

**Managing watersheds and the right to water: indigenous communities in search of accountability and inclusion in southern Veracruz**

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**The nature of the problem**

Ecological degradation and economic injustice are often the result of the extraction or transfer of natural resources from poorer to richer, more influential regions. Dams, highway constructions and other major public works projects frequently generate conflict over natural resources that can be linked to a lack of accountability and adequate compensation mechanisms to address the impacts of natural resource extraction and exploitation. The story told in this chapter is one of imbalances of power between local communities and local, regional and national institutions; and of the conflicts and accountability problems related to these imbalances. The tensions that arise between these actors centre on the right to water; who exercises it and how; and the barriers to realising that right. A key issue that emerges in this case is the difficulty in realising the right to water and establishing accountability over how watersheds are managed, given the complex sets of actors and overlapping institutions and histories involved.<sup>1</sup>

Research for this chapter was carried out in the watershed of the Huazuntlán river (a tributary of the Coatzacoalcos) in southern Veracruz on the coast of the Gulf of Mexico,

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<sup>1</sup> For example, within the area of the biosphere reserve (see Note 3) and the wider watershed, there are a variety of landholding patterns. Land tenure is both *ejido* and communal. Over 1,500 *campesinos* (peasants) in six villages, mainly Nahuas and Popolucas, inhabit the area. Some are the descendants of the indigenous population that has occupied the area since prehispanic times.

an area that provides 75 per cent of the water for industrial and human use in two petro-industrial urban areas with over half a million inhabitants, Coatzacoalcos and Minatitlán. To supply water needed to fuel the oil industry along the coast of south-eastern Mexico, water from the watershed is captured at the Yurivia dam (in the town of Tatahuicapan) in the rural mountainous rain forest region and transported for 60 kilometres by aqueduct to the cities below.<sup>2</sup> The compensation that these cities pay (or do not pay) to the indigenous communities living in the watershed is at the heart of a long history of conflict that has developed between these communities and the urban public water authorities.

Not only does this extraction account for water scarcity, both for urban dwellers and for rural people, but it also contributes to the unsustainable management of the watershed territory. After heavy rains, urban households often lack water for three days because of the excess of sediment that clogs the dam and water treatment facilities. This problem is related, on one hand, to a model of development that promoted forms of land use unsuitable to tropical soils, such as the colonisation of the tropics and extensive cattle ranching (Tudela 1989; Ewell and Poleman, 1980; Lazos and Paré 2000). On the other hand, it is related to inadequate planning and fragmented (sectorialised) public policies, and a centralised system of decision making.<sup>3</sup> Decentralisation reforms in Mexico are intended to create spaces for public participation and accountability mechanisms, but these are often only consultative and not representative, and lack a permanent institutional life (Ribot 2002; Blauert 2004).<sup>4</sup>

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<sup>2</sup> The region is part of a biosphere reserve created in 1998.

<sup>3</sup> 'An informal relationship between persons of unequal strata and power that presumes reciprocal but asymmetrical relations on both sides' (Paré 1975: 58).

<sup>4</sup> 'Most of the actual decentralisation reforms are characterised by an insufficient transfer of powers towards local institutions, under strict control of central government. Often local institutions do not

Against this background, this chapter will examine the different strategies used by indigenous communities to realise the right to water and, in seeking compensation for water transfer, to build accountability in the way that the watershed is used and managed. It considers the governance issues, changes in perceptions of water and rights, mechanisms for participation and accountability (or their absence), and the conditions that prevent or lead to successful mobilisation for accountability. What this chapter reveals is that building accountability and coresponsibility between numerous actors with diverse and contradictory interests requires an ongoing process of negotiation and engagement through both formal and informal channels. For the rural indigenous groups living in the watershed, establishing accountability and protecting their right to water involves new challenges in establishing horizontal relationships of coresponsibility. These have to emerge within the communities themselves around the responsibility for maintaining the watershed, as well as between the indigenous communities, the urban municipalities and the reserve management. Our argument about accountability is therefore that the governance of (scarce) water requires a variety of mechanisms that can help to reconcile competing notions of accountability and correlate the associated rights and duties (see Mehta, this volume). This chapter will show how traditional indigenous values can provide the basis for constructing a new, more solidly grounded culture of accountability.

The chapter includes a methodological and conceptual framework; a mapping of the social actors involved in water governance, and of their interests and perceptions; a description of the institutional and legal framework for water management and the gaps

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represent the communities nor are they accountable towards them' (Ribot 2002: ??, translated by Luisa Paré). **page number ?**)

in mechanisms of accountability; and a discussion of the claims made by community organisations, and the resulting contestations, in the struggle to establish accountability. The chapter ends with some reflections on our role as researchers working to promote participatory and accountable natural resource management practices, and some conclusions about when particular strategies for demanding accountability around the right to water are successful. As an example of this, we present the strategy we designed in partnership with community groups for compensation of the environmental services they are providing.

