

## Chapter 25

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# “THE PEOPLE WON’T GIVE UP, DAMN IT!”: RECLAIMING PUBLIC WATER IN BUENAVENTURA, COLOMBIA

This chapter provides a brief history of water supply in Buenaventura in an effort to demonstrate how this background affects the ways in which the city has responded to Covid-19. First, it discusses the shortcomings of the regional public water utility in the 1970s and the process of privatization that began in the 1990s with a concession contract. Second, it reviews the performance of the private company, *Hidropacífico*, between 2002 and 2014. It then focuses on the emergence of a social movement around access to public services and the 2017 Buenaventura civic strike (*Paro Cívico de Buenaventura*). The final section is dedicated to the strategies by which communities face the Covid-19 emergency in a context of water shortages and infrastructural breakdown. The chapter’s purpose is to highlight the ways in which, through persistent mobilization and crisis, communities seek to regain control over the distribution of their water.

## INTRODUCTION

“The people won’t give up, damn it!” was the slogan of the 2017 Buenaventura civic strike that paralyzed the city and threatened to block most of Colombia’s international trade for more than three weeks. The decision to take to the streets was made after several years of waiting for better access to services such as health, education and water. A drought in the Escalerete River, the city’s main source of water, catalyzed the protest, exposing the infrastructural decay and lack of maintenance that had hampered water supply for years, and triggering extended water cuts. Civic strike negotiations with central and regional governments were focused not only on securing a budget for new infrastructure, but above all on implementing profound changes in municipal water management.

Buenaventura, which in Spanish means “good fortune,” is a city on Colombia’s Pacific coast, populated mainly by Afro-Colombians. During the late nineteenth century it was promoted as a port and its importance in foreign trade grew rapidly. Communities then settled by the water, reclaiming land from the sea by building stilt houses. The city was founded on Cascajal Island, which still hosts much of the city’s population as well as its commercial and political centre (Gärtner 2005). Besides being surrounded by the sea, Buenaventura is enclosed by a number of streams and rivers.

Throughout the mid-twentieth century, migration from nearby rural areas contributed to the city’s rapid urbanization. The port gained importance during the 1970s and 1980s and, managed by the state company *Puertos de Colombia*, it represented a source of work for communities. However, after Colombian ports were privatized through concession contracts in the early 1990s, labour unions were abolished, and formal employment became almost non-existent in Buenaventura (Castillo 2017). Over the past three decades, state and international actors have invested in infrastructure megaprojects to expand the capacity of the port. In parallel, drug trafficking has

taken hold in the port, and confrontations between private armed groups and displacements of the civil population have become acute (Memoria Histórica 2015).

Buenaventura has a population of 432,417 people, of which 66% are under the poverty line. Life expectancy is 51 years, which is 11 less than the national average (Revista Semana 2017). By early 2020, the city had a 34% unemployment rate (Redacción Cali 2020b). Different reports highlight the unequal and sometimes conflictual relationship between the city and the port, because despite the success of the port and the many investments it attracts, it generates a limited amount of employment, mostly for workers brought in from elsewhere, while the city is one of the country's poorest and least developed (Castillo 2017, Nicholls and Sánchez-Garzoli 2011, Zeiderman 2016). Approximately 80% of the population has water supply connections but do not receive more than five continuous hours of water a day. Many depend on rainwater harvesting, and only 50% have access to improved sanitation (Silva 2017a, Suárez 2017).

## FROM PUBLIC TO PRIVATE

Despite rapid growth in Buenaventura, the city's water was provided by an aqueduct built for a small town well into the late 20th century. Likewise, water services continued to be provided by a departmental public utility, *Acuavalle*, which focused mainly on municipalities and rural towns with smaller populations. During the 1970s some works took place with regional funding to extend water supply and update the treatment plant. However, as the city expanded, the existing infrastructure became insufficient, and *Acuavalle's* work began to draw greater criticism. The population continued to receive water intermittently, supplementing their needs with rainwater (Hurtado 2017).

