

GLOBAL ISSUE PAPERS



NO.4 | APR 2004 | ENGLISH VERSION

Water, Privatization and Conflict: Women from the Cochabamba Valley

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Global Issue Papers, No. 4
Water, Privatization and Conflict:
Women from the Cochabamba Valley
Published first by the Heinrich Böll Foundation, Washington Office, December 2003
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Translation from the Spanish original into English by Sara Stowell.

Acknowledgements

I would like thank first and foremost the compañeras of the Cochabamba Federation of Irrigators for their participation and interest in the project; the Water Committees, and in particular, the women of the Water Committees; the women of the neighborhood organizations, and from the marketplaces. A special thank goes to the women Irrigators of Tiquipaya for their time, their contributions and their interest in the study.

I wish to express my gratitude to Carmen Peredo and Virginia Amurrcio, leaders of the Federation of Irrigators, for their valuable help in workshops, focus groups and interviews, and for their important comments. I would also like to thank Omar Fernández, executive of FEDECOR. All our solidarity is with their daily efforts to defend the right to water and democracy from the grassroots.

To Pablo Solón for his help, commentaries and contributions to this work.

To Tom Kruse, Rev. Luis Sánchez, Oscar Olivera, María Esther Udaeta, Rocío Bustamante, and Juan Carlos Alurralde for sharing the concerns expressed in this study and for enriching our reflections with their knowledge, experience and commitment.

I would like to thank the Women's Committee of the Hemispheric Social Alliance and particularly the Heinrich Böll Foundation for their support and for valuing the importance of the problems which are at the heart of this study and analysis.

Executive Summary

This investigation analyzes the conflict that was provoked by the privatization of water services in Cochabamba, Bolivia, in 2000. This case is a paradigm of the processes of privatization in countries of the Global South, because it brings together diverse factors and tensions around which water, environmental rights and human rights are debated. This case is an example of how financial policies and the tendency to commercialize water affect local communities, making evident one of the contemporary world's central contradictions: privatization versus the common good with, on the one hand, business-oriented visions and concepts of globalization which promote the policy of privatization associated with profit making and, on the other hand, visions, ideas and community practices of local societies that emphasize common use of water and solidarity as part of a long standing socio-cultural fabric.

This study also describes the fundamental role of women in taking steps to obtain water, both as farmers and members of communities. In particular, their role has increased as a result of policies of market liberalization which have generated a sustained process of outward migration, and hence the feminization of rural areas and agricultural work. As part of their domestic labor, women reproduce love and care and in many contexts, exhibit rationality in seeking accessible resources, and this necessarily puts them in the role of defending water and life. Their tasks are usually invisible within neoliberal societies and not considered in macroeconomic calculations, which are limited to citing data about commercial and monetary activities such as the circulation of money.

Multilateral banks are pushing for the privatization of natural resources by imposing tough financial conditions. They argue that public systems are inefficient and corrupt and that by subjecting resources, including water, to the function of broadening markets and the influence of big business, these resources will be better distributed and conserved. However, theirs is an economic strategy that favors profitability over social and cultural considerations and environmental sustainability, and it reduces citizen participation in water distribution and environmental concerns by privatizing services.

Scope of the analysis: The study analyzes five levels of impact as a result of the privatization process that was put into practice in Cochabamba:

- The increase in water prices and rates;
- The conditions that surround privatization and the degree to which privatization affects the communal systems for safe drinking water;
- The right of private business to utilize water sources that rural communities and peasant irrigation systems have access to;
- The impact on the water culture in the region and hence the long term impact; and
- The impact of investment protection laws on women's rights.

Background: The so-called “Water War” of Cochabamba in the year 2000 is usually explained only as a protest by urban water users against a rate increase. However, the conflict is much more than that. In countries like Bolivia, whose population is about 40 percent rural and survives on subsistence agriculture and is made up of indigenous communities and peoples, who carry a community culture and tradition of water administration, privatization of water affects the rights to water of indigenous people and rural populations as well as those of urbanites.

As a result, the population mobilized around three aspects during the Water War:

- The rejection of the water law formulated by the government;
- The modification of the *Drinking Water and Sewage Law* (bill 2029); and
- The revocation of the contract with *Aguas del Tunari*, the company in charge of water and sewage services in the city of Cochabamba.

Characteristics of Privatization: Privatizing drinking water services was one of the conditions imposed by the World Bank, the Inter-American Development Bank (IDB) and the International Monetary Fund (IMF) in order to renegotiate Bolivia’s foreign debt in 1998. In order to comply with these structural adjustment recommendations and conditionalities, the government put the *Municipal Drinking Water and Sewage Service of Cochabamba (SEMAPA)* up for public bid. By way of Supreme Decree the privatization of SEMAPA was authorized on August 21, 1998 and the first attempt was made at a bid unifying service, extending coverage and financing of the Misicuni Water Project; this had been conceived as the solution of Cochabamba’s water problems. For decades the Misicuni water project, which would open a tunnel to connect water from the mountains to the valley of Cochabamba, has been touted as the solution to the water scarcity problem in the zone, but local administrations that have been both corrupt and not very transparent have never been able to put it into practice.

In order to make privatization effective, the government applied Law 2029, which affected principally urban users by submitting them to dollarized rate increases (from 30 to 300 percent). Women, the great majority of which are dedicated to reproductive tasks, suffered the most from the increase as they were obliged to reduce other expenditures in order to pay the high costs of these services. Neighborhood and communal water systems that had been built with work and contributions mostly from women of the communities suddenly became property of the private companies. Now peasant communities and peasant irrigation systems would have to renew licenses giving them access to water every five years, even while the company received a forty year concession on the system.

Pervasive corruption and irregularities marked the privatization process from the very beginning. The first two bidding processes didn’t work, and in the second, only one company, *Aguas del Tunari*, submitted a bid. Their conditions and demands of profitability were based on the criteria of “full costs recovery” from the users. Rather than putting out a call for new bids, the government directly invited *Aguas del Tunari* to take the system, and by doing so, accepted their conditions for doing business in Cochabamba. Everything happened in a couple of months due to the political influence of partners in the *Aguas del Tunari* consortium. A strategy to access alternative sources of water (rather than the Misicuni

Project sources) that would require less investment was devised to make the terms for the proposed project even more favorable and acceptable to the economic interests of the company. The new strategy affected subterranean water supplies and sources for the whole central valley.”

Aguas del Tunari moved their headquarters from the Caiman Islands to the Netherlands in violation of the concession contract norms in order to profit from the protections in the bilateral investment agreement between Bolivia and the Netherlands, which submits conflicts between companies and countries to a private arbitration panel similar to the practice in the North American Free Trade Area (NAFTA). This is how, when forced to leave Bolivia as a result of pressure and demands from the population, *Bechtel Corporation* (one of the partners of the consortium) was able to sue Bolivia for US\$ 25 million. The same lawsuit is currently being debated by an arbitration panel of the World Bank (the International Center for the Settlement of Investment Disputes, ICSID). Bolivia has refused to pay, arguing that *Bechtel Corporation* is basically a North American company, not a Dutch one. In addition, the amount of compensation that they are asking for is far beyond the less than US\$ one million the company actually invested in Bolivia.

In the study, this case is analyzed as an attack by multilateral banks and transnational companies on a poor country whose national economy is two times smaller than *Bechtel*, and that has had to pay significant sums of public funds to deal with the lawsuit.

The Water War: The Water War was a citizen response to the arbitrary measures and conditions that attacked the rights of nearly every sector of the population: traditional demands for services, water systems rooted in a culture of community and demands for safe drinking water, as well as community practices for water distribution were at play. Peasant and peasant irrigation organizations played a protagonist role in the conflict because of the degree to which their rights to water access were affected.

One of the most important groups in the movement were the women who work in irrigation, who are mainly responsible for the daily task of fetching drinking water and who build and maintain the irrigation trenches for the irrigation of their crops. Urban women also played an important part of the movement due to their own gender roles in acquiring, storing and distributing water, because in many zones of the city there is no water supply to domiciles, or the water simply doesn't come. Due to the rate increases, many women had to adjust their budgets in order to pay the bills, or go to public water troughs in order to access cheaper water, or they or their daughters had to get up even earlier to get water from the water truck.

During the protests in April 2000, women from the irrigation organizations defended their right to water, the right of the community to use water, their recognition as those responsible for acquiring the resource, the unity of their organizations and their acceptance as leaders. They also defended own gender issues: demands for greater participation, recognition, and decision-making power. Their reflections about the practices of exclusion and the mechanisms that make women invisible have given these members of irrigation organizations a double challenge: maintaining their already achieved social victories and broadening their participation and rights as women.

Privatization became unviable due to the multiple pressures on the rural and urban population, which in turn provoked social conflict. This social conflict was extended and ended up being of national dimension because people from other Bolivian provinces took action in solidarity

with the men and women of Cochabamba. The company who was given the water concession was thrown out by the population after months of protests that culminated in a true street war in Cochabamba. Population and army confronted each other from behind barricades; people from every social class came out every day to protest privatization. Men and women were protagonists of difficult confrontations, and they were repressed and threatened as a result. But they won, even after martial law was declared, dozens were injured and one person was killed. At the end of the day, all the pressure coming from the entire population was able to break the concession contract with *Aguas del Tunari*, and months later, peasant mobilizations – following the demands first made in Cochabamba – managed to defeat legal reforms to water and changed Law 2029 which attacked their rights.

Conclusions and Recommendations: The impact of water privatization in Bolivia was not only expressed in the arbitrary rate increases and attacks on users' rights. Privatization also affected indigenous rights of access to water due to imposed legislation, which favored transnational investment. The social conflicts had repercussions on democracy, and provoked a crisis in the State, which in order to defend the interests of transnational companies used violence and state sponsored repression, resulting in one death and dozens of injuries.

The impacts of water service privatization on women is rooted in the structures of gender discrimination and poverty, in family relationships and hierarchies, as much as in the services themselves. Although the biggest impact was felt by women, the repercussions also hit families because women are the mothers and girls who are in charge of the home and had to strategize to use less water with negative impact on the health and quality of life of the family in general.

Monopoly and exclusivity in safe drinking water services that were given to the transnational affected the communal water systems where women's contributions in labor are significant, although invisible as a result of the lack of consideration for their reproductive labor. It also meant a form of expropriation of rural community water sources and peasant irrigation systems. This deepened the lack of appreciation for traditional knowledge and for visions of collective knowledge for managing and acquiring water - knowledge accumulated over centuries and based on mechanisms of control, consensus building, and traditional "uses and customs."

Finally, the demand for US\$ 25 million in severance by *Bechtel-Aguas del Tunari*, the company that won the concession, signifies a potential threat to the most vulnerable Bolivians and a deepening of poverty with the most repercussions on women, who represent the majority of the poor. It could affect public budgets directed towards women: employment, healthcare, education and other social services fundamental to human development.

In Cochabamba, privatization processes, the application of the neoliberal model and the rules of the multilaterals were applied indiscriminately and by force as "recipes," justified by the corruption and the inefficiency of municipal services. Those things affect the lives of concrete social groups and people. They affect women in their daily efforts to have a dignified life. They affect their most elemental human rights, such as the right to water, which was recognized as one of the priorities in the United Nations' "Millennium Declaration" of 2000 and the Millennium Development Goals (MDGs).

We learned from the Cochabamba experience that is fundamentally important to base development work on the perspectives of local indigenous and community knowledge, the needs of peoples and the traditional mechanisms that their cultures have built through generations of social interaction and communal living in order to make water a sustainable resource while respecting human rights and the rights of nature itself. Some basic recommendations follow from these insights:

- **Water should be excluded from free trade agreements.** The commercialization of water should be avoided. Water should be fought for as a social right, a right of nature, and a human right.
- Water services should be **excluded from conditionalities imposed by multilateral financial institutions** (IDB, WB, IMF), which force countries to privatize them in order to renegotiate debts and credits of the international financial community for the poorest countries.
- Societies should promote the maintenance and improvement of **public water systems with social control (social watch)** by user communities and sectors of civil society, and they should include a gender focus and reflect the needs and rights of women.
- The visions developed by women around water from their perspective of domestic responsibility and caring roles should be **visualized and recovered**. Feminine perspectives developed by indigenous women about water and the reciprocal interdependence humans have with nature have the potential to serve as an alternative by setting a contrapoint to commercial visions and the thinking about centralized political and economic power which have done nothing less than pillage nature in function of profit.
- Communities, civil society and particularly women's organizations should all **work towards the adoption of a Universal Declaration on Water Rights**, linking it to the advancements humanity has made regarding human and environmental rights, and **defending water as a common good** that belongs not only to human societies but also to nature and all living creatures; hence water should be perceived and treated as a non-commercial resource that is indispensable for maintaining life.