### **Multiple strategies for natural resources management: a conceptual framework**

In Mexico, the neoliberal development model's privileging of market forces has accelerated environmental destruction and the erosion of traditional local institutions. Major development projects have often deepened regional inequalities and the urban–rural gap as well as increasing social and political exclusion and poverty. The absence of an accountability framework to address these inequalities is due to a lack of developed accountability mechanisms and rules, the poor enforcement of those that do exist, and the persistence of a political culture based on client–patron relationships (Paré 1975).

When communities lose control over their land, environmental degradation and poverty increases. In this case study, the transformation of land use, from slash-and-burn indigenous maize production into cattle ranching, has brought about not only the disruption of the rainforest landscape but also major social, cultural and political transformations.<sup>5</sup> Some authors define 'resilience' as the capacity of ecosystems to

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<sup>5</sup> In Tatahuicapan, over a period of 30 years, the extent of grassland converted from rainforest increased by 300 per cent (Lazos 1996 and Robles 2004).

absorb disturbances or recuperate from natural events such as floods (Berkes 2002). But the capacity of ecosystems to regenerate is also influenced by the relationship between environmental and social change, and by social actors and institutions. In this case study, the relationship between environmental degradation and community institutions has an important influence on accountability issues.

Traditional notions of accountability are mostly limited to the obligation of governments to explain and justify their actions to citizens (Day and Klein 1987; Schacter 2000) and to electoral issues of ensuring ‘free and fair elections’. A narrow notion of accountability, as discussed in the introduction to this volume, is often reduced within a good governance agenda to ‘transparency’,<sup>6</sup> focusing on the right to information. But a broader concept of societal accountability, as we saw in Chapter 2, ‘involves social mechanisms outside the electoral sphere in which social movements supervise the legality of procedures carried out by politicians and public officials’ (Smulovitz and Peruzzotti 2002: 32–3).<sup>7</sup> Also helpful to our discussion is the concept of cogovernance for accountability, which ‘confuses the boundary between state and society: in addition to coproducing specific services and pressuring government from the outside, social actors can also participate directly in the core functions of government itself’ (Ackerman 2004: 451).

In terms of our case study, accountability is not reduced to a vertical claim by people against the state, but involves a two-way relationship in which different actors mutually

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<sup>6</sup> Transparency, now a popular idea with many social movements, is limited in the Mexican legislation to the obligation for governmental agencies to publish basic financial information on their web pages and the right of citizens to demand and obtain this information.

<sup>7</sup> “By focusing on the workings of traditional mechanisms of accountability, such as elections or the division of powers and the existence of an effective system of checks and balance among them, these diagnoses tend to ignore the growth of alternative forms of political control that rely on citizens’ actions and organizations” (p. 1). (*op.cit.*) **Day and Klein?**

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claim their rights, and also define their obligations. Achieving accountability is not a question of merely creating institutional arrangements from above, but a process that requires new forms of negotiation and institutional arrangements for natural resource management that can benefit both those living within the protected areas and those outside them (Gaventa 2004).

Currently, and in relation to water specifically, there is a paradigm shift in the way that natural resources are seen. Water has moved from a common good but a tradable commodity (see Mehta, this volume), a shift that often distracts from community responsibilities for natural resource management. For example, in Mexico, payment for environmental services is seen, by the social movements organised around the opposition to mega projects and hydroelectric dams, as another attempt to privatise natural resources. In the final section of this chapter we describe our own experiences in relation to payment for environmental services, and examine the conditions under which it can provide better institutional arrangements that improve environmental conditions and livelihoods.

Starting with the premise that people are not only a threat to ecosystems but can be a force for conservation (Schelhas *et al.* 2001), it has been our intention to carry out a joint enquiry with communities into arrangements over water use and how indigenous people have confronted the situation they face.<sup>8</sup> Our concern is not only to increase academic understanding but to generate reflections that contribute to effective collective action, and to identify alternative solutions, consistent with strategies of civil accountability described in chapter 2.

As action researchers and active promoters of proposals for how accountability could be improved, we saw our role as part of a creative process of collective learning (Leeuwis 2000) (see Box 4.1, p. 00). Towards this end, we organised a range of activities including fora, workshops, focus groups with local actors, training programmes and community resource mapping. Sharing history, culture, environmental policies and landscape assessment with the local population opened the doors to an intercultural dialogue, which helped to create a common vision of the problems. Working on ‘both sides of the equation’ (that is, through dialogue with both government institutions and communities) aims to increase ‘the receptivity of voice or responsiveness by the state’ (Gaventa 2004: 17), although there was often resistance on the part of government institutions. In the conclusion to this chapter, we refer to the lessons learnt: the successes, difficulties and failures of this approach in building a new culture of accountability that connects rural and urban relationships to water management.

