

Water Justice in Latin America

The Politics of Difference, Equality, and Indifference

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WATER JUSTICE IN LATIN AMERICA
THE POLITICS OF DIFFERENCE, EQUALITY, AND INDIFFERENCE
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The Politics of Difference, Equality, and Indifference

Inaugural Lecture / Rede

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door

Rutgerd Boelens

*Insértese la rama que sea,
pero que sea en tronco fuerte*

*You can graft any branch you like,
as long as it's in a sturdy trunk*

(JOSÉ MARTÍ, *Nuestra América*, 1891)

Mevrouw de Rector Magnificus, Meneer de Decaan, Leden van het Curatorium van de Leerstoel 'The Political Ecology of Water in Latin America', Dames en Heren,

Elephants, Towers and UnGovernance

My first encounter with modern hydraulic dreams in Latin America was with the huge *Canal Nuevo*, cutting straight through the homestead of my host parents, peasant farmers Santiago and Alberta Quintana. Nearly three decades ago, in the remote Peruvian highlands of Mollepata, the Quintana family shared their home with me, as they still do to this day. They taught me about the many Andean water worlds that are omitted from irrigation textbooks.

When government engineers and international consultants built Canal Nuevo, they entirely ignored these highland water cultures. Santiago explained: “Engineers designed it ... They started construction, cutting through farms without anyone’s permission. They began digging the canal intrusively, without paying any compensation for land or crops we lost. It made no sense to complain, because it was for development, for people’s progress.”

Our neighbor, Cirilo Hermosa, commented, “We didn’t know. No one talked with the people.” Nevertheless, the urban, white-mestizo elites *did* know. In a powerful alliance with the Lima-based and foreign engineers, they acquired large land properties and re-patterned canals and water flows.

Anthropologist Clifford Geertz once remarked that irrigation systems are “texts to be read.”¹ This book made for sad reading, carving injustice into

Mollepata's landscape, combining modern expert knowledge with deep-seated racism. Cirilo says: "The canal would benefit the rich, not us, the poorest. The mayor, the governor, and the judge had grabbed the best land, where the canal would go. Small farmers had no say."

Donna Haraway has argued that scientists use the "god trick" to objectify reality;² indigenous farmer Cirilo framed it in his own words: "As if they were gods, they designed the system from the air, with their aerial photographs. And we were forced to turn over our land, so that they could build the canal."

Only three days after it was officially opened for use, the canal dramatically collapsed. It broke down, crumbled, and was abandoned, to this day. Local families nicknamed it *Elefante Blanco* (the White Elephant), a costly failure. As Santiago explains: "The project execution agents vanished ... There was no water; it didn't work." In later years, I encountered new expert teams trying to restore the remnants. They failed. They emerged out of the blue, without engaging with the peasant families, leaving them only water scarcity and the White Elephant.

Since these years of living in Latin America, one tale has continually crossed my mind, when listening to such common stories about expert blindness and water injustice.

When Mrs. Glü peered down from the highest lookout tower, her son appeared in the street, like a tiny little toy. She recognized him by the color of his coat. The next moment a toy truck hit that little toy. But that event of a minute ago was no more than an unreal, brief accident, involving a broken toy. 'I don't want to come down!' she screamed, resisting fiercely as she was being led down the stairway. 'I don't want to go down! I'll go crazy down there!'

This tale, written by German philosopher Günter Anders in 1932, led an underground existence for many years. Its manuscript was hidden from the Nazis in an old chimney, travelled to Paris, and eventually arrived in the

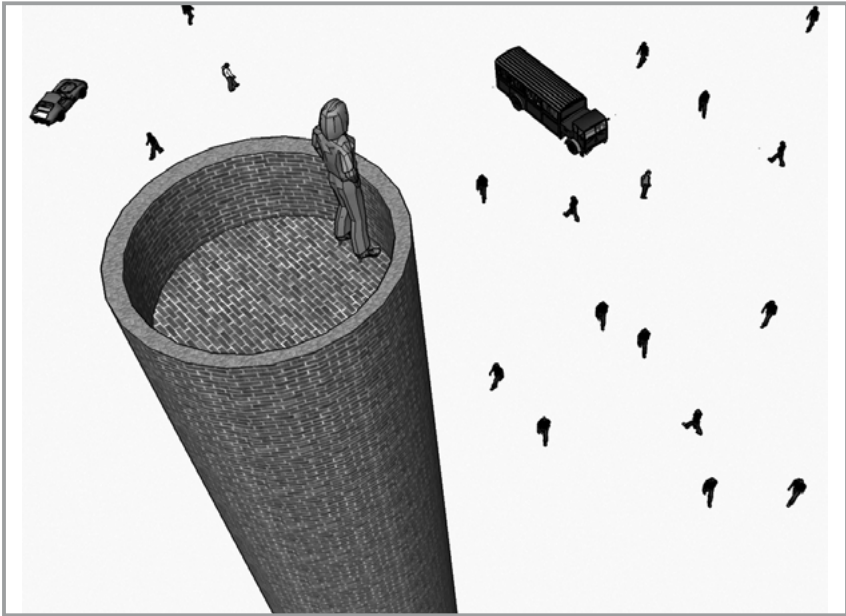


FIGURE 1: View from the Tower
 AUTHOR: Jeroen Vos

New World.³ I feel this tale symbolizes the many Towers of Indifference in the modernist water science-policy nexus: it tells how they create distanced views and models, detached from reality, that deny real-life people and nature, transforming them from subjects into objects; objects that experience no suffering.⁴

In Latin America, most international policy models and national water laws are not adapted to the contexts of the local populations, based on the justification that it is these local populations who need to adapt, not the plans.⁵ These models are aimed at *creating* their own, utopian water world.

To understand this deep, often subconscious neglect of Latin America's diverse water societies, we might disclose a longstanding, dangerous myth. Let me call it *the dark legend of UnGovernance*. In various manifestations, this untold legend claims that local water territories are basically un-ruled – or at

least unruly: disorganized humans, irrational values, unproductive ecologies, inefficient resource use, and continual water conflicts.⁶ This ‘UnGov Legend’ disfigures Latin America’s water societies by overlooking water users, meanings, values, identities, and rights systems on the ground. It then constructs its own water users, with identities that conveniently fit the models, with needs and rationales matching the imaginations of those in power, shored up in their science, technology and policy towers. This way, the UnGov Legend justifies dramatic interventions.

In this lecture, I want to discuss this common thread in Latin America’s water interventions, which are mostly certainly well-intended. By simplifying diversity according to water expert notions, Towers of Indifference produce policy models that depoliticize their deeply political choices and dehumanize the people they affect.

Civilizing the unruly New World justified ancient colonization. Or, as John Locke said: “In the beginning, all the world was America”.⁷ In my lecture I will argue, first, how inventing the *Indios* and labelling their property rules as ‘*Radically Different*’ enabled early political exclusion and distributive injustice. Next, I will show how today’s water users and societies are again artificially invented: now as the ‘*Potentially Equal*.’ Third, I explain how nowadays both misinterpretations generate Indifference. They facilitate modern interventions to combat the ‘water crisis’ by reorganizing ‘unruly’ water cultures and thus justify *Moral Regime Change*. As I argue, the ‘dark legend’ has never disappeared.

Today, however, it encounters growing resistance from marginalized water user families and networks, fighting for water justice, refusing to be classified and governed as imaginary objects.

The political ecology of water

Let me start, from the broader, fascinating research field of my endowed chair: the Political Ecology of Water in Latin America. I understand this as

the politics and power relationships that shape human knowledge of and intervention in the water world, leading to forms of governing nature and people, at once and at different scales, to produce particular hydro-social order.

This political ecology focuses on unequal distribution of benefits and burdens, access to and control over water, winners and losers, and disputed water rights, knowledge, and culture. It is also about building alternative water realities. It explains how thoughts and actions concerning water are always political, never neutral. Water is life and closely connects people, intrinsically joining nature and society. Water can make or break. In my view, it therefore needs to be organized democratically and equitably. Water development is too important to leave in the hands of only bureaucrats, markets, or us scientists.

Throughout Latin America, growing demand and declining availability bring about escalating water conflicts. Inequality is very deep indeed. From Argentina to Mexico, water is reduced to an economic resource allocated to the ‘most profitable users and uses’ in the win-or-lose market. Water dispossession is now worse than ever.

A telling illustration is a Canadian gold mine intervention in San Luis Potosí, México. Cerro de San Pedro village, or Saint Peter’s Mountain, is an ecological reserve and cultural heritage (see Photo 1a). Water is fundamental for local livelihoods and the large city of San Luis Potosí. New water extraction is entirely forbidden in this desert region. In 2007, however, international laws and Mexican politics let the mining company circumvent all local rules, annexing the untouchable communal land and water rights. Our Justicia Hídrica alliance partners, with Francisco Peña and Didi Stoltenborg, investigated how, in no time, they changed the protected area into a large open pit (see Photo 1b). Saint Peter’s Mountain no longer has a mountain, only large, toxic cyanide dumps. Land and waterscapes have been destroyed, and the village river has stopped flowing. National politicians forced the local mayor to accept the mine. He had no alternative: the former mayor, who had opposed it, was murdered. That was his father.



PHOTO 1A: Cerro de San Pedro before (2007)



PHOTO 1B: Cerro de San Pedro after (2013)

The mine received a large water allocation, but villages suffer shortages. The company has poisoned the land and the air and jeopardizes the water supply of a million citizens. ‘Water scarcity’ is not a natural but a political construct that has been de-politicized, as if it were Nature’s fault.