1. Introduction

"Water is a limited natural resource and public property. It is fundamental for life and health. The right to water is essential in order to live a life of human dignity. It is a condition for achieving all other human rights"...

"Water ought to be treated as a social and cultural property and not as primarily an economic good. By whatever means access to water is achieved, it should be long-lasting in order to ensure the right to water for the current generation and for coming generations"...

(The United Nations Committee for Economic, Social and Cultural Rights, November 27, 2002)

The objective of this study is to analyze the impact of privatization on women using the 2000 Cochabamba, Bolivia, case, a very complex example of the privatization processes that are being implemented all over Latin America. In this case there are a diversity of factors and tensions around which water and human rights are being debated in the context of the application of neoliberal and privatization policies which impact local societies, vulnerable populations and in particular, women.

The conflict in Cochabamba (the third most important province in Bolivia), called the "Water War," reflects as a local example the central tension that exists around water in the contemporary world: privatization versus the common good. The different facets, causes, factors and tensions follow:

- Scarcity of safe drinking water;
- Financial conditions imposed by the multilaterals for privatization;
- Business interests that diverge from human rights' concerns;
- International legislation protecting investments;
- Local visions and practices for accessing water that are not recognized by politically dominant groups;
- Conflict and social resistance that can happen in connection with the issue of water and privatization;
- How women and their rights are specifically affected;
- Different social actors who defend water; and
- Women defending water.

This case also exemplifies that opposing visions about water are more evident every day: on the one hand, the globalizing and business related concepts and visions, which are oriented towards privatization and profitability as the way to resolve the global water conflict; on the other hand, there are visions, cosmo-visions and communitarian practices of local societies that emphasize common, solidarity based use of water. Some of these practices are based on socio-cultural fabrics of a longstanding socio-cultural and socio-economic tradition.

While for many communities water means life, for transnational private companies, it represents an opportunity for business and profit. Many communities and groups of human beings have found that through living together and by way of conflict resolution between people and nature, they can ensure the right to water as well as thank the Earth for its fruits. Businesses tend to dedicate themselves to extracting and commercializing nature's resources based on rules of the game that they themselves have invented to benefit their reality and concrete interests. By so doing, they affect the balance between nature and human beings.

Because of their position in society and their lack of access to decisions around public policy, the poorest of the poor are effected most by these crisis' and tensions. Women are the most affected because of the social discrimination they are subjected to.

Millions of women in the Global South dedicate many hours of their daily labor to collecting, saving and looking for water. Women play a fundamental role in managing water due to their roles as farmers and members of the community, urban users and members of cooperatives or water committees. As part of their domestic labor, women reproduce love and care and in many contexts, a rationality in seeking accessible resources, and this necessarily puts them in the role of defending both water and life. Their tasks are usually invisible within neoliberal societies and not considered in macroeconomic calculations, which are limited to citing data about commercial and monetary activities such as the circulation of money. At the same time, they are victims of the service policies that try to center public services on profit making. They are victims of the limited or absence of investment by transnational companies in water connections, or they are victims to the rates structures that prioritize profits over social wellbeing.

In spite of this, privatization of natural resources is being promoted by the multilateral development banks under the influence of big business through heavy financial conditions. They argue that public systems are corrupt and inefficient and that privatization opens markets, and according to the banks, better distributes and conserves resources, including water. These policies are promoted in Latin America mostly under pressure from the World Bank and the International Monetary Fund (IMF), but they are also concretely stated in the rules of free trade agreements, particularly in the rules of the World Trade Organization's (WTO) General Agreement on Trade in Services (GATS). In addition to privatization of public services, the WTO seeks to promote special arrangements to protect foreign investments. On the other hand, Bilateral Investment Agreements (BITs) have multiplied throughout the world since the 1990s with the same objectives. These agreements establish arbitration courts whose doors are closed to public participation. These policies promote these rules without considering their effect on human rights; in doing so they privilege an economic and profit making strategy over social and cultural conditions or environmental sustainability issues.

The following study will attempt to get to the bottom of the multiplicity of factors and analyze their relationships by looking at the case of Cochabamba, Bolivia. It will attempt to put in evidence how privatization policies affect women's rights, women's daily lives and spaces where they exercise power, and puts their skills in a vulnerable position and de-structures their social fabric.

At the same time, this study will try to show women's strength and potential in the defense of water as a human right in the conviction that their strengths, experiences, capacity to mediate as well as the proposals from Andean women offer alternatives and distinct ways of looking at water – that vital element for the health of the planet.

Areas of Analysis

This study will try to answer the following questions: How does privatization of water impact women? What are the lessons from the Cochabamba case of safe drinking water privatization? What alternatives and answers do we have from women from the Andean Valley?

To answer them, the study will analyze five identified levels as areas that were impacted by the privatization that was put in practice in Cochabamba, while throughout this work they will serve as orientation questions and will illustrate the varied and multiplied effects of these processes. From our point of view, multiple legal, cultural, social and economic effects are involved.

- Water rates and prices is one area that was impacted by privatization;
- A second area that was analyzed concerns the conditions surrounding privatization and the degree to which communal safe drinking water systems were affected;
- A third area is related to the right of the privatized company to access water sources which are in use by rural communities and peasant irrigation systems;
- A fourth area is related to the impact on the reigning culture of water in the region, making this impact more sustained and long term;
- Finally, we wanted to find out about the impact that the investment protection laws would have on women.

2. Privatization and Conflict

Background

Although the so-called “Water War” is often described as protests by urban water users against rate hikes, the conflict was much more than that. Privatization of water in countries such as Bolivia involves much more than managing water distribution; it almost always involves the affect on the right of indigenous communities and agriculturally based rural populations to water. For example, 40 percent of Bolivia’s population is rural and lives off subsistence agriculture. These mostly indigenous communities and peoples hold a traditional community culture regarding water management.

Moreover, privatization processes imply the creation of legal control systems over water. In this case, they are promoted by the International Financial Institutions (IFIs), including the Interamerican Development Bank (IDB) and the World Bank. These legal systems are oriented to protect foreign investment and come from a perspective of commercializing water rather than thinking in terms of an integrated management approach to hydric resources (Kruse, 2001; Jouravlev, 2001, Solón, 2001). When states that already suppress their people impose these systems, they contribute further to trampling the human, social and cultural rights of the population.

During the Water War, the population mobilized for three reasons, focusing on:

- The rejection of the water law formulated by the government;
- The modification of the Drinking Water and Sewage Law (bill number 2029); and
- The revocation of the contract with *Aguas del Tunari*, the company in charge of water and sewage services in the city of Cochabamba.

As becomes apparent, the rates/pricing issue is just one of the motivations for which the population rejected privatization. Privatization processes are accompanied by a series of local, national and international regulations, which become the architecture of protection for private investment, in the majority of cases to the detriment of community rights and environmental sustainability. Thus, when speaking about the impacts of privatization, one ends up talking about the impacts on social groupings because the rights of persons and the rights of indigenous peoples to territory and to water sources are affected.

Bolivia doesn’t escape the multilateral development banks’ strategy of exercising more and more control on poor countries by private and business concerns via pressures around foreign debt and the dependency of poor countries, GATS regulations and investment protection systems. Bolivia is also not isolated from the tendency to pass new legislation and build new legal frameworks regarding natural resources that have been promoted continent-wide during the past decade, which have been characterized by “making possible, protecting and promoting private participation and investment; reducing pressure on state budgets and reorienting public expenses to other more politically urgent demands; improving economic efficiency in the use of hydric resources and in offering public water services.”

(Jouravlev, Economic Commission for Latin America and the Caribbean [CEPAL], 2001).

The Cochabamba case demonstrates how this type of regulation and privatization negatively impact communities, civil society, citizen and women's rights, and finally, democracy itself. In Cochabamba, imposing legislation by force and pressuring for privatization by political and financial means ended up trampling the population's civil and human rights and crushing the democratic system.

The Cochabamba Valley

Cochabamba is located in the center of Bolivia. Two thousand seven hundred and fifty meters above sea level, the valley is hot and contains a lot of land apt for agricultural production. With an area of 55,631 square kilometers, the valley represents 5.06 percent of Bolivia's total land mass. Population density is 26.17 inhabitants per square kilometer. According to the 2001 census, Cochabamba's population is 1,455,711 inhabitants – some 17.59 percent of the national population. Of this total, 736,558 (some 50.60 percent) are women and 719,153 (49.40 percent) are men. Some 58.85 percent of the population lives in urban areas (856,752 people) and the other 598,959 people (41.15 percent) live in rural areas. (INE, Censo 2001)

Some have called the area "Bolivia's Silo" because people there have been producing corn since before colonization; during the Inca period, the people of the Cochabamba valley produced corn with the Andean system of strategic control of different ecosystems (*pesos ecológicos*). As such, for centuries the communities located in the valleys and the high plateau have been practicing subsistence agriculture as well as agriculture for commerce or storage. Administering water and developing irrigation technology have been an intrinsic part of the culture, the history and community life (Boelens y Hoogendam, 2001, Kruse, 2001, Bustamante, Peredo y Udaeta, 2003).

Water in Cochabamba

However, the hot and beautiful valley of Cochabamba has suffered from a lack of water for a long time. When speaking about this region, in addition to mentioning its temperate climate, the lively eyes of the Quechua women, the picturesque and traditional valley villages and its varied Creole food, one can't help but mention the lack of water.

Although Bolivia has a lot of water due to the mountains and the Amazon, access to these resources is not the same in every region. Cochabamba suffers from a chronic lack of water.

Unlike other regions in the country, water scarcity is not only due to a lack of infrastructure but also a result of a growing deficit of water sources. Those that exist no longer supply enough water for the growing population, fundamentally the belts of rural people that surround the city. Water scarcity has motivated conflict in the Cochabamba valley for a long time: indeed, some of the first legal issues dealt with in colonial times had to do with water disputes (Bustamante, Peredo, Udaeta, 2003).

However, the origins of this contemporary crisis can be found in part in the urban-rural tensions coming out of the sixties when the then public water service agency SEMAPA tried to drill wells for the first time in the central valley to improve safe drinking water service in the city. This attempt at well drilling occurred because the perspective of executing the long awaited Misicuni Multiple Project seemed slim. (It had been conceived decades ago in order to resolve the water scarcity problem by drilling a tunnel through the mountain ridge and building a dam.) This explains why a large part of SEMAPA's strategy was based on using subterranean waters.

In recent decades, for different reasons, Cochabamba has become an arid region with scarce water supplies for irrigation and for drinking. In urban areas, since there are no distribution networks close to homes in many zones, the lack of physical infrastructure is determinant. In spite of this and in contrast to the national demand for water, Cochabamba consumes just 1 percent (150 millions of m³ per year) of the subterranean hydric sources available, mainly due to a lack of infrastructure to utilize more (Social and Economic Policy Analysis Unit (1998) cited in Bustamonte, 2002).

The city of Cochabamba and the surrounding neighborhoods towards Sacaba and Quillacollo have populations of about 600,000 inhabitants (about half the total population for the province of Cochabamba). Only 55 percent of the urban population has access to a safe drinking water and sewage system.

For decades, as a result of this situation, a series of alternative forms of providing water have existed, such as public wells in some areas, organized cooperatives or water committees in others, (the latter predominantly in rural or peri-urban areas), or purchasing water from water trucks ("aguateros") and then storing it in petroleum barrels or old recipients which are not always apt for preventing sanitation risks.

In many cases, the population organized in cooperatives or water committees have worked and invested for years to resolve their water needs, and this work has meant substantial collective efforts that are important to the lives of their families:

"FOR YEARS, WE HAVE LIVED RUNNING AFTER THE WATER TRUCK. MANY TIMES MY LITTLE DAUGHTER HELPED ME TO COLLECT WATER FROM THE TRUCK, WHICH OFTEN COMES BY AT FIVE IN THE MORNING. SOMETIMES SHE WOULD FALL ASLEEP AND NOT MAKE IT TO SCHOOL AS A RESULT. WE HAVE WORKED HARD ON THIS IN MY ZONE, BECAUSE WATER THEN HAD TO BE STORED FOR TWO TO THREE DAYS, AND THE SITUATION WAS GRAVE. WATER IS SOMETHING WE TAKE CARE OF BECAUSE IT IS HARD TO GET... SO, WE ORGANIZED. MY MOM NO LONGER COULD PARTICIPATE – SHE WAS TOO OLD. BUT THE REST OF US HAVE PAID A QUOTE OF ALMOST US\$ 3,000 IN TWO YEARS IN ORDER TO HAVE OUR OWN WATER. THE WATER COMMITTEE WAS ORGANIZED BY US AND WE HAVE STAYED ORGANIZED, AND IT HAS BEEN VERY, VERY HARD WORK FOR US WOMEN."

