Dear Workshop Participants,

This paper is a chapter which I am revising for The Right to Water, a book that will appear in 2011, edited by geographers Farhana Sultana and Alex Loftus.

This was my first draft after coming back from the field in Colombia in June 2010.

I will greatly appreciate all general comments/suggestions/questions you might have. In particular:

Editors have asked me to “sharpen contextual details and the political dynamics of the different countries and groups”—so any suggestion on where this is more pressing (where I am less clear, and how to address it) are very welcomed.

I would also like to theorize this transnational water network better for another publication. Originally this paper included a “theory section” on networks, which I erased for the book version. So I would greatly appreciate theoretical suggestions

Thank you for your time! I’ll see you on Thursday,

Verónica

The Right to Water

Edited by Farhana Sultana and Alex Loftus

“From Cochabamba to Colombia: Travelling Repertoires in Latin American Water Struggles”

Verónica Perera
In English the term “move” has more meanings to provoke us, and these are worth exploring. To move is to travel. To be moved is to open one’s heart…Social movements […] grow from traveling forms of activism as well as the transformation of consciousness.

—Anna Tsing, Friction

On May 18, 2010, fourteen days before my arrival in Bogotá, the Colombian Congress rejected the “the referendum on water,” as Colombians call it, after more than three years of national mobilization. Congress members refused to discuss the text of the referendum, which had been crafted by the water movement and endorsed by more than two million citizens. In addition, three days before I landed in Colombia, “Uribe’s follower,” Juan Manuel Santos, had won the first round of presidential elections. The right-wing coalition that would seemingly continue to dominate Congress for the next term was, in the words of activists, “the main enemy of the referendum on water.”¹ In such a gloomy context, I thought, activists would be demobilized, their spirits low, and the organization weakened. I decided I would still do my field trip to research the water movement, but it would be, I anticipated, like going to a wake to offer condolences.

I was wrong. And puzzled by the high energy of the well-attended IX National Assembly of the movement for water and life at the headquarters of the water workers’ union, where I heard cries like “Ours is not a defeat” or the overenthusiastic and off-tune “Viva el referendo por el agua!” With the “support of international delegates” at the assembly (from Uruguay, France, Belgium, Italy, and myself from Argentina included), activists reminded themselves about being a “movement rather than a referendum” and renewed their commitment to continue the struggle. Either activists were reading the political conjuncture in a much more optimistic way than I did, or I still needed to understand what the water referendum was really about. It turned out the latter
was true. Like the alter-globalization movements that Seattle inaugurated, the Colombian water movement managed to bring together “turtles and teamsters,” or environmentalists and unionists, among other actors, who coalesced around the organization of a referendum to include the human right to water in the Constitution. Following the footprints of the Cochabamba and Uruguayan iconic struggles, the Comisión Nacional en Defensa del Agua y la Vida (CNDAV, National Commission for the Defense of Water and Life), also galvanized public services organizations, Afro-Colombians, indigenous groups, women’s collectives, delegates of “community aqueducts,” youth organizations, and human rights advocates.

At that assembly, I began to understand a conversation I had heard a year earlier at a Red VIDA workshop in the 2009 World Social Forum (WSF) in Belem, Brazil. Activists, venting frustration, were questioning the political efficacy of constitutional reforms for water justice. Diego, a Colombian environmentalist from Bogotá, intervened, trying to reframe the terms of the debate and de-emphasize the legal reform: “Besides the legal change, which does not exhaust our struggle, the referendum is ultimately a pedagogic exercise, an exercise of direct democracy, and an exercise of the territories”, he said. And Juan, an Uruguayan activist, added, “Colombia is the most important symbolic struggle now taking place. It needs the commitment and explicit support of us all.” The fact that I had heard all this at the WSF in the Brazilian Amazon, and later found myself on a field trip to Colombia, was not a mere contingency in a multisited research process. Colombian activists inscribe themselves within the alter-globalization movement. They told me they had “encountered the global movement for the human right to water at the WSF” and understood it as “a good vehicle for what [they] were trying to do.”

Since the 2000 “water war” in Cochabamba, Bolivia, water struggles became prominent in Latin America, and highly visible within the WSF process. Water struggles are deeply rooted
in places—or particular historical geographies, political economies, and cultural contexts. Yet, since Cochabamba, there has been an emerging activist repertoire that travels, intertwining places and building networks of local and global activists, and scholars like me. In such travelling along transnational public spheres, and through “digital networking” (Juris, 2008) that creates “communications internationalism” (Waterman, 1998) activists circulate ideas and symbols (like the name Commission for the Defense of Water and Life); emotions, varying from rage and frustration to hope and solidarity; languages with which to frame water issues as unjust and morally wrong; information about policies and corporations; declarations; and alternatives like public-public or public-community partnerships. They build trust, in each other, and in the chances of success. In doing so, they craft a glocal (Robertson, 1995) individual and collective identity around notions of water justice that becomes available to mobilize for socio-environmental agendas. These are “activists’ packages that travel,” Anna Tsing says, “that come to us in allegorical bundles” and “are translated to become interventions in new scenes where they gather local meanings and find their place as distinctive political interventions” (Tsing, 2005, p. 238). Despite the hesitation of some, amending national constitutions to include the access to water as a fundamental human right is a key piece of this activist package.

