



Rights on the edge of the city

The right to water and the
peri-urban water committees
of Cochabamba

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In cities with water sectors characterised by high degrees of informality, implementing the human right to water poses certain practical and political challenges. Drawing on research undertaken between 2009 and 2014, this paper reflects on how the Bolivian government has sought to develop more inclusive water governance arrangements that incorporate informal urban water providers, in an attempt to universalise access and realise the right to water. This paper considers how reforms have been contested by community water providers in low-income peri-urban settlements in Cochabamba. Informal community water providers could become significant actors in service provision for low-income settlements, with sufficient technical support and political recognition. However, they cannot replace the state as guarantor of the right, particularly for the poorest households and communities.

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Executive summary

We have *the right*, but now what do we do, and what does it mean?

“... The UN must consider incorporating access to safe water and basic sanitation as a universal human right ... the United Nations system can adopt progressive measures to promote and ensure national and international recognition of the right, making it universal and effective ... Bolivia has knowledge and expertise on this topic since it has recognised that basic services like water (are) a human right ...”¹

“We have a very beautiful constitution, which talks about the right to water and says that we all have the right to water ... What is written is one thing, but the reality is different. People say ‘We have the right to water!’ ... The Bolivians have all fought and blockaded for water, and now we have ‘the Right’, but now what do we do, and what does it mean? There is no water here, the state has not brought it, so we have to do something ourselves.”²

“The right which is written in the constitution, in practice it means nothing. Local problems are not going to be settled by the right to water.”³

“There can be no human rights when the state is absent.”⁴

In 2010, the Bolivian ambassador to the United Nations, Pablo Solon, presented a resolution to the United Nations General Assembly (UNGA) that led to the recognition of the human right to safe, clean water and sanitation. This was in fact the product of almost two decades of campaigning and lobbying by the global water justice movement.⁵ The UN has since called upon

member states and international organisations to provide financial resources, capacity building and technology transfer to help countries, in particular developing countries, to recognise this right (UNGA 2010). In Bolivia, the human right to water was enshrined in the constitution following the election of President Evo Morales in 2006. It has become a discursive banner to improve access to water and consolidate a highly fragmented water sector, which is characterised by high degrees of informality in both rural and urban areas. This paper considers how reforms have sought to improve access to water services and engage with informal providers in low-income communities in Cochabamba.

Officially, there has been one water utility in the city of Cochabamba since 1948, but in practice it has never provided water to the whole region, and today the utility – SEMAPA – supplies to just over 50 per cent of the city (SEMAPA 2015). SEMAPA has been unable to keep up with the pace of urbanisation, and has been undermined by institutional and infrastructural challenges and chronic water shortages. In the absence of universal provision, there are more than 600 informal and quasi-formal community water service providers (Lavrilleux and Compere 2006) that exist across the city, in wealthy suburbs and low-income and informal settlements. This patchwork of formal and informal provision is supported by numerous mobile water vendors that supply water across the city. The uneven water infrastructure and governance arrangements that have emerged have thus been shaped by local, national and international processes and non-state actors, including development agencies, financial institutions, landowners and organised Cochabambinos⁶ at the community level. Informal community water service providers are an example of a set of actors that have played an integral role in water service provision in the low-income peri-urban area known locally as the Zona Sur or Southern Zone. They have plugged public service gaps and strategically shaped the development of the water sector locally and nationally. The most notable

¹ President Evo Morales, speaking at a press conference in La Paz, 22 March 2010.

² President of the Water Committee, Cochabamba, 30 May 2012.

³ Abraham Granddyyer, president ASICASUDD-EPSAS, Cochabamba, 22 July 2011.

⁴ Participant in a workshop on the right to water, Cumbre por el Agua y el Saneamiento Básico, Cochabamba, 26 June 2010.

⁵ International network of diverse social justice organizations, indigenous peoples, trade unions, environmental groups, farmers, writers, academics, human rights advocates, community activists and networks that share a vision of water as a fundamental human right.

⁶ Residents of Cochabamba.

example of this has been the impact of the Cochabamba Water War (see Box 1).

The ways in which 'informal' community water service providers have engaged with the state over time have reflected significant political events such as the end of bonded labour, international imperatives to privatise water services, the implementation of decentralisation, unplanned processes of urbanisation, and reforms to realise the human right to water. This has not been a one-way process; grassroots community water provider (CWP) struggles have shaped formal water governance arrangements and policies. Consequently, formal and informal water providers have come to reflect each other, and water governance arrangements have been underpinned by a pluri-legal system consisting of outdated and fuzzy national laws and policies that also accommodate informal practices in water management. Reforms to realise the right to water since 2006 have thus adopted a progressive approach, which seeks to consolidate and build on the complex and overlapping patchwork of formal and informal water service provision that exists today.

This paper reviews some of the literature and debates surrounding the idea of a universal human right to water, which has been critiqued for its potential to de-politicise and hollow out local struggles to improve access to water services, by creating a technocratic, legalistic, state-driven endeavour (see Sultana and Loftus 2011). It then considers the experiences of low-income communities in Cochabamba, to demonstrate how reforms to realise the right to water can be contested and challenged when citizens are dissatisfied with proposals. The state has sought to consult with and build the capacity of CWPs and develop innovative regulatory arrangements and co-production partnerships with informal service providers. However, fuzzy policy reforms and the continued absence of a coherent legal framework have served to sustain informal providers, but have not provided them with the necessary support to deliver equitable access to water across the city. Taking a long view of the engagement between the state and informal water service providers reveals that there have been ebbs and flows in the relationship, and that there have been certain challenges and opportunities in developing inclusive equitable water services for low-income urban communities.

1

Reflections on the right to water

1.1 The right to water: an overview

The right to water was ratified by the United Nations General Assembly (UNGA) in 2012, and its content and how it might be realised in different, diverse settings has been the subject of much debate (Gleick 1999; Salman and McInerney-Lankford 2004; Mehta 2005; Anand 2007; Bakker 2007 (reprinted 2011); Winkler 2008; Miroso and Harris 2011). Some campaigners and commentators suggest that state-led rights-based approaches could mark the de-politicisation of a vibrant international struggle that seeks to improve access and democratise the management of water services (see Sultana and Loftus 2001). The Special Rapporteur on The Human Right to Water and Sanitation has considered the limitations of the right, if national governments focus on achieving minimum core obligations instead of more ambitious progressive goals (see Albuquerque 2014). Others contend that the scope of traditional rights-based approaches could be limited if reforms fail to recognise the integral role that informal service providers play in service provision in many cities in the global South (Bustamante *et al.* 2011; Walnycki 2013). Meanwhile, grassroots organisations have raised concerns about plans to regulate unruly informal water providers as part of efforts to realise the right to water, and also the potential for political co-option (Olivera and Gomez 2006). This reflects the long history of water governance in Latin America more generally, which

has, over time, been critiqued as exclusionary and part of a socio-political process whereby certain actors exercise power over others (Castro 2008: 75). This has led to conflict between the state and different groups; in particular, water services have been privatised or corporatised (Castro 2004). Furthermore, in the poorest, most marginalised informal settlements, where state–citizen relationships are virtually non-existent, it is unclear how a state-led, rights-based agenda can be used to improve water services (Mehta 2006).