In the early 1990s, the municipal government, then led by the Liberal party, began infrastructure repair works to fix various sections of the network, and the city hired an engineering firm to

design a so-called “Water and Sewer Master Plan.”<sup>1</sup> Many of these works were not completed due to lack of funds (Suárez 2017). In 1994, Law 142 introduced nationwide reforms pushing for the neo-liberalization of public service provision. The 1991 constitution had opened the door to private sector participation by making public services subject to “free market competition” based on the principle of “economic freedom.” Law 60 of 1993 had already authorized municipalities to privatize the water supply, but it was Law 142 of 1994 that required cities wishing to retain public ownership to justify their choice. Where public ownership could be “justified,” service providers were required to be organized as corporations, be they wholly public, mixed ownership (with a maximum of 50% public ownership), or fully private (Acevedo Guerrero et al. 2015).<sup>2</sup>

These changes at the national level paved the way for reforms in Buenaventura. In 1996 a document issued by Colombia’s highest national planning authority, the National Council for Economic and Social Policy (CONPES), authorized the state to contract loans for US\$17 million to finance the City’s Water and Sanitation Master Plan. CONPES document 2861 stipulated that, in order to access the resources, the city had to create its own autonomous water corporation (CONPES 1996). Thus, in July 2001 the municipal government created the Water and Sewer Society of Buenaventura (SAAB) with capital from the municipality. Members of the city’s construction sector also contributed with small sums and became shareholders. Since the newly created SAAB had no previous experience supplying the service, the plan was to outsource the service through a concession contract (H. Cárdenas 2017). However, the tender was irreg-

<sup>1</sup> The two traditional Colombian political parties, Liberal and Conservative, were founded in 1849 and ruled the country throughout the 20th century and until 2002. These parties were simultaneously mass actors and very lax multi-class coalitions. While liberals pushed forward an agenda of land, electoral and educational reform, conservative discourse revolved around the defense of the Catholic Church, property and order (Arias Trujillo 2011, Palacios 2003).

<sup>2</sup> The largest cities (Bogotá, Medellín, and Cali) resisted the pressure to privatize, but were further corporatized (Acevedo Guerrero et al. 2015).

ular since only one candidate was presented and the selection was carried out in a rushed manner and at the ministerial level (Redacción 2014). In the end, the newly created joint venture Hidropacífico, signed an operation and maintenance concession contract for 20 years.

Hidropacífico was constituted by *Conhydra*, a water operator from the city of Medellín that specialized in providing services to small towns, and *HidroserVICIOS*, a small water operator from Bogotá (Redacción 2014). According to a 2002 editorial from the national leading newspaper *El Tiempo*, the prospects were very good. Not only was the new operator, which had a good reputation in the Antioquia department, expected to provide a more consistent service and improve water quality, but also to manage the new resources to extend and improve the infrastructure in a matter of a few years (Editorial 2002). Funds secured for the Water and Sanitation Master Plan would ensure the improvement of the treatment plant and the repair of leaks along the network.

In general, it was believed that the public departmental utility Acuavalle was responsible for the deterioration of the service, and a certain prestige was attributed to the entrepreneurs of the city of Medellín, who had cultivated a popular image of being good businessmen (Editorial 1999, Editorial 2002). The private sector was also thought to embody a certain discipline and technocracy that avoided corrupt practices.

## HIDROPACÍFICO AS WATER OPERATOR: 2002-2014

This optimism was short-lived. The funds promised in the CONPES were partially disbursed in 2004, and in the end, were not managed solely by Hidropacífico but with the intervention of the city's public entity, SAAB. Over the years, the service did not improve. While local administrations blamed the private operator for the poor maintenance of the network, the operator blamed the government for the lack of investment in new treatment plants and in the extension

of the network (H. Cárdenas 2017).

In 2007, the local government obtained a loan for infrastructural improvements to solve water leaks, ensure micro and macro metering, improve water pressure and provide daily service for 16 hours, as well as improving sanitation coverage and addressing flooding problems. Despite the disbursement of funds, none of these problems were solved (Comité por el Agua y por la Vida 2018). The construction company hired to complete the works declared bankruptcy and the funds were eventually exhausted (H. Cárdenas 2017).

Corruption investigations were opened against city officials and the mayor. And as water supply in the city became increasingly unpredictable, the private operator's performance began to be questioned as well. Hidropacífico declared that the concession contract in Buenaventura was not profitable due to leaks and fraudulent connections. In turn, city council argued that the operator was not adequately maintaining the networks due to their own mismanagement and not a lack of revenue (Redacción 2014).

