

The water is ours damn it!¹ Water commoning in Bolivia

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'El Agua Carajo' (image by Alexander Dwinell, source photographs by Tom Kruse)

Abstract This article explores understandings of the commons by showing its changing definition and application in daily life. The Bolivian experience both over the centuries and since the Water War of 2000 illustrates the malleability of the term. The commons operate according to who uses it (uses) and how it has been used (customs). The 2000 Cochabamba Water War provides the historical background and context for a perceived victory for the commons over privatization, followed by the Morales government's use of a 'public ownership' campaign to usurp the power of commons from the people. The government's use of a 'public rights' framework removes the power from the people and concentrates power in the state. Confronted by successful community organizing to

¹ 'El Agua es Nuestra Carajo' (The Water is Ours Damn It!) was the slogan that mobilized people in Cochabamba during the Water War.

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keep the management of the commons at the community level and under popular control, the state intervened to reduce local autonomy and make the people dependent on government decision-making. Seeking to maintain local control and autonomy, the water committees in Bolivia continue to resist the state's effort to manage the commons.

Introduction

Commons are not static. They have been claimed, enclosed, reclaimed, and enclosed again at different times and in different locations. Similarly, the ways commons are managed changes. In Bolivia, no two commons operate the same. The way commons in Bolivia operate is described by 'uses and customs'. This phrase reflects the two dominant trends that are considered when seeking to resolve conflict or guide usage. Use – who is using the commons: the people impacted by a decision have a say in making the decision; and Customs – how the commons has been used historically. The flexibility of this framework is frustrating for those looking for legalistic guidelines and regulations and indicates a reason why tensions develop between those seeking to defend, promote, and extend commons and those looking to place power in the state. Public ownership through the state does not necessarily create a common and enacting a 'right to' a resource does not necessarily place that resource in a commons. While commons do not guarantee utopia, they create openings for discussion, deliberation, and change.

For many, the enclosure of the commons is seen as a one-off historical event iconized in the British land enclosures and justified by theorists such as Garret Hardin whose widely-cited and frequently invoked 'Tragedy of the Commons' article has been refuted many times over. However, writers such as Silvia Federici (2004) and others associated with the *Midnight Notes Collective* (1990) have shown how enclosures are continuing and are a necessary source of capitalist accumulation. Vandana Shiva (2005) explores how the concept of *terranullis* was used first as a colonial tool for enclosure of land and now is being used to enclose biodiversity and ultimately life.

What this broader view of enclosures recognizes, but does not always explicitly state, is that commons exist. Enclosures continue, but so does resistance to enclosure and the opening of new commons, what Linebaugh (2008, 2010), De Angelis (2003) and De Angelis and Harvie (2013) refer to as commoning. Water, by its physical properties – its flow, its permeability, its cycle – and because of its essential role in survival, has frequently been a battlefield for the commons.

One such battle that has been highlighted as a victory for the commons took place in Cochabamba in 2000. There are at least two versions of this story. The first version of the story says that the transnational corporation

Bechtel privatized the water supply of this Bolivian city, the people resisted damnit, and the water was recovered. The second version – the version we are most interested in considering in this article – looks beyond the sale and recovery of the municipal water company to explore the differences and tensions between ‘public’ ownership, on the one hand, and commons and commoning, on the other.

The water war

Structural adjustment programmes dominated economic (and political) policy throughout South America from the mid-1980s. Guided by the World Bank and the International Monetary Fund (IMF), in 1985 the Bolivian government issued a presidential edict known as DS21060 that enacted a series of policies that decimated social services and paved the road for privatizing public companies [Olivera and Lewis \(2004\)](#) and [Olivera and Gomez \(2006\)](#). Starting with the mining companies, most of the country’s public companies were privatized. The privatization of public companies under neoliberalism were not simple transfers of ownership from the public (however defined) to the private, but were accompanied by structural adjustment programmes to facilitate and encourage foreign investment.

In 1999, this one–two attack was used to privatize the water supply in Bolivia’s third largest city, Cochabamba. First was the passage of Law 2029 eliminating any guarantee of water distribution to rural areas and allowing outside companies to lease exclusive access to water. What this meant was that irrigating farmers, communities, and neighbourhoods on the periphery of the city, which had built and were reliant on autonomous water service (that is, not connected to the municipal water system), suddenly lost their rights to manage these water sources. With this provision in place, the public water utility SEMAPA was sold to the consortium Aguas del Tunari, whose majority shareholder was the transnational corporation Bechtel. SEMAPA thus relinquished its right to manage the region’s water supply. Meanwhile, in the city people were faced with excessive increases in their water rates (with some bills increasing by 200 percent) and water cooperatives now found themselves in the situation of administering a water service without a state concession. This meant that Aguas del Tunari could sue them for unlawful competition and take control of the existing community-owned systems to serve the company’s needs.

