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SESSION 6

"The Role of Indigenous Claims to Water and Indigenous Knowledge"

Water conflicts and human rights in indigenous territories of Latin America

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Abstract

Water conflict issues and their implications in human rights have been little studied in indigenous territories of Latin America. Hence, the present assay will attempt to:

a) Provide a general overview of the water rights in indigenous territory and of the coexistence and tension with formal or state law.

b) Analyze changes in legislation and policies about water and its impact on collective rights and forms of communitarian organization of indigenous peoples (as water rights, local water management).

c) Present a general review of the notions of water as a human right and the legal-institutional framework regarding the recognition of water as a human right and the rights of indigenous people in several Latin American countries.

d) Present an analysis of public policies and water conflicts as a "window" for studying the violation of human rights in indigenous territories. In particular, two cases of water conflicts in Latin America will be covered with the aim of explaining the origin, development and management of such conflicts, and the roles played in them by the different stakeholders.

e) Analyze the relevance of ethical tribunals, such as the Latin American Water Tribunal, as alternative spaces for environmental justice for the resolution of water conflicts and the recognition of water as human right in indigenous territories.

Finally, the different topics addressed by the present outlined assay will be integrated as a mean for understanding its central axis: water conflicts and human rights in indigenous territories in Latin America; proposing some recommendations in relation with the management of such water conflicts from the legal and public policy perspectives.

Key words: Water rights, Social conflicts, Human rights, Indigenous people

Introduction

Water conflicts may rise through the confrontation of two or more cosmogony and social perceptions of its value. Examples exist from the Colonial period: while for indigenous people lakes were a source of multiple material and spiritual assets, for the Spaniards they were a source of disease from the stagnant and foul-smelling waters; a conception that instigated the strategy of desiccating the lakes, which in the valley of Mexico was achieved by draining its water to another watershed basin (Musset, 1992; Espinosa, 1996).

In the present, the valuing contrast is reflected in the rupture between institutions and social agreements in the management of water at the community level: the State ignores the water rights of indigenous peoples and introduces new modalities going from supporting individual rights to the public and private management of water.

However, the conflict is deeper rooted in free of charge and collective access to water, given that the State promotes the revaluation of water as an economic good that should have a market value and a price. In that sense, disassociating or even omitting the existence of the social and cultural dimensions of water is a way of endangering both the basis of contemporaneous civilization and the indigenous regions where there is a culture of sustainable use and management of water. In addition, it is a way of generating water conflicts and of attacking collective rights and forms of management that since ancient times have practiced a sustainable appropriation of water in indigenous territories (Avila, 1996).

Water rights in indigenous territories

Throughout history, water has had deep, mythical-poetical and sociocultural meaning and value associated with cosmogony and with the perception of the world and of nature (León Portilla, 1992; Ilich, 1993). This has resulted in cultural ways of managing water with an integrating dimension of the water-land-forest matrix, and the social recognition of water as a collective good or a *common* (Robert, 2002).

The relevance of the recognition of the value of water in its amplest sense is that it is the key factor for understanding the past and present existence of the water cultures that have been founded on the principles of social and environmental sustainability (Avila, 1996; Palerm. 1972; Rojas, 1985). Historically, water has been a common good that is socially regulated in order to guarantee a more equitable access to it; and since not being dissociated from the territorial water-land-forest matrix, its appropriation was based on an integrative logic and on the profound knowledge of the cycles of nature (Espinosa, 1996; Robert, 2002).

For Mesoamerican and Andine peoples alike, water was a gift from the gods with which they would live and strengthen (León-Portilla, 1992). The availability of water in the territory contributed to the birth of communities and peoples that settled following the water-forest pattern along valleys, hills and mountains in which springs and rivers were born. Conservation and adequate management of water, land and forests enables life itself and the development of communities. It also was the base for the flourishing of the Mesoamerican and South American hydraulic societies (Palerm, 1972; Rojas, 1985, Gelles, 2000).

Indigenous peoples created rights, regulations and collective practices about water, in order to guarantee its adequate use and appropriation (León-Portilla, 1992; Robert, 1994; Ávila, 1996). As stated by Robert (2002): “In history, water has been the great maker of communities. Always people from diverse origins learned to share the same fountains and to coexist besides the same rivers and, by the act of concluding agreements, set the bases of a community.”

Free of charge water supply was associated with its divine nature, being a gift from the gods. That enabled free access to water, which was then regulated by communitarian actions (such as tasks and festivities) and by the creation of rights for collective water use and management. In this framework, water was considered to be a common good contributing to reinforce the territorial links of belonging and identity.

Social organization and the water rights: water as a collective good

According to Gentes (2002), the elements forming an essential part of the strategy for subsistence of indigenous peoples are collective property and kinship. The advantages of having a common property system is that water resources represent undividable goods that require an integrated management of the catchment, and that access, use and management become socially controlled and regulated. The regulation of water resources in indigenous territories is carried on by rules largely structured within concrete practices, beliefs and sociocultural values. Uses and customs become local regulation systems, in many cases based upon the consuetudinary or ancestral law of indigenous peoples that became established before formation of State-Nations, in the case of Latin America, corresponding to the Pre Hispanic period. As a result of this social organization, accumulation of goods by families is limited in favor of communitarian reciprocity. Conversely, autonomy of indigenous peoples with respect to the State power guarantees access to natural resources present in the territory and establishes that the appropriation of water be based on kinship and cooperation.

However, as stated by Boelens, Getches and Guevara (2006), in a scenario of growing scarcity and competition for water resources the water rights become essential in the struggle of indigenous peoples for defending their territory. Control of water resources is both a source of power and of conflicts because it is strategic for productive, social and cultural activities and for identity building of indigenous peoples. The notion of water as a common good is sustained upon a social organization and collective activities that implicate cooperation instead of competition in order to survive and that ensure water rights in adverse environmental conditions, such as in arid or mountainous zones. These collective actions express as a sort of reciprocity that sustains and reproduces both the water resources management systems and the households that depend on its use. Water rights are thus related to access to water and its infrastructure, namely to: the rules and collective obligations regarding the resources management; the legitimacy of the communitarian authority for establishing and enforcing rules and rights; and the discourses and policies for the

regulation of the resource. In other words, the right to water is more than a relation between access and use or between subject and object: it is a social and power relation that involves having control over decision making.