This cycle of state funding for infrastructure works that were never completed continued for years. There were also disagreements over the suitability and adequacy of the infrastructure. Service regularity did not improve (Hurtado 2017). In 2011, the attorney general's office opened corruption investigations. Mayors in office from 2004 to 2019 were eventually investigated and charged for crimes related to corruption (H. Cárdenas 2017, Redacción Cali 2018).

It is also important to mention that during this period, political dynamics in the city (and the country in general) had changed considerably due to the intrusion of paramilitary groups into electoral politics (Romero and Ávila 2011). The collaboration of politicians with paramilitaries included harassment of voters and donations to campaign funds. Once elected, politicians returned the favors through the appropriation of public funds and public offices (Verdad Abierta 2011).

While Hidropacífico's manager argued that the company had

“fulfilled its obligation to manage and keep existing networks in good condition,” adding that “the company had never been profitable,” a group of protestors walked to the mayor’s office and burned their water bills (Editorial 2011). The protestors complained about water cuts that left entire neighbourhoods without water for several days. While communities spent weeks waiting for water, “cargo ships receive the liquid without problem and pay it in dollars, and this leaves a bad taste in the community,” said Andrés Santamaría, regional ombudsman (Editorial 2011). In the meantime, supply to the city was becoming increasingly complicated due to multiple leaks and low pressure (Redacción 2012).

A 2013 a federal investigation reported that just 16% of Hidropacífico’s subscribers had continuous service for at least 15 hours a day. During the rainy season, the service was further disrupted (Suárez 2017). In 2014, the Ministry of Finance and Public Credit declared that 13 years after signing a concession contract for the operation and maintenance of the network, Hidropacífico had not been able to guarantee the adequate and efficient provision of services in terms of continuity and coverage. In addition to irregularities in the work of public institutions such as the SAAB, the local administrations and the federal oversight institutions, the private operator did not invest in maintenance (Redacción 2014).

## THE CIVIC STRIKE OF 2017

The possibility of terminating the concession contract was first discussed in 2012 (Redacción 2012). By 2014 the situation was tense. Not only did access to water and other essential services worsen, the city was also in the middle of an armed confrontation with paramilitary groups that were forcing the displacement of communities and providing armed support to private investors (see Memoria Histórica 2015, Zeiderman 2016).

Thus, in July of that year, more than 30,000 people took to the streets in a massive mobilization that ended with a sit-in at the

mayor's office to demand that the government intervene to end the violence. They also demanded better public investment in water, health and education infrastructure (Silva 2017a). After the street protests, leaders of the social movement went to Bogotá to meet with the federal government. Then-President Juan Manuel Santos sided with the community. He described the water system as one “designed 80 years ago, with a trail of unfinished works, and with expensive unused equipment that has mostly been dismantled” and announced that the federal utilities regulator *Superintendencia* was going to audit Hidropacífico (Redacción 2014).

After an eight-day mobilization, the government agreed with the movement leaders to create the *Todos Somos Pazcífico* fund, a US\$400 million trust to build water and sanitation infrastructure in Buenaventura and invest in health and education (CONPES 2015). But soon after, the funds initially promised only for Buenaventura were split between 178 municipalities along the Pacific coast (Arenas 2017a). Moreover, promises to audit Hidropacífico were not kept. There was ongoing talk of terminating the contract, but an agreement could not be reached with the operator. Paradoxically, while maintaining that operations in the city left them with economic losses, the company refused to end the contract prematurely (Redacción 2014).

Tension mounted again in 2017, triggered by a prolonged water cut in the midst of a drought which left 5000 community members without any water for weeks (Redacción 2017c). According to Hidropacífico's manager, water levels declined to a point that did not allow “for optimal water production.” The manager noted that the company would continue to serve the city with water tank trucks (Redacción 2017a). Despite this, water shortages continued, and water quality was poor.

Faced with protests, the regional government promised more investment (Ramírez 2017b). The governor also initiated talks with the operator, through the mediation of the city mayor, to reach an agreement about ending the concession ahead of its formal date.



Hidropacífico's management declared that they were willing to step aside if the government compensated them (Silva 2017b).