This situation gave birth to the Coalition for the Defence of Water and Life (Coordinadora de Defensa del Agua y de la Vida) and allowed people in urban and rural areas to mobilize with a degree of unity that had been absent for close to twenty years. Thousands of people responded to the Coordinadora’s initial call for a mobilization on 11 January 2000. The government

greeted them with tear gas, but four days later signed an agreement committing to review the law and the contract.

The government, however, refused to lower the water rates. In response, the people began to refuse to pay the water bills. And in February, when the Coordinadora saw that the agreement was not being honoured, it called for a peaceful and symbolic seizure of the central plaza to demonstrate the unity and legitimacy of the people's demands; and, in this way, to pressure the government to act. The government banned the mobilization and brought in police from other parts of the country to help repress the demonstration. Over the next two days central Cochabamba became a war zone. 175 protesters were injured before an agreement was reached to review the law and the contract and to freeze water rates at November 1999 price levels.

A process of popular consultation and a series of popular assemblies were held to formulate demands regarding the water. More than 50,000 people participated. When this popular mandate was not recognized by the authorities and the government refused to break the contract and return water management to the public, the people responded by initiating a new far-reaching street blockade. Over the following days, the number of people in the streets grew larger and the blockades became more widespread. Despite an announcement that the national government had decided to break the contract, the national government in La Paz stated that the contract would not be broken and immediately declared a State of Emergency.

Soldiers occupied the streets. The violence worsened; the spokespeople of the Coordinadora were targeted and harassed and a 17-year-old was shot and killed by the police. The people raised their demands to a higher level – calling for the company and the President of the Republic to leave the country and that a popular constituent assembly be formed. Finally, after days of confrontations, the company was expelled. For Bolivia, this was the first popular victory in eighteen years of neoliberalism and it has changed history.

'We don't want private property nor state property, but self-management and social ownership.'

That is the start of a statement from a factory workers' manifesto is an explanatory note. The Water War in Bolivia was a clear victory against privatization and imposed neoliberal structural adjustment. But it was not a struggle just to restore SEMAPA as the public water utility. It was a popular struggle to expand participation in determining the conditions of people's lives and, it can be argued, that is why it succeeded. The way the Coordinadora operated and the way decisions were made during the Water War was through the commoning of our lives and our politics.

The Coordinadora's base of power was grounded in people autonomously deliberating, deciding upon, and implementing the decisions of the people.

These decisions exceeded the state. The boycott of the water bills and the breaking of the contract with Aguas del Tunari were not possible within the confines of the state – they *were* illegal – but that is what the people chose to do and that is what was done. This example illustrates how neoliberalism has robbed us of these fundamental rights and demonstrates the potential for actions that can go far beyond contemporary simulations and illusory forms of exercising the right to be heard within the neoliberal context. The change in the correlation of forces between government elites and working people was codified first in the Water War and then in the Gas War² that followed in 2003. It became a historic fact and made possible the presidency of Evo Morales in 2005.

Throughout Bolivia's history we have seen a state that, despite its relative weakness, has continued privatizing and intervening in the commons – attacking and destroying the collective ways people have sought to access and use commons. This happened during the colonial occupation, through the republic, and finally, as the conflict in the TIPNIS demonstrates, continues in the current moment under the Evo Morales government.³ Furthermore, the rights-based strategy that Morales (and García Linera) has chosen to pursue which espouses universal access to water as a goal has had the effect of further enclosing commons at the same time as it reduces the ability of communities to determine the conditions of their own lives. Through the much heralded UN Convention on the Right to Water and through the Declaration of the Rights of Mother Earth in Bolivia the government is advancing a 'rights' framework which shifts the responsibility and thus the power to manage water resources from the people to the state. What a rights-based movement enacts is another form of enclosure by shifting the power to control use from the community to the state (Crespo 2012). The traditional ways to manage use are rendered null and void and those seeking access must appeal to the state, the legislature, and the courts. The state declares that the government had neglected its role, but that the capacity to satisfy the needs of the people now will be assumed by the state and therefore autonomy is no longer necessary. There is a paternalistic tendency now to co-opt, control, and unify water systems.

2 From mid-September to October 2003, there was a series of mobilizations about Bolivia's natural gas reserves in several cities of Bolivia. Across the country, hundreds of thousands of people protested, went on strike, and constructed extensive road blockades. There were intense confrontations between security forces and protesters that resulted in the deaths of almost a hundred people and the resignation of the president at that time, Gonzalo Sánchez de Lozada.

3 The indigenous population of the Isiboro-Sécure National Park and Indigenous Territory (TIPNIS) includes sixty-four communities and approximately 10,000 people. The Morales government's plan to build a 111-mile long highway that will cut this territory into two has spurred conflicts and raised questions about the government's commitment to the environment and the autonomy of indigenous peoples. The planned road was imposed without consultation with the people living in the TIPNIS and with laws (such as Law 180) which would prohibit nearly all economic activity essential for survival until the road was approved) to force communities' cooperation.