Notwithstanding these diverse concerns, the right to water has broadly been interpreted as an impetus to improve access to water, and this approach is likely to continue in light of the Sustainable Development Goal to universalise access to water services. In Latin America in particular, the right to water has presented an opportunity for some governments to move beyond minimum core obligations and to pursue the progressive realisation of the right. In doing so, spaces have been created for the state and citizens to consider both the viability of unilateral utility provision in cities that have urbanised without infrastructure and also the role of the informal sector and communities in provision (see Allen *et al.* 2015; Walnycki in press).

The campaign for the adoption and recognition of the human right to water emerged during the 1990s out of the anti-privatisation movement and then became part of the global water justice movement. The global water justice movement has its roots in the anti-dam building movement that targeted the World Bank initiatives that

promoted dam building during the 1980s (D'Souza 2008). The international campaign focus then shifted towards the failures of water services privatisation – and was further fuelled by uprisings such as those seen in Cochabamba in 2000 – and the solution pursued was an international and legally binding human right to water. In 2002, the International Covenant on Economic, Social and Cultural Rights was amended to include The General Comment No 15 on articles 11 and 12. This stated that the human right to water “... *is indispensable for leading a life in human dignity. It is a prerequisite for the realisation of other human rights*” (UNCESCR 2002), and outlined that everyone had the right to safe, sufficient, acceptable, accessible and affordable water for personal and domestic uses. This embodied a commitment by UN member states to ensure that an undisclosed amount of water for productive uses be provided to each person, and that the most effective way to do this would be to treat water as an economic good, despite the fact that water is also understood as a social good and a free good (Mehta, 2000).

Meanwhile, international development agencies continued to promote full cost-recovery programmes over affordable equitable access (see McDonald 2014 for further discussion of this). The global campaign intensified and the human right to water was then formally recognised by the UNGA in 2010 following a resolution presented by the Bolivian ambassador to the UN, thus consolidating the role of the state as guarantor of the human right. This undoubtedly marked a shift away from discourses that promoted the management of water as an economic good and the intensive neo-liberalisation of water services (Miroso and Harris 2011).

The implementation of the human right to water by the state or the private sector has been the subject of much debate, (Gleick 1999; Salman and McInerney-Lankford 2004; Mehta 2005; Anand 2007; Bakker 2007 (reprinted 2012); Winkler 2008). Bakker's (2007, reprinted 2011) overarching analysis of the debates concluded that private sector participation is compatible with the human rights approaches, and further that the right to water does not prohibit the commodification of water (ibid: 27). Bakker outlined concerns with the idea that rights equate with public provision, because it has the scope to further entrench misleading public–private binaries. This binary does not recognise the role and capacity of informal providers, which are often central to water service provision in low-income urban settlements. However, Bakker's analysis overlooks the fact that in settings where there is a high degree of organised informal provision, the state has been engaged in a range of processes, from tolerance to co-production, which directly and indirectly buoy informal water providers. Indeed, reforms to develop policies and regulation around the right to water in Bolivia have sought to engage with the informal sector and pursue the progressive realisation of the right, in principle at least. In practice, there are enduring tensions between informal providers and the state, which continue to manifest themselves as a result of reforms to realise the right to water. Oscar Olivera, who was a grassroots activist central to the Cochabamba Water War, has argued that in a country where 67 per cent of provision comes from informal water providers, the understanding of the role of the state in water governance is going to be different to that of a consolidated state such as Uruguay or Mexico. In both rural and urban areas of Bolivia, communal water management means that water cannot belong to anyone, nor can anyone have exclusive

BOX 1: THE COCHABAMBA WATER WAR

During the mid-1990s, Bolivia came under pressure from the World Bank to privatise water service provision in Cochabamba, as a precondition of debt relief packages from the World Bank and the International Monetary Fund (Schultz and Draper 2008)). In 1999, the Cochabamba contract was awarded to the sole bidder, Bechtel, which was granted exclusive rights both to provide water services and also to all the water sources in Cochabamba, including the aquifer in the region. The concession included plans to develop the Misicuni dam for hydropower, irrigation and potable water on the outskirts of the city. The cost of the dam, combined with a contractual ruling against public subsidies to protect customers against price hikes, meant that

bills increased by 200 per cent in some communities within two months of the concession being granted. Numerous urban and rural communities that relied on local water sources rose up in opposition to the concession and the appropriation of resources, and these protests were to develop into the Water War. This urban–rural alliance became known as the Coordinadora del Agua and eventually forced the annulment of the concession in 2001. Cochabambinos earned themselves an international reputation as the world's ‘water warriors’ (Finnegan 2002), and the Water War would come to play a central role in anti-privatisation narratives and struggles in subsequent years.

rights to it. Bolivians have never collectively struggled for water to be recognised as a human right,⁷ which explains why communities have contested traditional ideas of a state-sanctioned right to water.

Bustamante *et al.* (2011) build on this idea and contend that adopting the human right to water in Bolivia means that the state has been mandated with “... *the power to undertake something that historically, it has been unable to do: to define, then grant or deny these rights under their own terms and laws. This may seem logical in other countries, but this is not the case in Bolivia, where the autonomous management of resources has long operated without state intervention*” (237). In settings where autonomous and informal water provision is widespread, state-led reforms to recognise the right to water imply the re-ordering of social and political control over, and the production of, water services previously held by the informal sector. While this is necessary, particularly in low-income urban areas where local community-based water services can be compromised by a host of physical, institutional and economic challenges, it can lead to local conflict. Furthermore, reforms linked to the right to water cannot be seen in isolation. Informal providers should not be framed in binary opposition to the state and formal provision, nor on a pathway to becoming formal. Instead, the various informal providers that serve different sections of society are nested within formal water governance arrangements, with more or less support or engagement with the state at any given time. Indeed, the changing relationship between informal service providers and the state is a useful means of understanding how relationships between the state and politically marginalised, low-income communities have changed over time.

1.2 The limitations of basic human rights and scope for progressive realisation

During the 1990s, discussion around the right to water came to focus on how to develop legislative frameworks to guarantee the right to water, and whether the right to water should equate with access to allocated essential supplies (Gleick 1999; WaterAid *et al.* 2012). Daily allowances have the scope to ensure that the poorest communities have access to minimum amounts.

However, by focusing solely on daily allowances, it is easy to lose sight of goals relating to equitable access (Staddon *et al.* 1), also of the need to think about who provides water to low-income and informal settlements and how, and how to develop inclusive water governance arrangements to ensure that water services are affordable and reflect the needs of water users. Progressive realisation of rights can also be influenced by grassroots struggles and community processes that endeavour to engage with the state and can deepen top-down, state-led approaches (Winkler and Roaf 2015).

Nonetheless, reflecting on debates and reforms to date, some have contended that the idea of a right to water often runs the risk of becoming part of a hollow technocratic discourse (Sultana and Loftus 2011: 8), which is divorced from local water struggles. While the global water justice movement continues to organise around an anti-privatisation model, the idea of a human right to water has simultaneously been accepted by a range of diverse actors. NGOs, development agencies and governments have adopted the idea, while private water utilities and businesses such as Pepsi-Cola⁸ have also made commitments to recognising the right. Arguably, the right to water has thus become something of a disempowering ‘universalising populist discourse’ (Swyngedouw 2011). Such universalising discourses leave little room for what Ranciere calls ‘dissensus’ (Ranciere 2010) by marginalised groups. However, in settings with water sectors characterised by high degrees of informality, it is clear that the process has served to inflame on-going debates about the role of public utilities and diverse informal providers (Crespo 2010).

