

Tariff creation processes in the Amazon: a case study from an indigenous community

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Abstract

An important feature to assess a tariff suitability is the compliance with its meanings and how they become adapted to local realities. Following this assertion, this article discusses the sociocultural implications of a tariff creation process in an interethnic community in the Peruvian Amazon. The presentation organizes evidence tracking four decades of community history in order to identify how it frames the IWM principles that underlie water tariffs. Working on the institutional bricolage and policy translation concepts, the argument sets that water tariffs are subject to malleable adaptations vis a vis transformations with community organizations. This process, however, holds limitations that depend on the community's ontologies regarding water and rules of coexistence.

1. Introduction.

The local dimensions for water governance in the Amazon Basin have demonstrated to be critical in the implementation of integrated water management (IWM) policies. While the capacity of subnational governments has been assessed to determine their possibilities for plausibly adopting decentralized duties (Siegmund-Schultze et al, 2015; Abers, 2007) and fostering institutional innovation (De Souza et al, 2014; Braga et al, 2011), little concern has been given to how IWM policies are effectively put into practice by local actors. The question is particularly relevant for the case of indigenous people, as their entitled lands cover 27.5% of the Amazon basin (RAISG, 2012).

Most research assumes the process of IWM implementation as a policy transfer procedure (Da Silva & Vasconcelos, 2011; Engle & Lemos, 2010). From different disciplines, aspects of this approach have been questioned. Critical institutionalists have referred to rational choice understanding beneath the actors' actions (Mehta et al, 2002) and the expectancy of having crafted institutions that land unaltered over local realities (Cleaver, 2012; Sehring, 2009). In fact, more evidence points out to the contingent governance arrangements on the local level that emerge from the promotion of IWM policies (Jones, 2015; Boelens, 2008). These findings have been comprised under the lenses of the institutional bricolage process (Cleaver, 2012) and the policy translation analysis (Mukhtarov 2014).

This article presents a case–study on how new water institutions are shaped locally in the Peruvian Amazon and how this influences the compliance with the application of water tariffs. Specifically, it assesses the possibilities to root IWM within the practices of an indigenous organization. The argument proposes that the resulting dynamic can be understood as a policy translation process that leads to an *altered* arrangement: it doesn't lead to the creation of an IWM institution, nor does it reject new governance architectures. The rescaling of water governance, the interpretation of IWM meanings and the contingency of the results help us understand this phenomenon.

1. The case of the Bajo Naranjillo Water Users Association (BN-WUA).

Peru entered the 2000's aiming at renewing democracy and bringing transparency to its policies, after the fall of a highly corrupted government. The water sector was targeted as part of these endeavors with the creation of a technical commission that gathered, after a long time, all the institutions involved in water management (Oré and Rap, 2009). Aiming to enact a new Water Law, the government invigorated its relationships with international cooperation agencies, seeking counsel and models. Quickly, IWM entered the vocabulary of decision-makers, highlighting the need of transparency and economic solvency in water users' associations (French, 2016).

The BN-WUA was created in 2004 amidst this juncture. It was the first of its kind in the Peruvian Amazon, and exceptional also in comprising different ethnic groups: awajun, wampis and settlers -known as *mestizos*. It manages the Bajo Naranjillo sub-basin, one of the 13 tributaries of the Alto Mayo Basin -which covers 7400 km², an area known for its rice, coffee and cacao crops. BN-WUA was created thanks to the efforts of the

German cooperation agency (known now as GIZ), the local water authority and the San Martin Regional Government, with the support of the Ministry of Agriculture.

Government officials in charge of the process recall the experience as complicated, but productive. Although there were some difficulties to get all stakeholders to agree, the objectives were met: the WUA was officially created, it had an established government body and economic solvency. Even to this day, the BN-WUA is in the good records of the National Water Authority. The awajún people, however, have a different view. “At first it was ok, but now it has worsened our situation. We have no decision power whatsoever on what is happening with *our* waters”.

The differences between the proposed policy outputs and the real outcomes have been addressed under the policy translation analysis (Mukhtarov, 2014), which proposes that policies rarely remain unchanged when they travel across different scales, jurisdictions and social groups. Highlighting the nature of the sort of institutional arrangements that emerge after the implementation of policies, the institutional bricolage concept (Cleaver, 2012) sustains that the new arrangements are highly dependent on previous ones, including social organization, cosmologies and, in general, the “right way to do things that people find unquestionable” (Cleaver, 2012: 65).