Formal and consuetudinary law of water: coexistence, integration and exclusion

In most Latin American countries, the legal and institutional frameworks in relation with water do not recognize the consuetudinary rights and communitarian management of water of indigenous peoples. In countries where, nevertheless, there is a formal recognition of indigenous people rights, this is merely an act of good will that is incapable of translating in public policies and local normativity. Instead of the recognition of legal pluralism (multiple legal system within one geographic area), there is a trend to institutionalizing and controlling traditional forms of social organization and communitarian management of natural resources, with the aim of including indigenous peoples in the pursue of national goals.

In that sense, Gentes (2002) underlines the existing lack of clear mechanisms for recognition of uses and rights of indigenous peoples and of integrated and communitarian management of water. The State's laws, policies and institutions make no consideration of the practices and fundamental principles of the indigenous peoples' forms of organization. The actions and regulations imposed by the State in the territories of indigenous peoples tend to be vertical and do not consider the existing heterogeneity of sociocultural and environmental contexts. As a consequence, what is dominant is a legal framework having as its single reference the State and seeking uniformity in the application of pubic policies regarding water throughout the national territory. As a corollary, there is an exclusion of the indigenous institutions and use and custom that guarantee the communitarian management of water and the resolution of conflicts.

On the other side, Boelens, Getches and Guevara (2006) state that the indigenous regulatory framework have proven to be flexible and dynamic given that they have nourished themselves with the various formal legislations that were implemented since the Colonial period and until the present. Throughout that historical process, indigenous peoples' legislation has been intercalated

with the norms, procedures and organization forms of the official legislation in a sort of pragmatism that ensures their survival. Interlegality has been essential for the definition of the water rights for it is the result of the coexistence of the State's and the local regulations underlaid by a structure of power. Hence, legal pluralism is a part of indigenous peoples' strategies for the defense of their interests and for the management of conflicts within its territories. The reason is that there is a social, cultural and legal diversity inside indigenous peoples' territories that coexists with the centralism involved in the regulations, procedures and the definition and assignment of the water rights as a dominium belonging exclusively to the State. Overall, the result is a creative response of indigenous peoples for resisting the dissolutive influence of the State's legislation, which is hegemonic.

According to Boelens, Getches and Guevara (2006), the State faces legal pluralism following two options: incorporation and recognition of indigenous peoples' rights. Incorporation, which is the predominant approach, aims at assimilation and subjugation of indigenous regulations to the State's legal framework. Recognition instead, proposes the respect for local normativity and for autonomy of indigenous peoples, but becomes inoperative due to the rigidity of the State's legislation that excludes the recognition of a pluralistic and democratic perspective. This provides grounds to the questioning of multiculturalism as a means for the administration by the State of the differences in terms of the market demands and following a neoliberal project, without giving consideration to policies proposed by contemporaneous indigenous movements for the acknowledgment of identity and regarding natural resources. Briefly stated, multiculturalism excludes indigenous peoples' demands that tend to disturb the State's power, but includes those which are compliant to it or that serve a function towards their specific objectives or projects in the territory.

The right to have control of the territory is among the central claims of indigenous peoples because land tenure does not provide the rights over underground resources, water, wetlands and biodiversity. Natural resources recognized as being a property of the State or Nation and which

appropriation is made by land expropriation by cause of public interest or through concessions and licenses to private beneficial owners. Such scenario of legal defenseless in indigenous territories has cultural, environmental and economic implications, given that rights become limited by the States actions or by the presence of private actors seeking under a market logic to gain benefic ownership over natural resources for exploiting minerals or for establishing irrigation for commercial crops (Gentes, 2002).

Recent water policies and their impact in indigenous territories

According to Gentes (2002 and 2009), neoliberal policies in Latin America brought about the exploitation of mineral resources, the production of exportation crops, the building of communications and hydraulic infrastructure and the expansion of urban settlements, because of which the defense of territory and natural resources became central demands of the indigenous movement. The lack of acknowledgment of indigenous territories by the State and the fragmentation of rights linked to land and water favored pillage and dispossession in the absence of an inclusive normativity. This is due to the indigenous conception of territory as including all associated natural resources such as land, water, wetlands, forests and grasslands; in contrast, the legal conception of land disarticulates these elements in different land tenure regimes and licenses given to individuals.

During the 80 and 90 decades of the past century Latin American States made structural reforms to give impulse to an economic model based on the free market with dominant participation of the private sector in strategic areas of the economy and ensuring legal certitude of private property of natural resources such as land and water. To give sustenance to the national public policies implemented, changes were made to the legal and institutional frameworks. Chile was the first country in Latin America to adopt a neoliberal program and to make changes to the legislation about water in order to create private rights for controlling both the resource and the markets for the corresponding transactions, uses and locations. Mexico also made important legal reforms in relation with land tenure and water, which enabled the possibility of private ownership of social

property, such as *ejidos* and communities, making it available to land markets; regarding water, concessions and allocations were given for beneficial ownership, and locks for free marketing in water markets were opened.

The implications of these legal reforms in indigenous people territories have led to fragmentation and to the private benefit ownership of common (by no-local people) that are part of the land-water-forest sociocultural matrix. In the case of water, management topics were reduced to the logic of cost-benefit, economic efficiency and maximum profit, while omitting social forms of organization, communitarian legal frameworks and sociocultural strategies for the appropriation of a common good. As a result, the culture of indigenous peoples based on the common management of water is threatened: "when the State and the agents of neoliberal development attempt to alter the forms of collective management that conjugates the material, political and cultural sustention, they attempt against the most intimate fibers of the social organization (Boelens, Getches y Guevara, 2006: 417)." In that sense, Gentes (2009) criticizes the new water policies in the region as being a neoclassical interpretation of economics, given that it aims at the satisfaction of the demands of dominant, economically productive sectors, and that it is based on the recognition of a single law and the obligation to register all rights to water. Under these assumptions, it is pretended to achieve a higher economic efficiency and an adequate framework for the rights to ownership of water, rights that could be traded in title markets.

In that trend, both the Waters Code of Chile (Código de Aguas de Chile, 1981) as the Mexican National Law of Waters (Ley de Aguas Nacionales de México, 1989), for example, excluded communitarian regulation and management of water in indigenous people territories, by which they caused the development of social conflicts. Nevertheless, the balance made by Gentes (2009) of the social impact of the Waters Code of Chile shows that the market of water rights model is not flexible when assigning rights (collective or communitarian) and benefits private interests, giving priority to accumulation and allocation of ownership rights of water resources by economically and culturally dominant agents. In other words, it stimulates monopoly practices in ownership rights of

water that are assigned to a few interested parties. The author also analyzes the environmental impact of the Waters Code of Chile, concluding that the law is weak in terms of environmental, recreational and ecological uses in the basins, given that the rights to ownership of water were almost totally given to private users.

