

The participative management of water through basins in Mexico

Lack of experience or final failure? ¹

Eric Mollard, Sergio Vargas²

Abstract: Negotiations around divergent interests concerning the distribution of water in the Lerma-Chapala river basin are among the most advanced ones in Mexico. More than ten years after the first agreements and the creation of a river basin committee, negotiation is going through a period of stagnation.

This communication firstly recalls how the negotiations are embedded in the decentralization policy engaged by President Carlos Salinas de Gortari's government in 1992. Then, we detail the actors, their strategy and their interactions within the basin committee and within the whole framework of governability, which characterizes natural resource management in Mexico. Lastly, we discuss the assumptions of institutional inconsistency, social practices resulting from the past, weak environmental culture, and constraints of situation (electoral calendar, water shortage). Finally, on the basis of the actors' performance within the context of contemporary Mexico, the authors propose a double political reading.

The first one deals about "politicization" of water where no dialogue is possible without a really autonomous representativeness of users in the river basin council. Obstructions to dialogue by some powerful stakeholders would result, in a second reading, from the absence of some conditions of governability, be the framework of regulation participative or not. These minimal conditions are not specific to water management but include the whole policies of natural resource management.

Social participation became a current issue during the last few years in the international, national and local agendas. Everyone defends this idea, from researchers and NGO to politicians and citizens. This quasi-unanimity mirrors the legitimate aspiration of each of us to be heard, whereas this democratic practice is also judged to be an effective means to bring a group's decision closer to social request, local interest, and finally, common good. Additionally, social participation produces legitimacy, so that institutions and elected representatives are strengthened.

Not only we (the authors) do not call these postulates into question, but we consider that, for Mexico, which leaves several decades of authoritarianism and experiences, during this transition period, an unprecedented crisis of confidence, such a participative democracy is the

¹ Research project led by the Instituto Mexicano de Tecnología del Agua (IMTA), Mexico, and the Institut de la Recherche pour le Développement (IRD), France, with funding from Conacyt-Semarnat Mexico.

² Eric.Mollard@mpl.ird.fr ; svargas@tlaloc.imta.mx

only way to rebuild confidence, credibility, and legitimacy towards institutions and representatives.

However, the analysis of a participative experience in designing a regional policy for natural resources management highlights gaps for public action. These gaps can occur from the capacity to make a negotiated decision, at the moment of decision enforcement or later with turmoil by the most affected group. The first condition is general when we deal about social participation, whereas the second one is specific to the Mexican context.

1. Social participation without shared credible authority is doomed to failure. We will see how authority in Mexico was eroded under the previous regime at the point to compromise any attempts for public actions, be they participative or not³. As a comparison, developed countries show how much social participation and authority are indissociable and that their association results from an alchemy between institutionalized sequences, even ritualized with highly media-driven unrest, and practical, more informal procedures, as long as they do not infringe the spirit of laws. When a conflict between various radicalized interests blocks a negotiation, the stages of formal consultation and social demonstration are followed by informal procedures, as can be a dinner between a senior official and a political decision maker. This releasing remains legitimate because it achieves the institutional and social sequence. Obviously, Mexico which has just come from a period when no written rules were standardized at the point to have eroded the legitimacy of institutions and multiplied corruption, is not willing to go back to such an era; so much so that, to avoid any drift, nowadays one prefers the letter rather than the spirit of laws. However, conflict-solving is facilitated if the authority has some flexibility under the condition of respecting institutional stages.

2. In Mexico, social participation has been characterized by social practices from the former authoritative regime. If institutional corporatism, such as labor unions controlled by previous governments, lost a lot of influence, clientelism and privileges resulting from personalized, nested relationships allow traditional lobbies (better organized and closer to local governments) to effectively defend their point of view. Conversely, this effectiveness has a cost against public interest or simply in terms of equity. Indeed, the mechanisms of social

³ Under the current régime, the change in relations established between interest groups and regulating state increases such erosion.

representation through elections remain characterized by such a privileged relationship, leading then a representative, even formally elected by indirect suffrage (as is the case in basin councils), not to entirely represent the group and, inter alia consequences, not to be able to negotiate (i.e. to give up something) with the risk to be called in question by the base. The system becomes perverse insofar as the base recognizes its representative as long as this one does not make concessions. As soon as group's interests are affected, the leader is challenged by another leader making ideological overstatements, and such a substitution with more radical positions does not fit a better negotiation.