Drawing on multisited fieldwork, in this chapter I explore the Colombian water movement, illuminating at times the Bolivian and Uruguayan experiences as antecedents that inspired Colombian activists and contributed to shaping their repertoire. In sections II and III, I elaborate on the glocal process of network building, following theorists like Boff (1996) or Escobar, who understand networks as “the basic architecture of complexity” (Escobar, 2008, p. 274) within processes of self-organization and assemblage, and as part of “relatively new ways of thinking about the living, including social movements and the political” (Escobar, 2008, p.
273). My goal is to investigate the transnational repertoire that is emerging in Latin American water struggles. Beyond the diffusion of strategies (Tarrow, 2005), I aim to explore, in sections IV and V, the interventions of this travelling activist package, and the way the human rights universal engages and informs local political projects from below. Such projects, I claim, confront accumulation by dispossession (Harvey, 2003), and development based on global capital, extractive industries, and, in the case of Colombia, the terror of the armed struggle.

II. “Nos fuimos encontrando”: Antecedents and Attractors of the Water Movement

Colombian activists named their organization after the Cochabamba and the Uruguayan experiences. But the symbolic capital included more than the name. Besides calling itself CNDAV, its organizational structure mirrored the “multitude-form” (García Linera, 2004), that organized the Cochabamba and the Uruguayan water movements. In all three cases, these networks glued constellations of actors who were coming together for the first time. Environmentalist groups and contentious unionists assembled with territory-based organizations—indigenous small farmers and neighbourhood associations in Bolivia (García Linera, 2004, 2005; Taquiri Yapura, 2005)—and consumer groups in Uruguay (Santos and Iglesias, 2006). Other key actors in the networks were leftist party Frente Amplio members in Uruguay and the public services’ association in Colombia, which is ideologically and organizationally connected to the leftist parties Polo Democrático Alternativo and MOIR.

If movements are never empirical givens, we should always explore the political and cultural processes by which they come into being. In a context where grassroots movements and social leaders are being terrorized, the referendum on water managed to bring together the
environmental movement. “It was the most important mobilization of the last decade in Colombia,” I often heard. “We steadily found each other,” Hugo Armando, a member of the committee to promote the referendum claimed at the National Assembly. As complexity theorists would put it, organizations and individuals drifted towards a “space of possibility” that did not exist before them. As they worked to amend the Constitution, activists opened up, lured in others, and nourished a new space of democratic participation. What follows are the main milestones of that process.

In 2006, Ecofondo, a national collective of environmental NGOs, partially funded by the European Union, launched a “campaign for water as a public good” to raise awareness about water issues, bring together diverse struggles connected to water, and identify “symbolic cases” that would mobilize people. The campaign hosted well-attended forums where forty thousand citizens signed petitions opposing the water law in the making that was going to “deepen water commodification, with all the resulting ecological and social ills.” The law, such as it was, was set aside by Congress (in part because of activists’ pressure). But its spirit was later reincarnated in the neoliberal-oriented 2008 Water Department Plans that I will soon discuss. Activists found out, however, that collecting signatures was a concrete and effective way to engage the public, and turned the experience into a networking event (Juris, 2009) across the civil society-state divide. Together with global activists like Maude Barlow, environmentalists presented those signatures to allied Congressmen from leftist parties.

Another offspring of that early campaign was the visibility that “community aqueducts” gained as already existing alternatives. These roughly twelve thousand urban, neighbourhood-based or rural initiatives all over the country, mainly built with voluntary labour, provide water
to mostly dispossessed communities ranging from a few hundred to roughly ten thousand individuals. María, a community leader, elaborated on their significance:

“We have a history that gives us a sense of belonging, we have better conservation practices, we already defend water as a public good not as a commodity like the government does following neoliberal models, and we make decisions democratically, with everybody’s participation. I am persuaded that aqueducts are a success story of the government of the commons.”

During that first water campaign, she said, community aqueducts “broke their isolation, learned about each other,” and nourished a sense of themselves as “the alternative.”

Of course the crucial process that prompted collective action in Colombia was the “neoliberalization of water” (Bakker, 2007)14, although with less of a flurry than in Cochabamba, and in a political culture with fewer bottom-up opportunities than Uruguay. In the well-known Bolivian water war, when the national government leased the management of Cochabamba’s water supply for forty years to a United States-led corporation, behind closed doors,15 environmentalists from Foro Cochabambino del Medio Ambiente “started to investigate” and to publicize the problems that the contract would bring. They understood early on the environmental dangers at stake, as well as the corporations’ lack of investment commitments, the future rate hikes, and how the new legal tool would undermine small farmers’ customary laws on the collective ownership and management of water (Tapia, 2000). They sought to influence public opinion (Gutierrez Aguilar, 2004) “… almost like religious advocates who go knocking door after door” (Herbas, 2005, p. 43). At the first demonstration organized by the CNDAV, which suddenly became a town hall meeting, people decided to demand the government repeal the law, tear up the contract, and reverse rate hikes (Olivera, 2004). In Uruguay, a letter of intent the government signed with the IMF sparked organizing. Civil society organizations were aptly equipped. They had seized, over the previous decades, legal tools of direct democracy hitherto
monopolized by political parties. They had the remarkable precedent of the 1992 plebiscite that revoked the law authorizing the privatization of all public services. Hence, in 2002, when the Batlle administration agreed with the IMF to change water sector regulations and promote private investment in sanitary services (Santos, 2006), the CNDAV and the initiative to reform the Constitution did not take long to emerge.