### **Mapping the different actors involved: conflicting uses, interests and perceptions**

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<sup>8</sup> In action research or participatory research, community groups are not research objects but subjects that participates in the definition of the objectives of the whole process.

Figure 4.1 gives a picture of how the fluidity of water connects a variety of social actors. On its way down from the mountains in the reserve, the Texizapa river provides water for more than 13,000 people at local level. The Tecomaxochapan sacred spring has been transformed into a reservoir for the village of Tatahuicapan. Since 1985 the Yuribia dam has been diverting 800 litres per second from the Texizapa river to the industrial cities on the coast.

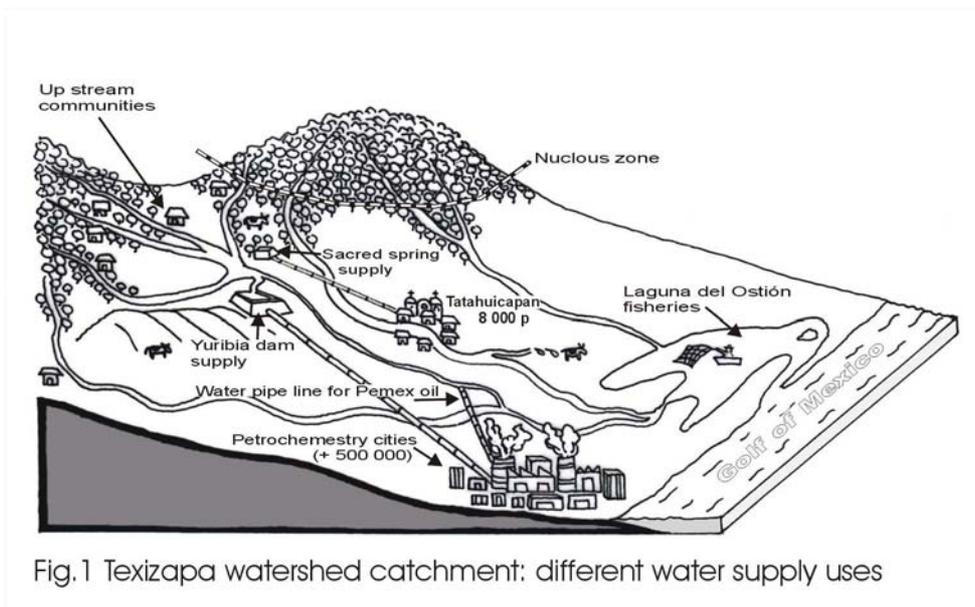


Fig.1 Texizapa watershed catchment: different water supply uses

The current conditions of the watershed are not favourable to its conservation on a long-term basis. Pesticides, slash-and-burn agriculture on hills inclined at more than 35 per cent and cattle ranching produce erosion, pollution and sedimentation. The shrinking water volume seems to be of major concern to all the actors involved, including the people who live in the cities (especially the poor communities, who pay a disproportionately high cost for water), residents of the downstream villages, cattle ranchers using land on the reserve, and the urban municipalities authorities that control water distribution.

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In Tatahuicapan, water is free and is seen as a common good. However the ecological conditions for resource management are now subject to individual or family-based decisions because the supportive societal norms either do not exist anymore or are not respected. The resilience of the system under these conditions is at risk. The fluidity of water streaming down the watershed is mirrored in the different interests and perceptions of different users regarding the nature of water and how it should be used. Indigenous groups now claim the right to reciprocity for water extraction, and thereby to development, whereas the urban poor see water as a basic right. Indigenous communities base their claims to water on cultural and mythical tradition, as well as on specific livelihood needs. In the cities, people have no idea of the ecological problems upstream, the causes of water scarcity, or the threats regarding future supply. They perceive water service as expensive and inefficient; in moments of shortage, their interests and rights appear to be in conflict with those of the rural providers.

The table below helps to show the multiple actors and competing interests involved, including ourselves, as researchers.

**Table 4.1 Multiple actors and competing claims**

Key accountability conflicts	Actors involved	Competing claims to water/watershed
Access to water	<i>Ejidors/Ranchers</i>  Urban municipalities  Rural municipalities	Agriculture  Extraction for drinking water  Drinking water/sacred resource

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	Petrochemical industries	Extraction for industrial use
Distribution of water	Rural municipalities	Dam on municipal territory, watershed includes <i>ejidos</i>
	Urban municipalities	Water shortages affect urban residents
	Reserve management	Conserving rainforest
Watershed maintenance and conservation	Rural municipalities	Sustainable livelihoods
	Urban municipalities	Periodic compensation to rural municipalities for watershed maintenance
	Reserve management	Rainforest conservation and livelihood protection
	Universities/NGOs (including ourselves)	Environmental conservation, poverty reduction
	Federal and state government	Environmental conservation, economic development

**Conflicting interests and perceptions over water**

In order to understand the range of conflicting interests between so many different actors around the management of the watershed, how claims have developed and what strategies were used in different moments to build accountability, we sketch out a brief history of the institutional changes at local level, their effects on land use, the transformation of the rainforest, and perceptions of water. Across the region there is a strong sense of identity tied to the land. This is partly because at the end of the nineteenth century, before the Mexican Revolution, indigenous people lost part of their

land to large landowners. Through agrarian reform, land was partially recuperated, but is now under the legal status defined by the state (*ejido* land tenure).