(JULIA, BARRIO SAN MIGUEL).

A 1997 study shows that access to water in Cochabamba is inequitable and discriminatory. The poorest and most vulnerable groups, particularly poor women in rural areas, receive less and generally pay more in proportion to their income than groups with middle incomes or greater (Ledo, 1997). The author shows that in this scheme of missing connections, discriminatory rates structures and water scarcity, the poorest people pay the most: up to 5 percent of their family expenses (Ibid)

Homes According to Type of Connection by Zone (%)

Zone	SEMAPA network	Private network	No connection and no payment for water	No connection but pays for water
North East	79.2	4.2	13.7	3.0
Central South	70.2	2.2	1.1	26.5
North West	42.3	20.1	22.7	14.9
South	62.2	1.5	1.0	35.2
Center of Tow	100	0.0	0.0	0.0
TOTAL	52.2	16.2	16.1	15.5

Source: *Ledo, C. 1997.*

Homes Without a Main Connection Source

	Public wells	Own well	Cistern truck	Spring	Neighbor
North East	14.9%	0.0%	0.6%	0.6%	1.2%
Central South	4.5%	0.6%	24.5%	1.2%	1.3%
North West	5.1%	2.1%	13.5%	1.9%	3.7%
South	0.0%	0.6%	45.1%	0.0%	0.0%

Source: *Ledo, C. 1997.*

According to World Bank data, the chart below indicates how Bolivia compares to other countries in the region:

A Few Countries: Access to Water and Sewage

Country	Access to public water	Access to sewage
Bolivia	72%	28%
Brazil	87%	49%
Chile	87%	85%
Mexico	89%	50%

Source: *World Bank 1999: xxvi, 1998 data*

Of the total population without water or sewage service, 56 percent live in rural zones, which in itself show the total abandonment by the state of this population. In recent decades, due to neoliberal policies, this abandonment has become even worse.

In rural areas, local water management systems are a strong part of the community culture rooted in traditional practices of water distribution for consumption and irrigation, a culture of conflict resolution and water distribution based on the rights and the needs of the collective and the family.

One confronts then a situation in which one part of the population accesses water and sanitary services through a municipal company with a basically discriminatory rates structure and less than transparent administration, while the other part of the population has a joint system of community systems, water committees and water and sewage cooperatives, all with different organization forms and their own dynamic, urban or rural, with organizational practices specific to water management.

Just by being community members, women are part of these committees, but their link to them is also a given due to their reproductive roles. This is particularly true in rural areas where the form of participation is by family, where while the roles of representation falls on men, women play an active and permanent role in management activities.

Privatization

Simply described, privatization is the transfer of a municipal company to private hands, requiring a legal framework that basically commercializes this resource and protects the investment, creating a “favorable climate for financial activities” as is often repeated in agreements on investments. The Monterrey Summit on Financing for Development, a United Nations conference held in 2002, also affirmed this, as do the worldwide strategies advocated by the World Water Council that are inclined to commercialization. The arguments go as follows:

- The only way to resolve the global water access crisis is by promoting private investment because states don't have the capacity to maintain public services;
- Users should cover the “costs of water” regardless of the obstacles the poorest and most vulnerable groups have to access a right that is being sold;
- Commercialization and privatization of water and the property rights of transnational companies over water as a solution;
- A rational and efficient use of water geared toward large scale agricultural production to the detriment of traditional peasant agriculture;
- Promote the use of genetically modified seeds to economize the use of water for agriculture.

Pressures from the multilateral banks and the reforms that came out of the Structural Adjustment Programs began preparing the terrain for privatization in Bolivia as early as 1985. In this context, in the 1990s, the government began passing legal reforms in which water is seen under the paradigm of commercialization: water is a product, not a service or a common resource. This is the reason that in Bolivia, way before the process to privatize water itself began; several legislative initiatives were attempted out, many of them promoted by the IDB.

Water Legislation

A water law has been on the books in Bolivia since 1906, based on the *Water Rule of 1879*; this law has been modified contradictorily for different dispositions and currents throughout the twentieth century.

More than 30 versions of a new water law have been formulated during recent decades, some of which have been done with IDB financing, but they have not included the demands and rights of indigenous peoples and peasants, nor have they taken into account the experiences of the irrigation organizations and much less the

women irrigators and water users. They also haven't achieved consensual approval, so, Bolivia does not have a water law that has been agreed upon by the different sectors of society. This shortcoming is reflected in the frequent conflicts about water between the Bolivian state, businesses and social organizations over rates, over takeovers of water sources, over contamination of rivers, over urban development processes imposed due to commercial interests, in other words: Bolivia's legislation on water lacked a mechanisms and practices to construct a consensus from below

The IDB, the IMF and the World Bank Behind the Privatization of Water in Bolivia

Privatization of water services was a condition for renegotiating Bolivia's foreign debt, as demonstrated in the following summary of the Structural Adjustment program that was negotiated with the World Bank, the IDB and the IMF in 1998:

Under the heading of "Privatizations," the agreement stated:

"The government intends to privatize all remaining public enterprises, including the companies belonging to the Armed Forces. The process of privatization of the YPFB¹ residual has begun; in June 1998, it will be finalized through the conversion of the drilling unit into a shared risk scheme. Between September 1997 and June 1998, the labor force of YPFB was reduced by 1,350 people. The government will publish through February 1999, public auctions to put the refineries under shared risk contracts and it intends to privatize refineries in June 1999. The publication of these public auctions by February 1999 will be the criteria for the evaluation of the structural performance within the IMF program. By March 1999, the process to privatize the natural gas network will be finalized, as will that of the jet fuel stations and gas bottling plants. Gas stations will be sold when the current long term rent contracts expire. The State Smelting Company (Vinto) will be offered for sale by October 1998, and its personal will be reduced by 890 people during that same year. The government plans to sell the Santa Cruz Development Finance Agency (FINDESA) by October, 1998, a sugar industry (Bermejo) and a water company (SEMAPA) by December, 1998; and two electricity distribution companies (Servicios Eléctricos Potosí and Servicios Eléctricos Tarija) by June 1999."

(Official booklet of the Enhanced Structural Adjustment Facility (ESAF,
Framework for economic policy for 1998-2001 Presencia, 11/10/1998).

This Enhanced Structural Adjustment Facility (ESAF) also included the formulation of a labor reform proposal that social organizations identified as a proposal for labor flexibilization. As can be seen, the neoliberal measures to which the government

¹ *YPFB, Yacimientos Petrolíferos Fiscales Bolivianos*, was the national oil company, founded by the Bolivian government in the 1930s after the nationalization of a big international corporation (Standard Oil Company). YPFB was one of the most important state companies in Latin America. In the 1990s, YPFB was privatized thru "*capitalización*", a local version of applying the neo-liberal model, as recommended by the IFIs. The privatization of YPFB residual means the finalization of privatization, because in that process YPFB was divided in different sectors, exploration, production, transport, all of which became private corporations. As YPFB residual, just the oil refineries were left in public hand, but these, too, were to be privatized following the recommendation of the World Bank.

committed not only included services but rather the companies themselves and they required the firing of thousands of workers from the aforementioned companies.

It is not surprising that these policies were well received among the business and political elite in Bolivia, since their interests and conveniences are benefited. They then are imposed on the population through strategies and mechanisms right out of the traditional political culture.

In compliance with this ESAF, bidding was opened on the Municipal Drinking Water and Sewage System of Cochabamba (*SEMAPA*). By way of a Supreme Decree, the privatization of *SEMAPA* was authorized on August 21, 1998 and a first attempt at a bidding process was made, unifying service, the extension of coverage and financing for the Misicuni Water Project, which had been conceived of as the solution to the Cochabamba water scarcity problem.

Misicuni² is a plan for a project to open a tunnel to connect waters from the mountain range with the Cochabamba valley by building a dam and bringing water to the city of Cochabamba, thus generating electricity and selling water for irrigation. The project has been touted for decades as the solution to the water scarcity problems in the zone, but local administrations that have been both corrupt and not very transparent have never been able to put it into practice. The drafting of terms of reference for the first auction was advised by the French investment bank *PARIBAS* and the terms included linking privatization to Misicuni. There were no bids received. So, in early 1999 a new bidding process was opened up, but only the consortium *Aguas del Tunari* presented a bid. Since the company didn't meet the requirements laid out in the terms of reference, on April 19, 1999 the auction was declared null and void (Supreme Decree # 25351).

Months later, rather than convening a new auction, the Bolivian Government simply invited the *Aguas del Tunari* consortium to take over the municipal drinking water and sewage system, and by so doing, accepted the company's commercial conditions while reducing the original objectives laid out in the terms of reference that included the Misicuni project, especially related to water for irrigation: "according to the terms of reference, the Misicuni Project should have 1.4 m³/second" (Crespo, Fernández, 2001). The government also assured the company a 15 to 17 percent return on their investment, when even in the United States the rate of return for such water businesses is between 3 and 4 percent.

²The Misicuni Multiple Project (drinking water, irrigation and electricity) is one of the most desired projects in Cochabamba, in order to resolve the chronic water scarcity. It has become a regional utopia and a frequently mentioned tool of local politicians' discourse. "For more than half a century, said project has only existed as a theoretical and parasitic business and for demagogic political propaganda during electoral campaigns". (...) Sanchez de Lozada tries to offer the provision to the *Corani* company, which is rejected by the population who argue that "it makes no sense to give away our water to a foreign company so they can turn around and sell it to us." (CEDIB, 2000)

Meanwhile, the World Bank chimed in:

“No public subsidies should be given to ameliorate the increase in water tariffs in Cochabamba, which should reflect the full cost of the Misicuni Multiple Project provision (...) until now, the government has clearly decided that there will be no more public subsidies (additional) to the tunnel and the users will pay in full for the services. Es is absolutely necessary that the government maintain this position.”

(Public Expenditure Review, World Bank, Executive Summary, June, 1999)

The privatization process was finalized in a few short months due to the political influence of *Aguas del Tunari* consortium members (August 11, 1999), even flexibilizing the terms of the proposal that had been drafted to “make it more acceptable to the economic interests of the company, with a strategy for accessing alternative sources of water other than Misicuni Project sources, requiring less investment,” which affected the subterranean waters of the entire central valley. (Crespo, Fernández, 2001). Of course, it also fundamentally placed the burden of paying the investment costs on the users.

Aguas del Tunari was constituted in July of 1999; it was composed of six partners: *International Water Ltd* (WL), a subsidiary of *Bechtel* Corporation of the United States with a 55-percent-share, legally constituted in the Cayman Islands. (*International Water Ltd.* then became *International Water Holdings B.V.* with its home office in the Netherlands when *Bechtel* sold 50 percent of its actions to *Edison* of Italy); *Abengoa* of Spain with 25 percent and four Bolivian partners each holding 5 percent: *ICE Agua y Energía*, *Compañía Boliviana de Ingeniería S.R.L.*, *Sociedad Boliviana de Cemento* and *Constructora Petricevic S.A.* This shareholder composition was dominated by international capital and the local partners were at the same time part of the governing party and the Bolivian political elite. After signing the contract, the company committed various irregularities.

In the heat of the electoral campaign, which occurred at the time the contract was signed, the population was reassured that there would be no rates increases. However, at the same time that the *Aguas del Tunari* contract was being signed, the Drinking Water Law 2029 was passed in record time. It refers to “*Drinking Water Services and Sanitary Sewage Provision*” (October 1999) and was approved for the whole country with the objective of giving legal backing to the *Aguas del Tunari* contract and creating the conditions for putting the rest of the country’s municipal water systems under concession to private enterprises. This law was presented as a specific law but in reality it dealt with bigger issues that are debated in the context of the water law that the population was resistant to.

What Did the *Aguas del Tunari* Contract Say?