In Colombia, where, officially, access to clean water and sanitation is 93 percent and 86 percent respectively, neoliberalization started in 1987 with the marketization of supply. Small and medium investors were encouraged to enter the management of water supply, which had been until then exclusively in public hands. Most water infrastructure was built and managed by municipalities until 1950 when the Municipal Development Institute was created to coordinate centrally provided water supply. Even if the first trends were thus seen in 1987, activists identify the beginning of neoliberalization in 1994 with Law 142, which, after the 1991 constitutional reform, re-regulated all public services—water, power, gas, and telecommunications—“opening the door to privatization,” as they often describe it. This law had, for activists, an “entrepreneurial spirit,” which aspired to entrust the provision of water primarily to stock companies (Salazar Restrepo, 2010), encouraged private investment, and introduced principles of competition, and “economic and financial efficiency mainly by taking tariffs to ‘real’ levels” (Urrea and Camacho, 2007). The law also allowed outsourcing segments of public services without selling all of the companies’ assets or the whole process of water supply, thus creating shell companies like the one in Bogotá, “public” on paper but with multiple private contractors for the different stages of water supply, in practice.  

Since Law 142, there were diverse governmental initiatives to attract private investors. The first experiment to create a market of water with transnational—mainly Spanish and
French—corporations and with the blessing of global financial institutions took place on the Caribbean coast in the mid-1990s. Overall, since Law 142, water tariffs increased in all of the main cities, mainly in the Caribbean ones of Barranquilla and Cartagena (Urrea and Camacho, 2007). When the Spanish company Aguas de Barcelona had to confront people’s refusal to pay high tariffs, it went bankrupt in Barranquilla. It sold its stock to another Spanish corporation, and the municipal government assumed the debt. Such information was, according to activists, hidden from the public eye because it spoke of a “perverse trend”: the government still assuming the debts of private supply companies, and most of the investment in infrastructure, partially with loans from the World Bank and the Inter-American Development Bank.

Despite its commercialization and privatization spirit, fifteen years since the passage of Law 142, most water supply services remain in public hands. Yet, activists were alerted by the Caribbean privatization experiment, and foresaw “a trend that would be extended to the whole country through the Water Department Plans” unless “networked” citizens contested it “strategically” (Urrea and Camacho, 2007, p. 38). Such privatization plans have been fully in place since 2008. They aim at economies of scale and thus pressure municipalities to aggregate water providers at the department level. The unstated goal, analysts and activists claim, is to create larger and easier-to-privatize markets of water. Municipalities face all sorts of bureaucratic and technical pressures from national government officials, and in many cases end up being decertified as legal water providers. Needless to say, these plans also threaten the survival of community aqueducts. This dispossession of collective wealth and privatization of public infrastructure “built with people’s monies along generations” can be stopped with the referendum, activists argue. The referendum process was thus seen as a powerful tool to defend
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“Colombia’s hydro sovereignty” as well as “traditional and community water management practices” against “chameleonic transnational corporations” (Urrea and Camacho, 2007, pp. 37-38).

Another milestone in the water movement came in 2006 when two similar referendums were being organized—which entailed duplicated efforts. “We had to argue for just one,” the legal spokesperson of the referendum told me. On the one hand, the public services organization had, like the environmentalists, identified Law 142 as the key neoliberal adversary, and the legal piece responsible for tariff increases. They aspired to repeal it with a referendum, targeting all public services. Environmentalists convinced them that a focus on water supply would be a more powerful networking tool. It would bring in more actors from across the country and accumulate more social power. On the other hand, the union of Bogotá water workers, besides campaigning against Law 142, had started to organize a referendum to repeal an austerity law that had cut public spending on water, sanitation, health, and education. Following a teachers’ union idea, the water workers’ union collected signatures, but failed to meet the legal requirements for a referendum. “We had already learnt from experience that we could not do it alone. We knew we needed others. That’s why it was easier to agree with environmentalists and come together with them,” Héctor, a union leader, told me.

III. Red, Green, Glocal

The “red green alliance” (Bakker, 2007) came into being on February 24, 2007, when roughly forty organizations, already calling themselves the “water movement,” met at the office of the government ombudsman and decided to organize the referendum on water. At that point,
environmentalists had realized that, beyond “narrowly defined environmental projects,” they needed to engage larger political transformations. They had discovered at the WSF that there was a global movement of water which framed the struggle in terms of “the human right to water,” aimed at constitutional reforms, and “looked like a good way to go.” They were aware of the contrast with Uruguay—a political culture with a remarkable trajectory of popular referendums. This manner of participation was new in Colombia, enabled by the 1991 Constitution and, according to Hugo Armando, made some in the left, and some environmentalists, suspicious. For some, the rights framing had flaws: “I know that speaking about the human right to water is anthropocentric—water is essential for all beings, not just humans,” Diego told me.

Yet, the rights framing registered them, globally and in Colombia, within a discursive space that captured the spirit of their project. It differentiated them from opponents in global financial institutions, or, in the words of a Red VIDA member, “the confusing if not misleading talk at the corporate-led World Water Forum,” where water was defined as basic need but not fundamental right. The human rights framing also aligned them, globally, not only with Uruguay but also with struggles in Venezuela, Ecuador, and Bolivia that had successfully constitutionalized such a right.27 Within Colombia, such framing partnered them with struggles seeking to defend the materiality and the idea of “territory.” Samuel, a community leader displaced from his territory in the Pacific told me: “For us, defending the territory is defending our basic human rights, that is how we interpret it.” And Diego said: “In Colombia, if you say you struggle for human rights it is clear where you stand.” The human rights universal engaged and became effective in the local conjuncture: in the referendum text, the individual legal category of the human right to water goes hand in hand with the conceptualization of water as
part of the commons, and with a water supply imagination that, because it seeks to safeguard community aqueducts, challenges the state-market binary.