Prior to 1960, *ejido* land was owned in a communal way and traditional authorities – elder council, village chief (*jefe de pueblo*) – coexisted with *ejido* authorities recognised by the Agrarian Affairs Department (Velázquez 1997). The main crops were maize and beans. Water was perceived by the indigenous peasants of Tatahuicapan as a common good and local rules for its protection were strictly enforced through sanctions such as publicly exhibiting the offender or charging fines.<sup>9</sup> For example, logging was banned on common land, and river banks remained forested. Sporadically, Tatahuicapan cattle ranchers ran for the municipal presidency, and began to gain more influence.

Over the next twenty years, significant colonisation occurred as land was taken over, fenced in and virtually privatised into individual plots as government programmes gave priority to cattle ranching.<sup>10</sup> But small indigenous cattle ranchers fought to redistribute the land that had been monopolised, won a significant court case, and began to gain political force. Water was still perceived as a common good, with shared rules for access, independent of the individualisation of land holding. In losing power at local level, big ranchers also lost their positions in the municipal governments, and this contributed to their loss of control over land they had gained in the previous decades.

When the Yurivia dam was built in 1985, a large popular movement put pressure on the state government to respond to claims for education, health and public construction works for this marginalised area. After the dam was seized by villagers from the whole

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<sup>9</sup> Interviews with elder Nahua peasants.

<sup>10</sup> In 1960, five cattle ranchers controlled 57 per cent of the existing stock (Lazos 1996).

watershed area in 1985, the city government of Coatzacoalcos signed an agreement where, in return for water, it would provide the necessary investment to improve urban infrastructure and services in Tatahuicapan.<sup>11</sup> When the city later reneged on the agreement, further mobilisation by the residents of Tatahuicapan led to negotiations for additional concessions. Shutting down the valves of the dam was the best way that they could find to make their voices heard, and the success of this strategy has meant that water has become a weighty factor in the mechanics of social and political pressure.

Water has also gained an economic and a socio-political value for Tatahuicapan. Because the dam is on land owned by Tatahuicapan, the town itself has gained political clout and economic importance. Now in Tatahuicapan water transfer from the watershed to the cities is seen not only negatively but as an important instrument of negotiation. But despite concessions on services such as clinics and paving roads, no agreement was reached between the urban and rural municipal governments about watershed management. This brief description illustrates how perceptions of water have evolved following changes in landholding systems and patterns of water use.

### **Water management: gaps in mechanisms of participation and accountability**

The fluid nature of water disperses its management between as many different institutions as the territories it crosses, resulting in atomisation of public interventions (land, water, forestry, agriculture, fisheries) and problematising greater inclusion and horizontal linkages between rural communities. The question of who is accountable to

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<sup>11</sup> A pre-Hispanic myth was revived during the excavations for the dam, when the machinery hit a huge serpent, a Nahuatl symbol for water. In keeping with the legend, the machine's operator died of fright. The serpent was taken to the capital zoo. As told to us by an older member of the community: 'It was the male; the female serpent remained to protect the spring.' The operator's symbolic death re-established a kind of reciprocity that allowed the water to be removed (after demands were met). See Blanco *et al.* 1992.

whom and on which issues becomes very complex as it involves multiple layers and chains of actors and institutions. In the next section, a short description of actors' interests and dynamics will help to contextualise our work as action researchers and the proposal to local government discussed later.

*The dynamics of local institutions*<sup>12</sup>

Specific conditions in the villages present a challenge to the adequate management of resources. It is through community institutions that the federal and state government applies its social, environmental and productive policies and programmes. For some indigenous people, water is sacred because they believe that revered spirits inhabit rivers and streams, this religious perspective is in paradoxical conflict with the poor management reflected by common practices such as pollution, deforestation and unsustainable fishery practices.<sup>13</sup>

At the local level, the most important spaces for public participation are the assemblies (by *ejido*, village and barrio) and the working commissions. Changes in these institutions wrought by external programmes and actors have reduced the communal capacity to avoid negative impacts on their environment by creating or validating norms. Loss of community control is closely linked to changes in landholding systems, which have moved from communal to private tenure in 40 years. For instance, the government programme to regulate land tenure (PROCEDE) has contributed to the loosening of the assembly's powers to regulate land use, including sales and purchases. This practice has now expanded to include outsiders, who are not interested in local institutions such as the village assembly. Since the municipality was created, land-based