Rights are often recognised through local struggles, and so despite efforts by the state to create a universalising discourse under the banner of the right to water, local struggles for a more inclusive water governance model in Bolivia are underway, reflecting the changing nature of relations between the state and informal water providers. The emancipatory potential of reforms linked to the right to water is explored by Linton (2011), who argues that the right to water has significant potential if we move away from the traditional conceptualisation of basic minimum human rights, which are often premised on the fixed relation between an individual or a household, a quantity of water and the state. Instead, we might consider the role that communities play in the production of the hydro-social cycle and why they might

⁷ Oscar Olivera, Red Vida conference Mexico City, 15 October 2012.

⁸ In 2009, PepsiCo became one of the first companies of our size to publish public guidelines in support of water as a fundamental human right, in the context of the United Nations/World Health Organization guidance. See <http://www.pepsico.com/Purpose/Environmental-Sustainability/Water>

defend that right, as observed during the Cochabamba Water War. By participating in the production of water services, communities have the potential to re-assert their role in the production of water services and water governance structures, and have the potential to lessen Harvey's (2003) 'accumulation by dispossession'.

May (2008) contends that we must consider the political foundation of human rights-based approaches and their potential to achieve equality – specifically if the citizens who are the subject of policies are not involved in formulating policy – and the broader implications of this approach. *"It is no longer in their role as people or as citizens that they participate in the creation or maintenance of equality ... as citizens they remain recipients, rather than agents of change"* (143). Indeed, Bolivian activists, social movement leaders and community members who contest reforms around the right to water have done so because state–citizen relations do not serve the poorest, who rely on informal service provision, and promoted reforms might even have the potential to be disempowering (see Olivera and Gomez 2006).

1.3 Understanding the links between formal and informal provision

The literature suggests that the progressive realisation of the right to water could thus be enhanced by the participation of low-income communities. While the role that low-income communities can play in the provision of water and sanitation services and governance arrangements continues to be the subject of much debate (see Allen *et al.* 2015; Allen *et al.* in press), there has been less research on the processes by which informal providers engage with the state. Informal service providers that are underpinned by collective action and participation are often overlooked in discussions about the informal economy because they do not fall neatly into the ILO category of "... *economic activities by workers or economic units that are – in law or practice – not covered or insufficiently covered by formal arrangements*" (ILO 2002: 5). Nonetheless, community-managed water provision is a form of production linked to unregistered services (Brown *et al.* 2014: 10), despite the fact that it does not generate income.

Cities that are characterised by high degrees of informality present a persuasive example of how inter-dependent informal and formal actors and institutions can be. Researchers writing about informality have long since documented the misleading binaries that

are used to contrast formal and informal actors, and the false continuum from informal to formal service provision (Roy 2014; Potts 2008; Harris-White and Sinha 2007). There have been diverse policies, laws, political reforms and grassroots processes that have directly or indirectly promoted this interdependence. Indeed, on-going reforms to the Bolivian state that seek to incorporate indigenous and informal providers have emerged because of the 'institutional embeddedness' (Casson *et al.* 2010) of informal economies and service providers that has evolved over time. In countries like Bolivia, where the state has limited influence and informal governance mechanisms have become embedded through indigenous councils and informal community associations, formal and informal service providers have become interdependent over time. Indeed, formal laws and policies designed by the state, and informal norms to govern informal services and markets, have come to reflect one another as an example of inter-legality (Regalsky 2009). In the absence of formal service provision, the state is often complicit in indirect practices that can maintain the informal sector. Tolerance and ineffective regulation, and fuzzy legislative frameworks are often present in settings where informal institutions have been allowed to flourish. This 'calculated informality' (Roy 2009) is useful to fill gaps in services and economies, often for low-income groups that can't access formal services and markets. However, formal actors provide services that are regulated, subsidised or overseen by the state, and consequently there are significantly more risks and costs linked to services provided by the informal sector.

Regulation is often promoted as a means of realising rights; it is only by formalising informal providers that the state can oversee and ensure the delivery of human rights (REF). However, the regulation of informal service providers is often greeted with some caution. Regulation that is too restrictive might dissuade informal providers from engaging with reforms. Furthermore, informal providers that have developed strategic networks that have some political leverage with the state might be unwilling to engage with reforms that could undermine the social and political capital that they have developed.

Planned support for informal service providers has more scope to deliver strategic solutions to basic service provision that reflect the needs of low-income groups. This has been demonstrated in effective partnerships for the co-production of basic services, whereby the state and communities develop and deliver services. The empowering potential of co-production partnerships has been of interest to urban social movements in the global South and researchers documenting grassroots organisations focused on addressing urban poverty. Allen *et al.* (in press) explore the different types of co-production partnerships, or 'platforms', that have

emerged in marginalised urban communities around water and sanitation provision in Latin America, to enhance informal providers and fill the gaps in service provision that have affected cities that have urbanised without formal infrastructure.

In instances where the state is committed to developing basic services with the community, co-production initiatives have the potential to develop approaches that respond to the needs of the community but that draw on the technical expertise of the city utility (McGranahan 2015). These partnerships often provide the opportunity for communities to link up community infrastructure with formal city infrastructure; for example, community-level sanitation can be linked up to the larger mainline pipes supplied by the city (*ibid*). Allen *et al.* (2015) focus on how co-production partnerships that link local governments and marginalised communities are driven by the state and the community to varying degrees, and to what extent these diverse configurations have the scope not only to address the practical water needs of citizens but also to build political recognition and enhance their political capabilities. The shape and form of co-production arrangements are influenced by the context.

Mitlin (2008) considers co-production as a political tool that is used by organised urban poor communities to engage with local governments, not only to improve access to basic services but also to position themselves so that they can develop a more strategic and advantageous relationship with the state. In doing this, Mitlin is not principally concerned with exploring the limitations of state power and the scope that co-production has to augment and extend the potential and power of the state to provide basic services (Whitaker 1980); instead, she is concerned with how co-production is used to diffuse power to marginalised urban groups. While the state is framed as being the instigator of co-production partnerships in much of the literature relating to the topic, Mitlin demonstrates how most organisations exist in spite of the state. Co-production is a method that has been adopted by community organisations to achieve scale, to shape development policies and politics around a pro-poor agenda and perhaps, even, to challenge and transform the established structures of urban governance. Whether driven by the state or by grassroots processes, the means by which informal organisations are able to influence depends on the quality of institutions (Casson *et al.* 2010). Research around co-production practices demonstrates that well-organised communities use their social capital to engage with co-operative and open local governments, and have the scope to innovate around basic service provision.