Belonging to the global and Latin American movement meant more than just sharing the human rights frame. World-renowned activists often gave visibility and increased legitimacy to the campaign at critical conjunctures. For example, Uruguayan unionist Adriana Marquisio, Bolivian worker Oscar Olivera, Spanish hydrologist Martínez Gil, and Canadian UN consultant Maude Barlow, participated in innovative “navigations” along the rivers Atrato, Sinú, Alto Cauca, Bogotá, Meta, and Magdalena. Drawing from the legacy of the 1990s voyages that black activists had made along the rivers of the Pacific basin, and with the goal of opening the conversation to include the concerns that river communities cared most about, the referendum campaign turned its “gaze back to the river.” Freshwater became the end and the means of the campaign, and as activists journeyed, they produced networking events. Thanks to the preparatory work of the teachers’ union, wherever the canoes made a stop locals welcomed the activists warmly, and they all gathered in forums (conversatorios), music festivals, and plays dealing with water issues and everyday life by the river. Most of the time these events left behind stronger “territorial committees” that would later continue discussing water issues and collecting signatures.

Global mobilization and the involvement of prestigious activists was also empowering for Colombians after the first Congress debate. Under the influence of the Uribe administration, overriding citizen participation (i.e., more than two million signatures) and the most crucial demands of the movement (the human right to water, water as part of the commons, and the state’s obligation to provide a minimum universal), House Representatives proposed an alternative text for the referendum. At that point, a transnational coalition of more than 170
organizations and movements from 58 countries sent a letter to the House and the Uribe administration condemning the modification of the original platform, and highlighting the significance of the Colombian referendum for the “whole global water movement.” They would remain “alert and watch how the events in Colombia unfolded.” Empowered by this letter and the local mobilization, the Committee to Promote the Referendum appealed the decision of Congress, and prevailed.

If Colombians were nurtured by the global movement, the reverse was also true. In the eyes of global activists, the Colombian referendum was “an urgent case,” “an extreme example,” which “if it failed, would entail a failure for the global movement” because “this is a fight for the right to water in a country at war.” For Colombians, “as long as they are organizations that do not become ends in and of themselves” and “are partners of experiences and political solidarity,” global networks are key spaces where to locate their struggle. For the self-described water warriors at the WSF, supporting the Colombian referendum was “symbolically key for the global movement,” and community aqueducts another valuable resource within the 2009 Platform for Public Community Accords. Envisioned as an umbrella to nourish technical and political exchanges among public and community water suppliers, such accords seek to strengthen non market alternatives for water supply with principles of reciprocity and social justice. As a result, for example, skilled Uruguayan public employees might soon be training Colombian members of community aqueducts on technical processes to make water potable, and on tariff structures.
IV. “Our Legitimacy: Five Points Platform and Two Million Signatures”

The red-green-glocal assemblage that coalesced in Colombia in February 2007 debated for more than a year to produce the five points platform of the referendum. According to Anna Tsing, “The knowledge that makes a difference in changing the world is knowledge that travels and mobilizes, shifting and creating new forces and agents of history in its path” (2005, p. 8). Colombians inherited knowledge from their fellow water warriors in the region. As they adapted the repertoire, however, and discussed the principles and rights to amend their own constitution, they created new forces, and expanded the emancipatory potential of their struggle. At play were desires to nourish a national conversation about “development,” redefine water as part of the commons as well as re-signify nature along the lines of what Escobar (2010) calls a “relational ontology.” The referendum text establishes the access to potable water for all as a fundamental human right; yet characterizes water, in all of its manifestations, forms, and states as a non commodity—“a common and public good,” or a “good belonging to the nation,” and of “public use.” The state is obliged to guarantee the protection of all waters “given that [water] is essential for the life of all species and for current and future generations,” and protect “ecosystems essential for the cycle of water,” which should be prioritized to preserve this cycle.

Even if their talk was not about postdevelopment (Escobar, 2008), CNDAV activists, and environmentalists in particular, aspired to challenge extractive industries, especially large-scale mining. By prioritizing the cycle of water and the health of ecosystems, the text also seeks to protect environmental, not just human, needs while bringing “development” to the fore of the discussion. Extractive industries have of course a long (colonial) history in Latin America, where silver extraction from the Bolivian city of Potosí is the “symbol of a plundering culture” that
since the sixteenth century “fed the European coffers and the early industrial revolution” (Svampa and Antonelli, 2009, p. 15, my translation). Since the late 1990s, however, like in other Latin American countries, the imagination of “a mining country in a globalized world” has nourished elite discourses and governmental practices, where open large-scale mining by transnational corporations is envisioned and sought out as a novel and desirable strategy of development (Antonelli, 2009). In fact, between 1990 and 1997, mining exploration grew by 90 percent in the world, and 400 percent in Latin America (Bebbington, 2007, in Svampa and Antonelli, 2009). In Colombia, like in other countries of the region, a new mining law in 2001 granted generous tax exemptions, extended periods for exploitation, diminished bureaucratic requirements for contracts, and made hiring conditions for global corporations more “flexible” (Kairuz Hernández, 2009; Svampa, Bottaro and Alvarez, 2009). Between 2002 and 2006, mineral exports and mineral production within GDP grew significantly and, unsurprisingly, forty companies requested licenses to exploit gold within more than four million hectares between 2007 and 2009 (Kairuz Hernández, 2009). Unlike traditional mining, the “new minerals” are not concentrated in veins within mines, but instead scattered in mountains. Therefore, satellite-identified areas are dynamited, and the resulting blown rocks are mixed with chemicals like cyanide and mercury to dissolve the minerals. These technologies are highly wasteful and polluting of water: they use massive amounts of water and leave them untreated with the above-mentioned chemicals (Svampa and Antonelli, 2009).