The human right to water as an international level defense strategy of indigenous peoples

Facing a scenario of State crisis and of constant violations of essential rights in indigenous peoples territories, a number of water conflicts have raised in Latin America that demonstrate the limitations of institutional and legal procedures at the national level to guarantee their solution. The human right to water has turned into a new defense strategy of indigenous peoples at the international level, and from formal (United Nations, World Water Forum) or non-formal (ethical tribunals, media, networks of non governmental organizations) instances. As such, it is a political demand of indigenous peoples in international spaces having a binding or moral sanction character and aimed at committing States to respect human rights in their territories, including that to water.

Water as a human right

According to Langford y Khalfan (2006), the approach of water as a human right is based on legal and normative principles having universal validity that should lead to: a) governments giving priority to access to water, above all, of the poorest and more vulnerable sectors of the population; b) the assumption of water supply as a right rather than as an act of charity or as a commodity: c) water supply does not generate discrimination because of socioeconomic status, culture, race or gender, religious belief, political affiliation or ideology; d) the consultation and participation of society in decision making process, in particular of issues related to access, supply and conservation of water; and e) national governments, the international community and the private sector become responsible for guaranteeing the access to water.

From an inclusive perspective, the human right to water is considered to be a guarantee for reaching an adequate living standard, given water is essential for the survival of the population.

However, in order to achieve its total enforcement and respect it is needed that other human rights are equally guaranteed, such as: the rights to health, housing and nourishment; the rights to human life and dignity; the right for not being discriminated; the right to participate; the right to personal and communitarian integrity; and the right to the development (UNDP 2006 y CESCR 2002).

The right to water has been given recognition by a number of countries through a series of international treaties, declarations and other measures. An important referent has been: articles 11 and 12 of the International Covenant for Economic, Social and Cultural Rights (ICESCR), a multilateral treaty signed and ratified by nearly 200 countries in 1976, which address water issues. In order to make advances and to provide more content to the ICESCR, the United Nations Organization appointed a Committee on Economic, Social and Cultural Rights (CESCR) with the support of the State parties. In the year 2002 the CESCR issued the General Comment number 15 confirming the right to water: “Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights.” (CESCR 2002). The Comment states that water must be treated as a social and cultural good rather than as an economic commodity and that the exercise of the right to water must be sustainable so that future generations can enjoy it.

International initiatives for the legal and institutional recognition of the human right to water

With the signing and entering into force of the ICESCR in 1976, and the additional comments issued afterwards, an international commitment was established to respect human right to water. The Comments act as a non-legal binding regulatory framework, aiming to be progressively applied in each country (Langford y Khalfan 2006; UNDP 2006).

The countries signing the ICESCR assume a series of obligations both of abstinences and of giving or making, of means and of results. This means that the States party to the covenant must make adjustments to their legal frameworks, elaborate plans and programs, assign resources for their enforcement: and at the same time are obliged to guarantee essential levels of rights, obligatory progression and the prohibition of regression (Rodríguez 2007).

The General Comment number 15 of CESCR (2002) states that governments are obliged to guarantee the right to water through respect, protection and compliance. In addition, recognition is given to the importance of international cooperation and the means for achieving it go from the provision of water to financial ad technical assistance. In case of disasters and emergencies, countries must provide aid to the afflicted and to the refugees. It is also stated that developed countries have a significant responsibility and interest for solving water problems in poor countries.

Despite the reluctance of countries such as the United States of America, Australia and Saudi Arabia to raise water to the category of human right, the General Comment number 15 was accepted in the year 2003 by nearly 70 countries (including Latin America). The European Parliament declared water as a human right and several countries, such as the Netherlands and Great Britain made reforms to its legislation. In the case of the Latin American region, Uruguay was the first country to approve in referendum the adoption of water as a human right and the constitution was reformed (Langford and Khalfan 2006). Later on, Venezuela, Bolivia, Ecuador, Brazil and Nicaragua included the notion of water as a human right in their constitutions or legislation.

During the 4th World Water Forum held in Mexico City in 2006, Venezuela, Uruguay, Bolivia and Cuba signed a complementary declaration in which they specify water is a human right, as a reaction to the negative of the Forum to admit such notion and to commit support and the reorientation of public policy to solve water problems, mainly in poor countries: “Access to water with quality, quantity and equity, constitutes a fundamental human right. The States, with the participation of the communities, shall make efforts at all levels to guarantee this right to their citizens, with their respective countries...” (Complementary declaration of the Fourth Water Forum, México 2006)

Latin America has sustained its leadership in the defense of the conception of water as a human right, in 2009, during the 5th World Water Forum in Istanbul, 19 countries signed this same parallel

initiative, including Spain, most South American countries and all the countries in the Central America. The latter countries, being members of the Central American Commission of Environment and Development (CCAD for its Spanish acronym) that proposes the Central American Strategy for Integrated Management of Water Resources (ECA-GIHR for its Spanish acronym), which includes the ministers of environment, agriculture and health and that have as a basic principle the recognition of water as a human right. The ministers of Guatemala, Honduras and Nicaragua also ratified with their signature the parallel initiative.

As a result of political lobbying of several countries and civil actions in defense of water as a human right, on July of 2010 the General Assembly of the United Nations declared access to clean water and sanitation as a human right. The text proposed by Bolivia and backed by other 33 UN State members received 122 votes in favor and zero votes against, while 41 countries abstained from voting. The main points of the resolution: "1. *Declares* the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights; 2. *Calls upon* States and international organizations to provide financial resources, capacity-building and technology transfer, through international assistance and cooperation, in particular to developing countries, in order to scale up efforts to provide (UN, Resolution, 26 July 2010). The resolution underlines the responsibility of States of promoting and protecting all human rights with the same commitment, given these are interwoven with the right to water.

