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Out of the mainstream: water rights, politics and identity

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in Latin America. Where the discussions are less strong is in exploring and making explicit the internal contradictions, tensions and uneven visions of alternative development that often exist within movements. One example of this is Librado's chapter supporting 'indigenous tourism' (p. 219) as an alternative development strategy. Unlike earlier authors who oppose dominant economic arrangements and the ways in which they commodify nature, Librado elaborates a less critical (albeit promising) alternative vision that sees local natural resource economies and the travel networks engendered by these economies as providing viable business opportunities for the livelihoods of indigenous groups in Mexico. One suspects that other contributors to the volume would be far less sanguine about the extent to which alternatives can be pursued within the context of actually existing capitalisms in the region.

This familiar (but nonetheless tremendously difficult to resolve) tension between critiquing neoliberal capitalism at the same time as having to seek alternatives from within it is also evident in Conroy's chapter in the book's final section entitled 'Transnational perspectives on organizing for social justice'. Conroy examines the fair trade movement and the struggles associated with creating alternative certification processes for commodities such as coffee. While the fair trade movement is a fine example of transnational human solidarity, the question remains as to how far it can deliver on the belief that 'another world is possible', as proclaimed by the editors in the book's introduction. The risk facing all such initiatives is that by taking as a given the role of consumption in driving meaningful, long-lasting change they end up privileging a view of the market as the main vector of social change while drawing attention away from the roles of the state, the public sphere and civil and political society. In this sense Jonathan Fox's chapter is a particularly strong and intriguing contribution. Fox explores how international out-migration can lead to new forms of mobilization and the emergence of what he terms a 'migrant civil society'. Fox suggests that the very act of migrating to the United States, and organizing from the position of migrant, has had the effect of making transnational collective action both more visible and, in some cases, more effective.

Rural social movements in Latin America is a fascinating book that provides an enormously useful view of the current state of social mobilization in the region. In particular, the inclusion of analyses by both researchers and activists gives the reader a clear sense of the varied and dynamic voices of contemporary Latin American social movements that are committed to creating sustainable alternatives for the future. For that reason, it is a highly recommended volume.

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Out of the mainstream: water rights, politics and identity, edited by Rutgard Boelens, David Getches, and Armando Guevara-Gil, London and Sterling, VA, Earthscan, 2010, xvii + 366 pp., US\$99.95 (hardback), ISBN 81844076765

This is a hefty edited volume that belongs on the shelves of scholars of Andean water rights and legal pluralism. The editors and authors include many of the leading international researchers in this area, especially the Dutch, a number of whom are

engaged in action research and applied development practice in some way. The book's tone and content are academic, and critical (leftwing) academics are the primary intended audience, but the aim is also to contribute to water politics in the Andes and elsewhere in the Americas, especially in relation to indigenous water rights. To quote the editors, 'The authors of *Out of the mainstream* examine the multi-scale struggles for cultural justice and socio-economic redistribution of water' (p. xiii). The editors have assembled 17 chapters that offer disciplinary and theoretical breadth as well as historical depth. Two chapters (by Assies and Baud) are not about water at all, but instead about indigenous politics and policies in the Andean and Latin American historical context. There are also two chapters about the Western United States, which are interesting and relevant although relatively thin in comparison with the rest of the book.

The field of water rights in the Andes has been much studied in recent years, by anthropologists, geographers, lawyers, and historians. The strongest group has probably been from the Netherlands, accompanied by scholars from Latin America, other European countries, and North America. All of these disciplines and nationalities are represented in this book. The editors are Rutgard Boelens, a Dutch researcher who has published widely on water rights and legal pluralism in the Andes; David Getches, a US lawyer and law professor who is a leading authority on Native American and water law in the US; and Armando Guevara-Gil, a Peruvian lawyer and anthropologist. All three editors have worked together in the international WALIR program (Water Law and Indigenous Rights), a multi-year collaboration between Wageningen University and the United Nations Economic Commission for Latin America and the Caribbean, and they have edited an earlier book in Spanish on the same issues and with some of the same contributing authors (Boelens *et al.* 2006).

Andean water rights issues have been both topical and heated since the rise of neoliberal economic policies in the 1990s. The editors of *Out of the mainstream* frame the book as a response to this neoliberal assault on traditional water uses and governance, which has been especially aggressive in South America (and also, although more tempered by government regulation, in Mexico). Neoliberalism has been a powerful force throughout Latin America, beginning in the Southern Cone in the 1970s and expanding with the international debt crisis in the 1980s, led and pushed by the World Bank and US-trained economists. As part of this broader historical process, neoliberal policies have had major impacts on Latin American water laws and water sectors, in ways that have varied a good deal from country to country. The pioneering example of Chile is an essential part of this story, although the Chilean case is unusual and its significance can be interpreted in different ways.