The concession contract signed with *Aguas del Tunari* established exclusive rights for the company to exploit water sources and provide services in an area that is nearly the size of the whole province of Cercado. Several irrigation organizations and small neighborhood, communal or municipal systems also existed, and their rights were affected by this measure.

The contract also guaranteed a 15-17 percent rate of return on the company's investment. In order to do so, it guaranteed water tariffs indexed on the US dollar that also included the variation of the consumer price index from the United States.

- Dollarized tariffs that consider the devaluation of the US dollar: The agreed upon rates guaranteed a profit margin of 15 to 16 percent. In other words, no matter what happened, the consortium would take home a 16 percent profit:

(Excerpt from the contract:) "4.42: The Minimum Rate of Return will be 15%. The Maximum Rate of Return will be 17%." "Point 4: PERIODIC REVIEW of the Concession Contract."

The contract guaranteed the right of the transnational company to charge rates indexed to the US dollar, although the absolute majority of Bolivians earn in Bolivianos, the national currency. Furthermore, in the article relating to rates, the contract established that the dollarized tariffs shall be adjusted annually to take into account the dollar inflation in the United States:

" All tariffs and other operative income will be charged in Bolivians at the official rate of exchange to the dollar as published by the Central Bank of Bolivia on the last day of the period for which services are being billed. The value in dollars of all tariffs of the tariff structure, including the reference tariffs applicable to the block sale of safe drinking water and the provision of water for irrigation and all the tariffs charged more recently, taking into account the rate of inflation on costs in dollars expressed as change in the Consumer Price Index of the United States of America (...)"

(Annex 5 of the Concession Contract. 1.5 Monthly and Annual Indexation of Tariffs).

- Monopoly and exclusivity that permits the company to take possession of the local safe drinking water systems: The contract gave the *Aguas del Tunari* consortium the exclusive right to provide safe drinking water and sewages services to the whole province of Cercado, which includes not only the city of Cochabamba but also the suburban sites of Sacaba and Quillacollo.

Some 55 percent of the population of Cochabamba city was served by *SEMAPA*, and the remaining population's water needs were provided by approximately 200 local and communal safe drinking water systems. According to the contract, these safe drinking water committees in outlying and urban neighborhoods were obliged to hand over their installations and infrastructure to the concessionary enterprise since this was now the only legally authorized provider of these services in the whole Cercado province. In other words, exclusivity in the practice represented the obligatory transfer of local systems built through years of local effort by neighborhood councils and surrounding communities to the consortium, under the draconian conditions imposed by the consortium itself.

"...the concession will have the right to install meters in the alternative source, paid for by the users, in order to evaluate the correct charge for sewage services, (...)"

(1.3 Treatment of users with alternative sources of water. Annex 5).

- Right to make use of necessary water sources without stipulating location or flow: The contract said that the consortium could make use of the sources of water al-

ready conceded in concession as well as any other water sources that it deemed necessary. These sources could be located outside the concession area, and neither their flow nor locations were established. In other words, the consortium received a blank check to take possession of water sources normally used by the irrigation organizations and other rural safe drinking water systems.

What Did Law 2029 Say?

Generally speaking Law 2029 repeated the content of the contract, but, since it also regulates all of Bolivia's safe drinking water systems, it included:

- **Tariffs indexed on the dollar**
- **Monopoly and exclusivity:** The law was practically a copy of the contract with *Aguas del Tunari*. The law conceded exclusive rights to the concession holders for up to 40 years while the committees or local safe drinking water systems only received five-year-licenses that did not guarantee exclusive rights to provide services.
- **Access to water sources:** The law authorized the Basic Sanitation Superintendence to function temporarily as the Water Superintendence with access to hydric resources for any use, including agricultural, industrial, mining, hydro-electric, etc. In other words, the safe drinking water law was a de facto water law that affected the entire country's water resources.
- **Prohibition of alternative services:** “no natural or legally recognized entity, public or private, civil or non-profit association, business, cooperative or of any other nature shall provide safe drinking water or sewage services in the conceded zones without proper permission given by the Basic Sanitation Superintendence.”

Aguas del Tunari Takes Charge

In addition to all the advantages that the contract and the law gave to *Aguas del Tunari*, the company went even further. A few weeks after signing the contract and just after municipal elections, the company resolved to implement a rate hike ranging from between 30 to 300 percent with the objective of injecting the necessary capital in order to make the needed investments to extend the safe drinking water system and to begin work on the Misicuni project.

Misicuni thus became a strictly profit-making project that would only be viable if the users covered the total cost of investment, even before the company invested its own resources. This means that by way of the unrestricted rate hike, users would pay for water connections and all costs related to Misicuni. The company had discovered a formula to pay for their projects by “taking money from captive consumers rather than their shareholders” (Palast, quoted in Kruse, 2000).

"This is the gravest and most despicable fact: Aguas del Tunari appears on the scene with ridiculous capital (not even 10,000 dollars) and thanks to the concessions conceded by the government is able to capitalize itself at the cost of the population's sacrifice (...) the foreseen investments – as well as duct improvement and extension of connections – will be paid for by themselves. The transnational company hoped to earn money by investing the money of the residents of Cochabamba. 'If that is the case,' people said, 'we might as well extend the safe drinking water system and the Misicuni project ourselves.'"

(Cedib, 2000)

Whose Interests Were Harmed by the Contract and Law 2029?

Both the concession contract with *Aguas del Tunari* and Law 2029 were meant to guarantee profits and monopoly on water services and water sources. As a result, both instruments affected the following groups:

The mainly urban users of the safe drinking water systems that had to pay dollarized rates and guarantee the rate of return of the translational enterprises that held the concession.

The neighbors or communities of the communal safe drinking water systems who with their efforts, sacrifice and personal contributions had built and administered those systems, now affected by the law and the contract.

The peasant communities and peasant irrigation systems whose sources of water became permanently threatened by the needs of the companies holding the concession and who would be charged a largely inaffordable price.

Although the impact of the contract and Law 2029 can be identified by sector, as pointed out later on, privatization was also creating problems for the democratic mechanisms that communities and cooperatives had established through years of communitarian practice – consensus mechanisms to resolve rates problems, group rights and other issues.

The Impact of Privatization on Women's Rights

Women were among the most important participants in the Water War. This was not a casual connection. Among the motivations to mobilize and protest were women's ties to and membership in communities, irrigator and peasant organizations, and having been directly affected by the law and the contract:

"When we arrived to our water supply in Tiquipaya, we found that soldiers were there and we were unable to access our water source – a water source that had always been ours, always, from the time before our grandparents...They were taking away our right to water and to life. This could not be allowed to happen."

(Vicky, Tiquipaya Irrigator)

The relationship between women and water is to some degree part of life:

“For a child to be born, first our own body’s water breaks.” “Bathe the children, wash the dishes, wash the fruit and vegetables, bathe oneself, prepare fruit drinks, drink water, prepare the food, call the rains, pay and thank the land so that there is water and production.” – these are actions and meanings that women associate with water.

Women in the city, who as part of their gender roles manage water for consumption, distribution and storage in places where there are no household water connections or water simply doesn’t come, are also affected. As users, they are directly related to water consumption and utilization:

“The ‘super rate hike’ (tarifazo) people said, made us all indignant about the increase in prices in the bills, and finally, people simply refused to pay. We took our bills to the news media, to the Coordinadora’s office – it was a scandal.”

(Woman neighbor in Casco Viejo)

Although privatization of a service under the conditions described above affects everyone, women, and particularly poor women are specifically impacted due to their gender condition. According to national data, 55 percent of the population (777,820 people) of the department of Cochabamba are considered to be poor. They lack basic services, reside in homes that don’t offer appropriate conditions, have low levels of education and/or inadequate healthcare (VAG, 2003). Nationally, the basic needs of 59 percent of the population are not met satisfactorily (49 percent of people living in urban areas and 78 percent of rural dwellers). The needs for water and basic services are still unsatisfied for the majority of Bolivians, particularly in rural areas and in belts of poverty on the outskirts of the cities.

Women make up 50.60 percent of the population of Cochabamba. According to data from a recent study done by the Vice Ministry of Women’s Issues, there is a persistent and progressive rise in the number of women serving as heads of families: “A significant and growing number of households headed by women is perceptible. This is a persistent phenomenon, associated with family transformations and changes in marital status; it also has to do with the redistribution of responsibilities of men and women related to the family” (INE, Censo 2001; VAM, 2003).

Structural adjustment has provoked the massive incorporation of women into income generating activities, which has also put a feminine face on the streets and fields. The presence of women on the streets, in markets, in food and informal sales, in domestic service, caring for cars, selling newspapers, street cleaning, as well as activities related to agricultural production and commerce to the city is visible and characteristic. According to data from an analysis of gender equity, women’s presence in activities associated with reproduction, commerce and services, areas where working conditions are both organizationally and technologically more precarious, is on the rise (*Ibid.*)

Increasingly, rural women are taking on more of the productive and reproductive burden as masculine migration, a product of the crisis in agriculture, is frequent. Several observers have indicated that male outward migration from communities is increasing dramatically. This phenomenon is placing additional burden on the shoulders of women who obligatorily take on masculine tasks when the men go to the city or other regions in search of wage paying jobs. These migrations are common through the year and related to the productive cycle, but as a result of the deepening crisis, they last longer (Bustamonte, Peredo and Udaeta, 2003).

The relationship between water management and water rights is not homogenous for all inhabitants of the region; it depends on their social status, geography and culture.

Although the following classification corresponds mostly to families, in the following table one can see the different ways that people access water, the degree of participation in management and the place where the women live:

	Means of accessing water	Participation in water management	Place of residence
Users	From the company that gives the service	None (Only in SEMAPA through neighborhood councils)	Urban zones
Associates	From the Committee, Neighborhood Council, or Water Cooperative	Directly if they are holders of the title (right)	Outskirts of urban areas or urban areas if they are without SEMAPA service
Communal members	From communal systems	Directly if they hold the title; indirectly, from husbands, sons, participation in the committees	Rural zones

Source: Bustamante, Peredo and Udaeta, 2003.

Women participate in these spaces under the same conditions as men because there are no rules that especially favor women's incorporation in the organisms for managing and controlling water. Women are part of organizations that are broader and others that restrict women's participation more. This means that women also have to fight to be recognized in these spaces.

Women and the “Super Rate Hike” (*tarifazo*)

In Bolivia, the minimum wage is 430 Bolivianos per month (close to US\$ 60). Data shows that 82.7 percent of non-family homes and 69 percent of family homes live with collective incomes of less than four minimum wages – less than 1,600 Bolivianos, which puts a large part of the population below the poverty line.

Only 55 percent of urban Cochabamba has access to safe drinking water via the Municipal Safe Drinking Water and Sanitation Service (SEMAPA). However, the connection lines are insufficient and in reality the poorest people don't have access to municipal water. Thus, they have either built their own water system or they get water through the public wells, or their purchase it from the water truck, which is the most expensive option.

Carmen Ledo has shown that the rate structure of the existing distribution network is essentially discriminatory, because the scarcity of water and the lack of infrastructure principally affect the poorest homes. Getting water in these conditions is a difficult daily task that implies higher costs for those who have access to the network. Plus, these tasks fall mostly on women's shoulders as part of their domestic labor:

"I live in the South of Alto Cochabamba. In my zone people didn't have water. From 3 or 4 o'clock in the morning on, we had to be standing ready to buy water, since this was the hour that the water truck arrived. If you got there late, you didn't buy water....Before, each barrel of water cost 4Bs. (approximately 70 cents per day) and for many people, this was barely enough to get through the day."

(Silvia, Leader of Alto Cochabamba)

In the urban zones that do receive safe drinking water and sanitation services from the municipal enterprise, users usually acquire the right to service as an accessory to their home by paying for the connection pipe and installation. There is no information about the number of women who are the direct owners of these types of rights in Cochabamba city, but women mostly are in charge of paying the rates, checking to see if there are leaks in the system and reporting them to the company, making claims for unjustified charges or problems in the provision of water, evaluating the quality of the service, finding ways to save water in the house to save money – and of course more so when the rates are increased.

When asked how they save water, women gave several different answers: "*don't water the plants*," "*don't leave the sinks open*," "*wash plates with less water*," "*take care of clothes*," "*don't shower daily*," "*well, use water mostly just for cooking*," "*sometimes we get mad at our kids because we have to remind them constantly, remember*."