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<sup>12</sup> Here we adopt Leach *et al.*'s (1997) concept of institutions, 'as regularised patterns of behaviour that emerge from underlying structures or sets of rules in use'.

governance institutions (*ejido* assembly, *comisariado ejidal* and vigilance council) have become isolated and have fewer connections with other local and regional institutions. Different political parties fight to control either the municipal government or agrarian authorities such as the Ministry of Agrarian Affairs. The current municipal government, in office for a three-year term, has become a protagonist in the politics around watershed management. But while the current municipal government is open to cooperation, the continuity of plans and possibilities for collaboration with non-governmental actors are subject to power shifts within and between political parties.

Although traditional indigenous community structures are being eroded, they still maintain principles of reciprocity and cooperation (Mauss 1950, Durston 2002), as well as the necessary trust for the tasks required (Durston 2000). These practices should not be romanticised, but they are important in understanding how accountability can function at the local level. For example, the *tequio* is a traditional institution used for public works based on *mano vuelta* (exchange of non-paid labour among peasants). While increasingly less common, these traditions do persist. Although the term ‘accountability’ does not exist in local indigenous culture, the values of reciprocity and cooperation, and the constant consultation between local authorities and the assembly on overarching issues, constitute a form of accountability in practice. Municipal government must respect decisions taken at the general public assembly. It is also on the basis of these values that villagers demand information from local authorities regarding their actions. However, there have been cases when accountability at the local level has broken down. For example, when the local water committee did not provide information on how fees villagers paid for the network maintenance were being used, people

stopped paying and refused to participate in the committee's assemblies.<sup>14</sup> Local institutions are in constant interaction with external actors, including both the federal and state government, concerning social policies, financing and other issues. These interactions are regulated by a legal framework. The way that the legal framework is enforced, however, often does not contribute to the consolidation of long-term institutional arrangements based on consensus between the different actors involved. The next section examines this problem.

#### *Governmental institutions*

In Mexico, the legal framework for water is governed by the Law of National Waters and supported by other statutes such as the environmental law [which? Spell out] and norms related to water quality. According to the national constitution, water resources belong to the Mexican state. The National Water Commission is a semi-autonomous federal authority, which is part of the Ministry of Environment. The official position of the federal government is that community participation should play a key role in the sustainable management of water. The National Hydraulic Programme for 2001–6 includes institutionalised social participation in water management through river basin councils, commissions and committees amongst its objectives. Among diverse strategies to achieve the sustainable management of water in Mexico is that of 'inducing societal recognition of water's economic value, and to consolidate organized society's participation in water management' (NHP 2001–6).

At the national level, 26 river basin commissions have been created to represent diverse users. However, providers from the catchment sites are not represented on these

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<sup>14</sup> Interview with the head of the Tatahuicapan water supply.

commissions. The authorities of the mountain villages such as Tatahuicapan are often unaware of the existence of their right to participate in this commission. They have not been included, although it is precisely the space where the integration between environmental, forestry and water policies could be addressed. There are some questions as to the scope for participation in the river basin commissions: this participation is relative and limited as the law confers on the National Water Commission the authority to decide whom to invite. This feature allows the Commission's officers to manipulate the balance of power and to direct decisions towards objectives already established at other levels (Castelán 2000: 183–4).

Sub-watershed and micro-watershed committees could be an important planning instrument but, throughout the country, very few have been created or function when they do exist. At the time of writing, we were still awaiting a response from a state government agency we invited to help with the formation of such a committee for the watershed in Veracruz. Each ministry defines its strategy without real coordination with other actors (even if legal instruments and formal agreements require holistic approaches). The result is that policies are not only uncoordinated but often contradictory. Water management institutions such as the Municipal Water and Sanitation Commission and even the National Water Commission seem to believe that their job starts from the tap down, as opposed to starting with watersheds where water is produced. Until very recently, these institutions did not coordinate their policies with the agencies in charge of the environment in the watershed, such as the Management of the Reserve, Procuraduría Federal de Protección al Ambiente (PROFEPA), and the Secretaría de Recursos Naturales y Medio Ambiente (SEMARNAT). This fragmented vision erodes the capacity of government agencies (for both water provision and water

use) to protect the ecosystems. According to the Coatzacoalcos Municipal Commission for Water and Sanitation, water supply is not guaranteed for more than eight years, yet there is no coordinated water policy for the whole mountain area. Neither have the municipalities and *ejidos* within the watershed issued norms or regulations for the protection of water resources.