In this review I will summarize the overall structure of the book and try to indicate which parts will appeal to readers with different interests. I will make additional comments about the coverage of the Chilean case, which I know better than the other Andean countries. Limits of space prevent me from commenting on all 17 chapters.

Out of the mainstream is organized into four parts, each containing several chapters. The four parts hold together well. Part I presents the overall framework, with the title 'Water rights, power, identity and social struggle'. With a geographic perspective that extends beyond the Andes, this part has four chapters that speak in broad historical and theoretical terms of politics, political economy, and critical social theory. Part I, in the editors' words, 'introduces the control of water, the most

vital of resources, as the crucible for larger political and cultural interactions. The question is framed by discussing the main threads of neoliberal economic ideology' (p. 12). I will return to these threads, and Chapter 2, at the end. Chapter 3 (Assies) reviews and critiques contemporary national policies about indigenous and multicultural identities in Latin America. Chapter 4 (Zwarteveen) looks through a Foucauldian lens at the gender biases of water policies and water professions, and her analysis is not limited to the Andes.

In Chapter 1, the editors introduce the book in terms of recent global water policy debates and conflicts, particularly the top-down pressure by international organizations to convince developing countries to reform and modernize their water laws and policies.¹ These reforms have been pushed by the World Bank and other influential organizations, and the reforms' common features have been emphases on market economics, efficiency, and technocratic expertise, which are promoted as universal recipes that should replace local cultural experience and practice. Many locals, of course, resist these changes and reject the argument that such water 'reforms' would improve local conditions. These conflicts are especially sharp in the Andean countries of Bolivia, Peru, and Ecuador, where indigenous peoples are numerous and often socially and politically mobilized.

Ideas of legal pluralism resonate strongly in the Andean social context – that is, the idea that there are multiple systems of rules and norms in a given society, which co-exist and overlap at different scales, as opposed to the legal centralist idea that the law of the nation state is the only law that really matters. Again from Chapter 1:

Together, the chapters in this book aim for a better understanding of the struggles that ensue as 'modern' water policies confront local forms of control rooted in the culture and identities of the user groups and their networks ... [A]uthors have gathered to analyze the issues of legal pluralism, enforcement of local water rights and (non-) recognition of communities' own management systems in light of the local cultural foundations and the national and global power relationships that create tensely unequal multicultural contexts. (pp. 7, 11)²

Moreover, several authors engage with contemporary views of legal pluralism and 'interlegality', i.e. the notion that local, national, and global legal systems interact in complex and hybrid ways, rather than the classical view that contrasted local customary law with the colonial nation state. This more recent view has also become important in the emerging field of law and geography, although that is another story.

Part II is the most exclusively focused on the Andes, containing three chapters that examine the 'Politics of identity and Andean livelihoods'. Baud provides an historical overview of the region's policies towards indigenous populations, in general rather than in terms of water. Gelles's chapter focuses on water use and culture in Peru and Zoomers focuses on livelihoods in Bolivia. Part III is the book's longest, with six single-authored chapters looking at examples of 'Tensions and mergers among local water rights and national policies'. The cases include Peru (Guevara-Gil), Chile (Budds), the four Andean countries of Bolivia, Chile, Ecuador,

¹See Conca (2006) and Bauer (2004) for overviews of these global debates from somewhat different angles, and Whiteley *et al.* (2008), which I reviewed elsewhere, for an approach to equity that resonates with *Out of the mainstream*.

²See Bruns and Meinzen-Dick (2000) for a valuable collection about legal pluralism and water rights that emphasizes Asia more than Latin America.

and Peru (Hendriks), the Western United States (Hicks on the *acequias* of New Mexico, Wilkinson on Native American water rights in Nevada), and Canada (Hoekema's chapter ranges over other countries as well). Reflecting the themes of legal pluralism, all six chapters 'compar[e] the interactions among local water rights systems and the laws and policies of the dominant society' (p. 14).

Finally, Part IV draws the book's themes and lessons together with four chapters about 'Social mobilization and grassroots strategies for water rights'. These strategies emphasize legal and networking approaches beyond the local scale and tie them to political organizing. Chapter 14 (Getches) discusses the potential uses of international law, through various legal mechanisms, to assert indigenous water rights claims against national policies. Chapters 15 and 16 look at different aspects of cross-scalar and multi-scalar networking strategies in the Andes. Chapter 15 (Boelens, Bustamante, and Perreault) describes recent examples from Ecuador and Bolivia, including the famous Bolivian 'water wars'; Chapter 16 (Bebbington, Bebbington, and Bury) focuses on conflicts over the expanded development of extractive industries in Peru, Bolivia, and Ecuador, and the implications for water uses. In Chapter 17 the editors summarize the book and point to overall lessons.