Although there is only one type of relationship between the service provider and the client, with all of the implicit rights and obligations, the levels of women's participation as users are linked to their assignment to traditional roles. Indeed, when the rates first began to be raised, women were the first to complain:

"My bill had doubled in just a month and it wasn't like we had used more water. I generally used to pay between 11 Bs and 12Bs (...) and then from one day to the next we had to pay double – 25! Of course, some people will say that 12 or 13 Bolivianos is next to nothing anyway, but not for a family like mine. We live on my salary alone, and 12-13 Bs is a lot of money. (...) I used to use those 12 extra Bs for my own transportation. With the hike, my only option was to get up earlier and walk to work – can't you see what I mean?"

Jim Shultz in his study verified that the rates were increased up to 250 percent of previous levels according to reported cases. The company claimed that they never raised rates more than 34 percent. When the concession was given, the contract stated that rates would rise by 20 percent (Shultz, cited by Kruse, 2001). A look at actual costs after the tariff increases shows the following:

Family	Category	Description	Bill before the contract in Bs	Bill two months later in Bs	Percent increase
Hinojosa	R2	Poor house	143	314	220
Huayllani	R2	Poor house	11	28.4	258
Rojas	R3	economic	51	93.7	82

In addition to affecting the urban population, the "tarifazo" also affected people in rural areas because the contract established a payment for water for irrigation:

"The price was a dollarized 0.08 \$US per m³ for water service for irrigation in the contracts to be signed in the future with the entities in charge of distributing water for irrigation. This is an inaccessible price for an agricultural family that could possibly pay between 0.015 and 0.02 \$US/m³."

(Crespo and Fernández, 2001)

As one can see, the privatization of water services generated a rate hike that has different repercussions in all families. By looking at the cases of women users the differences can be seen:

"Generally speaking I earn money selling stuff, and I pay for stuff at the market, electricity, water, rent, recreation or transportation costs for the kids, and some little treat or another. [...] What happens sometimes is that men spend the money unwisely. They have nothing to do and they spend the money with their friends, blustering about...."

In order to mitigate the impact on family subsistence, women, mothers and girls in charge of their homes, come up with various strategies: consume less water, save by not buying more expensive foods such as meat, pork, fish; expenses for fun or recreation are considered a "luxury"; or, they just don't pay: "*And if we can't pay, we don't. We aren't going to die if we don't pay, and there is nothing left to do but face reality.*"

This means that poverty is deepened and although women come up with different strategies to save and to keep a stable income level, they can't always avoid the negative impact on family health and the general quality of life of their families. In the experience in Cochabamba, privatization of the service generated conflict.

How Privatization Affected the Communal Safe Drinking Water Systems

Another area to be analyzed is the level of conditions surrounding privatization, and the degree to which it affected the communal potable water systems.

When *Aguas del Tunari* received the concession in Cochabamba, there were nearly 200 cooperative or community safe drinking water systems. The cooperatives, committees or associations are made up of families that belong to a neighborhood or community. Usually the title holder is the man – the "head of the family" – however, women participate very actively in the committees because part of the obligations of the members for the whole family is to contribute to the installation of the water systems. The committees are very active, and they all have a series of tasks: define the rates, resolve problems of supply, and get contributions to improve connections. Each committee has its own history:

"When I arrived in this neighborhood, there was absolutely nothing – no electricity, no water. Once we built our house, we lit it with candles. But little by little other neighbors began arriving and the neighborhood has grown. Together we all submitted paperwork to get electricity. I have been a leader in the Neighborhood Council, and after several years we began our own water system. Each family pays a quota. Some families didn't want to pay at the beginning, but later they realized that this is our own effort, nothing more."

(Neighbor, Urbano Sud)

The Concession contract affected these systems, hundreds of which had been built by pure community effort. The contract said: “The use of alternative sources will not be permitted in the area that is available for supplying water to the concessionary company without prior permission from the company.” Law 2029 said: “All neighborhood and community associative forms in general, urban and rural, will be absorbed by the concessionary company through the expropriation of their work and infrastructure forced easement, in favor of the concessionary” (Orellana, in Crespo and Fernandez, 2001).

The contract was a threat to the communal systems because it authorized their expropriation and the installation of company rules: “Exclusive service provision and the right to oblige potential users to connect to the concessionary company’s safe drinking water and sewage systems (...) The concessionary will have the right to install meters for any user at any time, and to require payment for the installation of the meter by the user at the moment of installation, according to the rates approved by the Superintendence” (Annex 5.1.1).

Women play a very important role in the construction of the community systems. Women feel the need for water more closely in their daily lives, so they work to save money and come up with resources for the family contribution and to mobilize the family and the community. Many times, they work on the hard job of installation as their labor contribution. Other women take on the task of contracting and negotiating with day laborers to do these tasks. Getting water requires everyone’s participation and organizational work, but it is fed by the daily efforts of women as part of their domestic labor.

Part of the company’s obligations was to install new connections. However, they did not do this. In reality, a predominant trait of the company’s behavior while it held the concession contract was to not invest its own money; it invested only money it could extract from users. Examples of this included taking over the neighborhood water networks and not investing in them, charging for installing meters, and significant rate hikes for users connected to the system. In all of these measures the company completely lacked transparency. This generated a deep lack of trust in the organizations who perceived this process as the expropriation of their efforts and increasingly less community control and influence on water service, definition of rates, working class neighborhood improvements, new connections, etc.

“I think that when we are organized, we know how much water we lose or don’t lose and what to do to not waste it. We don’t need other people to come and tell us that – not the president, or those companies that want to privatize. We can. We can get organized, work, channel everything, and make sure that water isn’t wasted – but leave us alone to work, it is our problem, not theirs. We don’t want to be an object of theirs. We want our uses and customs to be respected. Private companies - leave us in peace; millionaires, leave us in peace.”

■ (Miriam, leader from Ciudad del Niño)

How Privatization Affected Irrigation Systems and the Irrigators

Both the contract and Law 2029 gave the concessionary company the right to take control of the same water sources that are used by rural communities and peasant irrigation systems. There are 5,459 irrigation systems in Bolivia, and around 4,700 micro-irrigation systems in the hands of peasants and traditional communities (Kruse, Ramos, 2003).

Use of Irrigation Systems

Operating irrigation systems	Operating irrigation systems for agricultural use	Irrigation systems for use in fishing (<i>bofedales</i>)
5.459	5.350	109

Source: National Irrigation Systems Inventory, Ministry of Agriculture, General Office on Soil and Irrigation, National Irrigation Program, Bolivia 2000.

The existing irrigation systems are not only a response to the lack of government attention to rural areas; they are also systems of great social-cultural roots that come from a millennium of Andean rural culture that continues to have a strong presence in Bolivian culture (and in other Andean Region countries). In spite of colonization and systematic discrimination by local elites, “In the Andean region, the majority of irrigation systems were built by their users, and it is the users, organized in peasant or indigenous communities that manage their systems using collective control and their own rules. These systems constitute a structural basis to local cohabitation (living together in community); they generate relatively sure productive systems, adapted technologies, their own rules schemes, and generally solid and strong organizations” (Becar, Boelens and Hoogendam, in Boelens, 2001).

The members of these systems consider water to be “alive;” it is an asset of nature and *Pachamama* (*Madre Tierra* – Mother Earth). They distinguish the different ways to access water according to their “uses and customs” as described by Crespo and Fernández: “no one can harm water, water moves according to uses and customs, as a path that is forged by walking it, always, because a certain community belongs to a certain basin and as time passes, day by day, month after month, it is as though we are the owners. It is a law, but not one that translates to paper” (FEDECOR, 2001).

By way of irrigation systems under uses and customs, communities and irrigators very wisely distinguish between the different types of use of water and this way, they classify water in:

- Common waters, or free access waters, that are all water sources that anybody can access to irrigate their crops, “without considering any rights that exist”; “these waters are utilized from December through April during the rainy season” (Crespo and Fernández, 2001).
- Mita waters (water from springs or a river where communal irrigation is organized through a structure of reciprocity and of “gift” (give, help, and offer help). The Mita system is a pre-colonial, Andean manner of realizing community work in agriculture or other tasks. Here people take turns, have rights and obligations: improvements, rehabilitation, maintenance, etc. These are systems

of reciprocity of the communities themselves. Reciprocity is “*ayni*” – a system, in which one family cooperates with another by turn, and then the next family does the same when needed, and although this is not obligatory, it works because of the “pleasure of giving” (Gebrandy in Boelens and Dávila, 1998).

- Largadas waters are the waters from dams or lagoons that are administered by more than one community. Community members elect water authorities, who coordinate with the water authorities of other communities and define when the water will be released to irrigate the crops. This system organizes its own water authorities with a water judge elected as the communal authority (Crespo and Fernández, 2001).

Cochabamba, La Paz, Potosí and Chuquisaca are the Bolivian provinces that have the greatest quantity of irrigation systems, users and total irrigated land. The principal source of water for them is rivers (69 percent of the irrigated areas), reservoirs (19 percent) and deep and semi-deep wells (6 percent). Cochabamba has the greatest number of improved irrigation systems in the country (654), a total of 63 percent of the existing irrigation systems (Bustamonte, 2002).

The country's irrigation systems are largely represented by traditional grassroots organizations such as unions, as well as organizations that are specifically linked to irrigation, such as committees and associations.

A large percentage of water rights of way are registered in the men's names, both in irrigation and drinking water. However, this formal registration doesn't mean that women's access to water is limited, because the right of way belongs to the family and can be claimed by any member of the family. Women participate directly in irrigation activities, choosing the course of the water and making sure that water arrives at each cultivated plot. They also help ensure that the amount of water that arrives at each plot corresponds to the crop planted there, and they make claims when something goes wrong in the community related to irrigation. Migration is increasingly putting women at the head of men's irrigation tasks. However, due to community tradition, women are not frequently the authorities of irrigation systems.

Many official texts say that women's role in water management is null since the role of men is often related to land tenure and family titles. However, this underestimates the important dimension that women play in managing water. From this perspective, it seems to be fundamentally important to show the role of women in terms of daily water management, their contributions to building the committees and local safe drinking water systems, irrigation and in uses and customs and other traditional forms of management. The gender focus problem isn't limited to participating in leadership. The presence and meaning of women is greater than that which is recognized by development focuses.

Studies done by Gutiérrez and Arratia (1998), Boelens and Zwarteveld (2002) and Bustamante, Udaeta and Peredo (2003) suggest that although women participate less in organizations, this doesn't mean that they have a lesser degree of influence in the decisions about how the water systems will be managed, conflicts resolved or have less control of the course of water. In order to make a decision, men first have to consult with their partners, making it difficult to make any decision in just one communal meeting, as some entities would suggest. The celebrated “Andean Complementarity”

is an important reference point for analyzing this issue. Obviously, there are degrees of discrimination towards women, especially in participation levels, but at the same time, community structures demand shared decision-making, shared rights and shared obligations. It is very important to analyze more deeply the way that decisions are made in Andean communities without limiting our analysis to the public or formal spaces in which these processes occur. What is certain and evident is that this social fabric of reciprocity, community management, accumulated knowledge for natural resource management such as control of water and control over agricultural production is impossible without the presence of women as part of the peasant family unit.

Below are some of the opinions expressed by women irrigators:

"Privatized service affects the family economy and ends up being a business in the hands of the few." "No to privatization because the investors think only about their own profits and not the common good." "No to privatization because we would be submitting ourselves to the rules of international treaties." "We wouldn't be able to administer our own water and our uses and customs would disappear – our traditional way that we have inherited from the past, even from before our grandparents."

(Irrigators Workshop, July, 2002)

Women participate, have influence, and in many cases, determine the final result, even if this is not necessarily reflected in the representation structures of the organizations and in decision making – perhaps it is even less reflected in negotiation and consensus building with public or state entities (Bustamante, Peredo and Udaeta, 2003).

It is important to note that if one compares the degrees of participation in union leadership in the country's organizations, one will see that the tendency to exclude is more pronounced in urban areas – predominantly in manufacturing or mines. Peasant women are the only women who as part of their union organization have autonomy and their own organization, the National Federation of Peasant Women ("Bartolina Sisa").

Impact on the Culture of Water

The vision of water which sustains the Andean communities in the Valley of Cochabamba and the region is characterized by the fact that it places collective and community rights first. Based on those rights, the communities organize their community life around subsistence agriculture where access to natural resources such as land and water is fundamental.

"Irrigation users who use water from the same source always establish game rules amongst themselves so that the system functions and can be modified according to changing circumstances. All of this happens within certain social, cultural, legal (justice) parameters and limits as allowed for by the correlation of power."