2. Translation and bricolage

The policy transfer literature stresses the driven-character of policy implementation. Whereas by diffusion through structural forces (Tews, 2005), the drawing of lessons imported by decision makers (Rose, 2005), or the aspiration of homogeneity in the organizational field (DiMaggio and Powell, 1991), policy transfer highlights the role of actors that try to meet a series of goals. In a similar way, the neo-institutional economics school has acknowledged the role of the individual as the driver of institutional change in the process to manage the commons (Hall & Taylor, 1996). The participants assume positions and act accordingly assessing the control they have of the situation, available information and the cost and benefits (Ostrom, 2005).

These approaches understand institutions and the travel of policy ideas as the result of rational choice (Molle, 2007; Biswas, 2004; Mehta et al, 2002). Therefore, institutions and ideas are treated as a set of pieces that could be assembled in the right way to have an excellent performance –pieces that Ostrom called “building blocks”, resembling the bricks of an infrastructure. As a result, institutional analysis misses “modification of meaning and multiple interpretations of policy ideas in various contexts” Mukhtarov (2014: 4). Critical institutionalism has comprised these observations. This approach understands institutions not as a set of pieces, but as the practice to constantly assembling resources –regularized ways to do (Cleaver & De Koning, 2015; Cleaver, 2012). Institutions are in constant transformation and the results do not exclusively depend on the participants control, rather, they are understood as a tension between agency and structure (Benouniche et al, 2014; Sehring, 2009).

Institutional bricolage is a pivotal dynamic in the actualization and renovation of institutions. It is the adaptive process through which rules, traditions and social relations,

all known as repertoires from already existent institutional arrangements (Douglas, 1987) are drawn to answer new circumstances (Cleaver & De Koning, 2015; Cleaver, 2012, Cleaver & Toner, 2006). These arrangements include moral – ecological rationale that link natural and supernatural worlds to shape rules of coexistence, conflict management and authority principles (Boelens, 2008; Cleaver, 2000). As these arrangements come from existing formulae, they legitimate the new shapes they take when mixed and adapted to new circumstances. In that way, the elders counsel in Nkayi (Zimbabwe) becomes a communal assembly to allocate water rights (Cleaver, 2000), or the assembly of a peasant organization in Peru is adapted to create a water users association (Verzija & Dominguez, 2015).

Although it aims to understand institutions based on change and its drivers, the institutional bricolage concept pays little attention to how processes develop. Most of its analysis focus on episodes that illustrate the concept's attributes, however, fall short in explaining the dimensions of institutional change, especially on a long-term analysis. On this accord, policy transfer, understood as the modification of policy ideas through the creation of new meanings as those ideas travel through different scales (Allouche, 2016; Mukhtarov, 2014), has a narrower focus on the step-by-step dynamics through which the travelling of ideas happen. Three dimensions are relevant in the process. First, the politics of scale, which refers to the actors mobility through different hierarchies but also to its ability to produce them and frame their discourses accordingly (Mukhtarov & Gerlak, 2013). Second, the creation of meaning, which highlights the role of ideology, symbols and identity in the transformation of policy ideas (Gerlak & Mukhtarov, 2015). Finally, the contingency of results, which sustains that contingency is not only a possibility but an inherent attribute of any policy translation process (Mukhtarov & Gerlak, 2014).

In a way, the travel of ideas in a policy translation process is also a result of bricolage because it assumes that contents and meanings take new shape when they reach different scales and jurisdictions. The concept has also a similar focus unit as in institutional bricolage: they are both actor-based approaches and value meaning creation through interpretative lenses. However, when policy translation is applied to local realities, evidence suggests that translations happen not just as matter of framing, but also as the questioning and adaptation of ontological worldviews. Institutional bricolage insights on moral-ecologic rationale has an accurate reach to understand this phenomena.

For this article, both concepts will be used complementarily. Following the actors, the dimensions of policy transfer processes will help to organize the history behind the water tariff creation and to understand its outcomes. The moral-ecological rationale and the borrowing of institutional arrangements are transversal to the whole analysis.