The accountability issue in all of this relates to the difficulty of enforcing existing laws and procedures for a better-planned system, including coordinated institutional interventions that would benefit both the cities and rural municipalities through the creation of arrangements to mitigate future conflicts between rural and urban communities. Building accountability is difficult because local institutions lack information about their entitlements within this legal framework, and higher authorities lack political will to listen to the voice of indigenous people, even when they have sound proposals. Within this context, there is no simple recipe for creating accountability, nor will accountability be achieved merely by designing improved institutional structures. Instead, power inequities need to be confronted and new cultures of accountability nurtured.

Power struggles between these institutions are in evidence. The remit of the National Water Commission involves significant powerful interests and money. Conservation institutions such as SEMARNAT have smaller budgets than the ministries of Energy, Finance or Economy.<sup>15</sup> In a context of weak accountability and a lack of participation, it

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<sup>15</sup> In 2005, SEMARNAT had a US\$1,542 million dollars budget; Hacienda US\$2,162; SAGARPA US\$3,376; and ENERGIA US\$2,396.  
[http://www.shcp.sse.gob.mx/contenidos/presupuesto\\_egresos/temas/ppef/2005/index.html](http://www.shcp.sse.gob.mx/contenidos/presupuesto_egresos/temas/ppef/2005/index.html)

is not easy to target policies on local agreements for water conservation, or develop oversight and monitoring mechanisms that could lead to greater accountability. Given this landscape of institutional actors, the next section will explore the strategies used at the local level to build more accountable management of the watershed.

### **Conflicts, claims and strategies**

Since the dam was built in 1985, Tatahuicapan has struggled to obtain the enforcement of state commitments concerning education, communication and health services. When the state did not deliver on these commitments, groups from Tatahuicapan cut the water supply to the cities by closing off the dam valves, which has led to further conflict. The main demand behind these cuts was and still is constructed around reciprocity as the basis of a fair exchange (water for services). However, what has developed is a cycle where conflict breaks out between the residents of Tatahuicapan and the cities' water authorities. Village residents cut the water supply or take other similar measures, and the cities respond by appeasing the residents with short-term benefits that do not address the underlying problem of sustainable watershed management. Through this logic of conflict–negotiation–conflict, marginalised indigenous groups have obtained some short-term benefits, alleviating some social pressure for broader or more substantive changes.

However it does not always work out well for the political mediators. In 1985, when the community stopped the dam construction, community mobilisations overwhelmed the leaders. When people found out what type of negotiations their local authorities had agreed to regarding the construction of a health centre, they kidnapped the leaders and interrupted the construction until state authorities came to negotiate again. Traditional

community practices of accountability required the leaders of the movement to exert pressure for compliance with the agreements.

The lack of accountability of the existing municipal authorities of Mecayapan (to which Tatahuicapan belonged at that time) in negotiations with the cities over their commitments to provide services to the villages resulted in the inhabitants of the watershed developing a strategy for direct action. In October 1993 some four thousand indigenous people, armed with bows, arrows and machetes, closed the valves of the dam and left the cities without water for three days. Four years later the new municipality of Tatahuicapan was recognised by the state Congress, which meant that the government had a responsibility to provide services to the municipality. Each case of direct action by indigenous groups against the dam is answered by the urban municipal governments with immediate material concessions, such as paving a road or contributing money towards a school. These responses do not address the underlying causes of conflict. The delay in the delivery of these concessions fuels the cycle of social mobilisation, which sometimes leads to violence. Water has become a tool to exert pressure on the government, and some groups in Tatahuicapan have clearly come to believe that cutting off the water supply is the only way to draw government attention to their needs.

It is difficult to discern if the city government's delay in introducing institutionalised accountability, such as formal procedures for compensations, is deliberate. The fact that urban authorities have managed to deal with such uncertain institutional arrangements for over 20 years shows that city governments were not under much pressure from their citizens to provide information about what really goes on in the water catchment areas and how the city water authority invests the funds from the fees paid for water. In the

absence of predictable rules and durable institutions, the residents of Tatahuicapan (the weaker party) occasionally have been able to hold the city hostage in order to speed up the process of legal recognition of their territory as a separate municipality. The cost of this unpredictability for urban consumers is that they have had to put up with water shortages because city authorities do not honour agreements made with the rural mountain communities, and because the sustainable management of the catchment area seems not to be in the political interests of any of the institutional actors involved. The dynamics of conflict over water, and the strategies used by indigenous groups in Tatahuicapan to force government actors to deliver on their commitments, illustrate how accountability is a two-way relationship. Thus having adequate institutions in place does not necessarily lead to accountability without citizen action.