To understand this, we need to return to the situation before the Water War. This gives a sense of the myriad ways in which Cochabambinos managed their access to water. It also highlights the forms of sociality that Evo Morales' government is attempting to undermine. People in the Andes, in general, consider water as a living being, a divine being. Water is the basis of reciprocity and complementarity; it helps to resolve problems and to establish relationships; water is everybody's and nobody's. As opposed to human law, water is seen as an expression of flexibility and adaptability. It is the element that helps nature to create and transform life and permits social reproduction. Prior to privatization, water in Cochabamba was provided by a variety of means. SEMAPA, the municipal water company, was the major supplier and the most visible one; there were rivers, wells, and rain catchment systems; and there were private water trucks that delivered water. Many neighbourhoods and communities accessed their water from a variety of these sources and looking at how those networks operated will give us entry into the variety of uses and customs of the water commons. These systems existed in states of various complexity. Some neighbourhoods might have pooled their money to construct a system that delivered water to their houses and contributed on an on-going basis to the upkeep and electricity bills. Others might access it through water houses or cisterns or even through private water trucks. The decision of how to access water was one of the decisions that went into constructing the commons.

Three historic ways of managing water in Bolivia

	Before the Water War	With the privatization	In the current moment (under Evo Morales)
Organizational	Two ways of management: public/state and community-based Two-thirds of the water in Bolivia (urban and rural) is managed through community systems	Public company privatized and given monopoly over water management Community systems expropriated and/or made illegal	The restored public company has not improved its services Community/autonomous water systems are threatened or deterred by the state
Participation and decision-making	In the public company technicians and officials are appointed by the government All the members of a given community	Some state intervention through regulatory framing, but otherwise exclusively the directors and shareholders of the corporation Loss of ability to	As before privatization At risk

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	Before the Water War	With the privatization	In the current moment (under Evo Morales)
Goals	Various, but in the main to provide water to the community	participate/As consumers only. To generate profit for the corporation	To provide water to communities, to increase reliance on the state, and to build support for the re-election of the government

The Bolivian government, which came to power through people recovering their ability to decide, is not interested in promoting or strengthening autonomous power and processes. The state has also initiated a process of expanding into new areas. There is an increasing intervention by the state in matters traditionally outside of its scope. This intervention has taken on a highly centralist thrust, increasing legislation and bureaucracy that give power to the state to decide, and intervene over community systems and autonomous practices that until now it did not recognize.

What Morales and García Linera are saying is that issues and problems around water access and management, as well as other major social concerns no longer need to be addressed at the community level. Their view is that the problem had been the state and that the state has been redefined and consolidated after the 2008 constitutional assembly (García 2010). And, since that time, mobilizations of the people have solely been demands to the state regarding the surplus that it generates and how this surplus is used. In this view the collective only organizes itself to ask and demand things of the state; for the government this is the content of the mobilizations.

But communities continue to exert power to make these decisions even after the new constitution. For example, at one meeting in 2008, community members in a neighbourhood high on the southern ridge of Cochabamba divided up research roles into the question of how to provide their neighbourhood with water. They then shared their findings and followed up with a long discussion of whether it would be better to pressure the municipal water supply to build pipes to their neighbourhood or to build a giant cistern and negotiate a contract with a trucking company to keep it filled for a set rate. Furthermore, water collectives in different parts of the country, and even in different countries, are building networks that allow them to organize together and share strategies about how to access and provide water in their communities. It is important to note that these water communities are not working against public water systems but for the ability to decide how and to what extent to connect to these networks. Struggles to build and maintain

water commons necessitate undermining structures that seek to profit from access to water or restrict access to those of certain class, gender, or cultures.

It is necessary to promote an autonomous way to do politics. The state cannot be the horizon at which we seek to arrive. We need to question if something is public when it belongs to the state. The water committees go beyond water. Although they were created around the scarcity, absence, or abundance of water, other issues are also addressed. For example, in the assemblies, people talk about members' well-being, security (as a way to avoid a police presence in the neighbourhoods), festivities, and soccer championships. During the national uprising known as the Gas War in October 2003, the water committees were the ones in Cochabamba that went into the streets in order to protest against these gas policies. These mobilizations that eventually led to government's resignation. Gaston Zeballos, a member of a committee, explains:

If somebody has died, for example, we talk about a giving a donation to the family, or at the end of the year we provide a basket of goods to every member of the committee. So these personal issues are also discussed in our assemblies, Zeballos (2013).

Uses and customs are reflected in the practices of the water committee assemblies. It is a way to create close communities like those found in the campo to the communities to the cities.

In the North to question the role of state as the Water War did seems revolutionary, but in countries like Bolivia the view is different and people have been saying that we do not want to return to the state and we do not want our commons handled by the state. As we saw in Cochabamba and as we are seeing in the struggle of TIPNIS, the people are not organizing to ask or make demands of the state, or to negotiate rights, but to determine and implement the conditions of their own lives.

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