The legal-institutional framework in some Latin American countries and the recognition of indigenous peoples rights and water as human right

For the purposes of the present assay, a comparison is made between the legal-institutional frameworks of three North, Central and South American countries that are characterized by the presence of indigenous populations: México (10% of total population), Guatemala (41%) and Bolivia (55%).The idea is to show the advances made by these countries in the recognition of water as a human right and in the inclusion of indigenous peoples rights in their constitutions and laws. Under that perspective, it is possible to observe to what degree are both international agreements

and national legislation being complied with or violated in terms of water and human rights of indigenous peoples (Boelens, Getches and Guevara 2006).

Among other common elements, these three countries share being signatories of the ICESCR. México signed and ratified the ICESCR in 1981, since then the multilateral treaty becoming a binding norm to the Mexican legal system that is hierarchically placed below the constitution, but above federal and state laws, and presidential decrees. The significance of the signing of the ICESCR is the voluntary assumption of the obligation to progressively, and using the maximal amount of available resources, observe and respect the rights it contains.

Most countries that signed the ICESCR (including México, Guatemala and Bolivia) approved the General Comment 15 of the CESCR, relating to the right to water in 2003, implying these States are committed with the international community to make the right to water to become real (CESCR 2002; Rodríguez 2006). However, the compliance of governments to such international agreements in many cases is not expressed in modifications to the national legal systems or in the implementation of policies, programs and strategies for guaranteeing the human right to water. The consequence is that many States are in a situation of constant violation to the law. A significant advance would be made if the human rights to water were elevated to the constitutional rank, making reforms to the legislation of water.

Regarding international agreements about indigenous people rights, the three countries signed the Indigenous and Tribal Peoples Convention 169 of the International Labor Organization (ILO) in 1989, and ratified it in 1990 and 1991. Among the basic concepts of the Convention 169 are the respect and participation of indigenous and tribal peoples and the recognition of their culture and religion, social and economic organization and own identity. In that sense, when applying the Convention 169, the State parties must make a consultation with indigenous peoples potentially affected by any public policy or project and to establish mechanisms for their participation in decision-making processes. It also states that indigenous and tribal peoples should have the right to define their own priorities for development in terms of maintaining their life style, beliefs

institutions and spiritual wellbeing, the lands they inhabit or otherwise use, and the right to control, as much as it is possible, their own economic, social and cultural development. In other words, indigenous and tribal peoples should participate in the formulation, application and evaluation of any national and regional development plan or program that is susceptible of causing a direct impact on them.

In addition, Convention 169 underlines the importance of recognizing in national legislations the customary tribunals and laws of the indigenous and tribal peoples, in terms of: the special relation with the lands and territories they occupy, in particular, the collective aspects in that relation; their rights to natural resources (such as water) present in their territories, and to their participation in land utilization, administration and conservation; the relevance of their permanence in their territories, and when their relocation is deemed necessary by an exceptional reason, such relocation must always be agreed to by the peoples and made freely and with full understanding of the situation.

In the case of Mexico, the notion of water as a human right is absent from the Constitution and the Law of National Waters; however, the human right to water was given recognition in the constitution of 1917, but the precept was eliminated by further political reforms (Rodríguez 2007). As to indigenous peoples rights, although article 2 of the Mexican Constitution points that Mexico is a multicultural nation, no recognition is given to customary laws and indigenous peoples forms of social and political organization, principles that are linked to the autonomous control and management of their territories and the natural resources (such as water) that are present in them. The above matter is the essence of the social conflict that took place during the 1990's between the National Liberation Zapatista Army and the Mexican State; a conflict that remains unsolved.

The lack in Mexico of recognition of indigenous peoples as stakeholders playing a central role in the control and management of water is expressed in the Law of National Waters: in it, indigenous peoples are inexistent, and no recognition is given to their water rights and to their social and communitarian organization (Avila 2007). Such a legal void is one of the main causes of water

conflicts in the country, given that there is no respect for the diversity of forms of regulation and management of water present in indigenous peoples territories, forms that preceded the present notion of legal systems from a States perspective (Boelens and Guevara 2006; Gentes 2009).

The case of Guatemala is similar to that of Mexico in that null advances have been made in legal terms towards the recognition of water as a human right; however, due to its participation as a member of the CCAD, the Guatemalan government has given support to the ECA-GIHR, which has human rights to water as its primary precept. Unlike Mexico, Guatemala signed in 2009 the parallel declaration of human right to water during the 5th Worl Water Forum, a proposal of countries such as Bolivia.

However, no advances have been made in national legislative terms by the government of Guatemala for the recognition of the rights of indigenous peoples to control their territories and natural resources. While in March 2009 several indigenous peoples organizations submitted to the Guatemala Republic Congress a project of a General Law of Indigenous Peoples Rights, the initiative was not considered by the legislative body. Despite that, in June 2010 the UN rapporteur of indigenous peoples rights recommended the Guatemalan Congress about the importance of making legal advances in the observance of the Indigenous Peoples Consultation Law in the events of development or investment projects in their territories (as a part of the Convention 169 relating to the right to consultation). The answer of the Congress Indigenous Peoples Commission was blunt: it is not a priority in the legislative agenda (CRG 2010). Nevertheless, one of the main factors of conflict in the country is the absence of such legal instrument and the imposition of mining projects that threaten basic human rights in territories of indigenous peoples.

Before the arrival of Evo Morales to the presidency, the case of Bolivia was similar to those of Mexico and Guatemala regarding observance of signed international agreements to respect the human right to water. In fact between 1999 and 2000, a conflict due to the opposition to privatization of water in Cochabamba led to the emergence of a mobilization of indigenous peoples and subsistence farmers, a social movement that became a key factor of the reforms latter made in

Bolivia (Avila 2003). The presidency of Evo Morales is remarkable for the recognition of the human right to water in articles 20 and 373 of the new Constitution of October 2008: "Article 20. I. All persons have the right of universal and equitable access to basic services of drinking water, sewage… II. The State in all its levels is responsible for the provision of basic services through public, mixed, cooperative or communitarian [entities]… The provision of services must respond to the criteria of universality, responsibility, accessibility, continuity, quality, efficiency, efficacy, equitable fares and needed coverage, with social participation and control. III. The access to water and sewage are human rights, not an object of concession nor privatization and are subjected to a licensing and registers regime, according to the law (Asamblea Constituyente 2008)."

