

**Defending Water:
Water Resources, Market Policies, and Social Mobilization in Post-Authoritarian Chile**

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Abstract: In the early 1980s, Pinochet’s authoritarian government commodified all freshwater resources in Chile, characterizing water as private property in constitutional law and creating a water code to generate market-like exchange of water titles. Almost thirty years later, two decades into the democratic transition, a broad-based movement for the defense of water emerged, calling to replace this legislation with a framework which recognizes that water resources are a “common good,” not a commodity. Why and how did the status of water finally become politically contested? I argue that movement leaders and participants built the movement by connecting a network of geographically dispersed local movements against the mining, forestry, and hydropower industries into a broader alliance of organizations mobilizing about water. The discussion about water facilitated a shared understanding of the socioenvironmental consequences of the country’s economic development model, building ties among activists, creating opportunities for political learning, and developing a critique of existing legal codes and institutions inherited from the authoritarian period. The case contributes to existing scholarship on social resistance to the commodification of natural resources and mobilization after dictatorship.

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Introduction

In April 2013, thousands of people took to the streets in Santiago, Chile’s capital, for the first national march for the defense of water. The event had been planned as a peaceful protest and a celebration—a “*Marcha Carnaval*”—and the mood was serious yet energetic. A group of students stood together, talking; one of them held a sign saying: “They privatized the land, seeds, the water...what’s next, air?” A woman wearing a water droplet mask and a prisoner’s uniform walked by, held in chains by a man clutching dollar bills, up on stilts wearing a suit and a pig mask. Two older protesters, each holding a sign declaring “water is not private property,” came up and stood next to the students. Nearby, another woman carried a banner; printed on it, black on white, were simply the words: “Water is a human right.” Further along, protesters carried a black painted coffin adorned with an aluminum-foil cross and a yellow rose; the image of the deceased on top of the coffin was a photo of nature.

One of the movement organizers warily eyed the line of police assembling near the edge of the gathering and said to me that he hoped things would stay calm. The police officers wore full riot gear and vests labeled “*Carabineros de Chile*,” and assembled near a group of students surrounding a shirtless young man with an anarchist circle-A scrawled on his chest. In many of the recent protests, the police had gotten in the habit of using tear gas and water cannons to disperse the crowd, while the anarchist block of the student movement would respond by throwing rocks. The water march organizers had planned that day’s protest as a peaceful event—some demonstrators had even brought their small children—and they hoped that things would remain calm and positive. Soon two new groups of protesters joined the crowd to cheers; they had marched all morning from the southern and northern ends of the city to symbolize that this was a march representing different conflicts across the country, not just the capital. Protesters

came chanting about the effects of the mining industry on water in the north and conflicts with large agroindustry in the central region, bearing signs warning about the impacts of hydroelectric dam construction and the pulp and paper industry in the south, and above all, with many messages declaring that water should no longer be treated as private property and should be managed as a common good, not a commodity.

Many different groups participated in this march, but their shared target was the Water Code of 1981 and the Constitution of 1980, the sources of the legal and institutional framework that had commodified all freshwater sources in the country under Augusto Pinochet's authoritarian regime more than thirty years earlier. To commodify freshwater resources, the state created the constitutional right to hold property titles to water, enabled individual parties to register indefinitely held "rights of use" over water, and changed the country's water code in an effort to generate market-like exchange in water titles. The application of market logic to water had been attempted in other settings around the world—through trading "use-rights" in local water markets or the privatization of water infrastructure and services—but the Chilean case was unprecedented, given that all freshwater resources in the country were reinvented as private property.¹

Nevertheless, social mobilization in response to the commodification of water was slow to emerge. Whereas in other contexts, such as the well-known case of the water wars in Bolivia (Assies 2003; Kruse 2005; Nickson and Vargas 2002; Simmons 2016a; Simmons 2016b; Spronk 2007), social protest emerged quickly following the introduction of market policies affecting water, the democratic transition in Chile had been underway for more than a decade before instances of mobilization around water resources began to converge into a broader movement

¹ Almost all urban water utilities in the country had been privatized as well in the 1990s, by the center-left *Concertación* government.

questioning the status of water resources in the country. More than two decades of the democratic transition would go by before the first water march was held.