1.4 Scales and geographies of formality and informality

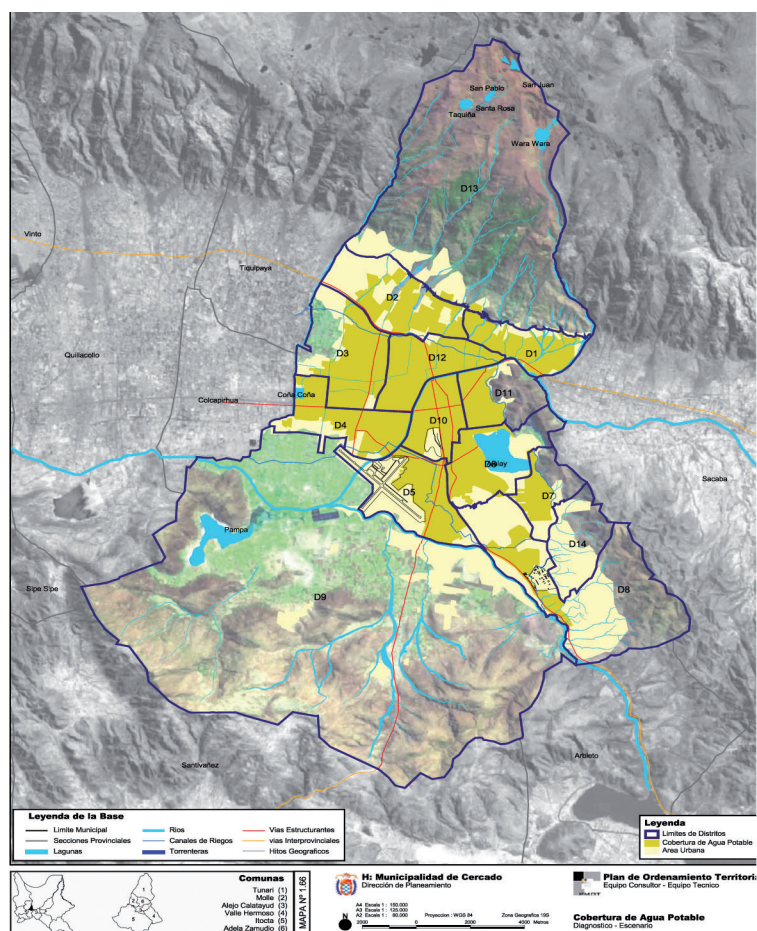
Informal grassroots organisations often operate at different scales to those established by the state and beyond direct influence from the state. The state-sanctioned scale for water service provision is often the municipality, but informal community water providers (CWPs) provide to the community and have organised as a sub-municipal level, in an attempt to reshape the scale of governance arrangements (see Marston 2014) and influence sector reform (Walnycki 2013). These grassroots strategies can gain ground at certain opportune moments, such as the influx of NGOs to Cochabamba following the Water War, the realisation of the right to water, the election of the country's first indigenous president, or the installation of a more sympathetic civil servant, mayor or minister.

Geographies of informal service provision are often dynamic and overlapping. Informal service providers can become more or less formal over time, without necessarily moving along a trajectory from informal to formal. The changing relations between the state and the informal sector play out on an unequal political landscape. Informal service providers often begin as 'illegal' entities that provide for low-income and politically marginalised groups, and while they can organise to engage with the state, it is up to the state to decide if it wants to sanction or support the informal sector; indeed, it is the state who decides who and what is 'informal' (Hackenbroch and Hossain 2012: 402).

In practice, it is difficult for informal providers to sustain service provision without financial and political support from the state. The informal water providers that are the subject of this paper have emerged around communitarian principles and ideals of mutual aid and collective action, in the absence of sufficient resources. However, the most successful informal providers develop the scope to engage with the state because their structures have emerged around the fuzziness of state policy, and because they are able to offer access to often intangible informal communities and service providers to the state and more powerful actors (*ibid*).

Nonetheless, despite the collective action that underpins these CWPs, these are institutions that have emerged from dynamic and unequal communities, meaning that not everyone has equal access to services. Building on the above discussions, the second half of this paper moves to explore the extent to which reforms that seek to understand and incorporate informal service providers as a means of improving access to basic services have been able to recognise and address unequal access at the city and community level.

Figure 1: SEMAPA water coverage in the municipality of Cochabamba



Source: Departamento de Planiamineto, Gobierno Municipal de Cochabamba, 2011

2

Water provision in Cochabamba

2.1 A patchwork of formal and informal provision

It is estimated that there are 500–600 small-scale formal and informal potable water providers across the municipality of Cochabamba (World Bank Water and Sanitation Programme 2007). They are more concentrated in the Zona Sur, however, because of the absence of any municipal provision in this area (see Figure 1).

Community water systems are prevalent in the older settlements, but they take diverse forms. A recent study by Ledo (2013) geo-referenced around 200 independent systems in districts 7, 8, 9 and 14 of Cochabamba city. Most systems are managed by water committees (46 per cent), followed by water associations (20 per cent), formal neighbourhood associations sanctioned by decentralisation and known as territorial base organisations (OTBs, 15 per cent) and cooperatives (11 per cent). Meanwhile, the Metropolitan Master Plan (MMAYA 2013) has identified 189 small local systems managed by OTBs (23 cases),

self-management (122), small cooperatives (11), private urbanisations (26) and agrarian *sindicatos*.⁹ These community water providers are all underpinned by collective action and communitarian principles, and have been shaped to varying degrees by the state and local community process. In practice, community resources and labour are pooled to develop community-level water systems that deliver to individual households. The systems rely on groundwater or water deliveries. Households pay for water used and for maintenance and are expected to contribute to the upkeep of the system. The cost of water varies from community to community and can be more or less expensive than SEMAPA water, depending on investment in infrastructure and availability of a groundwater source. Principle challenges, beyond securing access to safe affordable water sources, include building a sustainable management model and maintaining community participation (see Walnycki 2013). This paper now considers the processes that have shaped the development of these providers over time, before considering their capacity to deliver water services to low-income households and neighbourhoods today.

⁹ Agrarian *sindicatos* (peasant unions) are organisational structures created after the Agrarian Reform of 1953 and constitute the maximum authority at rural community level. They are formally recognized as a legal organization and usually legitimately represent the inhabitants in each community. Everybody who owns land in a community must affiliate to the *sindicato*. Many local issues, which in many cases include local water management for irrigation and domestic purposes, are governed through the *sindicato* (Cossío *et al.* 2010:6), and it is through this organization that each community establishes contact with state and non-state organisations. Although Cochabamba city is a mostly urban space, it still comprises some agricultural lands, particularly in districts 8 and 9, where *sindicatos* may still persist as a communal organisational structure.

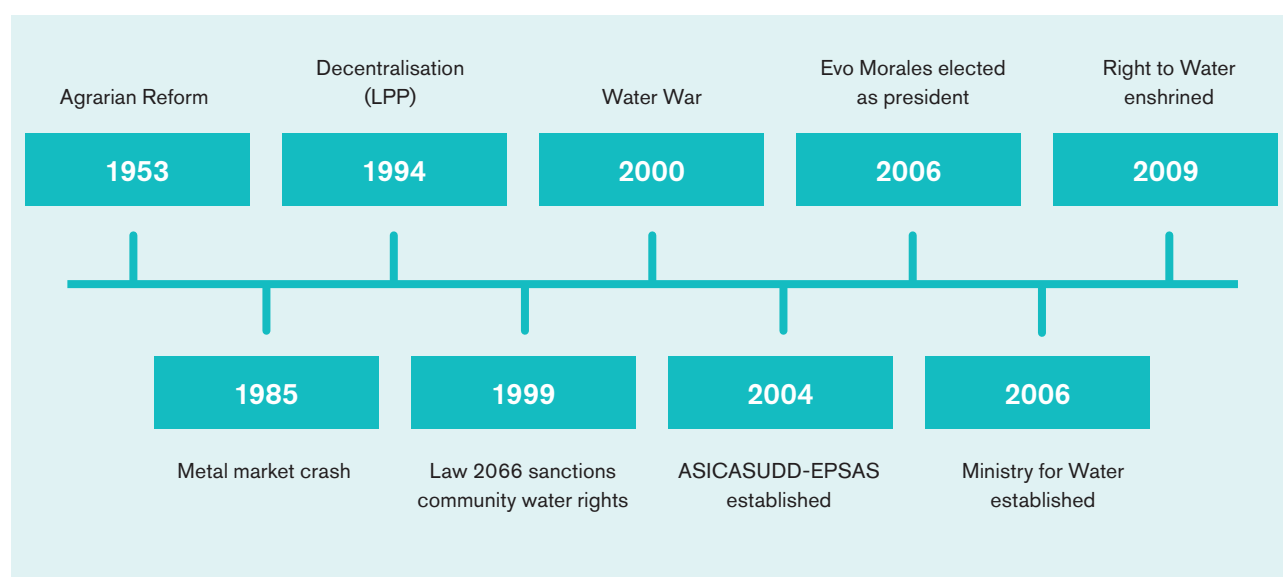


The Zona Sur, Cochabamba, A Walnycki, 2012



The Zona Sur, Cochabamba, A Walnycki, 2014

Figure 2. Timeline of key events that have shaped urban community water provision in Cochabamba