Extractive industries create no bonds with the communities of the places in which they are located. Large-scale mining extracts and exhausts natural resources, to later withdraw in search of other places to exploit, after having wasted and polluted massive amounts of water (Giarracca, 2009). This juggernaut of both nature and culture is what environmentalists had in
mind when prioritizing, in the text of the referendum, the health of ecosystems and the cycle of water, and when referring to the territory—an understanding of the socio-natural world, or the relation between land, resources, people, and wealth, radically different from what extractive industries re-enact, as I elaborate below. Small-scale mining and agriculture by communities who inhabit uplands and the fringes of rivers and lakes, on the other hand, were defended and included in the referendum text by CNDAV actors other than environmentalists. Weakened by the armed struggle, with many of their leaders murdered, peasant organizations were unable to participate in the referendum process. Yet, public services activists, honouring their political alliances with peasant organizations within leftist parties, protected the interests of peasants and small miners. Therefore, besides the commitment to protect the cycle of water within essential ecosystems, the referendum article demanded that the state not infringe “on the rights of communities that traditionally inhabit [ecosystems] and [who] try models of sustainable use [of water], in a way that supplies abundant and clean water for all living beings.”

The reference to water as essential for the life of all living beings and all species, not just humans, resonates with what Escobar calls “relational ontologies” or “relational worldviews,” where “…all beings exist always in relation and never as ‘objects’ or individuals” (2010, p. 39). Colombians were inspired by the 2008 Ecuadorean constitutional reform. In an epistemic-political rupture with key tenets of liberalism, capitalism, and the state, the new Ecuadorean Constitution absorbed the indigenous understanding of pachamama, or nature, and made it a subject of rights on par with humans (Escobar, 2010). Colombian activists adapted this script, and defined water beyond the modern understanding of “natural resources”—inert objects for humans to appropriate. A common and public good, water is defined within the referendum text,
in relation to the life of *all species*, and as carrier of *cultural and sacred values* for indigenous and Afro-Colombian communities.\(^{42}\) It is worth quoting Escobar at length here:

> Well beyond a ”turn to the Left,” these “worlds and knowledges otherwise” have the potential to de-naturalize the hegemonic distinction between nature and culture on which the liberal order is founded and which in turn provides the basis for the distinctions between civilized and Indians, colonizer and colonized, developed and undeveloped. […]

> The emergence of relational ontologies disorganizes in a fundamental way the epistemic foundation of modern politics. Dualist ontologies, we propose, are being challenged by the emergent relational ontologies in which there only exist subjects in relation, including the relations between humans and nonhumans. […]

> The defense of relational worldviews can be seen at play in a number of contemporary struggles, increasingly common in the Andes and the Amazon, that mobilize non-humans (e.g., mountains, water, soil, even oil) as sentient entities, that is, as actors in the political arena […] These struggles against the destruction of life conjure up the entire range of the living.” (Escobar, 2010, pp. 39-40)

V. “…*a pedagogic exercise within the territories*…”\(^{43}\)

> When I asked Diego, the environmentalist from Bogotá I mentioned earlier, if he was surprised with Congress’s final rejection of the referendum, he said:

I was not surprised at all. I said on every stage I could possibly speak that the *referendum was a pedagogic exercise within the territories, and a mobilization tool. Our struggle was not a change in the Constitution*—because constitutions change, and what? Look at the 1991 Colombian Constitution, one of the most progressive in the world for indigenous peoples rights—and indigenous groups are about to disappear and be exterminated in this country. So I always said that I do not trust the tools of liberal democracy, beyond somehow using them. I always said the referendum was an exercise, and we should find the ways of radical democracy within it.\(^{44}\)

> For environmentalists like Diego, and other activists as well, the referendum became a tool with which to intervene, and empower the idea and materiality of the territories. The concept of “territory” emerged in the 1980s when black peasant communities of the Atrato River in the
Pacific basin began to strategize against predatory timber companies. They inaugurated a new type of property and a conceptual framework that they developed further, as they became the movement now known as Process of Black Communities (PCN), in the context of the 1991 constitutional reform, and the regulation called Ley 70 which granted them the collective titling of land. According to Escobar, “The idea that ‘the territory’ was fundamental to the physical and cultural survival of the communities, and the argument that these communities have unique ways, rooted in culture, of using the diverse spaces constituted by forest, river, mangrove, hills, and ocean were the two most important conceptual innovations” (2008, p. 54). In myriad workshops in the river communities, and in conversations and interactions between PCN leaders, NGOs, academics, and state officials, “territory came to be defined as the space of effective appropriation of ecosystems by a given community…,” that is, it evokes “spaces used to satisfy community needs and to bring about social and cultural development. For a given river community, this appropriation has longitudinal and transversal dimensions, sometimes encompassing several river basins. Thus defined, the territory cuts across several landscape units; more important, it embodies a community’s life project” (Escobar, 2008, p. 146).