Chilean society was politically relatively quiescent during the early years of the transition (Carlin 2006; Delamaza 2015; Hipsher 1996), which has been characterized as an incomplete transition (Garretón 1991) and a *transición pactada* (a transition by agreement) (Arcaya 1999). The democratic transition was built upon what scholars like Garretón (2003) have referred to as consensus politics, which prioritized democratic stability, until a cycle of protest began with the mobilization of the student movement in the 2000s (Donoso and Von Bülow 2017). The movement around water in Chile was one of the manifestations of what Roberts (2017) refers to as the “‘third generation’ of anti-neoliberal social protest in Latin America” that “emerge in contexts of advanced liberalization that have been thoroughly reconfigured by technocratic attempts to narrow the political domain” (222), with groups trying to “‘re-politicize’ social and economic fields that had previously been subjugated to market criteria and, consequently, insulated from public processes of democratic contestation and collective decision making” (222). The governance of water resources, which had been commodified in the early 1980s, became one such new area of contestation.²

² Water privatization can be an ambiguous term, especially in the context of social movements, which can quickly shift from claims about specific policies to broad statements about water as a social good that blend different understandings and critiques of privatization. In the Chilean case, water underwent a “double commodification” in the sense that water resources were commodified at the source (in bodies of water such as rivers as well as groundwater aquifers) and then water utilities delivering water supply and sanitation services were also privatized. The first form, which I refer to as “commodification of water resources,” refers to creating laws that treat units of freshwater as private property and attempt to stimulate market-like exchange in use-rights, based on the logic that this way, water will be allocated most efficiently to different uses. Commodification of water resources and water markets have been most common in arid climates and conditions of water scarcity (e.g., in California and Australia), and have often been used within particular sectors (such as by farmers for irrigation); in the Chilean case, this logic was extended to all freshwater sources in the country. The second form, and one that more typically appears in the literature, is water utility privatization referring to transferring water and sanitation services from the public to the private sector. In practice, there are different degrees of such transfers, including full divestiture and transfer of the infrastructure to the private company; transferring the utility along with responsibility for management and investment through a concession contract for a thirty- or forty-year period; or introducing a private company to take

Within this broader cycle of protest, how did water finally become political? In this paper, I argue that the movement around water emerged on the basis of movement leaders' and participants' earlier involvement in conflicts relating to the social and environmental consequences of the Chilean economic development model—specifically local conflicts with the mining, hydroelectric, and forestry industries. As local groups mobilizing in response to these conflicts became aware of each other, movement leaders identified water as a cross-cutting issue that could bridge conflicts in geographically diverse settings with different proximate targets (e.g., a particular plant or factory). In building the water movement, movement leaders and participants then emphasized three core narratives: that water is life and must be protected (“water is life” frame), that to strengthen and deepen democracy it is necessary to address the institutional legacies of the authoritarian regime (“democracy” frame), and that a rights framework can be used not only for human rights abuses of the authoritarian era, but also for rights associated with water resources (“rights” frame). Movement leaders used these frames and corresponding narratives to re-politicize the status of water in Chile and to help build an alliance of groups working on socioenvironmental conflicts to place water resources on the national public agenda, as well as connect their movement to a broader protest cycle critiquing Pinochet’s neoliberal and authoritarian legacy in Chile.