The analysis of Chile in Chapter 2 (Achterhuis, Boelens, and Zwarteveen), as the pioneering example of neoliberal water policy, frames the book: 'The importance and popularity of the Chilean model was enormous, particularly after the 1980s' (p. 43). I appreciate the authors' close reading of foundational statements of radical neoliberalism and their critique of its utopian aspects, in Chile and elsewhere, as well as their discussion of the origins of the Chilean political economic model in General Pinochet's authoritarian repression and the Chicago School's free-market ideology. The authors make clear that Chile's 1981 Water Code is the purest example of the neoliberal threat to local and indigenous water rights (although in Chile it was not externally imposed by international organizations), and indeed the Water Code represents the darkest period of the Chilean military dictatorship and the most extreme version of neoliberal economics, before the financial crisis of the early 1980s led to somewhat more pragmatic policies. My own past work has studied this in detail and the authors cite some of it (Bauer 1997, 1998).

In Chapter 2, however, I think that the authors paint so stark a picture that they leave out issues that complicate or undermine their argument. Their attack on the World Bank focuses too much on Mateen Thobani, somewhat of a straw man whose fantastic and cartoon-like descriptions of Chilean water markets were so discredited by the later 1990s that other World Bankers regretted that he had done the cause more harm than good. The Bank and other like-minded organizations (e.g. Global Water Partnership) were making more nuanced arguments about water economics by the Second World Water Forum in 2000: still pro-market and sometimes slippery, but not so blindly neoliberal. Achterhuis *et al.* do not discuss the evolving political debate about water markets and tradable water rights either in the international policy arena or within Chile. Why have four democratically-elected, center-left Chilean governments kept the Water Code intact for 20 years after the military returned to the barracks? What is the lasting significance of the Chilean water rights model for international debates about integrated water resource management and sustainability? What are the benefits as well as problems of market approaches and how are they tied to institutions for governance and conflict resolution? These questions do not have simple answers. I have tried to answer them in later work (e.g. Bauer 2004), although it is not cited or discussed here.

Fair enough: Achterhuis *et al.* are making a different argument, and the aim of the book is to strengthen opposition to neoliberal water policies. A critique of the Chilean model can serve that purpose. For some readers, however, the strong focus on the neoliberal threat to local/Andean/indigenous water rights may result in some loss of perspective on other problems of water governance, economics, and sustainability, problems that national and international policymakers still need to address.

Out of the mainstream is a well-designed and ambitious book that brings together an interesting set of authors, cases, arguments, and approaches. It is a solid addition to the literature on comparative water rights.

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References

- Bauer, C. 1997. Bringing water markets down to earth: the political economy of water rights in Chile, 1976–1995. *World Development*, 25(5), 639–56.
- Bauer, C. 1998. *Against the current: privatization, water markets, and the state in Chile*. Boston: Kluwer Academic Publishers.
- Bauer, C. 2004. *Siren song: Chilean water law as a model for international reform*. Washington, DC: RFF Press.
- Boelens, R., D. Getches, and A. Guevara-Gil, eds. 2006. *Agua y derecho: políticas hídricas, derechos consuetudinarios e identidades locales*. Lima, Peru: Water Law and Indigenous Rights and Instituto de Estudios Peruanos.
- Bruns, B. and R. Meinzen-Dick, eds. 2000. *Negotiating water rights*. New Delhi: Vistaar Publications and International Food Policy Research Institute.
- Conca, K. 2006. *Governing water: contentious transnational politics and global institution building*. Cambridge, MA: MIT Press.
- Whiteley, J., H. Ingram, and R.W. Perry, eds. 2008. *Water, place, and equity*. Cambridge, MA: MIT Press.

The new harvest: agricultural innovation in Africa, by Calestous Juma, New York, Oxford University Press, 2010, xxvi + 268, US\$19.95 (paperback), ISBN 978-0-199-78319-9

Based on *Freedom to innovate: biotechnology in Africa's development*, a joint report from the African Union and New Partnership for Africa's Development (NEPAD), Calestous Juma's new book has found a far wider audience than development secretariat communications normally command. From appearances on the Canadian Broadcasting Corporation's breakfast radio show to the London Guardian to Twitter, Juma – a Professor of Development Practice at Harvard University – has broadcast his Afro-optimism widely.

The persistence of African hunger occasions little cause for cheer, and the fact that Juma promises innovation-driven answers, together with the public and private discovery of Africa's agricultural potential (Africa has more arable land than Asia or Latin America, we learn), means that this book is very well timed. Juma's cheer, 'guided by the view that innovation is the engine of social and economic