The object of this paper is to document two conditions which are missing in the Mexican participative process. As an example, we analyze some elements of a negotiation held in the Lerma-Chapala basin council during the past two years. The first part describes the framework and the actors, and gives details about the difficult conditions of the collective decision-making. The second part proposes an overall vision in the form of a diagnosis and ideas to mark out new institutional ways.

I - Decentralization, Social Participation and role of actors

The decision to open public decisions to society was taken in 1992. It was not a fact isolated from the national life. A same cause produced several institutional and social effects; effects which interfered on social participation.

1. Causes and Effects of Decentralization

The crisis of over-indebtedness caused by the rise and fall of oil prices led Mexico to call into question the long political system of redistribution via the leaders of various social groups and the whole system of support to productive sectors. Carlos Salinas de Gortari, initially a minister in Miguel de la Madrid's government, then president from 1988 to 1994, is responsible for the liberalization, but also for the questioning of centralism, for land "privatization" in *ejidos* and for the onset of social participation, in particular in water management through autonomous water user associations and basin councils. An important consequence was decreasing bureaucracy and corruption.

After the debt crisis in 1982 and the following fiscal crisis of the Mexican state, the political system shifted from the corporative forms of representation under a strong president regime coming from the state party. Neoliberal policies accelerated this process without rupture in political order. Between 1982 and 1994, economic policies changed towards commercial opening, especially with NAFTA and decreasing subsidies to many sectors, particularly to farmers and irrigation. Participation meant then the financing of irrigation by farmers themselves with a new water policy, in particular the National Water Law in 1992.

Decentralization gave resources back to state and municipal government to lead a specific policy independent from the party or the president. At the same time, incipient opposition parties started to win some local elections, then using the new capacities to defy the federal authority and to obtain more prerogatives. However, water became in certain states a political means to point out bad federal management, which the former governor of Guanajuato in particular, now the first president resulting from opposition had perfectly calculated. Today, water politicization is not only used to defy federal authority, but also to affirm the ruling capacity of a governor, to make him acquire a national dimension, and to transfer beyond state borders multiple local conflicts by crystallizing them in a struggle against the close state.

The new basin organizations, whose hydrological territory intersects the administrative partition of national space, then became the privileged arenas for antagonisms between governors, and between governors and the federal authority of water, namely the *Comisión Nacional del Agua* (CNA). The basin council resulting from the law in 1992 remains an advisory organization without own financing (Mollard and Vargas, 2003). It was conceived to consult states, to which the representatives of different water uses were added later, given that CNA can follow or not opinions given in the council. However, during negotiations between defenders of Lake Chapala and defenders of farmers, CNA was politically weak and unable to unilaterally take a decision without being accused by politicians and lobbys. This political weakness is at the origin of the true social participation and of the very role given to the basin council during this period (Mollard and Vargas, 2003).

2. The Lerma-Chapala Context

In order to face a tense situation between a lake about to disappear and farmers who need water for their livelihoods, the basin council started to modify the 1991 agreement on surface

water distribution. A hydrological model has been developed to support different scenarios. This model and the scenario were discussed in the Organization and Distribution Group (ODG) from the Lerma Chapala river basin council. Two years later, the ODG partially succeeded in getting an agreement on hydrological data, a model, and a range of more than 10 scenarios.

During the last decade, water conflicts have become general in the river basin, which partially results from a dry period that reduced water availability. Another reason is the growth in demand for other uses, including environmental protection of wetlands and lakes. At the beginning of 2002, Lake Chapala was reduced to a 15% of its total volume. In spite of the partial recovery of its level in 2003, dispute remains high.

Many questions arise: What is the extent of privatization or social participation in water management alongside a decreasing state regulation? How do bureaucratic organization, water users associations and states interact? How do grass root water user associations participate in the decentralized watershed management and which is the new sociopolitical process to share water shortage? Unlike local association, there is a specificity of territorial scale in basin councils with a political component. Additionally to the political factor, there is a shift in the balance between export-oriented farmers and subsistence peasantry. We witness a change from an expansionistic stage with emphasis in water supply under public control to another one where environmental values of water and social participation are recognized.