This has also affected village life. Doña Morena explains: “The mine destroyed our land. Before the mine arrived, the town was united and full of life. When the company started to pay people for their ‘vote,’ things changed. Neighbors became our enemies! Houses were set on fire to intimidate us. The village is now divided.”⁸

Internationally, however, the Canadian company is recognized for its Corporate Social Responsibility, suggesting deep concern for community development and the environment.⁹ It has been issued a Conflict-Free Gold Certificate. International agreements actively support the mine’s plunder. The NAFTA water charter forced the local population to accept the mine. Complaints from local communities receive no consideration. They have no right to participate in decisions about their own future.¹⁰

Meanwhile, Latin American governments increasingly invoke the international War against Terrorism to label and imprison protesting villagers as ‘environmental terrorists.’ A Peruvian leader said: “We now have a State that

no longer protects people's rights and instead protects investment."¹¹ In 2014, the Inter-American Human Rights Commission investigated 22 large-scale Canadian mining projects in nine Latin American countries,¹² concluding that they all caused profound environmental impacts, contaminating rivers, displacing people, impoverishing communities, and dispossessing water rights. Protesters have been killed. As the report observes, development cooperation increasingly promotes mining; Canada has advised Latin American governments on how to circumscribe protective laws and curtail civil rights to facilitate mining. China, Australia, Europe, and the United States may follow suit.¹³

Such water dramas are widespread. In many Latin American cities, abundance for the wealthy often means water insecurity for *favelas*. In rural areas, land grabbing goes hand in hand with water grabbing. Water-scarce subsistence systems export agricultural commodities in massive amounts as 'virtual water' to rich, water-abundant countries. In Ecuador, small farmers are 86% of water users but receive only 13% of total flow. The 1% large farmers control 67% of total water flow.¹⁴ Water extraction impacts water quantity and quality alike. Approximately two-thirds of Ecuador's Amazon region is granted in concessions to oil companies. In Peru, such lease arrangements for oil exploration and exploitation involve nearly three quarters of the Amazon area.¹⁵

The Empire of Inequality: inventing the 'Radically Different'

Latin America's empire of inequality builds this large *class-based difference* in access to water and means of production on cultural discrimination and imposed *racial, gender and ethnic differentiation*. These two connect to *political differentiation*, exclusion from governance decisions. As Nancy Fraser and David Schlosberg have argued, distributive injustice, cultural injustice, and political injustice are a mutually reinforcing complex (see Figure 2).¹⁶

Inventing racist difference thus justifies inequality and exclusion. This holds true in water governance as well. Local water users are rarely allowed to define

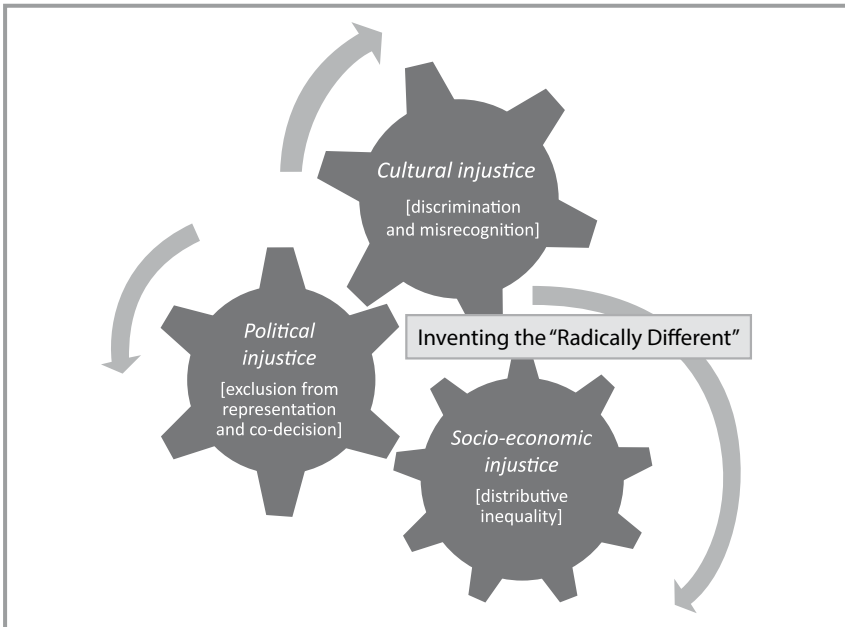


FIGURE 2: Interactions among political, cultural and socio-economic injustices: producing 'radical difference'

their *own ways of being different*. In Ecuador, for example, my *comadre* Inés Chapi would tell me for hours how she and her peers were purposely constructed by the white elites: as an intermediate race, as *cutos*. This also excluded them from property ownership and political voice. Her neighbor Rosa Guamán explains the locally imposed classification as follows: “We were raised as *cutos*. A *cuto* is a dog whose tail has been cut off. *Cutos* were the *indígenas* brought to serve the whites. They changed our clothes and cut our hair. We were not allowed to identify as indigenous or as white.”

Throughout Latin American history, ‘external’ and ‘internal’ colonizers use Un-Gov Legends to domesticate profoundly diverse local water cultures, imposing new identity labels and rules: first, to justify taking over local water resources; next, to enable control of everyday water use by installing the dominant frames of reference and ‘rational order’; and finally, to govern and control.¹⁷



PHOTO 2: Inés Chapi
SOURCE: courtesy Irene Bloemen

Accordingly, political ecology understands ‘water governance,’ beyond humans governing water, as *governing people through water*; as ways of organizing power and decision-making to bring about environmental control and societal order at once.¹⁸ Consequently, to understand marginalized-water-cultures, above all, we need to study the water-cultures-that-marginalize-them, i.e., the different faces of ‘water governmentality’ or the ‘art of governance through water.’¹⁹

Ton Lemaire and Alberto Flores Galindo have shown how, long before Columbus reached the Americas, Europeans had already formulated the imaginaries of the New World. Its inhabitants, property relations and governance structures would be *Radically Different*. They constructed a convenient mirror to promote their own governance ideas in the West and a utopian garden for experimenting with how to organize people and property: presenting a civilized Self versus a barbarian Other.²⁰

This continued after the Conquest. Arij Ouweneel has demonstrated how indigenous governance and identity were not known but invented to justify invasion and to introduce order to the ungoverned.²¹ Aníbal Quijano's theory on the 'coloniality of power' shows how naturalizing such dualist, racist differentiation in capitalist class relationships became the foundation for Latin America's knowledge and property structures and remains so to this day.²²

In this respect, a well-known 16th-century debate represented two streams of reasoning that are central in my presentation: Juan Ginés de Sepúlveda depicted Indians as radically different dog-like slaves, lacking rationality and property.²³ His opponent, Bartolomé de la Casas, argued that they were *potentially equal* and could be civilized to understand property and the rule of law.²⁴ Both regarded being human and rational as obeying the natural, divine order, i.e., Western religion and property foundations.

Linking dualist difference with UnGovernance was basic to influential European thinkers. For example, Thomas Hobbes invented the indigenous order as the savage 'State of Nature.'²⁵ John Locke advocated 'possessive individualism,' justifying land and water rights dispossession, because Indians would not privately invest in their territories.²⁶ Occupying and bringing order to the 'un-possessed wilderness' became an act of moral progress. Jeremy Bentham, founder of utilitarianism, advocated subdividing indigenous territories into private properties to transform chaos into rational order. Liberation hero Simón Bolívar followed his enlightened advisor to liberate the continent from the collective 'indigenous burden.'²⁷

From Thomas More to Voltaire, Rousseau, Smith, Marx, or even Hannah Arendt,²⁸ the New World led to the invention of dualistic Difference.²⁹ Actual peoples and their natural resource governance forms were conveniently denied.

Neoliberals like Milton Friedman eagerly extend the legend of UnGovernance, to colonize empty wasteland and put into practice radically free-market utopian ideas. Using Chile's dictatorship, Friedman preached the link between freedom, private initiative and property rights. Supported by Friedman's and Hayek's groundwork,³⁰ the Chicago Boys designed the world's

most far-reaching water privatization experiment.³¹ To realize this ‘liberal’ Water Code, Pinochet controlled all deviant behavior, thus *imprisoning water users to liberate the water market*.

The World Bank praised the dictatorship’s new Water Code. In the 1990s, the World Bank forced most Latin American countries to copy the Chilean experiment and to privatize water rights, to ‘benefit the poor.’ Ironically, Chile’s water policy identified these poor water users as anti-modern nobodies. Following the dark legend, it considered all customary water rights as ‘non-property.’

Regimes of ‘Potential Equality’: enforcing uniform water rights and identities

Thirty years later, Peru’s former president Alan García advocated putting an end to peasant communities’ collective rights. He called them anti-modern “lazy, jealous dogs,” who refuse to be productive but also refuse to sell their collective land and water to private companies.³² The future is the Western example: Peruvians are expected to imitate “successful” foreign capitalist companies. García expressed beliefs deeply shared by most regional and international water policy-makers. The UnGov Legend flourishes.

However, governance ideologies gradually shifted, from stressing Radical Difference to depicting Potential Equality. In fact, Bartolomé de Las Casas’ historic appeal to see the Other as ‘miserable but human’ already foreshadowed this modern current. Michiel Baud, among others, has shown how discourse has changed from promoting racial distinction to extending liberal society’s values to ‘include’ *campesino*, *indigena* and *favela* inhabitants as nation-state citizens.³³

Modern integrated water policies also favor including all water users as equals, rather than excluding them. Everybody is potentially equal, has the right to be equal, and *should* be equal. In Latin America’s water policies, equalizing expansionism is not based on violent conquest but on universal water rationality.³⁴

But equal to what? Equal to whom? René Girard and Hans Achterhuis have explained how ‘equality’ always needs a referential model.³⁵ Modernist

water science and policy projects in Latin America churn out recipes: new water knowledge, rules and identities for becoming equal, by 'certifying good water use.' Water cultures are judged by how well they meet these standards.³⁶ Failure to meet these 'self-evident' principles is presented as a lack of capacity for reason and as unwillingness to progress.³⁷ Indeed, as Mollepata water user Santiago Quintana indicated, questioning the errors of modern water policies and non-correspondence with on-the-ground water societies is portrayed as sticking to superstition, ungovernance and non-development.