Likewise, the Constitution of Bolivia establishes in its Article 374 the role of the State as the responsible agent of water resources (which must include social participation) and of guaranteeing the population's access to water. The same article 374 establishes the recognition and respect of uses and customs of indigenous peoples and of their institutions and forms of social organization in relation to water: "Article 374. I. The State will protect and guarantee the priority of the use of water for life. It is the duty of the State to manage, regulate, protect and plan the adequate and sustainable use of hydric resources, with social participation, guaranteeing the access to water to all its inhabitants. The law will establish the conditions and limitations of all uses. II. The State will recognize and respect the uses and customs of communities, its local authorities and those of the originating indigenous sustenance farmer organizations about the right, administration and sustainable management of water… (Asamblea Constituyente 2008)."

The Constitution of Bolivia also has an advanced vision about the recognition of the rights of indigenous peoples, which seems to be canceled in the cases of Mexico and Guatemala, including: A quote of indigenous parliamentary representatives; a sustenance farmer-indigenous peoples system at the same hierarchical level of ordinary justice and a new plurinational Constitutional Tribunal that must elect members from both systems; the right of indigenous peoples for autonomy and self-government, together with the official recognition of their territorial limits and

institutions; and the exclusive property of the forest resources present in their communities (Asamblea Constituyente 2008). While legal advances have been made in Bolivia in terms of recognition of rights of indigenous peoples and in human rights, the main challenge lays in its application through public policies and actions throughout the country. The evaluation of legal changes in Bolivia is yet a pending task, given the recentness of the new Constitution.

The violations to human right to water in indigenous peoples' territories in Latin America

In the presence of the constant violation of States of human and indigenous people rights, the scenario of social conflict for water is intense and complex in the Latin American region. These circumstances have been worsened by the structural reforms leading to a thinning of States, which are expressed in more flexible legal and normative frameworks that favor the ascension of the private sector to a prominent role, and in increased incentives for private investments in strategic areas such as energy and water.

Many of the conflicts occurring at present fall within such a category and are not necessarily the result of a water crisis and its "feared wars." Rather, they are an expression of omissions and direct actions of the State and of other actors or economic stakeholders that have made vulnerable the essential rights of the poorest and marginal sectors of the population: the indigenous peoples (Boelens, Getches and Guevara 2006).

As examples of such situation in the Latin American region, two conflicts for water are analyzed here: a) in Mexico, the conflict of the *Mazahua* people for the defense of water, as an expression of the tensions between rural and urban areas due to the building of large hydraulic infrastructure in indigenous peoples' territories; and b) in Guatemala, the conflict of the *Maya* people due to the social and environmental negative impact of recent mining projects in their territory and in their water resources in particular.

Mexico: the conflict of the Mazahua people for the defense of water

According to the census of 2000, the indigenous population in Mexico is of about 13 million people, representing nearly 10% of the total population of the country. Because of their situation of social exclusion, indigenous peoples live in situations of high poverty and vulnerability: 85% of their municipalities have very high or high indexes of marginality. Income levels are among the lowest in the country because their main activity is subsistence farming. In addition, their access to public infrastructure and services is unequal, as an example of this, the percentage of houses having water and electrical services is below the national average and localities with higher number of indigenous population have limited access to water: 42% of houses lack piped water supply (Avila 2007).

One of the reasons for the deficient supply of water to indigenous peoples regions, predominantly in rural settlements, is the nearly null public investment in water supply and sanitization. Such situation was made evident in a study of 5 indigenous regions in Mexico (Avila, 2007) showing deficiencies in access to piped water supply: 78% of houses lack the service in the *Tarahumara* area; 75% in the *Mazahua* area; 41% in the *Purépecha* area; 32% in the *Mixteca* area, and 39% in the *Nahua* area. To that it must be added the problems of the frequency of water supply (two or three times per week during a few hours), the inaccessibility of supply sources (springs up to 10 km away) and the low quality of the water being consumed (pollution of superficial and groundwater supplies).

The amount of public investment aimed at solving problems of access to water in indigenous regions is so reduced that the Mexican government will have difficulties in reaching the Millennium Development Goals. For example, during 2004 the *per capita* federal aid for drinking water supply and water sanitation was of US$7.7 in the *Tarahumara* area, while these values was in the *Mazahua* area of US$5.0, in the *Nahua* area of US$1.7, in the *Purépecha* area of US$0.9, and in the *Mixteca* area of US$0.2 (Avila, 2007). These budgets make clear that the indigenous regions are not a priority for the Mexican government and that there will continue to be an increase

in the occurrence of problems of access to adequate quantity and quality of water. Despite that, in the year 2003 the federal government of Mexico obtained loans from the Inter-American Development Bank (BID) in order to be able to achieve the Millennium Development Goals; the problem is that the funds were applied to satisfy an urbanization model that privileges public investment in large cities concentrating population and economic activities. This assignment pattern of public resources enhances the contrasts between rural and urban areas (Avila 2007).

Similarly, social inequity in indigenous regions of Mexico and the subordination of rural areas to urban areas in terms of projects involving the extraction of strategic natural resources from their territories (water, forest products, minerals), have been an important cause of the appearance of social conflicts. The case of the "*Mazahua* Women Movement for the Defense of Water" is a clear example of the tensions rising between the State and the indigenous peoples. Conflict for water raised in the year 2004 when the *Mazahua* people publicly questioned the authoritarian and asymmetrical way in which hydric resources from the region have been extracted. The hydraulic infrastructure in dispute is known as the Cutzamala System, built during the 1980's to satisfy 30% of the demand of water of the Mexico City metropolitan area. To do that it was necessary to derivate to the Valley of Mexico water from the neighboring Lerma and Balsas basins, water that was used by people since Prehispanic time for human consumption and to obtain food through agriculture, gathering and fishing.

The argument of the State for justifying the expropriation of the *Mazahua* land and the transfer of water for promoting urban and industrial development in the center of the country was that these actions were a matter of "national interest". Many of the affected lands were never paid to the indigenous owners and no investment programs were applied to compensate for the benefits received by the city. In that sense, there was no compensation for the environmental services provided by the *Mazahua* territory; the method followed was land expropriation and predation of hydric resources for cause of national interest (Gentes 2006).

The social and environmental costs of the Cutzamala System were very high for the *Mazahua* people: the transfer to the valley of Mexico of and important volume of water narrowed their possibilities of development without satisfying their basic needs (access to water and food production). The reduction in water volume affected lacustrine and riparian ecosystems: a number of marshland areas and rivers became dry. In addition, the polluted discharge from the water purification plant "Los Berros", that is part of the Cutzamala System, was poured untreated in a stream used by several *Mazahua* settlements. Fish and plants died due to the high concentration of toxic substances, the stream never again being a fountain of life and food to the population.