2.2 Fuzzy laws and tenacious community organisations

Bolivia's first (and only) water law was passed in 1906. The law recognised water as a public good in principle, but in practice access to water was based on private rights to water that were generally tied to property and land rights. Rights to water were somewhat ambiguous, but were skewed in favour of landowners in an era when many of today's Bolivian cities were small towns and markets. Landlords (from the agricultural or mining sector) with water on their land had usufruct rights as long as its use had no direct negative impact on third parties. Anyone who could prove that they had been using water for more than 30 years could claim the source as their private property. The MNR (Revolutionary Nationalist Movement) government instigated reforms that would lead to the 1967 constitution that recognised all Bolivians over the age of 18 as citizens, regardless of their status, property ownership or occupation. The constitution was the culmination of a series of progressive political reforms, specifically the agrarian reforms that led to the dissolution of the *haciendas*, the abolition of landlords and the redistribution of land to peasants. Some have argued that the agrarian reforms during this period were symptomatic of state attempts to replace ideas of indigeneity with ideas of class, and that they embodied a broader shift towards the assimilation of indigenous communities (Albro 2010: 74). The post-revolution nation was thus built on homogenisation and individual rights. The period of reforms did not, however, lead to

the homogenisation of the population; indeed, it has been judged to have had quite the opposite effect, leading to further entrenchment of indigenous and communal forms of organisation (Dunkerley 2007: 74).

In practice, this meant that collective structures of organisation began to emerge to meet the needs of new farming communities that developed where *haciendas* had once stood. Communities were forged around irrigation systems that served the communities of farmers that emerged from the peasant labourers who had served the *haciendas* on the outskirts of Cochabamba. In sum, strong state institutions did not replace the landowner. As a result, meaningful state–citizen relationships were not forged, and communal organisations such as agrarian unions and indigenous councils persisted and grew. These events influenced the formation of the organisational structures and institutions that exist for water provision (irrigation and potable) in Bolivia to this day.

Certain legislative reforms even consolidated emerging collective, community structures. In 1953, the Ley de Reforma Agraria (Law of Agrarian Reform) was passed, which brought about the dissolution of the *haciendas* and redistributed land, as discussed above. It also brought de facto water rights to previously marginalised peasant communities. This had a particular impact on how water was managed and distributed in the north and northwest of Cochabamba. Communities developed around communally managed irrigation systems, which were often formed around pre-existing irrigation systems of old *haciendas*. These irrigation systems are based around dynamic ideas of uses and customs that were shaped by the physical constraints of the river basin, historic and cultural process, mutually

agreed water rights and the long-term management of the river (Perredo *et al.* 2003: 11). This law would spur the development of unions of collective water providers, and this model came to influence the development of other associations of communal water providers in peri-urban areas, including the urban CWP association ASICASUDD–EPSAS, which are discussed later in this paper. The reforms were to become part of a broader political process that directly and indirectly fostered collective institutions and forms of social organisation.

2.3 City planning that overlooks poor communities

Cochabamba was a small market town that grew steadily until the first half of the 20th century, when it expanded rapidly to the south and north around the new roads and infrastructure for transport that were developed. Goldstein (2004) outlines urban planning for the city during the latter half of the century, and its focus on creating an ordered and segregated modern city (Goldstein 2004: 65). Urquidi, the principal architect behind the socio-political project of modernising Cochabamba and its transformation from a rural town to a contemporary city, drew heavily on the ideas of the European ‘garden city’, which influenced the post-colonial development of many Latin American cities. Based on the idea of building cities surrounded by greenbelts for agriculture and leisure, Urquidi attempted to zonify modern Cochabamba.

For these architects and their political backers in the city’s municipal council, the goal of urban planning was to create an efficient and industrious city, based on the modernist principal of functional segregation as a means to create order, balance and economic productivity (*ibid.*). Such planning, it was hoped, would ensure the orderly development of the city in the future (*ibid.*: 70). However, the orderly development of the city was undermined by three waves of migration, discussed below, that created the sprawling, unequal, municipality of Cochabamba that exists today.

Urban drinking water providers emerged in the informal communities that first appeared in Cochabamba in the late 1950s. This was spurred by the migration that began as a result of the end of bonded labour in the late 1940s (Kohl *et al.* 2011). The city was unable to provide enough cheap housing for the growing population, and so small, sporadic informal settlements began to emerge in the arid, mountainous land to the south of the city, which had previously been only sparsely populated by some farmers:

“People began to organise as settlers’ or renters’ unions, with the intent of securing permanent housing for their members, even if that meant colonising land deemed ‘un-urbanisable’ by the alcaldía. Between 1955 and 1961, these renters’ unions initiated the first land invasions in the city. The land that these groups occupied, on two hills in the Zona Sur [Cerro Gran Miguel and Cerro Verde] overlooking laguna Alalay ...” (Goldstein 2004: 72)

The so-called ‘land invasions’ continued throughout the 1960s and 1970s, then during the 1980s, after the global crash in the cost of metals and the closure and privatisation of the mines in accordance with a structural readjustment programme, a second wave of mining migrants led to the development of new informal communities, but this time further south of the municipality.

Migrants looking to take advantage of the booming trade in coca quickly populated the tropical region of the Chapare to the northeast of Cochabamba. Meanwhile, the sprawling peri-urban Zona Sur of Cochabamba became home to economic and political migrants looking for cheap land and/or accommodation. Some migrants, who worked seasonally growing coca, built family houses in the Zona Sur of Cochabamba, thus the boom in coca partially funded the urbanisation of the south. The Zona Sur developed largely as a result of the impetus of ‘savvy’ *loteadoras*¹⁰ trying to make a quick buck, sustained by the absence of any real regulation of the expansion. The state overlooked the invaders and *loteadoras* until the early 1990s, thus creating a peri-urban population that was socially, economically and politically marginalised from the outset. This began during the 1970s, when the municipality initiated a policy of exclusion, illegalisation and criminalisation of the informal *barrios* that were emerging on the peri-urban fringes of the city. The city thus grew with labour and resources that were brought in from its edge, creating communities that were simultaneously integral to and excluded from the development of the city. By 1993, 80 per cent of all the peripheral *barrios* were categorised as clandestine or illegal (*ibid.*: 72), and this seriously undermined broader urban planning for the city. It meant that its residents steered the development of the Zona Sur and the state had very limited legitimacy. This tension between the state and the communities in the Zona Sur continues today and, as this paper will show, underpins some of the conflict that has played out around reforms linked to the right to water.