(Hendriks in Boelens, 2001)

Andean societies are known for their traditional administration of the different ecosystems (*pisos ecológicos*), and the construction of terraces, which together permit

differentiated and diverse cultivations. This culture holds an ancestral vision about water that is also inserted in the culture and cosmovision:

"Land is feminine and water is masculine. Water fertilizes the land, like in the Tipón Temple (Cuzco, Peru). One fertilizes the land by irrigating it. You take care of the little plants, and the land provides our food."

(Fernández in Solón, 2003)

"At the beginning of the harvest we go to the mouth of the river and we speak to the river. We speak to the heavens to ask for rain, so that we will have water."

(Irrigator's testimony, F. Solón, 2003)

But the culture of water also implies a vision about how to manage the resource and how to solve problems and tensions that can come up and indeed, are already present in agricultural irrigation: between the communal members of one *ayllu* or community, with other surrounding communities. The authorities usually don't understand these aspects, much less so with regards to rules related to natural resources and services. These management and consensus building measures born by civil society and indigenous communities are also never taken into account by the authorities.

3. THE WATER WAR

You can still live if you use significantly less electricity. You can find alternative transportation if the fares go up. You can live without a telephone or a plane trip and even when basic food costs go up, women find ways to save and keep their families well fed within their limited possibilities, but when the cost of water goes up immeasurably and inexplicably, and when the rights of use and property of water sources upon which community life and daily family life depend are affected, the problem becomes one of life or death.

Since 1985, in Bolivia nearly everything has been privatized: transportation, telecommunications, electricity, hydrocarbon, the airline and the mines – all under mandates from the World Bank, the IDB and the IMF. The objective of privatization of water in Cochabamba became unviable and untenable due to the social conflict it provoked because of the pressure it placed on the urban and rural population regarding this vital resource. The conflict got bigger and took on a national dimension because in addition to the demands of the people of Cochabamba, solidarity actions in other provinces occurred and peasant organizations demanded their right to water.

“The Three Battles”

The water war began much earlier than April 2000 to the rhythm of reforms to protect foreign investment; in reality, the previous years had also been characterized by a series of mobilizations of civic organizations around the scarcity of water and attempts by SEMAPA to take control of water sources. Irrigators mobilized fundamentally around the water law proposed by the government, and the government was unable to achieve consensus due to the law’s commercial focus. Irrigators’ organizations, and peasants demanded respect for their “uses and customs” as a fundamental criteria from which they rejected different proposals.

In November 1999, an alliance arose between different civic centers, worker’s organizations, water committees, cooperatives and irrigators, giving birth to the Coordinator of Water and Life. The “first battle” began in January 2000 with road blocks on the main highway in Bolivia (Oruro-Cochabamba-Santa Cruz), at which time the first confrontations with the police and military forces were registered. Irrigators reacting to Law 2029, the content of the concession contract with *Aguas del Tunari* and the beginnings of the rate hike were the primary protagonists of this battle.

The initial negotiations culminated in a “*Regional Agreement about water provision; defense of the popular economy, pacific cohabitation and respect for human rights*” and work commissions made up of representatives from government and civil society were formed to deal with: the tariff structure, the revision of the contract signed with the *Aguas del Tunari* Consortium and the revision of Law 2029. The only commission that advanced at all was the commission that drafted modifications to the Law 2029. The others stagnated due to the lack of agreement.

The stagnation of negotiations between the government and civic leaders³ and the Coordinator motivated protest measures, and people began preparing the “pacific take-over of the city of Cochabamba” for February 4 2000. The mobilization was violently repressed and as a consequence, a conflict of huge proportions was generated, resulting in several people injured and others detained, and the signing of a new agreement denominated “*Agreement for Cochabamba*,” in which the government agrees to freeze the rate hikes to the 1998 level as soon as the agreement was reached.

On repeated occasions since November 1999, the government had failed to carry out agreements. Additionally, a campaign by the Civic Committee to delegitimize the social organizations led the Coordinator to promote the “*Popular Consultation*”⁴ (March 29, 2000) on three themes central to the conflict: the increase in tariffs, the Concession Contract and privatization of water. About 50,000 people participated in the consultation and the results from different neighborhoods and communities where tables were set up to get people's opinions stated that *Aguas del Tunari* should leave Cochabamba; that the contract giving SEMAPA in concession should be annulled; that there should be no water tariff increases; and that Law 2029 should be modified to include the criteria of uses and customs.

The success of the popular consultation allowed the Coordinator to legitimately demand the annulment of the contract and the quick modification of Law 2029.

The “final battle” of the water war occurred in April when the Coordinator of Water and Life proclaimed a total cessation of activities and the “pacific take over of the city of Cochabamba.” The intransigent government sent in troops to repress the protest and two days later decreed a state of siege, with it suspending the population’s constitutional rights.

“Nobody would believe how Cochabamba, the ‘garden city,’ suddenly became an actual battlefield in the past few days... two days of intense struggle not seen in Cochabamba in 50 years. The mobilizations developed spontaneously with support from the Departmental Coordinator for the Defense of Water and Life, and people took to the streets massively: thousands and thousands of people, young people, even children, high society women and women in t-shirts, old men without any more arms than their indignation and their voice of protest; faces painted with baking soda and many covering their faces with handkerchiefs with vinegar bottles in hand to counter the affects of tear gas.”

“And as time passed and people became more anxious, more and more campfires were built, and the sound of empty pots and pans and tin sheets being hit with sticks increased. A real war panorama, sounds of shots, shouts, people running, broken bottles in the streets, religious people (nuns) of various churches helping the injured, women throwing paper and water out their windows to reinforce the blockades...”

(Bolivia Press: special edition number 1, 2000)

³The Cochabamba Civic Comité is an organization of different departmental institutions around regional problems.

⁴ On March 26, 2000, the Popular Consultation of the Coordinator of Water and Life was held. The questions were: 1) Do you accept an increase in tariffs? 2) Should the contract with *Aguas del Tunari* be annulled? 3) Are you in agreement with the way Law 2029 characterizes water as private? Some 46,276 people voted and 99 percent said no to the first question; 96 percent responded yes to the second, and 97 percent responded negatively to the third.

In the face of impasse, the tension in the streets became more palpable as more people came out and got ready to face what everyone knew would be the final battle. People from working class neighborhoods and the center of the city and people from peasant communities and rural areas all mobilized to come into the city to support the blockades and the marches. Life in the streets became intense, and every minute there was new news. Whether as a result of news of the government's response or due to novelties from the company; whether due to initiatives from the Coordinator or the aggression and offensives of the military forces, or simply to defend themselves from the police, the tear gas and the military's bullets, solidarity and an unspoken complicity were being birthed. People from different social classes that on a day to day basis didn't relate, or even some who were discriminatory to others, began to form part of one big group in the streets, everyone risking their lives together. Brigades of men and women called "the water warriors" were formed by unemployed people, marginal groups, young people and street children (*polillas*)⁵ and they took on with unusual discipline the demands of the population, giving sense to their own lives in doing so (Bustamante, Peredo and Udaeta, 2003).

The conflict was heightened by different circumstances and pressures, chief among them the growing strength of the nationwide peasant blockade that was organized in support of the demands of the people of Cochabamba related to Law 2029, the deployment of 3,000 soldiers to Cochabamba by the government to repress the protesters, and the scandalous death of a 17 year-old from an army sharpshooter's bullet. Images of the young man's death were widely distributed on television and clearly showed a plain-clothed soldier shooting at him, further weakening the already deteriorated image of the government. Riot police added more pressure: "Police and military forces began withdrawing from the city and there were unpublished comments that some mid-level commanders were not going to risk lives to benefit foreign enterprises. This gave the opportunity for thousands of peasants to enter the city at various points with the unconditional support of the whole city" (CEDIB, 2000).

Many working class neighborhoods and zone committees mobilized, this time not about water, but to defend constitutional rights, protesting government and big business and corruption. In the end, the mobilization went further than the issue of rates and began questioning the system.

Breaking the Contract and Modifying Law 2029

Faced with an unstoppable rebellion, the central government in Bolivia announced the rescission of the contract with the consortium (April 9, 2000). The negotiation meeting between leaders of the Coordinator and the government was violently raided by the Police. The provincial government denied that the contract had been rescinded. Several leaders of the Coordinator were detained. This fired up the population even more, and provoked constant confrontations between the forces of "order" and the "water warriors" in city streets and parks. In an attempt to maintain control of the situation, the central government then proclaimed a state of siege in the country.

⁵ Name for street kids and young people equivalent to the "gamines" of Bogota.

On April 10, the Superintendent of Basic Sanitation sent a note to the *Aguas del Tunari* consortium notifying them of the rescission of the contract due to reasons of “unforeseen circumstances.” The same day an agreement was signed in which the central government committed to the following:

- Restitute *SEMAPA* to manage the safe drinking water and sanitary sewage enterprise under the administration of a transitory board of directors with representation from the institution and from labor. Among the tasks of this board was that of convening institutions of the province to determine a long-term solution to the water issue;
- Modify Law 2029 based on the modifications agreed upon in Cochabamba.

In spite of these commitments, the population stayed mobilized until finally, at dawn on Tuesday, April 15, 2000, two weeks after the conflict began, the Bolivian parliament approved a modified version of Law 2029, and in so doing complied with one of the movement’s principal demands.

Women: Actors and Symbols of the Rebellion

Women were among the most important participants in the movement. Women are the principal people in charge of the daily labor of managing water and irrigation ditches and irrigation for their crops. Women irrigators were the first to express that when they came into the city the first time they were discriminated against. People didn’t understand the magnitude of the problem that Law 2029 caused in threatening their water sources. Some said to the women, “go on home, what are you doing here?”

“City folk from the old sector of town threw rotten tomatoes at us and said, ‘these dirty, stupid Indians [in Spanish: kacachakis, laris], look how they are filling up the streets, how they dirty up everything.’ They said and did it all, including throwing urine at us; we said, ‘we are demanding water for everyone.’”

However, the initial rejection began changing as the confrontations became more general and the negotiations got tenser. Things also changed when the “super rate hike” (tarifazo) occurred, and it became evident that the people mobilizing in the rural sector were fundamental allies in defense of the urban demands related to the rate hike.

“They trembled when they got their water bills and their problems began. Who would have helped them with that? Do you think people from the old part of the city could have defended themselves? All of us irrigators united, and it was during this last mobilization that they finally opened their doors to us and even offered us a glass of water to drink – because water is for everybody and it is for everyone that we are struggling.”

Little by little, these women took charge of weaving ties of solidarity between women from other sectors, from the working class neighborhoods, the markets. Amongst themselves, they organized communal meals; they visited radio stations where their eloquent discourse was able to make the population’s spirits tremble, indignant as people were about company and government abuse.

“Madame Coordinator” (“*La Señora Coordinadora*”)

One of the episodes that reflects the role and meaning of women’s participation in the first mobilizations was related to the Coordinator. As already mentioned, the position of the Coordinator was created toward the end of 1999, and it began to play a role of articulating the different social forces that were resisting the abuse. Its success probably stems from the fact that it defined itself as a horizontally and democratically structured entity that brought together different rural and urban sectors, who thus participated in the different mobilizations and negotiations.

At the beginning of the conflict, a not isolated confusion arose. Leaders of the Coordinator sought refuge in a convent and the nuns accepted. They asked, “Where is this woman, the coordinator?” (In Spanish, *la señora coordinadora* could be referring to a particular woman who is the coordinator.) “She must be a very brave woman.” This anecdote passed around by word of mouth and provoked a popular “rumor” about the brave female coordinator who was defending water.

This collective association that the Coordinator of Water and Life was a **woman** became an important anecdote for creating its own historical memory. It also became an identity symbol for women who participated and who remember with smiles this mistaken but certain association that speaks of the courage and strength with which women participated in the Water War.

“The truth of the matter is that at the beginning I was curious about the ‘Coordinator’, this friendly woman, this brave woman: but later I realized that in reality, in the struggle for water men, children, and especially women have participated. And a page in history of the people of Cochabamba has also been written because we know very well that provincial women or women from the countryside are those who have fought the hardest in the Valley of Cochabamba.”⁶

(Amanda)

Women’s “Roles” During the Mobilization

Frequently, there was massive feminine participation in the mobilizations. Many times, women were at the head of the street actions in order to appeal to the police as women and mothers: “*By chance were you not born of a woman? Didn't you grow in water? Don't you guys drink water? Do you not care? What you are doing?*”

Women did tasks linked to their gender roles, but other tasks linked them to their feminine identity combining strength and vulnerability:

“The women said to me, ‘we have a lot of communal people who have come to help block the avenue and ... many of them are hungry. We need food.’ I said to them, ‘¡Mamacitas! We are women and we will go ask. Sincerely, we have

⁶ During the war for independence, the heroines of Coronilla defended the city from the advances of the Spanish crown.

gone house by house to ask for food, that they give us what they could, and then we have made a common pot of food to feed the communal folks outside."