As a result of the limited access to drinking water (75% of the population lacks a supply), and of the pollution of water, the indigenous population became organized for the defense of the resource. Among their main claims was the application of a "Plan for Sustainable Development" in the region as a compensation for the damages caused by the transfer of water to Mexico City and for the limitations for an autonomous local development; that is, for compensating the ecological debt with the *Mazahua* people accumulated since the construction of the Cutzamala System.

The collective actions of the *Mazahua* women included social mobilization (marches, demonstrations, sits, hunger strikes) and "symbolic" takeovers of hydraulic installations and buildings of the Cutzamala System. Their proposal went beyond access and management of water by its interconnection to the management of forests and of the territory. For that reason, integrated measures were proposed spanning both productive projects (forestry, crop diversification for self-consumption and commercialization, development of organic agriculture, establishment of domestic and collective greenhouses, tank building for aquaculture, and husbandry of small livestock) and communitarian projects (water supply and improvement of its quality, building of distribution tanks, sewage, dry latrines and paving, among others).

In response to the indigenous people mobilizations and political pressure, the National Commission of Water (CNA by its Spanish acronym) and the government of the state of Mexico acted towards satisfying part of the demands. By the end of 2004 a convention was signed between the

Government Ministry and the *Mazahua* movement to aid the realization of several social projects with a character of "band-aid measures" such as the building of piped water distribution and sewage networks and of dry latrines. The problem is that several *Mazahua* communities were either excluded or partially covered because of political divergence between groups and due to the strategy of the State to weaken and fragment the social movement (Avila 2007).

Since the main demands remained unanswered for, collective actions continued and by the middle of 2005 a long "water strike" was held by the *Mazahua* organization in front of the central quarter of the CNA. Results were null given that the dialog was not reestablished nor public resources were distributed in a more equitable way. Later on, an internal excision of the movement gave rise to "the *Mazahua* Front for Water", of which its main leaders showed an attitude of "aperture" to the Federal Government, which caused their favoring in the reception of aid and public investments, which undoubtedly exacerbated the social tensions in the region.

However, despite their exclusion from economic aid from the State, since 2006 the *Mazahua* Women Movement developed several self-managed projects in the region including organic agriculture in experimental plots where vegetables are grown and the building of tanks for storage of rainfall water. The innovation in this social movement was that its perspective was not centered on the actions of the State but instead gave impulse to a self-managed regional development based on principles such as integrated management of the territory and its natural resources, the strengthening and diversification of agriculture for food production and for improving the diet and nutritional level of the population, the conservation and protection of the sources of water and of their forests in order to guarantee quality and quantity of water for present and future *Mazahua*. In short, the *Mazahua* social movement displayed a view of the sustainable development of the region that was not limited to partial or disarticulated demands (such as short term, "band-aid" measures) and transcended the actions of the State (Avila 2007).

The responsive and even anti-state position of the movement lead in the year 2007 to selective repression, and one of the leaders was incarcerated with the argument that he had committed

crimes in the state of Mexico in 1999 (equated kidnapping against two employees of the CNA), which responded to his opposition to the implementation of the fourth stage of the Cutzamala System that attempted to transfer more water to Mexico City from the state of Guerrero. Four months later he was freed after demonstrating his innocence. However, this event is symptomatic of the new actions of the Mexican State in front of social movements: the hardening and selective repression of the main leaders, and the violation of human rights as in the cases of Atenco, Oaxaca and Guerrero.

Guatemala: the resistance of Maya people to mining projects

Guatemala had nearly four decades of civil war that ended with the signing of the peace agreements in 1996. The instability and violence generated during those years the social lags were made more acute, above all, in regions with a predominant indigenous population. The economy of Guatemala is one of the smallest in Latin America as is seen in the low levels of social welfare: 3 million inhabitants lack a water supply (representing nearly 25% of the total population) and 6 millions (nearly 50%) have no water sanitization. These values become even more dramatic in the rural areas where 40% of the population lacks water supply and 74% have no sanitization.

After the end of the military dictatorship the new State proposed legislative and institutional changes to promote a model of development that would reactivate the economy and stimulate private investment in strategic areas. One of these areas was mining. Legal reforms were made to attract investment, for example, the former mining law stated that mining companies must pay the government 6% of their earnings and the new law lowered that payment to only 1%. Also, financial support was obtained from supranational organisms such as the World Bank for building social and transportation infrastructure in indigenous territories. Remarkable among these are the financing of educational and sanitary infrastructure in the San Marcos region (US$30 millions) and the loan of the Guatemalan government to finance the building of the San Marcos-Tacaná highway that would provide access to the zones having mining potential (Castagnino 2006).

Once the conditions for the expansion of mining were created, an open sky mine named “Marlin” was projected located in *Maya* territory, precisely in the San Marcos region where the above-mentioned investments were made. The strategy of the State was to favor the interests of the foreign investors over those of the *Maya* people, given that no information was given to the population about the existence of gold deposits nor the population was consulted about the mining project that was planned to be built in their territory.

The procedure was basically to cover the basic institutional requirements for the mine “Marlin” to be made real: the environmental impact manifestation was approved, minimizing the effects on ecosystems and the population’s health that would derive from open sky exploitation and from the use of cyanide and large amounts of water for lixiviation of the mineral; practices considered to have a large negative environmental impact and that are prohibited in many countries.

Once the mine was in operation the risks for spills of contaminant muds due to an earthquake (geologic faults of high seismicity risk cross the region) or to inadequate management would be increased and could potentially affect the rivers and aquifers in the region. Also, the operation of the mine would increase the competition for industrial and human use of water given that the process of gold extraction requires large volumes of water (Castagnino 2006).

The mining company in charge of the prospecting in a region in Guatemala that was until then unexplored was Glamis Gold Ltd., based in Reno, Nevada (U.S) and whose actions were trade in the stock markets of New York and Toronto. The company was able to obtain all the permits from the State and even obtained a loan from a filial of the World Bank to execute the project. The entrance of the company into the region was stealthy; the land where the mine was to be located was acquired from its indigenous owners at very low prices and without informing them, about the existence of gold, and the mining project had no diffusion at the local and regional levels. (Castagnino 2006).