¹⁰ *Loteadoras* would illegally appropriate unused land on the edge of the city, carve it into blocks and sell it off to migrants who wanted to build cheap housing in the region.

Access to water services reflected the exclusion and segregation of migrant peri-urban communities from the centre and the basic services granted to those living in the old centre. There has been a city-wide water provider in Cochabamba since 1948, but the public water utility SEMAPA was established in its first incarnation in 1967 as a decentralised public body responsible for the technical, administrative provision of water and sanitation across the municipality of Cochabamba. The municipalisation of water provision during this period did not, however, extend to the whole municipality.

Mirroring the trend observed in many developing countries during the 20th century, Cochabamba experienced an infrastructural crisis reflecting broader economic and political processes (Laurie and Marvin 1999). The municipality became more densely populated and simultaneously continued to expand, urbanising the surrounding regions. However, it did not develop sufficient infrastructure to meet the water and sanitation needs of the city, particularly for the poorer migrant communities in the peri-urban Zona Sur. The public utility, like the sector at large, was underfunded until the 1990s, with less than one per cent of public investment in the sector prior to privatisation (Oporto and Salinas 2007) and with infrastructure being prioritised for the urban centre. This meant that large parts of the city were left unserved by the public utility and came to rely on informal communal provision and water vendors.

2.4 Decentralisation legitimises community providers

Neoliberal reforms during the 1990s focused on decentralising state control and streamlining the state. In Bolivia in 1994, the Law of Popular Participation (LPP) sought to diffuse the influence of the state through pre-existing, informal, communitarian or social structures, including indigenous councils, known as *ayllus*, in rural areas and neighbourhood associations in urban areas. In practice, this meant that communities could legalise their neighbourhood to form an OTB (Organización Territorial del Base or grassroots community organisation). In doing so, the community could access per capita funds for local development initiatives and participate in decentralised decision-making structures at the level of the local council, district and municipality.

These reforms were seen as part of an approach intended to build local groups, in order to reduce “... the pressure on the state and break up the burgeoning social and union organisations such as the Bolivian Trade Union Confederation” (Arbona 2007: 28). Reforms were built on ideas of multiculturalism and were in keeping with broader neoliberal policies adopted across Latin America during this period (McNeish and Lazar 2006). Or, as outlined by Boelens (2008: 321), “Decentralisation is seized upon by central governments to lighten their responsibilities and strengthen their legitimacy and control at the local level ... the previous Bolivian government explicitly stated that the core purpose of decentralisation was to re-establish state authority over society.” Some have commented that this is an example of divide and rule (Van Cott 2000). The state sought to use pre-existing community structures to do this, beginning with indigenous and mining communities with long histories of collective organising, although there were less obvious community organisations to target in the unruly peri-urban regions of Cochabamba (Goldstein 2004).

The LPP processes failed to plan effectively for the informal urban communities and their unfamiliar social structures and institutions on the fringes of the city, such as are found in district 8 of the Zona Sur of Cochabamba. These groups did not fit in with the planning linked to indigenous councils. The region has thus been characterised by high degrees of corruption and ineffective local development processes (see Torrico and Walnycki 2015). Furthermore, many communities remain ‘informal’. At the end of 2014, 39 of the 73 communities in district 8 in the Zona Sur were informal and could not access decentralised resources (ibid).

The process did, however, provide funding for several OTBs to develop community water systems using decentralised funds, demonstrating that there has been financial support and tolerance of decentralised provision since the 1990s. The reforms entrenched the role of the community in development and basic service delivery in a region that had been strategically excluded by the state. In communities that were unhappy with the progress made by the OTB or that were still ‘informal’, parallel community committees or associations were established that developed and managed decentralised water systems. These were developed with the support of the church, using pooled resources, mutual aid and community labour. Consequently, by the early 2000s community water providers were informally sanctioned by the state through funding that came directly from the LPP, or indirectly tolerated in light of the shortcomings of the urban utility.

2.5 The ripple effects of the Water War

There have been various grassroots processes that have shaped relations between informal providers and the state and that have had varying degrees of success, the most well documented of which was the 2000 Water War (see Box 1). These events were influential in the recognition and inclusion of CWP in Bolivia's water governance model, as part of wider efforts to (re)nationalise provision in a manner that recognises and respects traditional forms, rights, uses and customs under the banner of the human right to water (MMAYA 2008).

In the years that followed the Water War, it became politically unviable to pursue a policy of extending utility provision that undermined the autonomy of community water providers in rural and urban areas across Bolivia. However, the urban folklore that developed around the Water War suggested that community water providers across the Zona Sur of Cochabamba were part of the uprising:

"We never participated in the Water War – it was two years after our water committee was established, it was mainly the people of the city and the barrios nearer the centre, no one from the committees around here participated. Some may have participated independently, but no one came here and invited us to participate

...¹¹

In practice, many of the water committees from the edges of the city were not part of the rebellion. The words of the water committee secretary hint at the disconnected nature of relations between community water providers in the Zona Sur during the early 2000s, which would subsequently change. In the following years, CWPs would benefit from the influx of resources and support from international NGOs immediately after the Water War. These processes underpinned the discursive shift that followed the election of Evo Morales as president, which in principle suggested that the state would pursue a more inclusive model of water governance that would incorporate and develop informal providers. Closer analysis shows that many of these reforms do not mark a radical departure from past policies, and there are significant questions around the extent to which they can improve water services for low-income urban neighbourhoods.

¹¹ Water secretary, Cochabamba, 10 September. 2011

3

Reforming the sector around the right to water

3.1 State-led reforms

As discussed above, the Bolivian constitution enshrined the human right to water and sanitation. Water provision is the responsibility of the state, and can be provided through public utilities, cooperatives and community providers such as drinking water committees or mixed entities. These are collectively known as water and sanitation service providers (EPSAS). The state estimates that there are more than 28,000 small-scale providers in the country (SENASBA 2008.) Institutional reforms to the sector are based on the constitutional commitment to state-led reform and regulation through the many diverse formal and informal water providers: the Ministry for Water and the Environment (MMAYA) was established in 2008 to coordinate the sector; the Authority for the Fiscalisation of and Social Control over Drinking Water and Sanitation (AAPS) oversees regulation; the National Service for the Sustainability of Basic Sanitation Services (SENASBA) is responsible for ensuring the sustainability of all water providers through community development strategies and technical assistance; and the Environment and Water Executing Agency (EMAGUA) and the National Productive and Social Investment Fund (FPS) oversee the implementation of programmes and projects formulated by the MMAYA.

In practice, water provision is managed at the level of the municipality. Municipalities can provide water through public utilities. But, as is the case in Cochabamba, community providers such as the DWCs, once formally recognised as EPSAS, are also significant actors in the sector. The Ministry for Water and the Environment along with institutions such as SENASBA and AAPS are in place to support small-scale water providers. To date, the institutional groundwork for these reforms has been undertaken and the MMAYA received a US\$ 78 million dollar loan from the Inter-American Development Bank to develop and consolidate this model (MMAYA 2012).