In keeping with international good governance and water citizenship norms, Peru ranks water users as modern or traditional. Modern users – such as capitalist agribusiness companies – are the model to follow. The water crisis is tackled by transferring rights to more 'valuable' uses and rewarding 'more efficient' users. Farmers who 'modernize' get an efficiency certificate,³⁸ as well as preference for new rights.³⁹ In practice, however, only a wealthy minority can afford this cutting-edge technology. They use any water saved not to restore aquifers but to expand their area with high-consumptive export crops. Ironically, model farmers' additional water rights and powerful pumps deplete aquifers. The dry Ica Valley's water table is dropping at a pace of nearly one meter per annum. Thousands of small- holders' wells are dry; they cannot compete with these 'efficient' farmers' pumps. Even if they modernize, it is not easy to become equal in these circumstances.⁴⁰ New, inaccessible standards make them feel permanently backward. As Ivan Illich once remarked, the equalizing white paradise keeps moving further away, whenever poor people think they may be catching up.⁴¹

A main source of water conflict in Latin America is the neglect of local rights systems. Although official and local customary water laws are necessarily interlinked and presuppose each other's existence, their relation is often problematic. Official rights are uniform and written in ink. Local water rights are context-based, diverse, and written in blood, sweat and tears. Local water rights are not 'traditional' but dynamically combine rules and principles from diverse normative sources. They combine local, national, and global rules and hybridize indigenous, colonial, and current

norms. Water user collectives reconstruct these norms in territorial systems of organized complexity.⁴²

This diversity presents serious problems for water bureaucrats, elites, and international companies. Divergent authorities, territorial autonomies, collective property rules forbidding water transfer to third parties, and other local arrangements, complicate state control and make free market operation very difficult. These need uniform playing fields, where ‘equality’ is universal.⁴³ Water users are therefore expected to abandon their unruly disorder and equalize. Cultural differences would evaporate when people experience rational global water rights systems.

Peru has received 200 million us dollars from the Inter-American Development Bank to battle what the government describes as the country’s “limited water culture” and “irrational water use.”⁴⁴ The aim is to “promote a modern water culture among the people” by neoliberal equalization⁴⁵: not by force but by integrated water management. Highland communities have rejected these formalization projects that in their eyes bring about water security for the rich and insecurity for the poor. Nevertheless, the Program includes education to teach “water culture concepts.”

Water neoliberalism in Latin America includes a finely graded cultural program. In Marx’ terms, it ‘equalizes’ and ‘creates a water world in its own image.’ Differences are allowed, as long as water users behave ‘as if they were equals.’ Following universalistic good governance discourse, governments differentiate ‘responsible water citizens,’ who are state and market-compatible, from ‘irrational water spoilers,’ who devise their own rights systems.

During one of my visits to the Tulabug communities in Ecuador, I found that Riobamba City had decided to build a large water treatment project. Instead of using fallow *hacienda* lands, however, they confiscated land from many indigenous small-holders who had invested years of hard work to build their irrigation system. The two sides had entirely different views of hydro-social territory, and these communities protested and blocked all the roads. The Mayor of Riobamba expresses his view of the ‘barren continent’: “These folks cling to their ancestors; even if their land is worthless, they defend it to death.”



PHOTO 3: Tulabug families irrigating their fields by 'canterones' (zigzag furrows)
SOURCE: author



PHOTO 4: Water officials and peasant-indigenous families meet in Tulabug
SOURCE: author

Water leader Héctor Pilataxi explains: “It took 30 years of hard work to get the water here. Many people have only one plot, some died before the water arrived. They need the water.” Pacífica Yupa agrees: “We will defend our land and water to the end. I need this little farm for my children, to survive. I will irrigate my land with my own blood, but I will not be put off it!”

Communities express how they are ‘rooted’ in their water territory: the ways they have built it, how it connects humans, nature, gods, and ancestors, how to cherish it for the future. Pacífica: “They don’t realize that we feed the city. We use water to produce new crops, livestock, to keep the city alive.” Fundamentally, Tulabug families and their forefathers created their collective rights by animating hydro-social territory.

The city’s water experts are blind to this water rights-building and root-ness, seeing only non-rights and unrul-emptiness. The Waterworks Director says local water rules are for cannibals: “We should not revert to

cannibalism and take justice into our own hands; we all can be rational, we have studied. Laws are universal.” In his eyes, the problem is that the people to be displaced are too selfish. They lack civilization. “Countries in Europe are developed, not selfish. We all want to be at the same level, obviously.”

To persuade indigenous families, officials first talk of integration, participation, and equality. The Waterworks Director says: “We are all Riobamba, we are all equal, the same country.” However, some are a bit less equal and will have to suffer: “They should understand that some must make a sacrifice and pitch in, so that the rest can develop. As in any major project, we have to give up something, for the great majority’s benefit.” As we see, Jeremy Bentham’s universalist, utilitarian ethos is deeply ingrained in Latin America’s policies of Integrated Water Resources Management, which involves sacrificing a minority for the ‘majority’s happiness.’ As the PhD studies of Juan Pablo Hidalgo and Lucía Galarza in Ecuador and Bibiana Duarte in Colombia show, this often turns local poor *majorities* into outlaws, when governments pursue jumbo-hydraulic and socio-environmental transformation projects.⁴⁶

But families refused, and seventeen fellow communities supported them in solidarity, as did the national indigenous movement. They revealed the invisible links of their hydrosocial network. State authorities changed their tune. From Potentially Equals to be involved, communities became Radically Different, to be displaced with military violence. The Waterworks Director explained: “The self-interest of a couple of indigenous peasants without any technical criterion cannot endanger a whole city’s welfare.”⁴⁷

As we see, this modern ‘equality for all’ commonly does not address the key issue of abolishing inequality in water access and representation; rather, making water users equal entails curtailing their deviation from the formal rules and rights, from Right-ness, whiteness, and assigned identities. All over Latin America we witness this attempt to ‘*Moral Regime Change*’ – the moral mission to replace local water knowledge and rights systems by modern ones, placing them under state and market control; to combat presumed Un-Governance and make them identify with the ruling system.

Indifference and Moral Regime Change: de-humanizing the Latin American water worlds

As a consequence, in their daily practice, water users suffer not only from being categorized as Radically Different but also from being labeled as Potentially Equal: both visions deny cultural diversity in water control. As alternating twin forces, racist exclusion complements equalizing inclusion. They bring about indifference as to who Latin American water users are, what they want, and how they feel, know, value, and identify.

The water world abounds with such ‘indifference regimes,’ produced by pre-modern empires based on inequality, by modernist socialist, liberal, and neoliberal policies forcing abnormal water cultures to become equal and by post-modern schools, a-critically embracing ‘the right to difference’ -- which is in turn conducive to indifference and promotes cultural relativist blindness to local water injustices. Next, as the works of Enrique Mayer, Marisol de la Cadena and Xavier Albó and others have shown, anti-modernist, indigenist schools or romantic Return-to-Mother-Earth ideologies similarly disregard locally diverse livelihoods and hybrid identities. Enslaved by the same modernist approaches they fight, anti-modernists tend to simply invert Western stereotypes to glorify the indigenous or Latin American water worlds. Schools such as the one run by Grimaldo Rengifo (PRATEC) blame all evil on the West, ignoring internal injustices.⁴⁸ This evades critical power analysis and actively weakens efforts by marginalized water users to challenge injustices.⁴⁹ Long ago, Frantz Fanon, provocatively, warned against such simplifying perspectives: “It is the colonialists who have become the defenders of the native lifestyle.”⁵⁰

Today, in particular, the modernist water schools of State-centralization and neoliberalism seek aggressively to *transform* this reality. In other words, essentialization in current Latin American water politics is not just an *academic error* but has an equally important *political purpose* of conveniently re-shaping local water rights and identities.⁵¹ Moreover, as our Andean country water studies and Miriam Seemann’s PhD research have demonstrated: recognizing local water rights for some groups – commonly in their essentialized expression – often entails illegality and active criminalization

of all communities and rules that are *not* recognized. Such disregard subtly affirms and deepens the dark legend.⁵²

A horrifying example is the building of the Chixoy Dam in Guatemala. It required labelling the Achi Maya population living there as people without rights and properties, and the dam site as unruled, empty space. Project documentation ignored the Achi Maya's strong cultural-productive roots in their territory. The project blended participatory jargon – to include the 'Potentially Equals' in globalized development -- with racist ideas to explain why these 'Radically Different' resisted displacement. An Inter-American Development Bank report states: "In the native peoples' worldview, traditional lifestyles and agricultural practices are expected to remain changeless for evermore, which explains why native *campesinos* ... have proven resistant to change and innovation ...".⁵³

When Achi Maya communities peacefully resisted displacement from their homes, the World Bank, donor governments and international consultants actively ignored State-sponsored military violence.⁵⁴ To construct this dam, the legend had to be made real, emptying the space. Many years of intimidating, torturing, and raping the local population left 440 men, women and children dead and displaced thousands of local families.⁵⁵ Mrs. Glü refused to descend from the Tower – she would go mad downstairs. The consultants were instructed 'not to ask,' because hydraulic dams are for everyone's progress. Their water knowledge and epistemology made them oblivious to human suffering.

Latin America's often dramatic water scenery shows how civilizing hydro-political dream schemes separate 'all-seeing knowers' from 'ignorant users.' Modernist rational designs are blinded from *imagining* the human suffering they may provoke, and in this way they make it easy to implement decisions that have far-reaching consequences for other people's lives.