**Building accountability through shared responsibility: a plan built through action-research**

Over the past three years of participatory research, we engaged in dialogue with the local government in Tatahuicapan to generate new concepts and practices for more accountable institutional arrangements over the long term. In our experience, Leeuwis's argument that solutions to the dilemma of contradictory interests are possible when the actors involved can create spaces for negotiating strategies, and find tools to strengthen trust, faces some significant challenges (Leeuwis 2002). Changes in some of the institutional relations analysed above, which are embedded in a context of conflict, clientelism, exclusion, lack of coordination, and the absence of spaces for participation, require new forms of negotiation and institutional arrangements. For instance, in practice, the government only pays compensations in some years and not in others. And as no conservation plans exist, the compensation funds are not invested in reforestation

or sustainable land management projects, but in urban services in Tatahuicapan. The army manages government reforestation programmes without significant participation by local people. Only the district head municipality is allowed to participate in negotiations over the reforestation programme. The remainder of the villages in the watershed are excluded from this process.

The adoption of new political practices that can contribute to greater accountability is possible only if there is political will on both sides. Participatory governance is an alternative that can lead to increased accountability to marginalised groups, but it can not be ‘simply achieved from above with new policy statements, but ... requires multiple strategies of institutional change, capacity building, and behavioural change’ (Gaventa 2004: 5). This section will explore the advances that have been made in building accountability and realising the right to water, in part through our own efforts as action researchers.

Over the past three years, we have developed an agenda around building mechanisms that would lead to greater accountability and sustainable management of the watershed, involving both rural and urban poor. We have started planning meetings in the villages to organise a regional committee to facilitate a redistribution of decision-making power to local and regional levels. This committee will also help to build trust between users and providers, and between rural and urban poor and government institutions. With the institutionalisation and long-term perspective of local and regional agreements where local actors have representation, the risk of conflict is diminished. A fund will be administered by the watershed committee, on the basis of land management plans,

administering and monitoring the funds for the watershed restoration.<sup>16</sup> This proposal creates the possibility of financing rural development by taking into account the externalities in the cost of water. Several mechanisms, including payment for environmental services, taken either from the users' fees or from subsidies, would support development infrastructure and sustainable production.

Our approach to increasing accountability is summarised in a manifesto now signed by both local government institutions and community groups: *A Strategy for Common Survival: Water and the Relationship between Tatahuicapan, Coatzacoalcos, Minatitlán and Cosoleacaque*. It synthesises many discussions with all of the key actors involved, and represents a shift from the traditional form of negotiation because it is contingent upon the willingness of representative stakeholders from both the cities and the villages to discuss new arrangements of rules.

This shift towards increased dialogue between urban and rural political institutions does not exclude the possibility of social mobilisations. As Gaventa has argued, the possibility for social mobilisation is an important element in building accountability:

Given that inequalities in power often exist, the struggle to attain authentic and meaningful voice by community leaders may involve conflict, as well as collaboration. While some approaches to partnership overemphasise consensus building to the exclusion of conflict, others point out that conflict and collaboration often must go hand in hand. (Gaventa 2004: 16)

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<sup>16</sup> This plan includes agroecological alternatives such as agroforestry, intensive cattle ranching, soil conservation and the establishment of community norms concerning access to natural resources.

But the contents of the new proposal address both spaces for citizen participation, and compensation mechanisms for watershed management. Traditionally, in exchange for water, rural indigenous communities demanded development in kind: schools, roads, health centres and basic services. Now cash is required to finance watershed restoration. The president of the Tatahuicapan municipality, in his only appearance at the commission before his term ended, announced at a river basin commission meeting that part of the resources obtained from the fees paid for water would be deposited in a municipal fund as a form of ‘social investment for sustainability’ to finance projects for the watershed restoration.<sup>17</sup> This proposal has some advantages over the mainstream approach of payment for environmental services, as we explain below.

The federal government has initiated a Payment for Hydrological Environmental Services Programme. However, in the Tuxtla watershed, the failure of the government to deliver the payment promised during the first year in that part of the reserve provoked rejection by the local communities. The main problem with the programme (which entails a five-year period of obligatory conservation of forest cover) is that, rather than involving people in community participation for sustainable management, the programme offers individual contractual relationships between the government institution and the local authority that do not always deliver the correct amount of funds to the registered owner of the land. Significant internal conflicts have resulted from this ill-conceived approach.

Our alternative proposal involves community agreements and mechanisms to establish permanent norms and responsibilities. The participation of all the main actors –

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<sup>17</sup> ‘Social investment for sustainability’ involves raising funds for conservation and restoration of the resources that underlie the compensation for environmental services.

including watershed villagers, local rural authorities, urban municipalities, state and regional water bodies, the reserve director and local NGOs – in the fund's decisions would guarantee accountability. Despite the conciliatory nature of the president of Tatahuicapan's speech at the Coatzacoalcos river basin commission meeting, the main official response was to deny the commission the ability to deal with these demands, which would become a responsibility of the urban municipalities.