To approach the conflicts and problems of water in a comprehensive way, it is necessary to have in mind the geographic scale of the basin. On the one hand, the hydrological region is required to tackle the complex distribution and management of water and conflicts under clear rules of distribution and mediation. On the other hand, it is necessary to consider water as "fundamentally sociopolitical" to avoid that "watershed" became a "*problemshed*" (Dourojeanni, 2003)

In this work, we make three proposals. Firstly, there would be a saturation of political channels for mediation of interests because of the breaking-down of old centralized regulation and corporative representation. It would result in a deficit in the regulatory capacity of federal government. In the case of irrigation agriculture, changes in organization increased the transitional process in representation. Secondly, the institutional structure is unable to solve

resource deterioration within the present institutional framework. During the transition stage the shift from centralized to decentralized process is amplifying water conflict at the watershed scale with no federal arbitration. Thirdly, the transition stage towards decentralized management implies increasing conflicts, as well as the building of new actors and social innovations (Mollard and Vargas, 2002).

We assume that the regional society "participates" in partial way in water regulation, which remains under the responsibility of the federal government. CNA not only mediates interests for water, but also prevents new social innovation from organizing and modernizing. Furthermore, participation would require opening forums to other social and economic groups beyond traditional groups. Centralism of decision making remains unchanged when laws and people's expectations are changing. A tension between participation and old way of implementing water policy is increasing, and it seems that CNA not only rests on corporative schemes but also does its best to maintain such traditional relationships. As a result, the present institutional framework does not allow the basin council to build consensus, nor does it allow it to extend participation beyond old social schemes. There is no solution yet to stop resource deterioration.

3. Decentralization and Social Participation

While decentralization and social participation proceed from a common factor, both interfered later; in particular social participation in the basin council was instrumentalized by state governments (Mollard and Vargas, 2004). Such interference produced two results or problems:

- a. The politicization of water, with a toughening or even a personalization of the controversy between the governor of Jalisco, defender of the lake, and the governor of Guanajuato, defender of farmers' interest.
- b. A stalemate in negotiation and many obstructions which led to an alliance-based, non-negotiated decision to rescue the lake. As a result, farmers feel they will be the only sector to subsidize a federal lake and drinking water for Guadalajara.

One wonders about the reasons which resulted in making water a major stake in regional policy, especially when the governor who would be defeated was likely to lose much in this

battle in terms of credibility, whereas the electoral profit of the winner would finally remain reduced when public opinion does not perceive water as an essential issue.

We saw how much the come-back of independent governors, some fragile electoral balances and the political opportunity provided by the arena of the basin council provided support to political state strategies without fully explaining them. It is necessary to call upon social heritages, namely traditional lobbies and manners available to some pressure groups to put forward their interests to decision makers. The term *cacique* provides a convenient image to define these practices from which, finally, result a low representativeness with respect to people and the withdrawal of the latter from public affairs except for general mobilization or calling into question a cacique for another one. The cacique remains an intermediary able to give profit to its group from State redistribution and, if he gains some legitimacy during such play, he defends more the State or the government-controlled labor union from which he draws personal advantages than the group he represents. This traditional ability for a group to have access to financial resources from the State does not necessarily lead to electoral gain for a governor. In Jalisco, the group gathers urban contractors and owners in Guadalajara; as for Guanajuato, the minority group is made up of farmers and some agro-industry entrepreneurs. For this last state, it is not impossible either that a secret agreement exists between the current governor and the president because the latter is not able to afford a massive unrest of farmers against the lake in his original state (Mollard and Vargas, 2004).

Although the cacique gained access to rulers and can, through such resources, reduce a conflict or fulfill a local request, he remains not very credible and representative. While it is entitled to negotiate according to a "vertical" point of view to recover advantages for him and his group, he is unable to negotiate in a "horizontal" way with a challenger or a contradictor. Previously, under the authoritative regime, such involvement was impossible, because such redistribution was arbitrated at the highest level, sometimes at the president level. Nowadays, that remains impossible too because, initially, the current government cannot and does not want to support these practices of another age, and, then, the least negotiation through a cacique, namely a concession accompanied by a concession from the opposing party, will be regarded as a treason and immediately sanctioned by his substitution for a more radical cacique, i.e. by someone who is less able to negotiate. Under these conditions, the cacique does not have any other solution than to call upon authorities to negotiate, namely the governor. The governor, for reasons which do not immediately appear electoral, but which