As Günter Anders argued, the ability to *understand* the suffering caused by modernist interventions does not keep pace with the growing ability to *intervene*. We can *do* far more than we are able to *morally understand and justify*. In the face of our intervention technologies, he said, we humans are obsolete, '*antiquiert*,' we are smaller than ourselves.⁵⁶

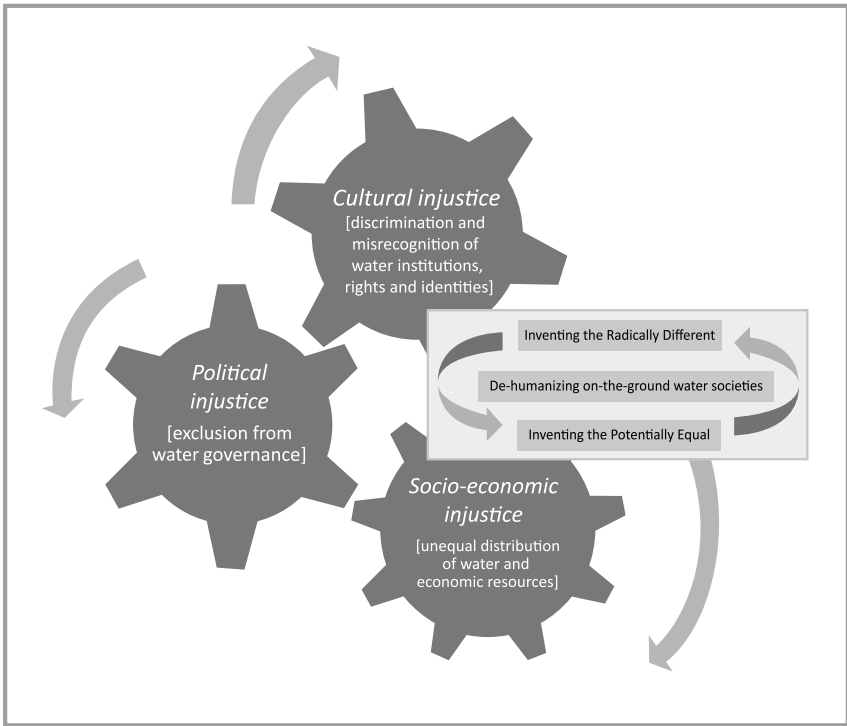


FIGURE 3: De-humanizing on-the-ground, living water realities

Towers of Indifference perceive and construct ‘equals’ that fit into their models.⁵⁷ Perceived from high above, everybody is equal and made equal, far from the diverse worlds of flesh-and-blood water users. Actively constructing ignorance helps explain and thereby intervene in the complex water world. Hovering above context, above the arena of interests, tower builders objectify human and natural subjects. This *de-humanizes* water reality. Rather than revealing the suffering, only governable subjects and objects appear: in perfect alignment with Latin America’s dark legend, an empty space emerges for inventing games, rules and players, for constructing and ordering water users and identities.

Everyday forms of water injustice and resistance

Large-scale water injustices, such as during the Water Wars in Bolivia, the Texaco water pollution in the Amazon, Yanacocha gold mining in Peru or the Belo Monte hydropower dam in Brazil appear in the newspapers. Here, the Dark Legend supports materially erasing water territories and sometimes entire user populations. Far more widespread, however, is the ongoing, invisible, every-day water dispossession and discrimination. In such cases, the Dark Legend and Indifference Towers erase water rights, norms, and identities. Often, these water injustices are not intended to be harmful; commonly they are highly moral, rational, and development-oriented.

One case among thousands is irrigation development in Licto, Chimborazo, in the Ecuadorian Highlands. In the 1990s I was engaged in action research with Licto's indigenous families and have been conducting follow-up research ever since. State officials, urban, mostly male engineers and white- mestizo local elites teamed up for the cause of participatory development to reshape the waterscape.

Whether intentionally or unintentionally, their water designs neatly reflected their class, gender and white-mestizo identity.⁵⁸ Water was to flow first to the white-mestizo power groups, who would reap the greatest benefits. They could also block the water at their discretion, increasing the dependence of the indigenous communities at the tail-end. Other communities were simply left out.

As elsewhere in the Andes, Licto communities have their own cultural-political boundaries, rotating authorities, and internal working relationships, which enable collective survival in a harsh environment (Figure 4a). I was amazed to see that the blueprint water design imposed on the region was identical to what I had learned to make during my irrigation studies. This universal designing rationality, applied from Mexico to Sri Lanka, totally diverges from *campesino* realities. Far beyond just hydraulic technology, such design artificially constructs new subjects: individualized water users, arranged in new spatial management units neatly fitting the dominant legal-political framework: a new socio-natural structure confronting the survival of existing

communities (Figure 4b). The legal framework neglected all forms of community rule-making and authority, linking water user obedience to outside experts and top-down state administration. New forms of governmentality – installed through public-private partnerships – would rearrange people like chess pieces within new ‘convenient communities.’⁵⁹

The legend of UnGovernance is so deeply ingrained in modern water science design and discourse that we no longer recognize it. Indeed, principles embedded in the new hydraulic-legal-political design fundamentally displace the knowledge and norms of users and erode existing community rationality and rule-making.⁶⁰ ‘Hydro-political dream schemes’ forcefully align micro-water control with meso and macro-governance order.

Obviously, designers are aware of the frictions that such models encounter in ‘stubborn reality.’ But professional conviction dictates that the mission must be accomplished – to prevent irrational water use. The Water Crisis justifies crushing local rights, forcing everyone to speak the same water language: building Babylon’s Water Tower. Moral Regime Change thus justifies material, social, and discursive violence to make and break water societies. Utopian-inspired projects undermine and erase existing arrangements as a precondition for building the new order.⁶¹ *Licto* cases are omnipresent: we might call this forceful effort ‘*missionary water design violence*,’ aimed at reshaping society and nature at once.

But there is the other side of the story, Latin American water societies resist. In *Licto*, the strongest trigger of peasant-indigenous resistance was the notion of individualizing water rights, which would benefit only the well-to-do. Communities revolted and protested unilateral state and market-based allocation. *Licteños* argued that water rights must be earned by investing labor and joining forces to build and sustain collective hydraulic property, driving shared water control. This rights notion of establishing rights by building collective infrastructure is widespread in Latin American peasant societies but is not reflected in any water law. By ignoring these ‘water rights fundamentals,’ modernization projects have destroyed self-governed water use systems throughout the continent.

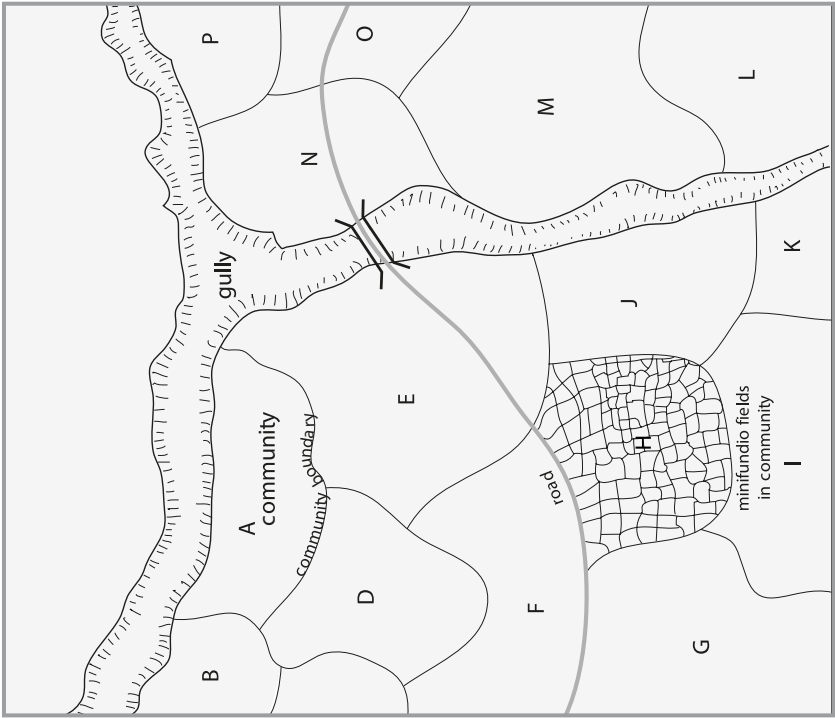


FIGURE 4A: Existing community boundaries and relationships.
 FIGURE 4B: Deletion of vernacular community structures and institutions by superimposed hydraulic block rationality

After many years of struggle, internally against racist exclusion and gender discrimination and externally against equalizing assimilation, Licto communities took over system development, based on principles of water-rights creation. With Ecuadorian NGO support, they redesigned the infrastructure and organized alternative hydro-social territory. Water, power and justice claims were interwoven. New role models came to fill the identity mirrors. Under strong leaders such as Rosa Guamán, Inés Chapi, and Martha Caranqui, women claimed water rights and became irrigation leaders and community presidents. Or, like Gladys Yupa, they were construction supervisors directing their male fellows. As Inés says: “We have to defend our system together ... And for this, both men and women need to have water rights and decide.”

After overcoming the longstanding racist control of the white-mestizo elites, they invited the mestizo population to share their collective project. As Antonio Laso said: “Our struggle for water showed the mestizo people that we are organized and successful in any project we plan. Now they say: ‘here are indigenous people, willing to fight, making sacrifices, getting results. We want to join them.’” This, as Antonio explains, has been a true achievement: unity among the diverse.

Obviously, contradictions have not evaporated – water struggles never end. Every year I visit Licto, I see new challenges. But the peasants adapt: Licto communities, together with many neighbors, have formed the provincial water-defense federation Interjuntas to fight racist water allocation practices (see also the work by Jaime Hoogesteger, Edgar Isch and Aline Arroyo). At national level they have joined the Water Forum to influence policy proposals and demand political voice and redistribution.⁶²

In their own way, Lictesños have combined their struggle against cultural discrimination, unequal water distribution and political exclusion; building on ecological integrity to sustain their waterscape.

Importantly, the objective is not to ‘glorify the local,’ which includes their own inequalities and injustices. Rather, modernist policies often tend to *transform* local water orders even before local arrangements are *known*. With universal solutions, local water rights and cultures no longer matter.