"To go ask" shows their own strength and their own vulnerability and is probably an emblematic characteristic of women's actions during the Water War toward the society of Cochabamba. Their identity as mothers – suffering, tenderness, love, courage and protest – all were present as forms of appealing to society.

"The police couldn't hit us, because we said to them, 'Cowards! Don't you have a mother or a sister? Don't you drink water? We are fighting for you as well!'"

"Furthermore, women give courage. We are the most decided... easier than men, and of course (the police) always can take the young men away, something that is harder to do with women. We always stop them."

Women from the marketplace, irrigators, peasants, coca growers from Chapare together with middle class and even upper class women united and worked together arduously:

- Cooking common meals, organizing community contributions to the meals;
- As delegates or the person in charge of the blockade, and guaranteeing respect for the blockade;
- Taking turns taking care of key points along the blockade;
- Confronting police repression with rocks and sticks. Sometimes women went to defend people who had been detained and tried to get them released;
- Carrying things to protect people from tear gas: vinegar, wet rags, limes, white Vaseline, etc.;
- Closing down the *chiche* bars (fermented alcoholic drink) to restrict male *compañeros* from drinking; and most importantly perhaps,
- Helping to avoid violence.

Another fundamental role of women was in the press and media. Women organized in publicity committees visited different press outlets to assist in protest organizing:

"More and more voices are joining the protest. Via open mikes in several press venues many men and women from different parts of the city showed their own consciousness raising process and that of the people, and the growing anger. [...] They denounced the arrival of planes from La Paz bringing soldiers. The city appears to be a war. There is broken glass, burnt tires, tons of garbage, wood and rocks in the middle of coca leaves. People appear to be unafraid. They are standing upright and only ask to be heard..." (Bolivia Press 2000 Extra Edition, April 7, 2000)

Leadership and Decision-Making

Although women were active participants in the mobilizations and took on many roles already described, as well as a determining role in micro-level negotiating, the confrontations, the barricades and in the fabric of the solidarity networks between urban and peasant people, in press work and organization of the movement in the press, the

same cannot be said at the level of top leadership where decisions were made, where negotiations happened and where direct communication with the government took place (Bustamante, Peredo, Udaeta, 2003).

This contradiction moved women to reflect on the double dimension and the double challenge they faced: on the one hand, their strength and courage was important in defending their human rights as women, and as part of a community, and that as a people, they have a non-commercial vision of water – in other words, women struggle from below against financial globalization. But on the other hand, they were certain that this system deepened gender discrimination and that this would be another action front for women. They would have to transform gender relationships by gaining recognition for their work, their contributions and their perspectives as women, and those would have to be valued in the midst of protest (Peredo, 2001).

Achievements of the Water War

Some graffiti still remains on the walls of Cochabamba. One slogan, “I drink water, therefore I exist, and then I vote,” for example expressed how water rights are understood as fundamental human and civil rights, and how the experience of having participated in the process to stop a privatization that was corrupted by profit seeking interests stays in the memory of the construction of the population’s rights.

The Water War achieved several victories by the population at different levels:

- The contract was annulled and with it the rate hike and abuse by the company;
- *SEMAPA* once again became a public enterprise, and a process of searching for a new type of public, municipal enterprise with civil participation and control was begun;
- Unlike other areas of Bolivia, where water users’ rights are quite restricted, in Cochabamba the population has won a larger degree of participation in management of the water enterprise via community councils and professional associations that are part of the board of directors. Although indirectly, this does imply a greater degree of social control in the administration, planning and management in general;
- Modification of Law 2029 on water and sewage services and the substitution of it by Law 2066 which guarantees the following, among other things: 1) recognition of the rights of indigenous people and peasants to their water sources and safe drinking water systems, 2) social control (auditing) on tariff structures, 3) avoidance of monopolies, 4) more rights for communities and 5) the annulment of the all powerful faculties of the Superintendence of Basic Sanitation;
- A recognition of the general impact on privatization processes in other areas;
- The paralysis of further privatization processes in Bolivia in other areas after the Water War;

- The experience of mutual solidarity and encountering other groups with the same objective, namely that of defending fair and equitable access to water.
- Processes of self assessment, of reaffirmation and of trust in their own strength, that it is possible to seek alternatives in the face of the power of big business and powerful politicians.
- For women in particular, they realized how important their role is regarding water, which in many communities takes time and is part more societal traditional patterns.

However, despite these successes, many challenges still have to be faced:

- The water problem in Cochabamba has not been resolved; 50 percent of the population still do not have access to regular water service;
- Large investments are needed to access water sources; and this is a long term work;
- *SEMAPA* is now a municipal enterprise with social auditing/control, but in a political-philosophical context of implementing neoliberal economic mandates at all costs, as is the Bolivian case;
- The contract signed by *SEMAPA* for 40 years requires it to pay a regulation fee to the Superintendence of Basic Sanitation of 1 to 4 percent annually, and it excludes *SEMAPA* from receiving public subsidies for the sector.

A Second Water War: The Bechtel Water Lawsuit Against Bolivia

Bechtel is one of the largest US based transnational companies. It is one of the ten most powerful businesses in that country. It has implemented around 19,000 engineering and construction projects in 140 countries and is currently in charge of reconstruction in Iraq after the invasion of that country. In 2001, Bechtel reported an income of US\$ 14.3 billion, ten times the public expenditures in Bolivia for the same year. Currently this San Francisco based company “has around 1,100 projects in 60 countries, including mining and minerals, hydrocarbons, petrochemicals, nuclear energy, civil infrastructure, telecommunications and increasingly, water” (Kruse, 2002).

One of the central arguments for privatization given by the World Bank, the IMF and the IDB is to overcome corruption, bureaucratic red tape and the lack of transparency inherent in municipal enterprises. However, corruption, a lack of transparency and abuse of human rights are precisely the traits that characterized the short-lived management of *Aguas del Tunari* in Cochabamba.

The privatization of *SEMAPA* had several irregularities: two failed public auctions, the first of which got no response, and the second of which only received one bid, from *Aguas del Tunari*, although ten companies had purchased the terms of reference. That second auction was declared null. As a result of pressure from the population and the expectations created during an electoral campaign, rather than opening another auction the government simply invited the *Aguas del Tunari* consortium to take over the concession and flexibilized for them the terms of reference in order to finalize the

deal. This put the Misicuni Project in jeopardy, as well as irrigation components, and it guaranteed a 16 percent rate of return from user fees, which experts consider extraordinarily high (Kruse, 2002, Tunupa Newsletter, 2001).

Another irregularity can be seen in the relocation of the legal headquarters of the company, which is majority-owned and dominated by the North American company *Bechtel*, with North American, Italian and Spanish capital and a minimum associated participation of national Bolivian capital of investors linked to the ruling party. This irregular change in the bidder's corporate nationality was authorized by the Water Superintendence once the bid had been accepted and the contract was finalized in August 1999. Rates hikes began and worried the population and generated protests, since in some cases the hike was as much as 50 percent and families had to use more than a quarter of their income to pay for water. In November 1999, as mentioned previously, *International Water* became *International Water Holding BV* and changed its headquarters from the Cayman Islands to the Netherlands in order to qualify for investor-friendly terms under the existing bilateral investment treaty between the Netherlands and Bolivia.

After the government cancelled the contract with the consortium as a result of the pressure and demands of the mobilizations, *Aguas del Tunari* sued Bolivia for compensation, basing their case on the bilateral investment treaty between the Netherlands, Belgium and Luxembourg and Bolivia. The company took its case to the World Bank's International Center for the Settlement of Investment Disputes (ICSID). ICSID is similar to NAFTA investment arbitration panels where the definition of investment is broad and compensation is allowed for foregone corporate profits due to government interventions such as regulation or legislation.

According to Kruse, treaties protecting investment and the use of international arbitration have proliferated in the last five years (Kruse, 2001). In the early 1990s, there were only 385 bilateral investment treaties (BITs) in the world. By May 2001, there were more than 1,850. Bolivia has signed 17 bilateral investment treaties, 16 of which have been signed since 1990 – coincidentally during the deepening of neoliberal policies.

But the most questionable element is that this lawsuit ended up at a World Bank panel, since the World Bank was precisely the international institution that played a fundamental role in pressuring the Bolivian state to privatize *SEMAPA*. This illustrates not too subtly the clear connection existing all over the world between bilateral investment treaties and the favorable treatment of foreign investment and structural adjustment programs with the major role that the multilateral development banks and the IMF are playing in their enforcement and implementation.

The World Bank's ICSID effectively belongs to big investors. According to its rules, when a demand is presented, the involved civil society or affected person-group has no right to representation. The panel is officially composed of a representative of the company placing the demand, a representative of the country being sued and a representative of the Bank. This panel has been accepting cases since 1980, when it started with two cases. A 2002 list drawn up by Anderson specifies 14 pending cases at the time (there are more today), all of them involving the claims of large companies against countries.

Cases Pending Before ICSID in 2002

Nº	COUNTRY	INVESTOR	ISSUE	DATE OF REGISTRATION
1	Argentina	Compañía de Aguas del Aconquija S.A. and Vivendi Universal	Concession for water and services sanitarios	2-19 - 1997
2		ENRON Corporation and Poderosa Assets	Transportation Company for natural gas	4 - 11 -2001
3		CMS Gas Transmission Company	Gas transmission company	8 - 24 - 2001
4		Azurix (an ENRON subsidiary)	Agreement about concession of water	10 - 23 - 2001
5		LG&E Energy Corp.	Gas distribution company	1 - 31 - 2002
6		Siemens A.G.	Contract to make national identity documents	7 -17 - 2002
7	Bolivia	Aguas del Tunari S.A. (subsidiary of Bechtel Enterprises)	Concession of water and sanitation services	2 -25 - 2002
8	Chile	Víctor Pey Casado and President Allende Foundation	Publisher	4 -20 - 1998
9		MTD Equity Sdn.Bhd. and MTD Chile S..A.	Mega real estate project	8 - 6 - 2001
10	Ecuador	IBM World Trade Corp.	Contracts for computer services	9 - 6 - 2002
11		Repsol YPF Ecuador S.A.	Contract for petroleum exploration	10 -5 - 2001
12	Guyana	Booker ple	Debt payment	9 - 18 - 2001
13	Trinidad y Tobago	F-W Oil Interests, Inc.	Contract for gas and petroleum promotion	11 - 29 - 2001
14	Venezuela	Autopista Concesionada de Venezuela C.A.	Contract to build a highway system	6 -23 - 2000

Source: Elaborated based on information from the ICSID web site, 2002; by S. Anderson, 2003

When analyzing the size of the economies sued for lost investment revenues, one can see that in the case of Bolivia, *Bechtel* is two times as big as Bolivia and it is suing Bolivia for =.017 percent of the country's revenue. For Bolivia, this enormous amount of money that would be lost if *Bechtel* won the case is equivalent to 125,000 new water connections.

Currently, as a result of actions by social organizations and activist groups all over the world, the lawsuit has been paralyzed. There was even a letter from the Municipal Council of San Francisco (California) to stop it. The arguments and demands of these social organizations and activist groups from Bolivia and other countries are (from a letter to ICSID):

"The people of Cochabamba were not able to pay the bills that the company presented to them. They did not get satisfactory help from the Bolivian Government and hence were obliged to protest massively and broadly. In order to protect the company's contract, Bolivia took extraordinary measures including declaring a state of siege, suspending constitutional rights and violently repressing demonstrators, ending in 100 people injured and the death of 17 year old Victor Hugo Daza. In April 2000, with the government unable to stop the protests, the company abandoned the management of the water system, and left the country."

(Archive, T. Kruse)

In this same letter sent to ISCID, these civil society groups demanded:

"To be clear, from our point of view, ISCID and the World Bank should not even be dealing with this issue (...) for two reasons: 1) the World Bank is not a neutral party in this matter. It has been well documented that the World Bank pressured the Bolivian Government to privatize the water system in Cochabamba (...) 2) The Bechtel/Aguas del Tunari lawsuit bases itself on the illegitimate claim that the company is from Holland (hence benefiting from the BIT between Holland and Bolivia, which lists ISCID as arbitrator). Bechtel moved its registration to Holland after having signed the concession contract with Bolivia (...)"

