

Ecuador: an action research programme supports indigenous water rights

Inés Chapi is an Ecuadorian Indian woman who was born in Licto, near Riobamba. She has suffered from oppression and discrimination from white and mestizo (mixed Spanish and Indian origins) farmers before becoming a respected irrigation organised and peasant leader. In the Andean region, local and indigenous water rights and rules have been largely neglected for centuries. The indigenous population are fighting not only for their water but also for recognition of their water rules, authority and culture as well.

Licto: a struggle to gain the water rights

The indigenous people and especially the women of Licto secured and strengthened the main canal and constructed secondary and tertiary canals.

"Water is for the one who works" say the Indian peasants who headed the design, the construction and the organisation of the irrigation system in Licto. Inés Chapi supported the formation of an irrigation committee in Licto and has been elected as a board member. Her work is to manage the irrigation system. She teaches indigenous people to use water shifts and trains them to irrigate. She says: "The mestizos walked over us, always waiting for us to do the work. They think that the water belongs to the state. The Indian says: 'No. If they want to join the irrigation scheme, they have to work for it.' It was hard and tiring to get the right to irrigate."

Undermining the right of local communities to access and control water is still a factor, as powerful local, national and international water users encroach on local rights. There is also a threat from the latest privatisation policies, and State laws and interventions.

Nina Pacari, woman leader of the Ecuadorian indigenous movement and former Minister of Foreign Affairs, says: "In Ecuador, water is considered to be a public good. You have to fight for water." She believes that the fact that Indians are always the last to get water rights is due to racism and a structural power imbalance. Some indigenous people had to fight for more than 30 years before a

single drop of water reached their communities.

A research programme to propose an institutional reform

Indigenous people try to solve these problems through organisation and through gaining empowerment, but they face legal and other obstacles. Now, an action research group Water Law and Indigenous Rights (WALIR), is supporting their efforts to gain recognition of local and indigenous rights in national policies and in the legal framework. WALIR is a project coordinated by IWE-Wageningen University and United Nations/CEPAL.

WALIR conducted a mission to Ecuador in 2003 at the request of the Ecuadorian government to draw up a proposal for institutional reform which would strengthen the national irrigation sector. Once formulated, these proposals were discussed with Ecuadorian stakeholders.

WALIR proposed improvements to water policies and legislation, emphasising the need to ensure the viability of user organisations, an institutional support structure, equity of water access and rights, democratic water decision-making procedures and security for water access.

Institutional improvements

Institutional improvements in these proposals were based on the need to solve a number of problems:

- Central government lacks a clear overall role in defending the public interest in water management, while the legal framework leads to overlapping responsibilities;
- There is limited participation and representation by peasant and indigenous groups and their water organisations;
- Local and indigenous rights have been

neglected and water distribution rights are unbalanced;

- There is little interdisciplinary interaction, and an absence of integrated strategies.

Institutional reform at national level is a complex process which requires an enabling environment at central level and increased consciousness and activity by water users themselves.

To increase legal recognition and political representation of marginalised groups, a number of topics, like gender, cultural diversity, sustainability notions and local principles of justice and equity, have to be mainstreamed. Important legal rights have to be guaranteed in the constitution to create room to recognise local water management practices.

The concepts put forward by WALIR in Ecuador could be an effective means to strengthen current approaches and policy-making. And since these shortcomings exist in water management world wide, it is possible that such approaches could also be useful elsewhere

However, the WALIR proposals are only the first step in the reform process. Although they were widely discussed during the mission, the final outcome of the reform process, which strongly depends on the power of local water user groups, is likely to be quite different.

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