These reforms build on those that pre-date the election of Morales. Indeed, Perreault (2008), Marston (2014) and Zegada *et al.* (2015) have all alluded to the significance of Law 2066, which was introduced prior to the Water War and granted community and indigenous organisations the right to apply for the exclusive right to grant water services in specific regions. This presents another process that legitimised the role of informal providers and that was embedded in Cochabamba by the establishment of the Technical Committee of Licences and Registrations (Comite Tecnico de Registros y Licencias Cochabamba – CTRL) in 2009. This institution was put in place to register and grant licences, but only a handful of informal community

providers have pursued this approach. Furthermore, even with a licence for provision, the state has been slow to develop an appropriate regulatory framework to engage with the small-scale water providers that exist. Of the estimated 28,000 water providers that exist in Bolivia, 27 are comprehensively regulated (Campanini 2007; SENASBA 2009). During an interview with the regulatory organisation AAPS, an official explained that the reforms that had been ushered in since 2006 sought to build on Law 2066, also to develop a regulatory framework that could accommodate informal providers and build capacity.¹² This approach would also recognise the diverse scale and nature of the providers, including small-scale water committees and associations, cooperatives that serve several thousand households and urban water utilities, and promote capacity building through SENASBA initiatives.

According to one civil servant, the shortcomings in the Bolivian water sector in the past can all be linked to poor regulatory frameworks or the inefficient implementation of regulation. AAPS has thus been tasked with establishing a decentralised structure of regulation. Regulation of public utilities and urban water providers is premised on pre-existing regulatory frameworks and public participation. Once the process of capacity building and registering and licensing smaller water providers is underway, AAPS foresees a multi-scalar water governance model that incorporates small EPSAS:

“The committees? We are going to facilitate instruments so that they can self-regulate. We feel that regulating from above would not be effective. Firstly, we have to create institutionality and then we can regulate in the future. They will develop systems of self-regulation. We want committees to start regulating each other, in groups of 20. Every group will have to provide the same quality of water but large- and medium-scale providers will have to expand provision too, to keep up with demand. They will be more closely regulated. We will try to demand that they provide a certain quality and type of provider.”¹³

This horizontal approach to regulation has the scope to support and build the capacity of informal providers that are so central to water service provision, but it has some way to go. Only a handful of the most organised community water providers have applied for licences, thousands of community providers continue to operate informally, and the poorest households tend to rely on

unregulated vendors. Furthermore, the state has limited knowledge and access to the informal sector, and this is further complicated by limited resources and capacity to engage with the providers that make up a particularly fragmented water sector. This, in turn, reinforces the unequal forms of formal and informal provision that characterise the sector, but also serves to further embed the pluri-legal nature of water governance arrangements in Bolivia, which also reflects the socioeconomic dynamics in the society.

3.2 Grassroots struggles to shape rights

Beyond the state-led reforms, some community water providers have federated around grassroots processes designed to secure funding and practical support, in order to address some of the technical and institutional challenges facing small-scale water providers as outlined above. They have also gained the political recognition necessary to influence city-level water governance arrangements and the development of national water policies and institutions.

The most noteworthy example of networked grassroots organising among urban community water providers is that of the Association of Communitarian Water Systems and EPSAS of the Zona Sur and the department of Cochabamba (ASCIASUDD–EPSAS). The post-Water War political climate provided community water providers with new sources of finance and support from NGOs that moved into the region. They were also protected by the state, following the introduction of Law 2066, and the continued political lobbying around the rights of community providers by the Coordinadora del Agua that headed the Water War. Until this point, the CWP had always operated independently and often in competition for access to water sources, but following the Water War, SEMAPA and civil society organisations began to consider the practical scope of CWPs as alternative water providers. The Social Committee for Life was established to promote coordination between committees, to strengthen DWCs as institutions, and to create an umbrella organisation so that the DWCs of the Zona Sur could interact with SEMAPA. This process was developed by NGOs, activists, the church and SEMAPA, and it reflected some of the discourses and demands that had arisen out of the Water War. These included social control, protecting and galvanising communal water providers, and developing new forms of public water management that incorporated community and citizen participation (Granddwyer 2006).

¹² Senior civil servant AAPS, La Paz, 16 November 2010.

¹³ Senior civil servant AAPS, La Paz, 16 November 2010.

The platform didn't last, but it did provide an impetus for communities to form their own network of urban CWP's that sought to reform water governance arrangements around a model of *co-gestion* or co-management:

"(We) demand that water should and will be managed by its users, that is to say, communitarian management should exist, because it is the only way to ensure all citizens [have] access to this vital resource. ASICA-SUR¹⁴ intends to consolidate this vision by advocating a system of co-gestion of water services, and to work as a negotiator with external actors." (Granddiddy 2006: 246)

ASCIASUDD-EPSAS sought to engage with the reforms that were ushered in following the election of Evo Morales. At a national level, they participated in discussions around the right to water in the constitution, and in consultations around a proposed new water law. Abraham Granddiddy, who was the president of ASICASUDD-EPSAS, had been a well-known community leader in the Zona Sur before assuming this role. He developed a position around the failure of decentralisation and popular participation in the low-income *barrios* of the Zona Sur.

Writing on behalf of the Movement of the Men and Women of the Zona Sur, in 2006, 12 years after the introduction of the LPP, Abraham Granddiddy outlined some of the popular misgivings towards the process of decentralisation and popular participation in the low-income and informal settlements of the Zona Sur:

"We want to build our own future, our own destiny, and make decisions on what we want, about what we pay, because the taxes we pay selling our goods at the markets in the centre of the city are not making it back to the south. These financial resources are not returning to the Zona Sur. Instead, they have been spent corrupting a group of leaders who are only concerned with the power of working for the state, and all we are left with are the crumbs of 'popular participation', which brings a small playing field to a barrio but not integrated development to the region." (Granddiddy 2006: 350)

As president of ASICASUDD-EPSAS, Granddiddy pursued a similar trajectory, which was to develop a more democratic participatory planning process and water governance arrangements from the grassroots. This federation of around 50 water committees and associations from across the Zona Sur was established to share learning, attract funding and to create a coherent network of organisations that can engage with more powerful actors such as the state. The strategy came to focus on engaging with national processes and institutions instead of engaging with the established decentralised rungs of governance, such as the neighbourhood associations and municipal authorities. This approach yielded some fruit, as ASICASUDD-EPSAS received some decentralised finance to distribute to water committees to upgrade community systems. The EU-funded PASAAS project provided a major source of finance for DWCs belonging to ASICASUDD-EPSAS to develop or upgrade their infrastructure for provision. In practice, funds were distributed between 41 DWCs for the construction of tanks, for upgrading and extending pipelines, and for the installation of sewage systems. Most projects were completed by the end of 2011, resulting in 8,280 connections and benefiting 41,400 people in the Zona Sur (ASICASUDD-EPSAS 2012). The organisation also successfully promoted the development of two decentralised pipelines that could deliver water to member water committees, upon completion of the Misicuni dam project.¹⁵ These proposals continue to be central to plans under development by the municipal authority, as a means of improving access to water for unserved low-income settlements.

The approach adopted by ASICASUDD-EPSAS provides an example of how informal community water providers that have plugged the gaps in the established water governance structures have sought to gain more strategic influence and reform the structure. By organising around a narrative of community and autonomy, groups have challenged the parameters of the zone that SEMAPA should supply to, to reflect the realities of water service provision in the low-income and informal *barrios* of the Zona Sur. This is demonstrated in the proposed infrastructure for the city. The federated community providers were able to collectively organise around the grassroots narratives of collective organisation and the communitarian discourses promoted by the state following the election of Evo Morales. But, as this paper has outlined, CWPs have never been autonomous; they have, instead, been

¹⁴ This is the original name for ASICASUDD-EPSAS.