3. The people of the Alto Mayo Valley.

The Valley has been inhabited through successive migratory waves. Three periods have been identified. The first began in the early 20th century. Aguaruna indigenous populations were dislocated from the northern neighboring region of Amazonas as

forced laborers during the rubber boom. Those are the first settlers of Alto Mayo, who later adopt the name of awajún. A second wave began during the 70's with the State promotion of agriculture and credit and the construction of the Amazon's first highway, known as the marginal. As a result, people from the Andean region came to the valley and started cropping rice, among others. Finally, a third wave started during the 90's due to drug traffic, as the region became one of the hotspots to grow coca leaves. The Valley nowadays is a mixture of indigenous population, mestizos (which comprise those who dwell by the river and water streams) and urban – mestizos (who live in the nearby larger cities) (Urteaga, 1992; Works, 1984).

Most of the awajún people settled in the valley during the second migratory wave, because of the visit of bilingual teachers from the Summer Linguistics Institute –which conducted educational and religious activities. Many of their best awajún students in the Amazonas region decided to become teachers and moved from their regions to the Alto Mayo Valley. Most of their clans followed. After some years, the Peruvian State started to acknowledge their lands providing official communal land titles (Urteaga, 1992). The wampi indigenous group arrived later, during the 90's. Most of them merged with the already existent communities. As a result, they could not remain autonomous and their decisions were submitted under awajún deliberation. Nowadays, there are 14 indigenous communities in the Valley.

Before entitlement, most of the indigenous clans worked between one and two hectares of land, each devoted to horticulture. Most of the land was kept free to keep game in the forest and hunt. However, after the entitlement of the indigenous clans as communities, the groups were targeted by development projects conducted by the State and development agencies to promote large-scale agriculture and credits. This became a tragic economic process for the Bajo Naranjillo community, as we will see in the next section, and became one of the reasons why the creation of the water users association and the associated water tariff was a contested process. Nowadays, the awajún and wampi of Bajo Naranjillo depend on large-scale agriculture to live, but none of them work the land or sell the crops. They are now part of a complicated production chain that has led to the alienation of water rights.

4. Rescaling BN-WUA.

A scale refers not only to a hierarchical dimension, but also to the production of a unit. As Budds and Hinojosa (2012) point out, a scale is a construction that represents administrative, social and political jurisdictions, among others. In that way, the definition of a scale is a governance decision rather than merely a technical one. This section will present the micropolitics of a scale to understand how the production of new units is also the production of new framings.

The IWM approach understood the basin as the management unit. Therefore, it involved organizing the users along it. The decision was based on the experiences reviewed from other South American countries, especially Chile. This meant that the awajun and wampi people, who had been allocating water permits among each other under a

kinship criteria¹, had now to coordinate with the *mestizo* group -migrants from the Andean region that settled in the late 70's, as they were basin neighbors. The IWM promoters saw this as an accomplishment, for they had gathered all the users along the watershed to coordinate decisions on water allocation. But little did they know about the land use conflicts between the *mestizos* and the indigenous groups.

Between the 80's and the 90's the awajun rented sections of their entitled land to the *mestizos*, who needed more fertile grounds to grow rice. The awajún had to rent their lands because they were facing an acute economic crisis that threatened the loss of their lands. They were not experts in large scale agriculture, which was promoted by the government, and small scale horticulture did not pay off. When the *mestizos* came, most of them complied with the awajún way to do things at first, nevertheless, a short time later they stopped abiding by the awajún law. They even stopped paying because this was an informal arrangement. They settled in indigenous lands and refused to leave, starting to marry the awajún daughters. Several years of trials and agreements followed and the animosity between each other strengthened.

But as part of the BN-WUA, now awajún, wampi and mestizos had to coordinate with each other. As the sub-basin crossed indigenous entitled land, the awajun and wampi held the first water shifts. This allowed them to find an opportunity and use the WUA creation process to negotiate with the mestizos the abandonment of indigenous lands, threatening to cut their access to water. Moreover, they used this position to stop marriages between indigenous women and *mestizos*, in order to secure family heritage and land tenure. The discussion process was harsh, however, the *mestizos* eventually agreed. Reflecting on Wittfogel, water control offered the political grounds to define the allocation of other goods on the basis of social relationships.

While kinship defined the social limits to access water before, the scale was redefined with the arrival of IWM principles. The community boundaries were readapted to the sub-basin scale to deal with a long term problem. Here the architecture of the State, with the WUA, was adapted to the moral-ecological rationale of kinship to redefine the scale of indigenous lands. However, it did not lead to the incorporation of the sub-basin as the new management unit, as the international experience proposed. Rather, it reshaped indigenous peoples' boundaries and rescaled the range of land governance. IWM then was assumed as an arena to deal with pre-existent conflicts. To do this, IWM had to be alienated from its original transnationally-defined meaning. An explanation of how this happened, in the next section.