PHOTO 5: Antonio Laso
SOURCE: author

Research fields: regimes of equalization, struggles against indifference

This brings me to the research fields that I would like to explore further, focusing in particular on the concealed everyday battlefields against and by local water societies: the *silent water wars*. Together with my colleagues, students, and Justicia Hídrica alliance partners, I propose to work on three interconnected domains in Latin American water politics:

The first domain examines **‘the cultural politics of formalizing water rights complexity.’** Understanding Latin America’s on-the-ground water norms and institutions is essential to value the region’s water management rationalities, conflicts, and solutions. This normative diversity contrasts with state governance and market law logic and interests, and practice has shown how dominant groups have tried to make people identify with formalized water culture: as colonial subjects, nation-state citizens, or water market clients. Aside from outright imposition, Latin American history is full of so-called ‘reciprocity pacts,’ governance ideologies, and cultural categories, deliberately constructed to fit lines of command.

In *Water, Power and Identity* I have outlined how the cultural politics of recognition restrict complex water realities. Both dominant and subordinate players use each other’s resources and seemingly ‘acknowledge’ each other’s political-symbolic orders. Governors and elites seemingly accept the rights of grassroots, but only to secure their compliance or capture their resources; subordinates apparently conform to official rules but do so to shield their normative domains and shop in the dominant power factory. Therefore, beyond apparent water rights and institutions, it is important to know how they are shaped and enforced, and who controls ‘imitation’ and ‘hybridization.’

I have questions about the interaction among formal and non-official water cultures in arenas where water values and meanings are generated and disputed. Why are certain worldviews, water institutions, and knowledge systems considered legitimate but others denied existence? How does this influence the distribution of water, benefits, and burdens? Which strategies

of defiance and self-identification do water collectives devise to avoid being silenced by the dominant governance culture?

The second domain investigates forms of **'governmentality and the contested making of hydrosocial territories.'** Deeply challenging the UnGov Legend, Latin America's territories are actively constructed, historically produced socio-natural realities, in which nature and society are intertwined. Water flows, use systems, and hydrological cycles, from micro to macro scales, are mediated by power relations and human intervention. They shape hydro-social territories.⁶³ In practice, different parties envision or construct such territories differently, with diverging functions, values and meanings.⁶⁴ James Scott wrote 'Seeing like a State'; James Ferguson 'Seeing like an oil company';⁶⁵ Lictiño communities told me how *they* see their territory.

Territorial spaces are sites of contested control over socio-natural composition. Examining these conflicting hydro-social imaginaries offers deep insight into how water benefits and burdens are to be distributed, how humans and non-humans are ordered and assumed to behave, and how this is sustained by political-economic, technological, and symbolic orders in ways that can strengthen or challenge the status quo. I suggest that we understand hydro-social transformations as based on governmentalities. They involve the politics of constructing new meanings of and connections among 'the social, the natural and the technological.'⁶⁶

One particular interest I have is to examine a widespread, unspoken policy practice: water projects framed as inclusive community development often envision first to *de-pattern* existing community structures and rationalities. Next, as in Licto (see also Jean Carlo Rodríguez's doctoral research in Colombia and Ecuador),⁶⁷ they *re-compose* them into 'convenient communities' that follow dominant governance rationality: 'government-through-convenient-communities.'

Another interest is to examine how water technology here is not neutral but bears the class, ethnic, or gender-based scripts of its designers. Water canals and distribution boxes have carved power and moral relations in the Latin American waterscapes.⁶⁸ Infrastructure performs as 'hardened morality and materialized power' that enforces particular organization,

ethical behavior, and the distribution of water benefits and burdens.⁶⁹ As Michel Callon once argued, “engineers transform themselves into sociologists, moralists or political scientists at precisely those moments when they are most caught up in technical questions.”⁷⁰ How, then, is water technology ‘moralized’ (and how are these technology-embedded social relations rendered invisible)? How do divergent hydro-social territorial imaginaries and constructs oppose one another and interact? How do Latin American water user alliances *de-moralize and re-moralize* hydro-social technologies and territories to shape their own techno-political water societies?

The third domain studies ‘**struggles against water injustice and indifference.**’ Rather than uniform patches of the globe, local water societies are rooted in history and schemes of belonging among people, place, and water – not revolutionary abstractions or water tower utopias but very down-to-earth. Context-based trial and error, step by step, learning by doing. In their struggles, these water cultures continually re-invent rules and identities and traditions – in a strange mixture of ‘returning to tradition’ and ‘building new orders.’ They see water rights as instruments to arrange their systems and as weapons to defend themselves. Far from egalitarian micro-societies, they are an effort, a process and a capacity to merge collectivity with diversity and to exercise mutual dependence on nature and on each other.

Here, far more important than the open water struggles are the thousands of invisible daily battlefields. In undercurrents, communities build their own rights systems. These question the self-evidence of formal state, science, or market-based governance. They may alternate between overt resistance and disguise.

Beyond an ‘internal affair,’ most water user communities try to tie in with national and international policies, markets and partnerships, embedding local in global and global in local. As our Justicia Hídrica partners and Barbara Hogenboom have shown, the transnationalizing scales of extractive industries and policy-making force them to scale up their water struggles as well.⁷¹ We have seen how in Ecuador the Licto water users compose patterns of multiple actors and scales. In Cerro de San

Pedro, villagers have united in the Broad Opposition Front to challenge the mining company and the Mexican authorities. They ally with the Movement of Dam-affected People, Greenpeace, Amnesty International, and Human Rights Tribunals. Trans-local networks are arising throughout Latin America. In Guatemala, the displaced Achi Maya families have forged alliances with NGOs, scholars, human rights advocates, journalists, and networks such as International Rivers. After three decades of struggle, the US Congress passed a bill forcing the World Bank and other donors to arrange multi-million dollar compensations through Guatemala's government. Although they can never compensate for the suffering, such victories are milestones.

These networks also show that state, scientific, and policy-making communities are not monolithic but track records of social conquests. Many state employees, professionals and scientists struggle 'from within' to crumble the Towers of Indifference. They ally with water-user groups to capture cross-scale opportunities, interlace their mutual bodies of water knowledge and co-design water societies. '*Acompañamiento*' is not about guiding the other but about diverse water actors, differing in backgrounds, sharing a path to realize a jointly approved democratic project: a political water society.

Water justice

Considered in combination, these understandings allow me to approach what in my view is the central issue of my chair: water justice. In Latin America, struggles over water are battles over resources and legitimacy, to exist as water control communities and self-define the nature of water problems and solutions. Conflicts are therefore often deep and intense. User organizations try to shape their own projects, re-moralizing universalist placeless systems to build rooted hydro-social territories, claiming the freedom to deviate.⁷²

Grassroots environmental and water user organizations counter being mislabeled as Radically Different and as Potentially Equals with their *own* paradox. By connecting material with cultural-political struggles, they

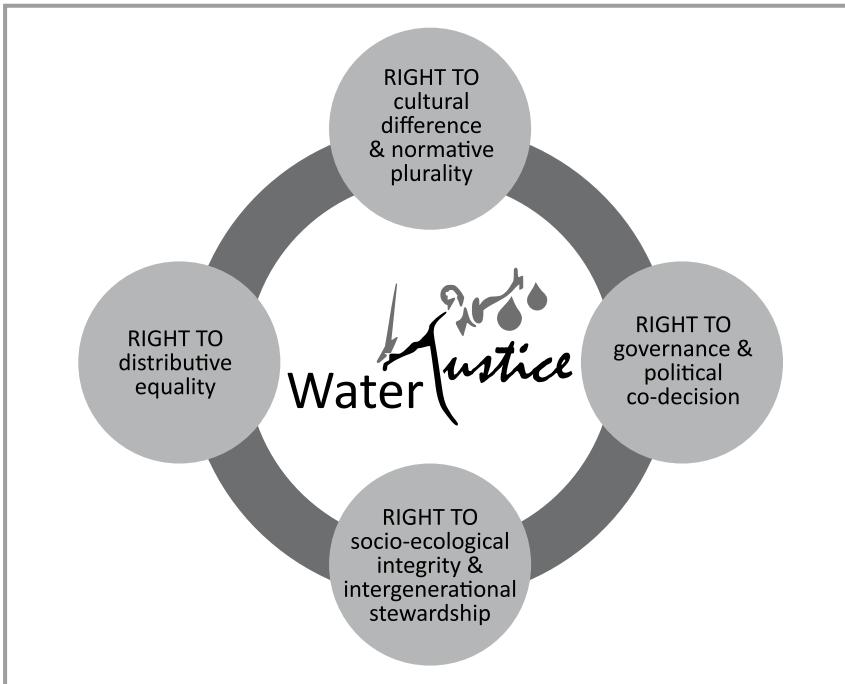


FIGURE 5: Interweaving and balancing the struggles for water justice

demand both the right to be equal *and* the right to be different. They combine their struggle against highly unequal resource distribution with their demands for greater autonomy, sharing in water authority and a pluralistic water rights order reflecting context and diversity. Or, as Juan Carlos Ribadeneira remarked: *“The search for equality amidst difference goes hand-in-hand with its opposite: finding difference in the face of the empire of equality.”*⁷³

Here we arrive at the heart of Latin American grassroots battles for water justice, against indifference. Contesting the Dark Legend of UnGovernance, the intimate connection among people, water, space, and identity fuses their struggles for *material* access and control of water-use systems and *ecological defense* of neighborhoods and territories with their battle over the right to *culturally define* and *politically organize* these socio-natural systems (see Figure 5).