By May 2017, the city's crisis was not improving. Thus, a general strike was organized (Silva 2017a). Fifteen community associations worked on the mobilization with support from 11 trade unions, including those that represented transporters, teachers and all other public workers. The general purpose was to force the national government to declare an "economic, social and ecological emergency" in Buenaventura, which would only allow rapid disbursement of funds to the city and facilitate citizen oversight and control of these funds and of the provision of public services (Silva 2017a). More than 150,000 people took to the streets to protest, and roads were blocked to stop national trade.

The reasons for the strike went beyond access to public services and contested structural problems such as inequality and structural racism. Buenaventura is a city with a majority Afro-Colombian population (88.7% according to the last national census), and by 2017, two thirds of the population were living under the poverty line and 62% were unemployed (N. Cárdenas 2017). Historically, Colombians have mapped racial hierarchy onto the country's different regions by developing a racialized discourse that associated certain regions with progress and "whiteness" while other regions were characterized as "black" or "indigenous" and associated with disorder and danger. Located mainly in the Caribbean and Pacific coasts, Afro-descendants have been historically marginalized in terms of infrastructural investment, socioeconomic development and political power (Wade 2009, 2012).

Buenaventura's civic strike paralyzed the city for 23 days. In the final agreement signed by the national government, the organizing committee, and some international guarantors, Buenaventura was awarded funds (in part from taxes derived from the port, and in part from state loans) (Silva and Arenas 2017). A new Water Master Plan was introduced to extend the pipelines and guarantee water supply 16 hours a day without interruptions. The first phase of a

Sanitation Master Plan was also funded (Hurtado 2017).

The political landscape changed after the strike. Not only had the population organized itself into assemblies, but the traditional political class was weakened. With mayor Eliecer Arboleda in jail and many of the politicians linked to paramilitaries legally barred from public life, the road was clear for other forces to enter the electoral arena (Soto 2018). With a popular coalition, independent from political parties, one of the strike's leaders, Víctor Hugo Vidal, was elected mayor and began his term in October 2019. After Vidal was elected, the strike organizing committee cut ties with him to maintain its independence from government and continue its citizen oversight work.

The operation and maintenance contract signed with Hidropacífico ends in December 2021, and the local government aims to come up with an institutional scheme to provide the service as of January 2022.

## PANDEMIC AND PRECARITY

In January 2020, Víctor Vidal took over a debt-ridden city. Unlike his predecessor, Vidal set up a cabinet with almost no ties to political parties (Soto and Ávila 2020). Vidal also represented a threat to illegal and private interests related to drug trafficking and control over the port, creating potential barriers to getting things done. Another obstacle would come from a newly elected right-wing national government (Carranza 2020).

Within his government plan, Mayor Vidal intended to open new paths and alternatives in water supply. Instead of paying Hidropacífico to terminate the contract early, the local government is exploring the possibility of creating a public company located in Buenaventura, owned by the city, to provide the service as of December 2021 when the concession with Hidropacífico ends. This process, which began in August 2020, will have three phases. The first phase, which would run until October 2020, is an analysis of

alternatives. The second phase, which would run until February 2021, would be dedicated to developing the legal, technical and financial constitution of the utility. Finally, phase three, which would run until mid-2021, would be to prepare the utility to start providing the service in January 2022 (N. Rosero, leader of the MAV, personal communication, August 14, 2020).

All these initiatives, however, were affected by the arrival of Covid-19. Faced with a precarious situation of massive job losses and threatened food security, the local government had to organize the delivery of monetary aid and food assistance. During the first week of May 2020, Mayor Vidal asked the national government to give special consideration to Buenaventura, due to the economic vulnerability of its inhabitants.

But the Covid-19 pandemic has also served to highlight the paradox that characterizes the city: the port has funds but the city does not. This is because the port of Buenaventura did not stop for a single day during the months of March-August and continued to operate without many changes (Redacción 2020b). In tune with the dreams of a “Pacific Alliance,” which would entail linkages between the economies of Colombia, Chile, Mexico and Peru (Eder 2017), the central state protects public and private investment in the port which in turn leaves little for the urban population (Comisión de la Verdad 2019).