“No black person could survive in the Pacific without water,” Samuel, the displaced PCN leader told me in Buenaventura while explaining to me why the PCN movement had joined the referendum process. What he meant was obviously not mere physical survival. What he was evoking was a sense of individual and collective self, spiritually and materially anchored in a place, a “territory that is structured by water,” as Diego put it to me. When Samuel introduced himself to me, he spontaneously offered, like many in the Colombian Pacific do, a lot of information about the river where he had been born. He spoke enthusiastically about “the Anchicayá.” He elaborated on its history since the Spanish conquest. He mentioned the number
of streams, cliffs, and mangrove swamps. He was eager to discuss the dam located at the headwater which produces power, but not for his own community. As he talked about “our body” and “how it is made of water” it was not easy for me to decode when he was referring to the territory and when to his own, individual, human body. *Pace* romantics, the collective, place-based identity that Samuel endeavours to nurture was not ancestrally handed down to him. It is a materially rooted, symbolic meaning that was organized as such during the 1991 constitutional process, and the collective titling of land. And Samuel, within the PCN movement, tries to safeguard it whenever possible. Hence, when he elaborated on the referendum campaign, the spiritual and aesthetic values that his community attached to water matched his references to the materiality and the economic value of the river.46 “We worked in the referendum from the perspective of defending life, because water is life, it is a sacred element, and an element of joy, hope, cleanliness, beauty, and health. And the river is a means of communication and a means of work.”47 And even if he acknowledged that PCN activists supported the leftist party Polo (that endorsed the referendum), Samuel emphasized that they had their *own* perspective, and their *own political project* in mind.

After the alternative ordering of the territories in the Pacific region in the 1990s, paramilitaries have arrived en masse since 2000. They intend to stop the innovative collective design, and seek highly desired land for coca and African oil palm (Escobar 2008, p. 63-66) for the production of cocaine and biofuels respectively. For Afro-Colombian and indigenous communities of the region, and for activists supporting them and the political innovation of the territory, engaging in the referendum process became a way of defending a collective life project, and reinforcing a “subaltern strategy of localization.”48 Beyond the letter of the text, which explicitly defends “waters flowing or located within indigenous or Afro-Colombian collective
territories as an integral part of them,” the “referendum on water” became another, safe, way of nourishing the conversation on development, and empowering victimized communities. In the most traumatized places, where people live daily with paramilitaries who patrol them day and night and “are aware of everything that goes on,” they need to be ever ready with reasons to justify their whereabouts or their actions, however trivial, when stopped and questioned by paramilitaries (Madariaga Villegas, 2006, p. 47, my translation). For activists, the referendum served as this innocuous excuse; it was something the paramilitaries did not quite understand, much less ascribe any importance to.49

The referendum thus allowed activists to nourish a critical consciousness within subaltern communities by posing questions to its members such as, in the words of Diego, who worked in the Cauca region, “Who owns biofuel enterprises?” “Why are people being displaced here?” “What are the interests behind displacement?” “Who controls mining?” “Who controls the diversion of water?” “What types of wealth are being produced here?” The referendum thus became a security shell for activists, as well as strategic talk to help make oppressed communities somehow less vulnerable to the coercive biophysical and cultural reconfiguration wrought by global capitalist development, increasingly connected to the use of terror and armed actors.

VI. An Engaged Universal

On July 28, 2010, the UN General Assembly recognized access to water and sanitation as a fundamental human right. Roughly two months later, the Geneva-based Human Rights Council (the main UN body on such matters) confirmed the decision, claiming that the right to water derives from the right to an adequate standard of living, and is indispensable for the realization
of other human rights. This recently established human right to water, however, in the words of the UN Independent Expert:

do[es] not favour a particular model of service provision and the decision to delegate lies with the State. [...] Traditionally, human rights are concerned with the relationship between the State and the individual, imposing obligations on States and endowing individuals with rights. When a third party becomes involved in the realization of human rights, that relationship becomes even more complex.

The reason it becomes even more complex, the Independent Expert reported to the Human Rights Council, is because, when water supply is managed by non-state actors, the lack of democratic decision-making, the power asymmetries in the bidding process, and the plight of the poorest and most marginalized, among other factors, might jeopardize the universality of human rights.50

Bakker (2007) cautioned us against framing anti-privatization campaigns in terms of “water is a human right and not a commodity.” While “human right” is a legal category for individuals that entitles them with rights vis-à-vis the state, “commodity” refers to the property regime of the resource. Framed as such, Bakker argues, the former might not be the antonym, or the most adequate conceptual tool, to fight the latter. The right to access water does not automatically define the character of water as a non-commodity, and thus does not foreclose water provision by private corporations. Indeed, the universal declaration of the human right to water in 2010, even if progress towards global water justice, did not cancel the private property regime of water provision. Commodification, which activists challenge so vehemently, is now compatible with the also vehemently sought after human right to water. Were water warriors, and Latin Americans and Colombians in particular, mistaken when framing their struggle around the human right to water? Did they misuse their political energies and waste their contentious efforts?
Water struggles are place-based and rooted in particular historical geographies, political economies, and cultural contexts. Yet, I have argued here, since the 2000 water war in Cochabamba, there is an emerging activist repertoire that travels, intertwining localities and building networks of local and global, activists and analysts. Despite the hesitation of some, amending national constitutions to include the access to water as a fundamental human right is a key piece of this travelling repertoire. It was successful in Uruguay in 2004 and in Bolivia in 2009. In Colombia, however, it is far from being materialized. But it became, instead, “a universal that moves,” a mobile and mobilizing tool, to borrow from Tsing. “To turn to universals is to identify knowledge that moves—mobile and mobilizing—across localities and cultures,” Tsing writes. And, she adds: “...the mission of the universal is to form bridges, roads and channels of circulation...Universals are effective within particular historical conjunctures that give them content and force. We might specify this conjunctural feature of the universals in practice by speaking of engagement. Engaged universals travel across difference and are charged and changed by their travels.” (2005, pp. 7-8)