(Archive, T. Kruse)

Citing these arguments, these organizations are demanding participation and public surveillance of the World Bank. They want the Bank to accept the petition of affected individuals and organizations to participate in the case; to reveal publicly all documents presented to the Court; that the Bank visit Bolivia to collect public testimony; that all hearings be completely open to the public.

When this case is analyzed from the perspective of human rights and democracy, corruption, lack of transparency and pressure on human rights are all undeniable results of *Bechtel's* presence in Bolivia. Even so, the lawsuit remains open in ISCID, threatening the already weak economic situation of the country.

What Does This Mean for Women?

"Some US\$ 25 million can just as well end up being US\$ 100 million," said Juan Carlos Virreyra, the former Foreign Commerce Minister. Who would have to pay \$25 million? The Bolivian state, out of the nation's general treasury – in other words, it will have to pay with funds that normally are destined to new investments. The sum of US\$ 25 million is practically nothing for a company with an annual revenue of US\$ 14 billion, but for Bolivia, it is the equivalent of 125,000 new water connections or the annual salary for 3,000 doctors in rural areas.

This mechanism used to compensate foreign companies against loss of future profits when they sue countries means guaranteeing profits and capital at the cost of the poorest sectors of the country. We can be sure that the US\$ 25 million will not be raised by lowering the salaries of the ministers and high functionaries who signed that contract. Paying that compensation would have repercussions for the poorest people of Bolivia, where poverty essentially has a feminine face.

Paying compensation would also imply new public budget cuts, something that feminist economists have already shown to hit women the hardest. Budget cuts tend to increase women's labor and use of time in the reproductive area (Guideon and Elson, 2000, Peredo, 2002). It would also give less room to state entities to generate public policies that benefit women and implement and follow up on them.

The Millennium Declaration to Fight and Eliminate Poverty Proposed:

- To halve, by the year 2015, the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger and, by the same date, to halve the proportion of people who are unable to reach or to afford safe drinking water.
- To ensure that, by the same date, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling and that girls and boys will have equal access to all levels of education.
- By the same date, to have reduced maternal mortality by three quarters, and under-five child mortality by two thirds, of their current rates.
- To have, by then, halted, and begun to reverse, the spread of HIV/AIDS, the scourge of malaria and other major diseases that afflict humanity.
- By 2020, to have achieved a significant improvement in the lives of at least 100 million slum dwellers as proposed in the "Cities Without Slums" institute

The objectives of the Millenium Declaration of 2000, and particularly those related to the human right to water, are most threatened by perverse systems instituted by neo-liberalism which protects businesses rather than the rights of communities and allows powerful companies to sue poor countries for future profits, thereby severely affecting national sovereignty and national budgets. This deepens the feminization of poverty and objectively obstructs the women's and families' access to water, an essential right that guarantees life and health of collective groups. How can it be possible to reduce the number of people without access to safe drinking water by the year 2015 (one of the Millenium Declaration's main objectives, if rather than investing in new water connections a country has to use public funds to pay million dollar lawsuits and lawyers fees? Will it be possible to meet these goals under those conditions?

4. Conclusions

"WHY DO WE SUBJECT OURSELVES TO THE RULES OF INTERNATIONAL COMMERCE? THESE TREATIES ARE NEVER GOING TO FAVOR US – THEY AREN'T FOR US (WOMEN). WE LOSE OUR IDENTITY. CAN'T WE RESOLVE OUR OWN PROBLEMS THE WAY WE USUALLY DO...?"

(MIRIAM, CUIDAD DEL NIÑO)

While it is true that the conflict between the people of Cochabamba and the *Aguas del Tunari* consortium was local, it happened in one of the poorest countries in Latin America and has set a very important precedent for the social tides around the world demanding water to be seen as common property belonging to humanity and to nature. The effect of this short period of privatization provoked a rebellion in one city's entire population and the countryside in resistance to privatization, and the resistance took on a content of great collective transcendence, transforming itself in a struggle for life. This content was assimilated and reproduced by women as symbolic of women themselves – their bodies, their identities – because children grow in the uterine surrounded by a bag of waters, and because women's daily work is tied to water. Frequently these spaces are not recognized by society, but the places where women exercise power are associated to their relationship with water.

Bolivia and Cochabamba have not been the same since the struggle. "I drink water, therefore I exist, then I vote" is graffiti painted on the walls in the city, and it shows that this idea that water is an issue for everyone remains in the collective consciousness. Water is a human right, and when this is believed, it strengthens the irrigators' organizations, users, cooperatives, working class neighborhood organizations and women's organizations.

Now, one can speak of life in Cochabamba and in Bolivia before and after the Water War: in relationships with authorities and institutions, in the capacity for negotiating and building consensus with state administration, in involving the population regarding the use of natural resources, as well as in organizational dynamics in popular, civil and social organizations and in the organizational dynamics and power relationships of women.

The conflict showed how privatization and protection of investments created in the neoliberal system affect and impact the right to water access as well as the rights rural communities have to water and the community vision regarding water. Moreover, it shows how the mechanisms of privatization and protection of investments can threaten the poorest countries by putting pressure on scarce public funds.

The process also laid bare the tensions between urban and rural, mestizo and indigenous, the links between local elites and transnational interests, and the reality in a country such as Bolivia where the state hasn't managed, or maybe hasn't even tried, to generate and publicly articulate a system of water distribution and management for the whole country. In the country, water management, understood as "the organization of activities and resources to bring water from its source to its final use," is lead by community organizations, who define their base in "uses and customs." In this context, these communities' visions of water is in supporting the notion and function of the common good and of respect for nature, because land and water are elements with cultural significance for life.

It seems that the Water War also helped to reassign value and to understand the dimension of these practices and visions that are in danger of being subordinated to unilateral development and commercial logic in the current socio-economic models.

In large part, the role of women in the conflict allowed bonds of solidarity between sub-urban, urban and rural groups to flourish, as well as those bonds between women from irrigation groups, cooperatives and urban and rural users' groups. As such, the demands of uses and customs slowly became understood, and they backed up the demands from the Coordinator of Water and Life to negotiate with the government.

The mobilizing force for the citizen response to privatization came from peasant women, irrigator's organizations, coca producers and rural communities on the outskirts of Cochabamba. Particularly the women's roles were due to the central role that women play nowadays in water distribution, a task traditionally considered being masculine. However, growing poverty as a consequence of the liberalization of the peasant economy has modified agricultural jobs and water management, which are now largely feminized.

Women participated in the Water War drawing on the specificity of their roles, and they have a double and complimentary significance: strength and vulnerability.

Women have participated in processes of consultation and socialization of information during the final negotiation, but they had, due to patriarchal traditions, limited participation in leadership positions. However, popular representation negotiating with authorities doesn't reflect the magnitude of their participation in the streets, or the importance of their role in water matters in daily life.

After the conflict, a reflection began about the importance of women's daily labor related to water; a big assessment that surely combined with a process of collective reflection will convert itself into greater empowerment for the participating individual women and women's groups.

The challenges then became: how to articulate different levels and processes of empowerment, of demands and of the exercise of rights in the framework of societies that play with hierarchies, class, gender and ethnic discrimination. How to make sure that collective visions about the solidarity-based community use of water find legitimate spaces to for application? How to make sure that decisions about policies about water, services, sustainability in the use of water are impregnated with these visions that recover community practices and respect for nature and water rights?

To summarize, the analysis of the Cochabamba Water War showed clearly that the privatization of water services deeply affected the rights of men and women water users in Cochabamba, the rights of indigenous people, civil rights and democracy itself.

Women were specifically affected according to their place in society: as users, as irrigators, as peasants or members of cooperatives or water committees. The impact on them differed according to the social class they come from, and it is evident when analyzing rates and the differentiated impact on water committees and irrigators that the impact was greater to the poorest.

Privatization of safe drinking water services generated a rate hike that affected the whole population and in particular the poorest of the poor. This had repercussions on women users, who are the daily water managers for their families. To mitigate the

impact in their family's basic needs, women – mothers and girls in charge of the home – all looked to strategies to reduce water consumption or to save money on the consumption of certain foods, and on transportation. This negatively impacted the health and general quality of life of their families. This type of impact is seen in the structures of gender discrimination and poverty, both in basic services as in intra-family relationships and hierarchies, which have been deepened as a result of structural adjustment policies and poverty.

The conditions in which privatization took place – giving monopoly control and the exclusive right to offer safe drinking water services to the transnational company – represented a real life confiscation of communal safe drinking water systems built fundamentally with women's support, although the specific role of women in the construction of communal drinking water system is not always seen given that it is considered part of reproductive labor.

The right of the privatized company to make use of the same water sources that rural communities and peasant irrigation systems use essentially affected the community systems that are based on the logic of reciprocity and harmony with nature; peasant women who dedicate themselves to daily water management in rural areas are a fundamental part of irrigation tasks, and if they were to lose access to their traditional sources of water, they would lose access to natural resources and hence to life itself.

In practice, privatization implies a failure to recognize a centuries old collective socio-cultural experience of water used based essentially on mechanisms of control, consensus and a group of "uses and customs" for managing water and for conflict resolution: ways of compensation and transfer, and other practices in which the traditional knowledge and memory of women is present. The long-term impact affects collective socio-cultural knowledge for using and managing water, knowledge that has been accumulated over centuries and is based on mechanisms of reciprocity between people, communities and nature.

Protection systems surrounding privatization and the lawsuits for compensation for "indirect expropriation" like those presented by transnationals such as *Bechtel-Aguas del Tunari* translate into deepening poverty. Any adjustments that have to be made to pay off such compensation will have negative repercussions on the poorest of the poor, and as a result on women who make up the majority of the poor.

Privatization processes come straight out of the (neoliberal) model pushed by multi-lateral development banks and the IMF that impose set prescriptions justified by arguments of corruption and inefficiency in municipal administration. However, they themselves don't guarantee transparency and they even cover up processes that are irregular, abusive and full of vices. Under these conditions, privatization processes affect the lives of real people and groups; they affect women in their daily efforts to have a dignified life; they affect elemental human rights such as the right to water, which is also a priority of the Millennium Declaration, and they affect the democratic mechanisms of collectives.

If those who write these economic policies, using external debt to extort poor countries in favor of transnational companies don't understand this, they are not only risking human rights; they are also laying the framework for social conflicts in these poor developing countries; lastly, and most importantly, they are establishing precedents of

commercial use of water which threatens environmental sustainability and human rights.

One of the lessons learned in Cochabamba is that it is fundamentally important to situate oneself based on the perspective of local knowledge, of indigenous and communitarian knowledge, of the needs of people and the mechanisms that cultures have constructed through years of living together with nature to seek sustainable management of water that respects human rights and the rights of nature itself.

The example of Cochabamba has also showed that women's problems related to water should be dealt with integrally, looking at women's specific right and needs for water in the context of their human rights and the effective struggle against poverty. It is also fundamental to rescue women's strengths, knowledge and potential in the context of current globalization processes, since these constitute a potentially very valuable alternative of sustainable development.

Some concrete recommendations stemming from the analysis of the Cochabamba Water War:

- Before thinking of privatization (as the solution), it is **necessary to strengthen, make transparent, and revolutionize public, municipal safe drinking water systems**. Social participation and control and visualizing the role of women in water management are important. Safe drinking water service should be a right before it is a business.
- **Water privatization cannot be a condition to negotiate loans with the World Bank, the IDB or the IMF**, nor should it be used to pressure countries because of their debt, not only because much of the debt lacks legitimacy, but also because each nation's sovereignty must be respected, and hence independence in public services should exist.
- **Water should not be part of free trade agreements**, because this will eventually lead to privatization with an implicit violation of social rights. This in turn will give rise to social conflicts that put democracy at risk.
- The diversity of visions, mechanisms and **communitarian practices related to water management, conflict resolution and consensus building from the grassroots should be considered** for public policy and services.
- **Communities, civil society, mixed organizations and women's organizations should try to achieve management and control of water based on consensus, and supported by the diverse visions that advocate for water as a common good**. A "Universal Declaration of Water" should defend the not only the right to water but also water rights, because water does not only belong to human societies but all living creatures and is part of the global ecosystems, thus indispensable for life and the future of the planet.

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