¹⁵ The Misicuni multi-purpose project was first proposed in 1952, and has been through several incarnations since. The dam will channel water from the Misicuni river to the Cochabamba valley, and will supposedly provide sufficient potable water for all seven metropolitan municipalities in the valley, irrigation water for local farmers and also has an electricity component. Work on the project was halted in 2013 as a result of contractual disputes, and the project has since been marred by controversy.

informally plugging the gaps in formal service provision and been tolerated or even indirectly supported by the state to varying degrees. They have also been able to successfully present themselves as understanding the water needs of low-income communities in the Zona Sur and gained extensive support from donors and NGOs operating in the region, despite the fact that they represent some communities that are by no means the poorest in the Zona Sur. However, CWP were concerned both about the role that the state was bestowing upon them and the absence of sufficient support and resources:

“Community-led systems are finding it difficult to undertake all that the state is asking of them, they do not have adequate water, nor do they have enough money.”¹⁶

Despite the practical and strategic gains made by ASICASUDD–EPSAS, by 2012, the federation had disbanded. This was as a result of internal institutional disputes that arose as political and financial state

support declined. There has been a quick succession of ministers for water and the environment, none of whom have had the same enthusiasm for co-produced or community-led water services as the Minister for the Environment and Water, Rene Orellana. In subsequent years, CWPs have received some technical support from NGOs working with municipal authorities to improve water service provision on a committee-by-committee basis. This approach, combined with the absence of a politicised federated group of CWPs, has meant that there is less space for low-income groups to shape discussions around water management and governance. The scalar strategies that demonstrated potential to reform the sector have meant that some CWPs have been given resources to improve services, but state engagement with communities on a one-by-one basis, and mediated by technical NGOs, has meant that the collective agency of the federated CWPs has been undermined. Instead, formally recognised CWPs now function as individual providers that operate largely within the structures established under decentralisation or with some support from central government.

¹⁶ Abraham Grandiddyer, Cochabamba, 22 July 2011.

4

Lessons in bridging formal and informal processes for water rights

The highly heterogeneous Bolivian water sector is populated by diverse formal, informal and semi-formal providers often operating at overlapping scales, and this presents certain opportunities and challenges to endeavours to progressively realise the right to water. Rights that serve and empower marginalised groups are often linked to local struggles, and human rights-based approaches have to reflect local needs if they are to be successful. Indeed, this paper has demonstrated that local Bolivian struggles to protect water rights have shaped and bolstered progress around the international human right to water. Meanwhile, at a local level, communities are concerned that their water rights might be undermined by plans to implement the human right to water, reflecting concerns that the reforms will undermine local community processes and that the state will once again ignore the needs of low-income communities.

Today, access to water in Cochabamba and across the Zona Sur remains highly unequal, despite the initial optimism that followed the election of Evo Morales and progressive constitutional reforms to realise the right to water. Notwithstanding efforts to develop institutions and regulatory arrangements that can incorporate informal providers, the focus has for the large part been on providing some capacity building and some

resources. Low-income communities continue to be routinely excluded from meaningful participation in planning processes in the city, which puts further strain on the weak citizen relationships that rights are dependent on. Consequently, communities in the Zona Sur continue to develop community-led water services processes predicated on local rights. In practice, these are underpinned by some state resources, or shaped by more formal water governance arrangements. However, the overarching model continues to be premised on municipal-level provision, despite some of the innovative water service and governance developments that have emerged at the community level. Indeed, the state's failure to seriously reconsider the municipal service model means that low-income communities are often highly dubious of the potential of state-led, rights-based approaches.

Despite this, the interdependence of the formal and informal water providers is clear from the latest Municipal Masterplan for Water and Sanitation for Cochabamba (see MMAYA 2013), which proposes that water be governed at the municipal level but that there should be incorporation of and engagement with CWP, alongside the diverse CWP that exist in the smaller surrounding metropolitan municipalities. For the Zona Sur, a network of pipelines has been proposed not

dissimilar to that proposed by ASICASUDD–EPSAS, which could deliver water to the CWP across the Zona Sur, some of which would be formally recognised by the state and others would be 'informal'. This infrastructure will be complemented by a significant new water source from the yet to be completed, Misicuni dam. Furthermore, the emerging policies and regulatory arrangements set out by CTRL for EPSAS reflect the informal governance structures that exist informally in communities, demonstrating the inter-legality that emerges in a water system that's fragmented and characterised by pluri-legality. Translating this proposal into practice is likely to pose certain challenges. This paper has demonstrated how CWPs have resisted processes to consolidate the sector, and the Misicuni dam has been plagued by severe institutional setbacks (see Zegada *et al.* 2015).

The Municipal Masterplan for Water and Sanitation for Cochabamba develops a system of water provision that is premised on decentralised water systems that can access mainline water and distribute and manage water resources locally. However, the plan is premised on well-organised communities investing in and developing water systems that can manage water provision locally. This approach overlooks the fact that the most marginalised households often cannot afford connection fees of up to US\$ 200 per household (Walnycki 2013), or that they live in recently established neighbourhoods on the precarious higher slopes of the Zona Sur (see Walnycki 2013; Torrico and Walnycki 2015). These communities continue to rely on mobile vendors who can supply small amounts when required, but who charge more than SEMAPA and CWPs.

The experiences of the CWPs in the Zona Sur of Cochabamba demonstrate how progressive realisation of the right to water could be developed through more inclusive water governance systems. However, this is dependent on communities participating in the decision-making process and securing meaningful political support and resources to provide and govern services. Furthermore, without developing mechanisms

to ensure that the most marginalised groups have access to any services beyond vendors, the right will not be realised equitably. The current relations between CWPs and the state are the product of several decades of engagement, reflecting changing power relations between low-income groups and the state over time. The trajectory of the relationship has not been linear, at certain points CWPs have been able to push forward an alternative water governance model, and at certain points, the state has been more open to engaging with alternative ideas. Water provision in the city is built around the co-dependence that exists between the state and these quasi-formal providers, but informal providers are diverse, some are more or less formal than others, and have more or less influence over the state than others. While regulation and rights can be used to improve services, fuzzy regulation and poorly defined rights have served to sustain unequal state–citizen relations and poor access to water services across the board.

The Water War has provided a useful example to the international water movement of how grassroots organisations can overturn private concessions established by powerful development actors. Their struggle emphasised the need to reflect on the needs and practices of local communities, and this discourse has informed international processes around the right to water. However, on-going local grassroots water struggles are not so black and white and deserve more attention. Local attempts to promote alternative governance models beyond the established corporatised municipal structures that reflect local needs are not unique to Bolivia nor to the water sector. As some states move to progressively realise the right to water and engage in programmes to universalise access to certain basic services as part of the new Sustainable Development Goals, informal service providers present alternative models for delivery and governance, detailed understandings of local needs and routes into communities that have been neglected.

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In cities with water sectors characterised by high degrees of informality, implementing the human right to water poses certain practical and political challenges. Drawing on research undertaken between 2009 and 2014, this paper reflects on how the Bolivian government has sought to develop more inclusive water governance arrangements that incorporate informal urban water providers, in an attempt to universalise access and realise the right to water. This paper considers how reforms have been contested by community water providers in low-income peri-urban settlements in Cochabamba. Informal community water providers could become significant actors in service provision for low-income settlements, with sufficient technical support and political recognition. However, they cannot replace the state as guarantor of the right, particularly for the poorest households and communities.

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