The conflict was originated when the transit of vehicles transporting equipment and heavy machinery on the new San Marcos highway awakened the suspicions of the population of some

project or development being implemented in the region without their knowledge. The tension peaked when heavy machinery was retained in a *Maya* locality to demand an explanation from the government or from the private sector about the project being built. In response, without giving signs of social and political sensitivity, the State sent 1500 soldiers to the area generating confrontations with the population that resulted in one indigenous inhabitant death and several being wounded (Castagnino 2006). Despite the civil resistance, the mining project was realized a few months later and the gold deposits began to be exploited in the year 2005. The State's arguments were that the project was strategic for national development and a source of employment and social wellbeing for the local population.

Months later, the population first noticed the negative effects of the mine: the landscape was transformed after the explosions made to extract the mineral destroyed the hills and forests that were part of the indigenous territory. Many small houses close to the mine started suffering structural damage (walls fractures at 45 degrees); the traditional sources of water diminished their availability because of the exploitation of aquifers for supplying the mine; the inappropriate management of muds led to their mixing with natural water currents that became contaminated (Castagnino 2006 and TLA 2006). The population began to present dermatologic afflictions and health problems. A recent study made in the University of Michigan[1] found that the concentration of heavy metals in the blood of people living close to the mine was higher than that of people living at a distance of 20 km from the mine. The problem is that the continued exposure to the pollutants may lead in a short time to exceeding the permissible levels set by the international normativity and the health of the population is in risk because of the mining activities in the region.

The movement opposing to the mine was able to establish links with more ample sectors of the Guatemalan society and even called the attention of the international community. Among the activities of civil defense was the claim to the Inter-American Human Rights Commission (CIDH by its Spanish acronym) of the Organization of American States. Also, a demand was raised

[1] Diario La Hora, "Comprueban contaminación con metales tóxicos en la mina Marlin", Guatemala, 19 mayo 2010.

against the Guatemalan government for violation of indigenous peoples rights and for not respecting the ILO Convention 169 or the UN's ICECR, which among other things claims there must be a previous consultation to the population about projects planned to be built in their territory.

In reply to these petitions, the UN human rights rapporteurs exhorted[2] the Guatemalan government to take into account the public opinion about the permanence and expansion in their territory of the Merlin mine. Also, the CIDH emitted a recommendation to the government as an interim measure for the population of 18 indigenous communities: "1) Stop mining activity in the Marlin project and take measures to prevent pollution. 2) Take measures for decontamination of the sources of water supplying the inhabitants of both municipalities. 3) Provide medical attention to the population that could have been affected by the pollution from mining. 4) Adopt measures to guarantee the life and physical integrity of inhabitants of communities. 5) To plan protection measures with the participation of the population."[3] Under this scenario of conflict that has surpassed the local boundary, it becomes clear that the Guatemalan government must review its political strategy and equilibrate economic and social interests in decision-making about the Merlin mine, because if not response is given to the exhort of the CIDH, the case may pass to the Court of the Inter-American Human Rights Commission due to its binding character.

The ethical tribunals as alternative spaces of environmental justice and defense of human rights

In the same measure as the States omit their social responsibilities, violate international agreements to guarantee the observance of the rights of indigenous peoples and the human right to water and favor private over collective interests, will the importance of civil monitoring and social mobilization be ever more necessary. This also implies the appearance of alternative spaces of

[2] CRG-Comisión de la República de Guatemala, Comisión de pueblos indígenas se reune con relator de Naciones Unidas, Guatemala, 16 junio 2010. See http://www.congreso.gob.gt/gt/ver_noticia.asp?id=10723.
[3] Diario Siglo XXI, "La CIDH solicita frenar explotación en Marlin", Guatemala, 22 mayo 2010.

environmental justice, such as the ethical tribunals, to face the scenario of immunity and violation of the law by the State and its institutions. Under these premises, the Latin American Water Tribunal was created in the year 2000 as an international, autonomous and independent instance of environmental justice, in order to aid the solution of conflicts related to water in the region. It is based on principles of coexistence, respect to human dignity, solidarity among peoples and sacredness of living forms and environmental responsibility. Its role is essentially didactic and of conscience given that it attempts to achieve a political and social consensus to transform ethical-environmental values and a change in the dominant paradigms (Bogantes 2007).

As a conscience tribunal, it is based on the strength of moral condemn and civil mobilization for the defense of the fundamental right of Latin Americans to water in adequate quantity and quality. Its fundamental purpose as an instance of environmental justice is to contribute to the empowerment of civil society in front of corporate and State powers regarding use and protection of hydric systems for present and future generations. In addition, it aims at society taking conscience about the importance of managing water with criteria of social and environmental sustainability and the generation of a vigilant attitude on public or private projects that actually or potentially affect the hydric systems in Latin America (Bogantes 2007).

Until today, the Tribunal has held sessions in six occasions and has analyzed 53 cases of water conflicts in several Latin American countries[4]. The public sessions are a space in which actors of the contradiction expose their demands and present evidences going beyond the traditional legal proof. The members of the Jury analyze each case based on the file compiled by the contradicting part and the arguments are exposed in the public audience. A constant in all cases is the violation of human rights by the State or other actors (transnational mining companies, private companies that supply water, etc.), as well as the situation of helplessness of the population in a judicial system acting partially and setting aside the essential rights of the population.

[4] See http://www.trag.com/en/

Among cases analyzed by the Tribunal are: the privatization of water in Los Altos, Bolivia; the case of the Marlin mine in Guatemala, and the case of water transfer and affectation of the *Mazahua* people in Mexico. For the present assay, only the case of the *Mazahua* Women Movement for the Defense of Water is focused, in which resolution of the year 2006 were recognized the importance of water as a human right, the role of the State as a warrantor of that right, and the need to respect the right of indigenous peoples to control their territory (Box 1).

The recommendation points out that the infrastructure for water transfer to Mexico City directly affect the *Mazahua* population in terms of their essential rights (water, food, development, culture); and that there are important omissions of the State in terms of recognition to human and indigenous peoples rights. For those reasons, it is resolved that the transfer of water is not a solution for the water supply problems of Mexico City, because it affects the essential rights of the *Mazahua* people to control their territory and natural resources and because it attempts against their culture.