5. IWM: reflections from the awajun and wampi.

One morning during the summer of 2003, a GIZ consultant visited the awajun and wampi people to explain how IWM principles lay the grounds for modern WUAs. He summarized his views asserting that water management should be efficient and sustainable if water is to be *delivered* to everyone. Noe Cahuaza, leader of one of the older families of Bajo Naranjillo, felt uneasy with these terms. He remembers that during

¹ The elder family clans took the first water shifts. Under the new regime, the proximity to the water canals defined the shifts.

the meeting “efficiency” was defined as paying the right price for the water you need, avoiding wasting it. He did not follow. “Why paying for something that runs free?”, he told me. He went on, “why water has to be delivered? It comes when it wants to come”. I asked him about a period of time when water did not want to come to the community and he said “every year! In summer. But because water must have a break. We make do with very little”. To understand this statement, a reflection on the awajún and wampi ontologies and history follows.

In 2006, the BN-WUA was enforced to pay for water by the local water authority, claiming that they were not abiding by the law². Although the awajun and wampi people have entered into the dynamics of a market economy, they do not carry out economic transactions with each other. There is a reciprocity bond, a chain of favors, which characterizes the support among clans. Charging each other for water threatened that bond. This link refers to an extended version of kinship. “Awajun” derives from the word “awap”, which is translated as “friend” and “brother”. As one of the oldest woman in Bajo Naranjillo argued, “in a way, we are all one family and family does not charge to its members, you do what you have to do without expecting payment”. Under this logic, a payment could even be considered as an insult to the individual that freely and disinterestedly helped his brother.

On the other side, the very nature of water was under question. According to the awajún and wampi cosmologies, *yumi*, or water, is understood as an entity with emotions that is characterized for connecting heaven, earth and the underworld; men and women; life and dead; humans and the forest, among other dualities (Calderon, 2013; Brown, 2014; Reagan, 2003). A person cannot claim ownership over *yumi*, least charge for accessing it, because it has free will and intentions. *Yumi* is respected also as part of the extended kinship logic, as it is regarded as “one of the oldest relatives we have that goes in and out of the forests”. *Yumi* has agency because it can look back to you and tell you some truths that are revealed only for your purposes.

The awajun and wampi were also dubious about the type of “development” presented by the IWM promoters. Their previous experiences with development projects did not end well. The first one started in the 80’s with PEAM – Spanish initials for Alto Mayo Special Project. This was one of the biggest ventures ever conducted in the Peruvian Amazon by the government, which provided credits for rice crops (Ocampo, 1994). The awajun and wampi were indebted as their crops failed. They had to rent their land to the *mestizos* to pay PEAM, which led to decades of conflicts (Works, 1984), as stated in the previous section. Later on, in the 90’s, at least 21 development projects were conducted by NGOs, the government and international cooperation. Some of them proposed conflicting resource use arrangements³. This led many awajún and wampi to reder development as a sheer adjective that came with any type of project. By the end of the 90’s Bajo Naranjillo ha installed a projects committee, devoted to assess if a development project involved any type of indigenous payment or economical/ resource

² A percentage of the water tariff goes to the government. Thus, the BN-WUA was not paying its “water taxes”, as one of the former awajun leaders says.

³ For example, one NGO proposed to grow coffee crops on a certain area and another NGO saw the same land as fitting to build latrines.

commitment –in which case, they shut the doors to whichever NGO, State agency or international aid institution came by. Slowly, the community became an expert assessing development projects and nowadays depend on some of them. They praise themselves as the first “developed” community in Peru, while laughing.

Albeit their mistrust with “efficiency” and “development”, the awajun and wampi agreed to create a water tariff to remain in “the government’s good records”, as the now president of BN-WUA said. This *quid pro quo* dynamic holds the government accountable, so it has to finish the unbuilt schools, roads, and canals, among other activities. Phrasing De Vries (2010), to accept the government’s procedures does not imply a commitment with the values it portrays. The acceptance of the water tariff, then, is not linked to the acceptance of the IWM principles but to a conflicted history of interactions with the government and a reflection on indigenous values about water and how to relate with each other. The principles of efficiency and sustainability are rarely part of the awajún and wampi vocabulary, although frequently quoted in their projects. As they became associated with payments and with inefficiency, the meanings IWM portrayed on international scales and in the national jargon were lost.