### **Accountability mechanisms**

The tools to share decision making and enforce accountability that have been developed by the municipal president of Tatahuicapan and our team include an effective legal framework, mechanisms of technical/environmental monitoring, and a social audit. While these are very specific institutional steps, they are being taken in conjunction with wider measures to build trust and dialogue between the different actors involved. The legal framework must reflect local and regional agreements; a technical monitoring will verify the responsible use of resources according to the management plan; and a social audit will ensure social equity among the rural stakeholders.

Although this will be a long-term process, some results are already discernible. Improvements in village sanitation have been made, such as fencing in pigs that pollute local water supplies and spread disease. A geographical information system and management plan for the watershed communities now serves to raise funds and as a reference for monitoring results. Alliances with urban actors have raised awareness of the cause of problems and willingness to cooperate with this plan.

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The three-year term for local government is short and processes to create a new culture of accountability can easily be interrupted. In our view, our most important achievement to date has been the formation of experimental groups of men and women that have opened discussion at a community level about how to develop an environmental agenda. These groups are now engaged in finding representatives to take forward their proposals, and to influence public policies. They have formed an environmental citizen committee to discuss water management with the cities and different institutions.

*Lessons learnt about researching accountability*

Throughout the case described in this chapter, we played different roles, sometimes simultaneously. Sometimes we were interviewers, or advisers in resource management and farming techniques, and at other times our role was to provide information and lobby government officials. But we always worked towards the objective of trying to reconstruct trust between the rural indigenous communities with water institutions in the cities. Based on this wide range of activities and our long history of engagement in processes at the local level in Veracruz, we highlight here some of the key lessons we learned about researching accountability.<sup>18</sup>

- *The importance of understanding historical and cultural context.* When we walked together with men and women from Tatahuicapan to their sacred spring for the first time, we were able to learn about the different perceptions of men and women, young and old, about the causes of deforestation and the different approaches to solving it. This experience showed how our vision for accountable management of the watershed is just one among many.
- *Creating new parameters for negotiation.* This requires ongoing discussion between different cultural perspectives and different values, and that all the actors involved should respect these differences. The values of reciprocity and cooperation, and a vision of the common good were important assets that communities brought to their struggles for greater accountability and the right to water.
- *Respecting the pace of political and social change.* When involved in interviews with bureaucrats within the water management authorities in the cities, sometimes we felt we were getting ahead of the local government rhythm of change and it was necessary to slow down. There is a risk that research can undermine existing processes of representation, and take on roles that are not legitimate.

## **Conclusion**

This chapter has shown how informal strategies for demanding accountability have a central role in securing the right to water. We can now offer some key conclusions about improving accountability within this context.

### *Contradictions between local perceptions of rights*

Conflicting legal frameworks and the web of economic and political power make it very difficult to institutionalise accountability mechanisms. The principles that underpin indigenous institutions, such as reciprocity and cooperation, can be reframed in terms of the management of the common good. They can also perpetuate conflict and lead to a crisis of governance. In the past, some situations have led to successful mobilisations while others have presented difficulties. Even when the city governments respond to accountability claims by the indigenous communities, their impact has been fleeting and has not helped to forge new mechanisms for long-term accountability. The responses of cities and the reserve management did not address underlying inequalities in ways that would help to avoid future problems in water supply.

### *Long-term strategies for accountability*

The negotiation process must be seen as a middle-term and long-term strategy dependent on many internal and external factors. The three-year terms of the municipal government are not long enough to consolidate new institutional arrangements, which emerge in large part through a slow process of consensus building, both internally and with external institutions.

*Changing both sides of the equation*

In order to increase the possibilities of a partnership or dialogue between actors with different degrees of power, changes are required on the government's side to create deliberative spaces open to all actors and respectful of the different perceptions, views, needs and proposals of others. For the community, there are also great challenges. On one side the water issue has to be perceived in a generalised way as a problem that concerns not only the cities but also the villagers' welfare and responsibilities. Much more has to be done to enable the villages to improve the management of their own water resources.

*Building alliances for accountability*

What is needed is increased awareness, both in the urban municipal governments and in the communities within the watershed, about what is necessary to improve the management of water resources. The strengthening of alliances between different levels and forms of government – even, within Tatahuicapan, between the municipal government and the *ejido* – is an important first step for consensus to be built around a sustainable development plan. These processes offer hope that the cycles of conflict and environmental degradation that impede the realization of the right to water in both rural and urban contexts can be ended.

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ACRONYMS

CAN, Comisión Nacional del Agua, National Water Comisión.

CMAS, Comisión Municipal de Agua y Saneamiento, Municipal Commission for Water and Sanitation

**DECOTUX**

PROCEDE, Programa de Cesión de Derechos Ejidales. Program for Cession (¿) of Ejido rights

RBC, River Basin Commission