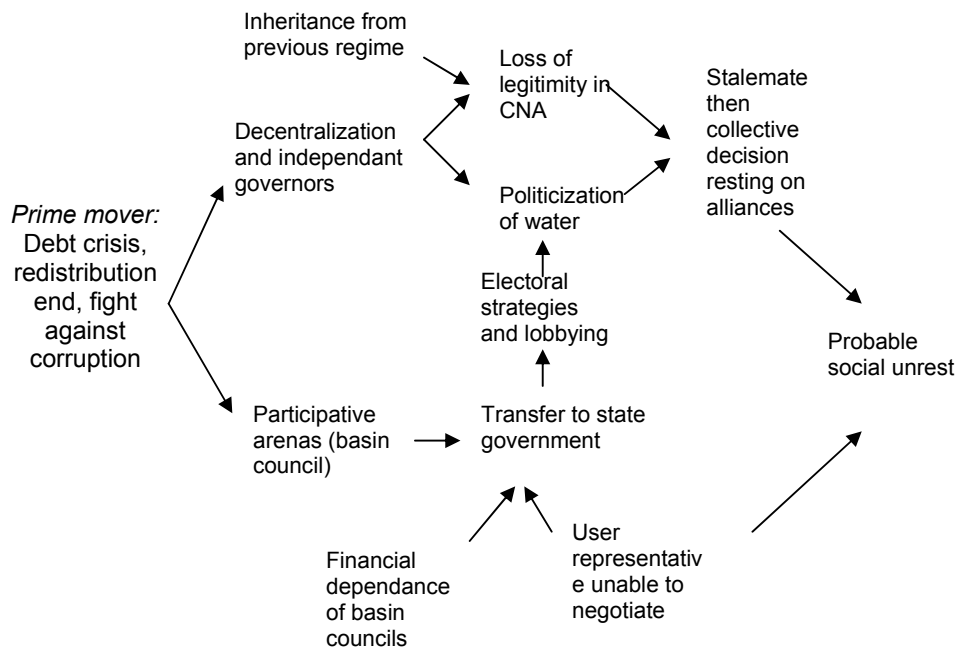
undoubtedly concerns the control of various lobbies as in the previous period, will thus take over such demands to politicize them.

Social participation in Mexico thus fits in a scheme where three noteworthy aspects are in relation to the triple transition which the country experiments:

- Institutional transition, in which the governor's role is increasing, whereas federal authority, already provided with a poor legitimacy, is defied (additional dramatic budgetary cuts comes from the executive power). The consequence is the political occupation of the basin council.
- The transition of the social bond from populism, with corruption and clientelism, towards incipient and poorly structured relationship between people and leaders. The consequence is the dispersed order in which people are made heard.
- Social heritages resulting from the former regime with same social resources and often same families of leaders (Romero, 2003). The consequence is here a low representativeness of elected officials who maintain a cacique status with an inability to negotiate on behalf of their group.

Figure 1 puts together effects and causes which possibly explain the ways of social participation and negotiation.

Fig. 1: Causes and effects of social participation and decentralization



As a conclusion, one cannot say that there was a real negotiation although there was consultation of stakeholders with many meetings. As a final analysis, a simple set of alliances resulted in a democratically approved scenario suggested by one stakeholder, even if this scenario rests on hydrological, economic, and social studies. To a certain extent, one can state that there was a lack of experience from all stakeholders unable to discuss options and to start mutual concessions. In another regard, one notes two provisional winners: CAN, which made a collegial decision close to the scenario that CNA itself proposed, and the government of Jalisco, which succeeded, by a set of alliances, in isolating Guanajuato, but also, at the same time, in generating displeasure for the affected group of farmers.

It also results that governors see their role reinforced against federal authority, which rises not only the simple problem of authority, but also a higher pressure from traditional groups directly on governors (see further). Electoral issues are not sufficient to explain governors' choices. Here still, one expects that the transition period will lead governors to be more responsible, accountable, and rational beyond old practices and personal bonds to solve the stakes that Mexico will have to tackle: Responsiveness has to be balanced with the spirit of

common good beyond state borders. Finally, it remains to think about an effective representation to negotiate on behalf of people. We will deal with such issue in the next chapter.

II - Political Diagnosis and Exploratory Tracks

1. A Would-Be Solution

We already referred, in developed countries, to the mix of authority and social participation in balanced sequences of institutional and informal actions. The few informal procedures are not necessarily delegitimized because they finish a sequence of consultation and social demonstrations which give to know the range of feelings within population and on which the authority rests to decide. These procedures intervene when stakeholders are radicalized and do not arrive to directly negotiate. One can say that authority here negotiates on behalf of divergent interests, taking the risk of building unanimity against such decision.