The National Health Institute, for its part, warned about the vulnerability of Buenaventura to Covid-19, not only because it houses a port, with people entering and leaving the city, but also because of the intermittent water service that complicates hand-washing measures (Redacción Cali 2020a). Faced with questions about the state of the city’s water infrastructure, the deputy minister of water, José Luis Acero, argued that despite the investments, the improvements will be seen little by little and that “before 2024 it will be difficult for the residents of Buenaventura to have continuous water supply and sanitation services.” Acero also explained that despite the agreements reached by the previous government with the strike commit-

tee, the current government must make investments according to its own budget (Espinosa 2020).

Among the federal measures taken to face the pandemic, some were related to water supply. The first of these, which were taken in March, were: service reconnection to households that had been suspended for non-payment; the freezing of water tariffs; and the cleaning and disinfection of public places with high volumes of activity. Other nationwide measures included payment plans for low-income residents who could defer their utility bills to pay in 36 instalments without penalty or interest, and for middle-income residents who could defer their payment over 24 instalments (Government of Colombia 2020). However, these measures did not help the majority of Buenaventura's residents, who receive low-pressure water every other day for only a few hours and depend largely on rainwater.

The situation worsened significantly during the last days of June when infrastructural damage caused a prolonged water outage in the city. As Mayor Vidal explained to the press: "Almost 66 meters of pipeline fell into the river and we have a very complicated situation given that 70% of the water supplied to the city is conducted through this pipeline" (Redacción 2020a). It was not, as some national media described it, a "natural disaster." On the contrary, the collapse had been anticipated because of the lack of maintenance by Hidropacífico (Arenas 2017b).

Both the local government and Hidropacífico organized the distribution of water in tank trucks to address the situation, but conflicts between and within communities emerged while lining up to receive one or two buckets of water (Yamile, resident of El Capricho neighborhood, personal communication, July 5, 2020); a situation made even worse by the fact that there were 1,282 cases of coronavirus in the city at that time (Redacción 2020a).

Supply was eventually restored, but the rupture weakened other fragile infrastructure. During the month of August, households in some neighbourhoods received water every three days instead of

every other day, forcing them to collect rainwater (Alicia, resident of El Capricho neighborhood, personal communication, August 20, 2020). This situation made the main Covid-19 prevention measure, to wash your hands every three hours, difficult. Thus, a population that was already struggling was made even more vulnerable. By the beginning of July, when the pipeline was repaired, Buenaventura had the highest mortality rate from Covid-19 in the region of Valle del Cauca (Bravo 2020).

## CONCLUSION

The civic strike of 2017 proved to be a turning point for Buenaventura, contributing to the election of a mayor who does not come from traditional politics, is committed to enforcing the agreements that were reached with the national government, and intends to fight corruption (Duque 2020). And even though city council and the national government are run by right-wing parties, Mayor Vidal insists that he will push through a progressive agenda:

The National Government is obviously not in our ideological line, but it understands that this local government is serious... We have a direction which is embedded in the strike agreements. In other words, we are not going to discuss with the national government if the hospital will be rebuilt or not. That has already been agreed. We will discuss the times, the plan, the path, but we will not reopen discussions that have already taken place during the strike negotiations (Vidal, quoted in Duque 2020)

Among the purposes of the new local government is the crafting of alternatives for the provision of water service after the departure of Hidropacífico in December 2021. In the meantime, Vidal's government aims to monitor all investments in water infrastructure, drainage and sanitation. These plans, however, will have to over-

come many obstacles. Among these is the national economic crisis that may delay some investments in infrastructure. Furthermore, unemployment in the city will make it difficult for households to pay for services without a strong system of subsidies. It is also worth noting that the elected national government has systematically breached some of the peace accords signed in 2017 (Redacción Política 2020), adding to the unemployment situation and contributing to the worsening of violence in the city. In this context, it is difficult for local government to work in some neighborhoods where there are armed confrontations (Carranza 2020).

There is also a paradox around the return of water to public hands. As the city waits for a new public water operator in 2022, Hidropacífico has little incentive to do a good job during its remaining tenure, made worse by the fact that it has not faced any sanctions at the hands of national regulators and it has a fixed income from the sale of water to the port's administration and ships. Thus, the city will have to face another year of poor water service, despite the fact that by late August, 2020, Buenaventura had the highest fatality rate from Covid-19 in all of Colombia (Redacción Cali 2020a).

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