While challenging the neoliberalization of water, Latin American activists turned to the universal of human right. It became a key part of a repertoire that travels along transnational public spheres like the WSF, Red VIDA workshops, and the World Water Forum counter summits. It became effective as it engaged particular conjunctures. In Colombia, within a context where grassroots movements and leaders are terrorized, the referendum on the human right to water became a tool for network building, and a resource to nurture a socio-environmental imagination that challenges development based on global capital, extractive industries, and the terror of the armed struggle.
Local critics believe that, as it travels engaging local conjunctures, the activist repertoire that includes the human right to water does not always result in the “best choices.” A referendum in Colombia was not the same as a referendum in Uruguay. The latter has a long trajectory of citizens exercising mechanisms of direct democracy, and the notable precedent of the 1992 plebiscite that revoked the law authorizing the privatization of public services. In Colombia, on the other hand, there was no history of referendums until the mobilization for water began. In Uruguay, the 2004 referendum on water was voted on the same day that the leftist Frente Amplio won the presidential elections. The overall political climate favoured anti-privatization policy reform—a radically different context from the “righticized” Colombian one, to use Jorge’s words (en este país derecho y derechizado). Local critics have thus questioned whether the referendum was the best choice for Colombia. “In such a legalistic country” (un país tan leguleyo) with such environmentally progressive rights after 1991, is constitutional reform the most effective way to accomplish water justice?” a public intellectual shared his doubts with me. “Furthermore,” he said, “isn’t the legal strategy depoliticizing the social movement and shutting down a deeper national conversation on water?”

All in all, I argue, water warriors in Colombia adopted and adapted a script that emerged in Cochabamba. In this process, I claim, they opened up new spaces for democratic participation. They expanded the socio-environmental stakes and the emancipatory potential of the struggle for the right to water. Today, “water privatization” does not only mean “for-profit water supply by transnational corporations.” Water privatization does refer to the political economic process that Harvey (2003) calls accumulation by dispossession. Yet, because it also denounces the pollution, depletion, and diversion of water sources, that in Colombia often goes hand in hand with the (paramilitary) use of terror to displace local communities, “water privatization” also works
discursively to challenge a capitalist development model rooted in extractive industries like large-scale mining, mega infrastructure, and global capital. Because Colombian activists used the referendum as a mobilizing tool to intervene, and empower the idea and materiality of the territories, the struggle for water worked to protect the political process that Afro-Colombians and indigenes began around the 1991 constitutional reform. By doing so, the struggle for water was re inscribed, like in Bolivia, within the struggle for the recognition of historically despised and invisibilized ethnic groups and their collective life project. As such, the struggle for water upholds an understanding of nature that, borrowing from Escobar (2010), is always co-produced with human beings, and which conjures up the entire range of the living, humans and non-humans, always in relation and never as objects or individuals.

Notes


2 I will elaborate more on these cases later. Let me say in advance that Cochabamba became an icon for activists because the multitude—to use Bolivian analyst García Linera’s (2004) description—evicted a United States-led transnational corporation and cancelled a privatization contract. Uruguay was the first country in the world to amend its constitution in 2004 to include the access to water as a fundamental human right, and necessarily supplied by state-owned companies. Uruguay regulated these rights in a water law in 2009.

3 VIDA means “life” in Spanish, and is also the acronym for Vigilancia Interamericana para la Defensa y el Derecho al Agua (Inter-American Watch for the Defense and Right to Water). Besides Cochabamba and Uruguay, the organizations and movements that formed Red VIDA in 2003 came from Argentina, Chile, Brazil, Peru, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Mexico, Dominican Republic, Canada and the United States (Red Vida 2003). It is the most active network in the Americas struggling against privatization, and for public and community ownership and management of water supply services, with citizens’ participation.

4 Like all the names I use in this chapter, Diego is a pseudonym.

5 Ricardo, personal conversation, Bogotá, June 10, 2010.

6 In January 2009 I participated in the global meeting of the World Social Forum, focusing on the workshops, talks, and art performances organized by global water activists. In June 2010, thanks to the Robert O. Fehr Professorship from SUNY Purchase, I travelled to Bogotá, Medellín, Cali, Buenaventura, and Juanchaco in the Pacific Basin in
Colombia. I participated in national assemblies, forums, and meetings that ranged from ten to two hundred activists, and interviewed in depth twenty leaders and activists of the referendum process.

7 Leonardo Boff (1996) used this framework which he calls a “new civilizational paradigm” to theorize environmentalism, and Arturo Escobar (2008) from whom I borrow heavily, uses it to analyse the Process of Black Communities in Colombia (PCN).

8 I am also inspired here by Anna Tsing (2005).

9 “We met each other,” Hugo Armando, personal conversation, June 10, 2010.

10 For García Linera (2004) the “multitude” emerged in Bolivia when neoliberal reforms weakened collectives organized around the workplace, namely unions. Preexisting forms of “territorial organization,” such as neighbourhood or professional associations, or peasants/indigenous/small farmers’ unions, rooted in local spaces and concerns, re surfaced as multifaceted and complex ways of organizing subaltern society (p. 75).


12 Héctor, personal conversation, June 8, 2010.

13 Senator Robledo, from Polo Democrático, received the “testimonial signatures.”

14 Bakker (2007) argues that “neoliberalization of nature” is the way critics frame “market environmentalism.” While sympathetic to the critique, she underscores its lack of clarity. Privatization, marketization, commercialization, de regulation, re-regulation are different policies but often lumped under the same label, “neoliberalization,” Bakker argues. I use the term because I think it is evocative to identify and criticize the overall market inclination of reforms. Yet, in each case, I specify what type of reform I am referring to.

15 The contract, not legal when signed on September 1999, was actually legalized two months later when National Law 2029 was passed overnight.

