working in conjunction. Activists in Detroit use a multi-pronged approach that relies on transnational boomerang networks, fights in federal domestic courts, community research and education, and direct grassroots action. The movement for the right to water in the city of Detroit and beyond is strong, and will only continue to grow as more education, stronger solidarity, and more people pay attention until everyone has access to safe, affordable water.

Chapter 5: Conclusion

This thesis argued that there is a legally-enforceable human right to water. It found that there is much to be learned from activists within the movement in the fight for the right to clean, affordable, and accessible water in Detroit. Activists that I interviewed such as Monica Lewis-Patrick, Valerie Jean Blakely, Peter Hammer, and Darryl Jordan shared new methods, perspectives, and framings for the work for safe, accessible, and affordable water. They taught me how they have contributed to building a movement that takes care of one's community through advocacy, mutual aid, and sharing knowledge. Activists up until this point have employed a variety of techniques to fight for water including calling on international organizations, expressing grievances in domestic court, and using direct action through protest and water distribution. Activists elevated the urgency of the water crisis by creating media, sharing stories, and partnering with the Council of Canadians to invite the UN Special Rapporteurs for Housing and Water to denounce the issue on the international stage. Together, they put pressure on local and state governments who are responsible. Residents and partnering lawyers brought the city and the Detroit Water and Sewage Department to federal court three times to halt the illegal water shutoffs and restore the municipal good that is necessary for life. Impacted residents organized together to collect and distribute water for one another when they were without water because they knew that their children, health, and lives depended on it.

Throughout this paper, I gave examples of how these points were exercised and upheld. Chapter 2 described the role of neoliberalism, privatization, and austerity in global and local Detroit contexts to explain the systems threatening the right to water. It did this primarily through discussing financialization, statecraft, and Detroit's emergency management in 2013, which took away democratic redress for Detroit residents, privatized and monetized the Detroit Water and

Sewage Department (DWSD) and other city services, and exacerbated the rate of water shutoffs for black and low income residents.

Chapter 3 discussed the human right to water and what the legal bases are for a human right to water in declarations, resolutions, and statements by United Nations bodies including the Universal Declaration of Human Rights (1948), United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997), General Comment No. 15 issued by the Committee on Economic, Social and Cultural Rights (2002), and the Joint Press Statement issued by the Special Rapporteurs for Housing and Water (2014). This chapter analyzed the legal basis for the human right to water as well as the enforcement mechanisms for human rights.

Chapter 4 discussed transnational activism, contention, and methods used by organizers in Detroit. It discussed the necessity for international partnerships when facing human rights violations and how Detroit activists used such a reciprocal relationship to bring greater attention to the issues they are facing.

Despite often being overlooked by international movements for human rights, domestic struggles for clean water, and its own regional lawmakers and residents, Detroit is internationally relevant. Residents there are leading the way in our understandings of global neoliberalism, the right to water, and what to do about it. Activists in Detroit should not be overlooked anymore because they have added so much to the movement. This thesis works to elevate the voices of Detroiters in their struggle for the right to water so they will finally be recognized for all that they have done.

This is not a story about a side project or a nonprofit industry. It goes beyond my personal interests or academic focus. It is about a movement by and for Detroiters in the fight for life and dignity. Out of respect for that notion, I tried to reach out to as many activists and impacted

residents as I could. If I could continue this project into the future, I would reach out to more people to hear their stories and build more relationships both for the strength of the movement and the strength of this paper. I would also go to more events and behind-the-scenes organizing meetings, learning to leverage my privilege and skills as a college student. I went to a few in-person events including protests, court cases, and talks, but I definitely could have done more. I certainly will continue my relationships with the people I have met because I believe in long-lasting, sustainable, mutual relationships rather than an extractive researcher-researched relationship. The issue of the right to water and the people who fight for it are important to me. Despite never having had my water shut off for nonpayment, I believe in the right to water. I believe that everyone should have access to clean, affordable, and accessible water to drink, bathe, and do whatever else they want to. I dream of and envision a world in which this is possible.

Future research is required to further document, share, and strategize with this and other movements in the city. Some of the most powerful research is that which simply documents what is there because knowledge is often lost in transition or over time. There is such a long history of political and community organizing in Detroit that that history and its stories have the ability to build a more beautiful and equitable world. Further research is required to support and critically improve legislation including that which guarantees the right to water in Detroit and the world, a moratorium on water shutoffs, the right to housing, strong tenants' rights, pro-union and antitrust laws, the Detroiters' Bill of Rights, and support for Detroit's Water Affordability Plan as presented by the People's Water Board Coalition. More research must be done on the impacts of neoliberalism, public-private partnerships, and continued privatization and austerity of public services. More must be done to understand binding community benefit agreements when

developing projects in cities such as Detroit's District Detroit and University of Michigan Center for Innovation.

I am hopeful and inspired. The work of activists in Detroit does not just affect Detroit, but it affects us all. Thanks to them, we have stronger, more accountable democratic institutions. Thanks to them, millions of people have clean water from the DWSD system. Thanks to them and their coalition building, Flint is on its way to cleaner water, Michigan is on its way to cleaner rivers and lakes, and the world is one step closer to more equitable access to water. There is much work left to be done, but I am thankful for the community, lessons, and lifelong solidarity that I have gained with the people of this movement in Detroit.

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Appendix

Interview Questions

Can I record this conversation?

Do you mind if I take notes?

Tell me in your own words, what work do you do?

What has been your activist story or trajectory? Why are you in this work?

What is your method of change?

Who is your target audience in your work?

How do you get these issues on the radars of those who may not care?

How do you use an international framework in your organizing?

Is there a difference between civil rights and human rights?

What are human rights to you? How are they upheld?

Do you see water shutoffs in Detroit as internationally relevant? If yes, why are they internationally relevant? To whom? What does international organizing mean to you?

What support do you need in your struggle, especially from an international framework or organization?

What does a solution to the water shutoff crisis look like to you?

What role would an international framework or organization have in generating that solution?

Do you have any suggestions of who else I should talk to?

Access to the IRB exemption is available upon request