As a recommendation the Tribunal appoints the State to stop the expansion of the water transfer project (Stage IV, Temazcaltepec) that would cause affectation to more localities and indigenous regions in the states of Mexico and Guerrero; that a compensation program is applied through public investment to the *Mazahua* region in exchange of the environmental services it provides Mexico City; to implement actions to solve the deficit in water supply in the *Mazahua* region and guarantees their essential rights to an adequate access to the service; and that it gives impulse to initiatives towards the conservation of water and other natural resources (forests, soils) that lead to a sustainable development of the region.

Box 1. Latin American Water Tribunal: Case Transfer of water from the region of the Cutzamala System to the Valley of Mexico basin (Mexican United States)

Actors of the contradiction: *Mazahua* Movement for the Defense of Water and Human Rights
In opposition to: Regional Management of Waters of the Valley of Mexico
Federal Commission of Electricity (CFE for its Spanish acronym)
Ministry of Environment and Natural Resources (SEMARNAT for its Spanish acronym)
National Commission of Water (CNA for its Spanish acronym)

RECITALS:
1. The recognition of the universal human right to water in adequate quantity and quality as a fundamental human right, whose full exercise must be protected by the States.
2. The guarantee to all human beings of each and every basic public service, in particular of drinking water in adequate quantity and quality involves the premise of respect to human dignity and the exercise of citizenship.
3. The transfer of water through the importation of water from other aquifers by means of reservoirs and other infrastructures causes damage to originating populations in relation to their culture, land tenure and subsistence means.
4. The non-recognition of the responsible authorities of the right of indigenous people to develop according to their customary uses, culture and ways of living.
5. The omission of authorities of complying their obligations to give a response to the needs and demands of the *Mazahua* People and of communities affected by the hydraulic projects.

In view of the facts and recitals that precede, the Jury of the Latin American Water Tribunal:
RESOLVES:
To declare that the transfer of water to Mexico City from other basins is not viable as a solution to solve the problems of supply in that it violates the rights of the *Mazahua* People to the control of their territory and natural resources and attempts against their culture.

RECOMENDATIONS:
1. That the fourth stage of the Cutzamala System be cancelled.
2. That the *Mazahua* region be compensated for the benefits received by the water supply to Mexico City and for the socio-environmental deterioration caused.
3. That a drinking water program be implemented to contribute to solve the supply problems in communities.
4. That the implicated authorities provide financial support to local initiatives in the execution of the Sustainable Integrated Plan for the region of the Cutzamala System with the objective of benefiting all the *Mazahua* population.
5. That the ecological flow of the rivers Malacatepec, Tiloxtoc and Tingambato are guaranteed and that a limit is set to exploitation of wells in the Lerma System in order to recover the aquifers.
6. That, wherever possible, the land expropriated and not used by the project be restituted to their legitimate owners, ejidos and communities, and compensation be given for other damages caused.
7. That the emission of muds and polluting substances from the purification plant of “Los Berros” be controlled in order to comply with environmental norms and the degree of pollution of superficial water currents is diminished.
8. That water treatment plants are built for the control of wastewaters directly discharged to bodies of water.
9. That the archaeological sites are protected and the expansion of the agricultural frontier be stopped in forest areas with the objective of protecting zones of high hydrological and ecological importance.

Source: TLA, Mexico City Audience, March of 2006. See: http://www.tragua.com/en/

Final remarks

Water has played a primordial role in the pattern of human settlement, productive strategies and development of indigenous peoples of Latin America. The sociocultural value of water is expressed through the various cosmovisions, myths, perceptions and archetypes connecting the indigenous peoples with a sacred and divine origin. For Mesoamerican and Andine cultures water was a gift from the gods that should be cared for and earned through rituals and practices of use and appropriation that were supported on a relation of respect and integration with nature.

Water rights rose in a sociocultural and ecological context that provided belongingness to a territory: the notion of water as a collective good and the respect for social agreements for its management were the normative basis of the uses and customs of indigenous peoples, at the same time it was an adaptation mechanism for the ecological settings with difficult climatic conditions and water scarcity (such as the Andes and arid zones in Mexico). Until the present, there are indigenous regions in Latin America in which cosmovision and sociocultural strategies persisted, and in which for centuries a culture of sustainable management of water has been generated and adapted, having as principle the collective rights and the communitarian management of the territory with its associated natural resources.

Historically, the coexistence of different standards for valuing water have been a focus of tension, as it occurred with the indigenous and Spaniard perception of water during the Colonial period, or with the current monism of the State that only recognizes formal law and imposes it over other social rights and non formal, preexistent regulations (consuetudinary law, uses and customs).

However, in recent years, with the States reforms and the changes in the economic model that privilege private property and free market, sociocultural valuing of water has tended to be replaced or even annulated by an economic valuing. In other words, during the neoliberal period water has tended to loose its integrating sense to become a merchandise with an economic value and a price, which has its support in legal and institutional reforms made by the State regarding access, appropriation and management of the resource.

Resistances and disputes for the defense of water as a common good with a regulated access and free and collective beneficial ownership have occurred in Latin America. The problem is that the channels for negotiation and management of the conflict have closed as a result of the new legislation and water policies that have directly affected the rights of indigenous people; the clearest expression of these has been the privatization of water rights and land in their territories.

It is in this context that the notion of water as a human right has been, at the international level, a new strategy for the defense of indigenous peoples to face the attacks of the State or its alliance with the private sector to implement modernization projects and foreign investments in their territories. The defense of water rights by indigenous peoples has expanded their margin of action and alliance with other actors because it is included as a human right. This has in addition implied the defense of legal plurality in spaces of alternative justice such as the Latin American Water Tribunal that aims to have incidence in the resolution of water conflicts in the region.

Some recommendations in matter of public policy are:

- Going beyond the economic vision of the water and to revalue its social and cultural importance in the indigenous people, as well as the paper that plays the collective institutions and the forms of social organization in the sustainable management of the water resources.

- Rethinking novel schemes of management of the water in the indigenous territories that not necessarily entail to the privatization or state control, as it can be co-management and decentralized management.

- Recognizing the water rights of the indigenous peoples as a form of legal pluralism or coexistence of state laws with the consuetudinary right (uses and customs) that avoids the development of social conflicts in its territories.

- Linking the international commitments about human rights and indigenous rights, in the legislation and national policy in order that the Latin American States stop being in a constant situation of violation to the legality. For it is required, also, the international cooperation to

guarantee the fulfillment of them, as it is the case of the Millenium Development Goals (for example, access to water).

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