Let us move beyond universalist, descriptive theories and modernist laws that focus on what water justice ‘should be.’ We need to start by understanding how people on-the-ground *experience and define* water justice, rights, and ways of belonging – not taking them for granted but as starting points. In Latin America’s water world, liberal, socialist, or neoliberal models of equality have always tended to reflect the dominant water society’s colonial mirror, ignoring *campesino*, *indigena*, and women’s interests and views. Beyond abstract de-humanized models *and* beyond localized romanticism, let us climb down from the Tower and systematically explore the sources of water injustice, local views on fairness, and the impacts of formal laws and justice policies on live human beings. Understanding water justice calls for a contextual, grounded, relational approach.⁷⁴

Appeals for greater water justice demand action against blunt water-grabbing *and* highlighting those forms of suffering that are concealed by the modernist water science-policy nexus. This requires combining grassroots, academic, activist, and policy action: engagement across differences.⁷⁵ Accordingly, we may define *water justice* as

the interactive societal and academic endeavor to critically explore water knowledge production, allocation and governance and to combine struggles against water-based forms of material dispossession, cultural discrimination, political exclusion and ecological destruction, as rooted in particular contexts.

Water justice is about breaking open the forms of indifference towards knowing, transforming, and distributing nature. It is about questioning our silence on water science; about research and action engaging diverse water-societal actors, to see multiple water truths and worldviews and to co-create transdisciplinary knowledge. It is about facilitating colonized water cultures to question civilizing water rationality and so-called moral right-ness; to unmask current day expressions of water’s ‘colonialism of power.’ It is about critical engagement with water movements, dispossessed water societies, and interactive design of alternative hydro-social orders. These alternatives cannot be engineered by scientists or handed out by policy-makers: they result from ‘unity without uniformity,’ from inter-

weaving cross-cultural water knowledge and cross-societal pressures from below.

It is a dialectical process: people struggle and thereby create the water world in which they live: a conscious and subconscious strategy to create and diversify rooted water cultures. They resist to be able to create, and they create to be able to resist, giving form and substance to Latin America's water societies.

I started this presentation with the White Elephant. It has never been able to walk, and now it belongs to the archaeology of modernist development. By contrast, Santiago, Alberta, and Cirilo are very much alive. They have teamed up with neighboring families and communities, Peruvian NGOs and an international support network. As Santiago comments: "We no longer let a project come in just like that. Now we are firmly organized. Users now have rights, a voice to state demands." They have recovered their own canals, rules, and organization. As Cirilo explains: "With the beating we got from this phantom canal, we have learned to stand up and fight!"

A final reflection on the View from the Tower. Yes, the tale is about how modernist water science and policies create distance, objectify reality and cannot see the suffering they cause in Latin American water societies. It is about the need to understand the real-life other, defeat the Dark Legend, and entwine efforts to achieve water justice. But I think there is more.

When Mrs Glu looks down she sees the objectified other but, at the same time, her son. She sees *herself*. After centuries of (neo-) colonized mirrors, how we see and represent the other relates closely to how we see and represent *ourselves*. Water justice is about decolonizing the mirrors that we have mutually constructed, and that distort what they reflect, questioning our own cultural politics, our modes of categorizing and organizing water and society. Getting closer to on-the-ground water user societies requires getting closer to ourselves.

Rebellious Waters: acknowledgements and alliances

Dear friends,

Having arrived at the end of my talk, I would like to express some words of gratitude. First, to the university's Executive Board and the Dean of the Faculty of Social and Behavioral Sciences, thank you for supporting my appointment at this longstanding, prominent and now totally new university. Early this year, in this same auditorium, I was moved by the Rector's compelling lecture to open the academic year. It was entitled '*Dwarse Geesten*,' which I will translate as '*Rebellious Minds*.' I was totally unprepared, however, to find how students and staff at this university would be profoundly *obedient*, following up these wisdoms over the next few weeks. Dear students, committed and rebellious minds, I look forward to working with you in the coming years.

I thank my new colleagues at the Department of Geography, Planning and International Development Studies and in particular Joos Drooglever Fortuijn, Joyeeta Gupta and Isa Baud for your trust, warm welcome, and guidance.

I also thank my friends and colleagues at Wageningen University and look forward to exciting new Wageningen-Amsterdam interactions.

One such inspiring interaction is through the Justicia Hídrica alliance. I am grateful to the many scholars, water leaders, professionals, and activists in Latin America, Europe and elsewhere, dedicated to making change happen. Special thanks to Jeroen, Nynke and Leontien, here at home, for supporting this continuous stream of new ideas and committed young researchers. I am grateful as well to all the PhD and MSc students who have shared their projects. You provide the reason, the substance, and the joy. And of course, Margreet, *compañera*, thanks for the many years of joining our thoughts and actions. Yes, we stay close.

My sincere thanks go to Michiel Baud and my new friends and colleagues at CEDLA. Under the inspiring leadership of Michiel, CEDLA is full of academic energy; its staff is celebrated worldwide for its research and education. It was not only during the decades of military dictatorships that critical Latin American academics found in CEDLA their second home. To this day, entering

its corridors, one feels immediately at home, a warm-hearted place of intellectual and emotional belonging. Opposed to quick academic or market-oriented wins, CEDLA is dedicated to socially relevant research. Rebel institute as a badge of honor. I feel at home!

I am grateful to another rebel as well. It is now exactly 10 years ago that Julio García died, Ecuador's *fotógrafo del pueblo*. After suffering torture in Chile and joining the Latin American revolutions, Julio laid down his arms to fight against indifference, using only his admiration, his smile and his camera. Together, we filmed water struggles, as in 'The Right to Be Different.' During Ecuador's peaceful rebellion against dictatorship, he was killed by the Gutiérrez regime while saving a child from military tear gas.

Eduardo Galeano, who died last month a hundred years too early, joined us in writing Julio's memorial book *Aguas rebeldes*:

From water we come That memory encourages the life and strivings of plundered communities and teaches us that water, like air, does not belong to those who can pay for it. Water belongs to those who are thirsty.

I thank my father Acilt and my mother Aly for trying to show me the other worlds behind this world. I thank my three rebels at home, Ruben, Jikke and Daan, and Esther, the leader of the pack. They force me, every day, to self-reflect.

Finally, in a similar but different way, I wish to thank Inés, Rosa, Antonio, Santiago, Alberta, Cirilo, and so many others, for teaching me about water, for making me look in the water's mirror and for showing me the errors that I make.

Again, Eduardo Galeano:⁷⁶

*Al fin y al cabo, somos lo que hacemos para cambiar lo que somos,
Ultimately, we are what we do to change who we are.*

Ik heb gezegd.

Notes and references

1. Clifford Geertz (1980) *Negara*, Princeton: Princeton University Press, p.13.
2. Donna Haraway (1991) *Simians, cyborgs and women: The reinvention of nature*, London: Free Association Books.
3. The tale *Der Blick vom Turm* is part of Anders' book *Die Molussische Katakombe* (Munich: Beck, published in 1992) that deals with how, in a totalitarian regime built entirely on lies, truths survive through prisoners' inter-generational story-telling: as 'hybrids' and sometimes, masked as lies. The tale was published previously in 1968. The translation is taken from Paul van Dijk (2000), *Anthropology in the Age of Technology*, Amsterdam: Atlanta.
4. In *Water, Power and Identity. The cultural politics of water in the Andes* (Routledge, 2015), I briefly compare this tower-induced 'reality-indifference' to the workings of Jeremy Bentham's Panoptical Tower, and the Sumerian engineers' biblical Tower of Babylon.
5. Obviously, modernist water science, policy models and intervention projects are different categories, cannot be equated, need to be examined on their own merits, and also each embody significant internal heterogeneity. But they share an important positivist foundation, expert/technocratic roots, and objectivist perspective and commonly coexist in dominant science-policy interfaces.
6. Cf: Alberto Flores Galindo (1988) explains how *Comentarios Reales de los Incas* by chronicler Garcilaso de la Vega (1609) must be read as a polemic against other Spanish chroniclers who constructed the '*leyenda negra*', the black legend presenting indigenous empires as despotic and violent, which would justify Conquest: "[conquerors] did not have to respect any law because it did not exist. By banishing the Incas they were rectifying previously existing injustice" (1988:50). Julián Juderías, who coined the concept in 1914 in his controversial book *La Leyenda Negra y la Verdad Histórica*, conceptualized the Black Legend to have a nearly *opposite* meaning, referring to how colonial competitors of Spain (e.g., Dutch, English, later Euro-Americans) demonized the Spanish Empire and its citizens, exaggerating cruelties committed in the New World and overlooking how this empire passed many laws to protect native inhabitants. In response, Social Darwinist, Falangist, and revisionist currents constructed the 'White Legend' (also: *la Leyenda Rosa*), again idealizing the Spanish Conquest.
7. John Locke (1970 (1690)) *Two Treatises on Government*, Cambridge: Cambridge University Press, par. 49.