16 Even if mentioned in the 1934 and 1942 Uruguayan Constitution, plebiscites and referendums became a clear possibility with the 1967 Constitution. For many years, plebiscites were mainly used by party actors to legitimize their decisions. In the 1990s, however, civil society actors began to utilize plebiscites. Even if they did not always succeed due to insufficient votes, many laws and governmental decisions were subject to democratic mechanisms. See Valdomir, 2006.

17 These are figures from the World Health Organization, 2006. Activists argue that if non legal neighbourhoods and non paying households cut off from service are counted, eight million and thirteen million Colombians do not have access to water and sanitation respectively.


19 Héctor, personal conversation, June 8, 2010.

20 Between 1994 and 2004, 1.5 percent for fixed charge, 8 percent for basic consumption, and 11 percent for complementary consumption (Urrea and Camacho, 2007, p. 20).

21 Between 1996 and 2000, 8 percent and 13 percent respectively for all socioeconomic levels (Urrea and Camacho, 2007, p. 20).

22 It has been established that transnational corporations have decreased the water supply in the South precisely because of these situations (Bakker, 2007).

23 Héctor, personal conversation, June 8, 2010.

24 Héctor, personal conversation, June 8, 2010.

25 For example, according to Senator Robledo (connected to public services organizations within the Polo party), in 2009, the poorest in Bogotá could buy six times less water with their minimum salary than in 1997 as a result of tariff increases (Robledo press releases, April 13, 2009).

26 As part of the national union of public services’ workers, Sintraemdes.

27 In 2006, 2008, and 2009 respectively.

28 After the 1991 constitutional reform that granted black and indigenous communities collective property in the Pacific region, activists from the Process of Black Communities (PCN in Spanish) organized voyages along rivers of the Pacific basin as a way of recognizing the territories they were beginning to learn as their own (Villa in Escobar, 2008).

29 This account is based on several interviews and Ecofondo information http://www.ecofondo.org.co/ecofondo/downloads/3.%20CAMPANA%20DEL%20AGUA1.pdf, accessed 10 July 2010

30 http://www.censat.org/biblioteca/display/fileid/532, accessed 10 July 2010
The coalition included environmental NGOs, unions of water workers, student organizations, universities, research institutes, political parties, national and continental movements, human rights organizations, collectives, and faith-based institutions.

The full text of the letter can be found at http://www.censat.org/noticias/2009/5/20/Carta-abierta-al-Presidente-de-la-Camara-de-Representantes-y-el-gobierno-de-Alvaro-Uribe/, accessed 26 July 2010

I heard these comments at Red VIDA workshop, in Belem, January 2009; and from Diego on June 8, 2010.

Diego and Jorge, respectively, personal conversations, June 2010.

The full text of this endorsement at the WSF can be found at http://www.censat.org/noticias/2009/2/4/Declaracion-de-la-Asamblea-del-Agua-tras-el-FSM/, accessed 22 September 2010.

The content of these accords can be found at http://www.plataformaaguayvida.org/, accessed 15 October 2010

Jorge was writing a grant to fund this project under this platform when I interviewed him.

Member of the Committee to Promote the Referendum, at the June 4th National Assembly.


Point 4 of the referendum, to amend “The Collective and Environmental rights” of the Constitution reads: “The state shall specially protect ecosystems that are essential for the cycle of water, which shall be prioritized to guarantee such cycle; without infringing on the rights of communities that traditionally inhabit them and try models of sustainable use [of water], in a way that supplies abundant and clean water for all living beings.” http://www.ecofondo.org/index.php?option=com_content&view=article&id=193:texto-del-articulado-presentado-a-la-registraduria-nacional&catid=45:todo-sobre-el-referendo&Itemid=62, accessed 9 July 2010


Point 3 to amend “Social, Economic and Cultural Rights” concludes stating: “…Waters from collective territories of indigenous or Afro-descendants are an integral part of them, and are to be respected, as well as the cultural value of water as sacred for the worldview of ethnic groups.” http://www.ecofondo.org/index.php?option=com_content&view=article&id=193:texto-del-articulado-presentado-a-la-registraduria-nacional&catid=45:todo-sobre-el-referendo&Itemid=62, accessed 9 July 2010

Diego, personal conversation, June 8, 2010.

There were two key moments in the development of the territory. On the one hand, black communities and ethno-territorial organizations engaged in a discussion about the territory, culture and history. They travelled along their territory to distinguish places of habitation, cultivation, and socializing, past and present; they gathered for story telling about their own past and, in preparation for collective titling under Ley 70, they drew maps collectively to represent use spaces, production systems, the history of the settlement, local knowledge of plants and animals, informal borders, and the like. On the other hand, within various governmental programmes, and including the Ley 70 process, NGOs, academics, and experts later became involved in mapping as a key step for collective titling. Mapping introduced a new way of representing spatiality and thinking about territory (Escobar, 2008, p. 55-56), and of expressing the desires of communities. PCN activists derive pride from the map. As soon as I met Samuel in Buenaventura, he invited me to el Palenque el Congal (a key meeting place of PCN) to “come and see the map.”

The wording of the text in fact addresses both the material and symbolic dimensions of territory. Point 3 of the referendum reads: “Waters that flow or are located within indigenous or Afro-Colombian collective territories are an integral part of them. In addition, the cultural value of water as a sacred element of the ethnic groups’ belief system shall be guaranteed,” http://www.ecofondo.org/index.php?option=com_content&view=article&id=193:texto-del-articulado-presentado-a-la-registraduria-nacional&catid=45:todo-sobre-el-referendo&Itemid=62, accessed 16 July 2010.

Samuel, personal conversation, June 19, 2010
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