In Mexico, the current period does not fit to any informal exercise and, in addition to the return to a strict reading of laws, the prevailing consensus, although ineffective, is information and the promotion of water culture among people, which is admittedly poorly informed (we saw however that there is a withdrawal from the public life often for rational reasons of poor representativeness of elected officials, and that it would be necessary to tackle more the roots of the problem than appearances or symptoms: see further). This "panacea" apart from any institutional shift does not fit a convergent beam of clues:

- It does not match with the example given in countries where it is supposed that the participative framework is more effective;
- It does not match the many examples provided by Common Pool Resource theories
- Some concrete examples show the limits of the informational approach and consciousness-raising: failure of groundwater committees, failure of focus group for urban consciousness-raising to install water meters (Soares and alii, 2003), failure of volumetric equipment in many user associations.

Although people are often conscious of collective interest for regulation, as much in urban as in rural environments, the refusal to begin to control one's uses, namely to punish oneself for the benefit of others, is a rational attitude even if justifications are various and strongly

subjective. It happens that people are ready to make efforts for the community, but, in addition to rare philanthropists, they are often notables or traditional leaders who seeks to be distinguished and, consequently, not for reasons of common good, but for psychological and social legitimacy among a group (Mollard, 2002). From the economic point of view, they precisely have the means to drill deeper wells and they will survive with deeper water. Paradoxically, it is also those who pay more attention for saving water through technical and agronomic devices, but that is mainly to save labor costs more than water. Given their efforts to apparently save water, local leaders seek to make their position of enlightened notable stronger.

It would thus be necessary to come back to the various facets of authority, which one should not confuse with authoritarianism and state intervention. One knows the effective sanction for those who do not enforce rules, be participative or not; one also knows the forcing to enter a negotiation for all stakeholders without possible delaying procedures, unless a default stakeholder would be sanctioned more heavily (case of groundwater users in Beauce, France: Thivet, 2002). Another facet of authority is to guarantee the equality in front of law enforcement. This equal treatment with the same eventual sanction makes it possible to concretize what everyone recognizes as a good thing for the community, but that nobody wants to apply for fear of paying for others. Authority, by guaranteeing identical treatment, thus gives the possibility of exceeding the free rider behavior and of generalizing water meters for farmers and citizens (if authority is a very condition, there could be other shortfalls such as expensive controls and insufficiently resource-granted authority with qualified staff).

Restoring authority appears obviousness and information and conscientiousness-raising will be more effective. This effective authority does not have to appear since some examples will show that it exists and can guarantee equity, effective negotiation, and enforcement.

2. Tracks to be explored for a General Solution

Researchers often consider that authority is something existing, whereas it remains to be built in many cases. Some researchers are worried more about the ways of controlling free riders when control is not easy (non-point pollution for example) whereas, in Mexico and other countries, the political free rider tries to circumvent a negotiation, which is the first stage for decision-making. However, in Mexico, there is confusion on the roles of CNA: instead of

being in charge of every issue concerning water, its role should be restricted with effective control and denunciation towards a court, but this role must be confirmed by a real authority independent from politician and equipped in means and personnel. It is a strong people's expectation in the country, it is a condition for social participation and it is the most effective way to lead an effective policy for natural resources.

1. The first condition is thus the restoration of an effective authority, which is a background authority of which each one knows the possible intervention. It has to be a final authority with real sanctions when necessary.

Expected consequences: Such an authority will restore equality towards laws, the legitimacy of its action, the informal procedures in the spirit of laws; it will limit the challenges from governors towards federal authority and will guarantee real negotiations as well as the enforcement of what everyone would like to do collectively but cannot begin for lack of confidence in the equity of a system undermined by traditional privileges.

2. The second condition aims at the popular base, in particular a sufficient representativeness so that elected officials have legitimacy to negotiate, and not only a formal mandate. As authority it is a problem of legitimacy which is gained by strong institutions and time to generate confidence. Universal suffrage appears to be a good means because participative democracy must initially rest on elective democracy, which must be supplemented by forums and people consultations. Universal suffrage frequently scars because leaders suppose people not to be rational, to be poorly informed and highly versatile with a simple propaganda or a charismatic leader. Such opinion unrecognized the values in a population and the rationale explaining social unrest. On the contrary, such values are much closer to the best we can imagine, for example in terms of environmental values (Vargas and alii, 2004). Poorly credible institutions distort our judgments, and investigations can easily reveal these values. It is finally the vote for all (in basin council) which allows people to feel concerned, get informed, and provide shared standards of collective life.