8. See: F. Peña and E. Herrera (2008). El litigio de Minera San Xavier: una cronología. In M.C. Costero-Garbarino (ed.), *Internacionalización económica, historia y conflicto ambiental en la minería*, San Luis Potosí: COLSAN; Didi Stoltenborg and Rutgerd Boelens (2015), 'Disputes over land and water rights in gold mining. The case of Cerro de San Pedro, Mexico,' *Water International*.
9. Holding a local monopoly over water, air, and soil quality monitoring, the mine directs environmental knowledge development. In a Foucauldian triangle, power, knowledge and truth are reciprocally reinforcing.
10. The Canadian company has successfully threatened to bring Mexico to court, whenever it protects environmental or human rights that harm the mine's economic interests. As un water lawyer and Justicia Hídrica member Miguel Solanes explains: "Only investors are authorized to request intervention by these international arbitration courts. They constitute the arbitration market, which depends on investors for its existence" (in Stoltenborg and Boelens, 2015).
11. *The Guardian*, 14 May 2014. www.theguardian.com/environment/andes-to-the-amazon/2014/may/14/canadian-mining-serious-environmental-harm-iachr
12. Ibid.
13. Asked by *The Guardian* to react, the spokesman replied: "Canada's mining sector leads the world in responsible mining practices." Ibid.
14. Figures by the Justicia Hídrica research-partner in Ecuador. In provinces such as Imbabura, the difference is appalling. Landlords account for 91% of total flow. In fact, the situation is worse: according to Gaybor more than half the water used by large-scale agribusiness is not registered but is tapped illegally. Publishing first figures in 2008 shocked the country and influenced the new Constitution. The 'Citizen Revolution' government, however, refuses to implement the constitutional obligation to redistribute water. See: Antonio Gaybor (2011) 'Acumulación en el campo y despojo del agua en el Ecuador', in: Boelens, Cremers & Zwartveen. *Justicia Hídrica*, pp. 195-208, Lima: IEP.
15. Anthony Bebbington, Denise Humphreys-Bebbington and Jeff Bury (2010) 'Federating and defending: Water, Territory and Extraction in the Andes', in: *Out of the Mainstream. Water Rights, Politics and Identity*, Boelens, Getches, Guevara-Gil (eds.), pp. 307-327, London, Washington DC: Earthscan.
16. Nancy Fraser (2000) 'Rethinking recognition,' *New Left Review* 3: pp. 107-120; Nancy Fraser (2007) 'Identity, Exclusion, and Critique: A Response to Four Critics,' *European Journal of Political Theory* 6 (3): pp. 305-338; David Schlosberg

- (2004) 'Reconceiving environmental justice: global movements and political theories,' *Environmental Politics* 13 (3): pp. 517-540.
17. Colonizers introduced the generic (cultural and legal) category 'indio' to define 'those who pay tribute,' also fundamental to the political economy of water control (forced labor parties, fee payments, differentiated punishments, and exclusion from water turns and decision-making).
 18. E.g., Gavin Bridge and Tom Perreault (2009) 'Environmental governance,' in: *Companion to environmental geography*, ed. N. Castree, et al., pp. 475-397, Oxford, UK: Blackwell; Cristina Yacoub, Bibiana Duarte and Rutgerd Boelens, eds. (2015), *Despojo del Agua y Ecología Política. Hidroeléctricas, industrias extractivas y agro-exportación en Latino América*, Quito: Abya-Yala.
 19. Foucault frames governmentality as "the conduct of conduct" or "the art of governance." See e.g., Michel Foucault (1978) 'Governmentality,' in: *The Foucault Effect: Studies in Governmentality*. Burchell, Gordon and Miller (eds.), pp. 87-104, Chicago: University of Chicago Press.
 20. Other thinkers (such as Rousseau) constructed the Noble Savage as the opposite of the degenerate, materialistic European. Ancient Greek notions of civilians versus barbarians and Christian mythology (the Golden Age and Earthly Paradise of primitive people in a 'natural state') were central in representing Self and Other. See e.g., Ton Lemaire (1986), *De Indiaan in ons bewustzijn*, Baarn: Ambo; Alberto Flores Galindo (1988), *Buscando un Inca. Identidad y Utopía en los Andes*, Lima: Ed. Horizonte.
 21. See Arij Ouweneel (2005), *The Flight of the Shepherd*, Amsterdam: Aksant.
 22. Aníbal Quijano, 2000. 'Colonialidad del poder, eurocentrismo y América Latina,' In: *La colonialidad del saber: eurocentrismo y ciencias sociales. Perspectivas Latino-americanas*. E. Lander (ed.), Buenos Aires: CLACSO.
 23. In his *Treaty on the Just Causes of the War Against the Indians* (Mexico: Fondo de Cultura Económica, 1996 (1550)), Juan Ginés de Sepúlveda (who has never visited the Americas) argues that "... they do not have written laws, but barbaric rules ... They do not even have private property... How can we doubt that these uncivilized, dog-like people have been justly conquered ...?" (pp. 105-113).
 24. Bartolomé de las Casas (1999 (1552)) *Brevísima relación de la destrucción de las Indias*, Madrid: Ed. Castalia. Las Casas believed that indigenous people were different from the black population. He owned slaves himself. Aside from moral reasoning, pleas from much of Las Casas' group (and from royals) to 'protect' the Indians were based on the need to stabilize the system of plunder.

25. Thomas Hobbes (1985 (1651)) *Leviathan*, Meppel: Boom.
26. Locke (1970 (1690)) *Two Treaties*.
27. See: Enrique Mayer (2002) *The Articulated Peasant*, Boulder: Westview Press. In 1824, Bolívar abolished communal property, prevailing on state lands to sell the latter and fund his military campaigns. His advisor Jeremy Bentham (designer of the Panopticon) framed the ideal republic to bring ‘the greatest happiness to the greatest number of citizens,’ subordinating the interests of the indigenous communities. See also: Jeremy Bentham (1988 (1781)) *The Principles of Morals and Legislation*, Amherst NY: Prometheus Books.
28. Critical thinkers such as Hannah Arendt were also misled by the UnGov Legend, portraying the Americas as wilderness to be civilized. In *On Revolution* (London: Penguin, 1963) she praises the brave settlers and ignores the widespread dispossession of indigenous properties.
29. Contradictions of actual reality met with indifference and were dismissed as ‘anomalies.’ As Flores Galindo (1988) explains, many Latin American schools inherited these traditions when constructing racist, romantic or revolutionary imaginaries -- fabricating convenient local identities and (non) property frameworks. He summarizes the political construction of Otherness: “Europe creates ideas, the Americas perfect them by materializing them; the territory par excellence for practical utopias” (1988: 33). One well-known example of reordering according to radical dualism is the division of the colony into two separate ‘republics’ - the Spanish and the Indian Republic – by Viceroy Francisco de Toledo.
30. E.g., Milton Friedman (1980) *Free to Choose*, Harcourt, New York: Harvest Book; Friedrich Hayek (1944) *The Road to Serfdom*, London: George Routledge.
31. The Chicago Boys designed a free water market as part of Chile’s monetary policy.
32. *El Comercio* 28-10-2007. ‘El síndrome del perro del hortelano.’
33. Michiel Baud (1997) *In de schaduw van de bosrand. Over de dekolonisatie van de Latijnsamerikaanse geschiedenis*, Leiden: University of Leiden.
34. Socialist water authorities in Latin America have commonly tried to standardize and abolish the water rights of local collectives in the name of ‘equality’; (neo) liberal nation-States foresaw the equalization of water users as players on the water market.
35. René Girard (1961), *Mensonge Romantique et Vérité Romanesque*, Paris: Ed. Bernard Grasset; Hans Achterhuis (1988) *Het Rijk van de Schaarste. Van Thomas*

- Hobbes tot Michel Foucault*, Baarn: Ambo. See also Ivan Illich (1978) *Toward a History of Needs*, New York: Random House.
36. 'Equality' in modernist water policies commonly refers to equalizing to technocentric water management models. For example, the concept of rational water management as applied in Latin American water laws abounds with non-indigenous or non-contextualized norms about efficiency, social security, effective organization, private ownership, and economic functionality.
 37. Though often developed in Western research centers, modernist water knowledge and technologies are strongly promoted by Latin American technical universities: not 'imposed' but requested as equalizing measures. As Girard and Achterhuis argued, this equalizing comparison generates scarcity through 'mimetic desire.' Material and immaterial scarcity is gauged not by 'absolute' standards but by what the norm-providing models prescribe. Expert systems institutionalize and expand scarcity. New needs strengthen institutes that first promote and then provide these services and goods, increasing dependence.
 38. Modern farmers need to have installed advanced water use technologies, such as drip irrigation.
 39. Water Law, Regulations, Article 72.
 40. These norms for becoming equal are not fixed but respond to the urge to belong to the model's mirror community. As Foucault stated, modern capillary power (self-) corrects 'abnormal' thought and behavior. For water politics and control, see e.g., Margreet Zwartveen (2006) *Wedlock or Deadlock? Feminists' attempts to engage irrigation engineers*, Phd Thesis Wageningen University; Jeroen Vos and Rutgerd Boelens (2014) 'Sustainability Standards and the Water Question,' *Development and Change* 45 (2):205-230.
 41. Ivan Illich, *History of Needs*; Ivan Illich (1977) *Disabling Professions*, London: Marion Boyars.
 42. See also, in particular, the work by Franz and Keebet von Benda-Beckmann on legal pluralism, complexity and 'living rights.' E.g., Franz and Keebet von Benda-Beckmann and Joep Spiertz (1998) 'Equity and legal pluralism: taking customary law into account in natural resource policies,' in: *Searching for Equity*, R. Boelens and G. Dávila (eds.), pp. 57-69, Assen: Van Gorcum; Franz and Keebet von Benda-Beckmann and Ann Griffiths (2012) *The power of law in a transnational world*, Oxford: Berghahn Books. Here, I am also deeply indebted to our discussions with Dik Roth and Margreet Zwartveen. See e.g., Dik Roth, Rutgerd Boelens and Margreet Zwartveen (2005) *Liquid Relations. Contested Water Rights and Legal Complexity*, New Brunswick NJ: Rutgers University Press.

43. Notwithstanding constitutional changes recognizing customary rights orders in Latin American countries, water administration tends to be grounded in strongly positivist practice. Water Laws and Regulations commonly follow monistic judicial-political models.
44. Government of Peru (2007) 'Documento conceptual de proyecto "Programa de Recursos Hídricos I," Lima.
45. Neoliberal water policy sees a clear need to present all water actors as 'potentially equal.' Markets and transactions require participants who interact 'as equals.' Existing economic and political power differences that favor private companies are discursively neglected or presented as the gap that the potentially equals should close.
46. Cf. Giorgio Agamben's notion of *homo sacer*, who lives in 'state of exception': *Homo Sacer. Sovereign Power and Bare Life* (Stanford: Stanford University Press, 1998); *State of Exception* (Chicago: University of Chicago Press, 2005).
47. Indigenous leader Nina Pacari: "There is this hidden racist content of giving them low priority, as just a few families and on top of that only indigenous. Now, if they were large landowners ..." And indeed, all neighboring haciendas, with good technical opportunities to build the infrastructure, were exempt from confiscation. This story continues and has no end.
48. See e.g., Apffel-Marglin and PRATEC (1998) *The Spirit of Regeneration: Andean Culture Confronting Western Notions of Development*, London: Zed.
49. Dichotomizing complex reality, they construct radical We-Other representations that negate cross-cultural political choices. This current also negates today's rapidly changing rural-urban and globalizing contexts, and forgets to accommodate the phenomenon of technology- and identity-shopping.
50. Frantz Fanon (1961) *The Wretched of the Earth*, New York: Grove Press, p. 185.
51. In responding to racist and modernist regimes, grassroots/indigenous movements *also* (re-) essentialize. De-constructivist schools often criticize this counter-representation (merely on 'scientific grounds,' applying the same objectivist perspective they claim they challenge) but neglect *political* properties in counter-discourses. Grassroots counter-images require contextualized examination as part of concrete struggles, including supralocal alliance strategies and subtle forms of self-representation.
52. See also: Rutgerd Boelens and Miriam Seemann (2014), 'Forced Engagements. Water Security and Local Rights Formalization in Yanque, Colca Valley, Peru,' *Human Organization* 73 (1):1-12.