For the water tariff was created but the awajun and wampis did not pay for it. How that came to be, in the next section.

6. On the contingency of results.

The entitled lands of the awajun and wampi are known for their rice and coffee crops. They, however, do not harvest nor commercialize rice by themselves. They offer their lands for rent. Given their critical failure with modern agriculture, they decided to stop farming and start renting, looking for quick getaways from the debt they had fallen into. With time, renting land proved to be an income-making activity with short-term returns. The creation of the BN-WUA was useful to claim back their lands and secure them. From 2005 until 2010, land renting was safe.

After the enactment of the new water law in 2009, a renewed interest was given to the creation of river basin counsels, to further the advancement of IWM and include all users in decision-making. In 2010 the news arrived to San Martin, saying that Alto Mayo would be among the firsts to create a basin counsel in the Amazon. Invitations were sent for all stakeholders: farmers, rice companies, municipalities, NGOs, international cooperation agencies. An invitation came to the BN-WUA, attaching a list of all their members. They noticed that instead of the names of awajun and wampi families, the list presented the names of rice companies as water users. Since that day, the relationships within BN-WUA changed.

To get rid of the water tariff problem, the awajun and wampis decided to charge the payment to their tenants, who were deemed as responsible for being up to date in the local water authority books. As their tenants were individuals who represented rice companies, the water tariff’s receipts had the name of one of Alto Mayo’s richest companies: Induamerica. According to the water law, only those that are up to date with

the water tariff payment are entitled to be called water users. As such, those are the ones invited to the decision-making processes.

Although the Bajo Naranjillo sub-basin crossed the awajun and wampi's entitled land, they were not acknowledged as water users. The *mestizos* seized the opportunity to reclaim control over the WUA, ignoring indigenous hierarchies, and controlled the WUA in coordination with the rice companies, who also appointed a representative. Up until 2014, the awajun and wampi fought to regain representation. Only in 2014, the National Water Authority gave them permission to participate in the discussion of the Alto Mayo Basin Counsel, but only as observers.

Under the eyes of the National Water Authority, Bajo Naranjillo is a successful case of *enforcing*⁴ IWM principles in practice, having gathered farmers and private companies in decision-making. The evidence, however, shows that beneath the formal water governance architecture deep inequalities become salient. The imperviousness of the law towards understanding indigenous water use rationale ends up obliterating any claim IWM principles could have concerning equity.

7. Conclusions: altered arrangements.

What is IWM for the awajun and wampi in the Peruvian Amazon? In the beginning, an opportunity. The creation of the WUA allowed indigenous groups to control *mestizo* activities and secure land tenure. The WUA, nevertheless, was not rendered as an operative representation of the IWM principles. More likely, it was handled as something that could be shaped to serve the awajun and wampi needs. In this case, the translation across scales ended as a rescaling process to address specific needs.

Later the BN-WUA turned into a menace for indigenous people, as they were cleared from the decision-making instances. The *mestizo* group placed itself as the new directing body and used the WUA to contain indigenous actions to reclaim their control. Albeit the change in the governing body, the WUA keeps serving its original purpose: to provide a political arena where conflicted actors try to exert their dominance in the final outcomes. Little does this have to do with the IWM principles of sustainability and efficiency that government officials expected to enhance.

The translation process depends on how local actors make sense of the policy's meanings and values. The BN-WUA displays an inherently contextual interpretation, assessed under the lenses of history and experience. The context also refers to the quality of the actors that interact with the awajun and wampis. In this case, the distrust in the government, in development efforts and in the *mestizos* neglects any further reflection on what IWM might be.

The resultant governance architecture, then, does not root the IWM principles. The WUA is accepted only as it counterfeits and solves local power struggles. In this way, local stakeholders' rationales are interwoven with national frameworks to outline a new kind of

⁴ "Enforcing" is the word used by several public water officials when referring to IWM.

organization. Reflecting on De Koning (2011), the WUA presents the characteristics of an altered arrangement, as it incorporates external constructions to nest unchanged local dynamics, logics and meanings. Altered arrangements are the result of readjustments rather than of the full incorporation of new institutional logics.

The changing trajectory of the BJ-WUA demonstrates the way national level policies land over local realities and the dangers this may present when not properly addressing local histories, power relations and cosmologies. The final outcomes of the translation process could not be further from how IWM is ideally proposed: inequality in access becomes legitimate, an important group is alienated from decision-making and no one truly believes in the promises of development.

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