As a result, new organizations (of farmers for instance) are required soon not only to structure local demands, but also to put an end to old corporatism partially maintained by government agencies. In a few words, old corporatism has to be substituted by modern professional organizations. The transition period is favorable for such organizations because old

organizations lost their influence. However, such innovations have to come from a bottom-up approach and they do not have to be instrumentalized by newly-empowered governors (Mollard and Vargas, 2003).

Expected consequences: More direct and explicit suffrage with an obligation of transparency gives their legitimacy back to elected officials and it will give them a real capacity to negotiate: is governing without negotiating really governing? These representatives should be able to return to the spirit of laws and to share standards of collective life with more accountability to people. Another consequence will be to reduce the politization of water and to shift the priority of decision from states to user representatives. On a longer term, relationships between elites and popular base will lead to build true professional corporations and unions able to organize people requests and avoid any intimidation or threat against some representative from leaders or states.

The analysis of stakeholders in water issues within a basin council shows the difficulties to build an egalitarian democracy in a country which never had it. It suggests that actors are rational in the situation in which they are placed and, even though there is a collective interest for a rule, the decision that everyone wishes does not succeed because of actor play within institutional framework. The solution is institutional and it is first of all in the hands of politicians.

References

- Boehm Shoendube, Brigitte, J. M. Durán Juárez, M. Sánchez Rodríguez y A. Torres Rodríguez (coord.) *Los estudios del agua en la cuenca Lerma Chapala*. El Colegio de Michoacán - Universidad de Guadalajara, 2002.
- Dourojeanni, Axel y Andrei Jouravlev, 2001, *Crisis de Gobernabilidad en la gestión del agua*, Serie recursos naturales e infraestructura, 35, Santiago de Chile, Cepal- División de Recursos Naturales e Infraestructura.
- Dourojeanni, Axel y Andrei Jouravlev, 2002, *Evolución de políticas hídricas en América Latina y el Caribe*, Serie recursos naturales e infraestructura, 51, Santiago de Chile, Cepal- División de Recursos Naturales e Infraestructura.
- López R.,Eduardo, Boris Marañon, Eric Mollard, Daniel Murillo L., Roberto Romero P., Denise Soares, Sergio Vargas V., Philippus Wester, 2002, *Le Gouvernement de l'eau au Mexique : Légitimité Perdue et Régulation en Transition*. IRD, (accepté)
- Mollard, E. & S. Vargas Velásquez, 2002a, “¿Que se seque el pinche lago! Las asociaciones de usuarios de riego ante los retos ambientales (México)”. Coloquio ALASRU. Porto Alegre, Brasil.

- Mollard, E. & S. Vargas Velásquez, 2003, "La politización regional del agua en la Cuenca Lerma-Chapala. Elementos de diagnóstico e impacto de las modificaciones de la ley de 2003". En Coloquio de la Asociación Mexicana de Estudios Rurales, Morelia.
- Mollard, E. & S. Vargas Velásquez, 2004, "Liable but not guilty" The political use of circumstances in a river basin council (Mexico). Understanding the Role of Politics in Water Management Marseilles 26–27 February, 2004
- Mollard, E. & S. Vargas Velásquez, 2002, "actores, iniciativas y conflictos en situación de transición política e institucional. un primer acercamiento a la cuenca Lerma-Chapala. II Encuentro de Estudios de la cuenca Lerma Chapala Santiago. El Colegio de Michoacán.
- Vargas Velásquez, S. & E. Mollard, 2002, Herramientas Metodológicas para Alcanzar Consensos en el seno del Grupo de Evaluación y Seguimiento del Consejo de Cuenca Lerma Chapala. Rapport pour la Comisión Nacional del Agua, Mexico. 50 p.
- Vargas Velásquez, S. 2002, Agua y agricultura: paradojas de la gestión descentralizada de la gran irrigación Artículo en revista Estudios Agrarios Núm. 20.
- Vargas Velásquez, S. & E. Mollard, R. Romero, D. Murillo. 2003, Evolución económica y valoración social de los escenarios de manejo de agua superficial en la cuenca Lerma-Chapala. Informe Final de proyecto para la Comisión Nacional del Agua.

Fig. 2: The Lerma Chapala river basin