53. IDB 1991, annex II-2, p. 1, cited by Lynch (2006).
54. Barbara D. Lynch (2006). *The Chixoy Dam and the Achi Maya: Violence, Ignorance, and the Politics of Blame*. Mario Einaudi Centres, Ithaca NY: Cornell University. See also: Barbara Rose Johnston (2005). *Chixoy Dam Legacy Issues Study, Vol. 1-5*. International Rivers Network. <http://www.irn.org/programs/chixoy/index.php?id=ChixoyLegacy.2005/03.findings.html>.
55. Monti Aguirre, International Rivers Network blog, “Reparations for the Maya Achi Chixoy Dam Affected” (16/01/2014) and “Healing Begins for the Maya Achi People of Guatemala” (17/11/2014) <http://www.internationalrivers.org/blogs/223>.
56. Günter Anders (1980 (1956)) *Die Antiquiertheit des Menschen*. Part 1 and 2, Munich: Beck.
57. Policy and scientific water models draw attention to certain features while ignoring others; as partial constructions they intend to represent totality. Modernist water policy modelling tends to ignore, precisely, water cultural diversity. The ‘coloniality of power’ combines with essentialization and universalization to equalize human actors and socio-natural relationships, taking the dominant (mostly white, male, occidental, privileged class and non-indigenous) as the reference.
58. Elsewhere I have dealt with these male-dominated and elite-biased design norms. Here I will discuss only a hydraulic unit design example. See e.g., *Water, Power and Identity*.
59. Everyday ontological construction of water governance building-blocks – ‘water rights,’ ‘community,’ ‘head-of-household,’ ‘user,’ ‘command areas,’ etc. – is fundamental in the water-power battle. Dominant actors ontologically and socio-technically construct the objects and subjects to be governed.
60. Physically, this displacement reallocates people in a new geographical space determined by the ‘technically optimal’ unit boundaries; politically and normatively, it reallocates them in a new command structure. Together, they alter identification with ‘the community,’ aligning user families within official identity categories and hierarchies.
61. In particular, neoliberal water policies forcefully promote a purified water society. As Hans Achterhuis shows (e.g., *De Erfenis van de Utopie* (1998); *De Utopie van de Vrije Markt* (2010)), utopian projects necessarily lead to dystopias by violently excluding others as deviants and rivals and actively destroying the ‘old society’ to build the pure, unspoiled one. On neoliberal water utopias, see Hans Achterhuis, Rutgerd Boelens and Margreet Zwarteveen (2010) ‘Water Property Relations and Modern Policy Regimes: Neoliberal Utopia and the Disempow-

- erment of Collective Action,' in: Boelens, Getches and Guevara-Gil (eds.), *Out of the Mainstream. Water Rights, Politics and Identity*, London, Washington DC: Earthscan, pp. 27-55. I am also deeply indebted to the discussions with Nynke Post Uiterweer on 'utopian hydraulism,' see e.g.: Rutgerd Boelens and Nynke Post Uiterweer (2013) 'Hydraulic Heroes. The ironies of utopian hydraulism and its politics of autonomy in the Guadalhorce Valley, Spain,' *Journal of Historical Geography* 41: pp. 44-58.
62. See e.g.: Jaime Hoogesteger and Andres Verzijl (2015) Grassroots scalar politics: insights from peasant water struggles in the Ecuadorian and Peruvian Andes, *Geoforum* 62: pp. 13-25; Aline Arroyo and Rutgerd Boelens (2013) *Aguas Robadas. Despojo hídrico y movilización social*, Justicia Hídrica, Lima: IEP, Quito: Abya-Yala.
 63. Hydrosocial territory: "the contested imaginary and socio-environmental materialization of a spatial, multi-scalar network in which humans, water flows, ecological relations, hydraulic infrastructure, financial means, legal-administrative arrangements, and cultural institutions and practices are interactively defined, aligned, and mobilized through epistemological belief systems, political hierarchies, and naturalizing discourses," in: R. Boelens, J. Hoogesteger, E. Swyngedouw, J. Vos, F. Wester (2015) 'Hydrosocial Territories and Water Governance Systems. An Introduction,' Special Issue, *Water International*, Winter 2015.
 64. Engineers, for example, tend to think of river basins as 'natural' management units; state administrations often see provinces as rational water units; indigenous peoples may think in terms of historically rooted socio-territories; oil companies form new territories by dispossessing existing ones; etcetera.
 65. James Scott (1998) *Seeing Like a State*, New Haven, London: Yale University Press; James Ferguson (2005) 'Seeing Like an Oil Company,' *American Anthropologist* 107 (3): pp. 377-382.
 66. Struggles over water, therefore, involve regimes of representation that aim to blend society and nature together through water truth and knowledge claims to define 'the order of things.' In this struggle over water control, hydro-social cycles and territories take shape dynamically, involving material water flows and distribution; rules and rights to manage these flows locally and globally; legitimate authority to govern these water streams; and discursive composition of water cycles as de-politicized socio-natural hybrids that cater to the interests of powerful actors.
 67. See e.g., Jean Carlo Rodríguez de Francisco and Rutgerd Boelens (2015) 'Payment for Environmental Services: mobilising an epistemic community to construct dominant policy,' *Environmental Politics* 24 (3): pp. 481-500.

68. System structures and hydraulic artefacts take shape in accordance with human knowledge, cultural norms, and societal power systems. In turn, moral messages and social relations become embedded in hydraulic infrastructure, shrouded in neutrality. Infrastructure, as a socio-material entity, co-structures organizational, cultural, and political relations. Hydraulic infrastructure moralization can thus be ‘deciphered’ to see how it expresses social and political order and may be arranged in alternative ways.
69. Bryan Pfaffenberger (1988) ‘Fetishised objects and humanised nature: Towards an anthropology of technology,’ *Man (N.S.)* 23: pp. 236-252.
70. Michel Callon (1991) ‘Techno-economic networks and irreversibility’, in: *A Sociology of Monsters: Essays on Power, Technology and Domination*, J. Law (ed.), pp. 132-165, London: Routledge, p. 136.
71. See e.g., Barbara Hogenboom (2012) ‘Depoliticized and Repoliticized Minerals in Latin America,’ *Journal of Developing Societies* 28 (2): pp. 133-158.
72. Water struggles are therefore about more than water and resources. They also concern the norms, rules, and rights that define the values and meanings of water, how and where water flows, and how systems are managed. Next, these conflicts are about who has authority and legitimacy to make and enforce those rules and rights. And fourth, there is the clash among discourses, the power-knowledge regimes that defend or impose particular water policies and hydro-political orders.
73. Juan Carlos Ribadeneira (1993) *Derecho, pueblos indígenas y reforma del Estado*, Quito: Abya-Yala, p. 6.
74. See e.g., Rutgerd Boelens, Leontien Cremers and Margreet Zwarteven (eds.) (2011) *Justicia Hídrica: Acumulación, Conflicto y Acción Social*, Lima: IEP; Margreet Zwarteven and Rutgerd Boelens (2014) ‘Defining, researching and struggling for water justice: Some conceptual building blocks for research and action,’ *Water International* 39 (2): pp. 143-158. See also Lyla Mehta, Gertjan Veldwisch and Jennifer Franco (2012) Special Issue Water grabbing. *Water Alternatives* 5 (2): pp. 193-207; Tom Perreault (2014) What kind of governance for what kind of equity? Towards a theorization of justice in water governance, *Water International* 39 (2): pp. 233-245.
75. See also David Schlosberg: “... engagement across notions of justice – something crucial to notions of justice as recognition and political process” (2004: p. 532).
76. Eduardo Galeano (1998) *El libro de los abrazos*, Bogotá: Tercer Mundo Editores, p. 111.

Latin America's objectivist water science-policy-intervention nexus tends to simplify the region's hugely diverse local water cultures and management practices. Throughout history, rather than understanding locally prevailing, hybrid systems of water rights and identities, policies have adopted universalist, civilizing water expert notions. The 'living' water rules, rights, and ways of belonging to local water societies were not known but were artificially invented. To this end, dominant imaginaries were based, first, on the construction and imposition of 'Radical Difference' and currently on the invention and subtle imposition of 'Potential Equality.' Both forms disregard actual forms of people's water control, organizations, and identities: they proliferate and deepen the longstanding, discriminatory 'dark legend of UnGovernance.' In complex ways this disregard for water culture becomes intertwined with and produces water distributive injustice and political exclusion. Missionary efforts (often well-intended) to reorganize and order 'unruly' Latin American water cultures tend to engender policy models and interventions that depoliticize their deeply political choices and dehumanize the water societies they affect. This generates profound indifference towards on-the-ground water user families and territories and their sufferings from modernist water interventions. In many places, however, affected water user collectives do not remain silent and struggle creatively for water justice. They engage in multi-actor, multi-scalar resistance to interweave and demand distributive, political, and cultural justice; to demand co-designing their water societies and futures.

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