To develop this argument, I use a multi-method qualitative approach comprised of historical, interview, and ethnographic data. The historical data include government documents produced by various ministries about the process of commodification and water governance more broadly (e.g., the Ministry of Public Works, General Water Directorate, Ministry of the Environment), congressional commissions, and special commissions formed under the

over a specific part of the water and sewerage system. Water utility privatization is the most common form of “market reform” in the literature on water privatization.

dictatorship; local newspapers; and documents and publications produced by social movement and civil society organizations. The historical data are complemented by semi-structured interviews with forty knowledgeable respondents that include representatives of NGOs and social movement groups, current and former government officials, members of water user associations, and the private sector, as well as by participant observation at movement events (including planning meetings and protests) and events organized about water governance by the government and local universities.

The paper proceeds as follows. First, I discuss the commodification of water resources in Chile, centered upon the introduction of the Water Code of 1981. Second, I describe patterns of social mobilization in response to particular socioenvironmental conflicts in the 1990s. Finally, I discuss the emergence of the water movement in the 2000s, showing that the water movement built on the experience of these prior instances of mobilization and the defense of water emerged as a broad frame to weave many local conflicts into an interconnected coalition.

An Elusive Commodity: Market Logic, Water Resources, and the Water Code of 1981

In January 1976, a small committee met in Santiago to discuss plans to rewrite the Chilean constitution. Less than three years had passed since the coup d'état by Augusto Pinochet, and Enrique Ortúzar Escobar and Jaime Guzmán, two of Pinochet's key advisers, gathered with nine other lawyers appointed by the military junta to outline the guiding elements shaping the country's institutions and to draft the new constitutional text.³ The conversation eventually came

³ República de Chile. *Actas oficiales de la comisión constituyente sesión 182^a*, celebrada el miércoles 14 de enero de 1976. Mr. Enrique Ortúzar Escobar presided over the commission, which also included Sergio Díez Urzúa, Enrique Evans de la Cuadra, Jaime Guzmán Errázuriz, and Alejandro Silva Bascañán. José María Eyzaguirre García de la Huerta, Presidente de la Subcomisión de Reforma Constitucional relativa al Derecho de Propiedad; Samuel Lira Ovalle y Carlos Ruiz Bourgeois, miembros de la misma Subcomisión, y Juan Luis Ossa Bulnes, Asesor Legal de la Sociedad Nacional de Minería were also invited members. Rafael Eyzaguirre Echeverría was *Secretario* and Rafael Larraín Cruz was *Prosecretario*.

to water. The regime had wholeheartedly embraced the ideological program of the “Chicago Boys,” a group of economists trained at the University of Chicago who were ushering in a “capitalist revolution” and promoting policies to reshape the country according to pro-market principles across a range of policy domains—privatizing pensions, health insurance, electricity, and education, as well as liberalizing trade and capital flows (Fisher 2009; Gárate Chateau 2012; Valdés 1995).

The project of remaking water resources into an object of private property and generating the conditions for “water markets” emerged from incorporating neoliberal economics as an orienting principle for public policy decisions and the country’s changing development model. Water governance seemed to be just another realm where market logic could be applied to minimize state involvement. Yet even among the ranks of the junta and its supporters, transforming all freshwater resources in the country into private property and an object of market exchange seemed like a large task, and the members of the commission disagreed about whether it made sense. Still, the measure went forward quietly, with little deliberation about the practical details, and in 1980, when the new constitution was put in place, granting property rights over water to individual parties appeared in the new text.⁴ A new water code, the Water Code of 1981, was written to complement the constitutional provision.

On 20 October 1981, Chile’s conservative daily newspaper *El Mercurio* ran a front-page headline announcing: “New Code: Free Transaction of Water Rights.” Individuals and organizations throughout the country could now register titles to freshwater—measured in volume per unit of time and corresponding to water physically located in particular rivers or aquifers—and keep them or sell them to willing buyers, regardless of where they were located or

⁴ “Los derechos de los particulares sobre las aguas, reconocidos o constituidos en conformidad a la ley, otorgarán a sus titulares la propiedad sobre ellos.” 1980 Constitution of the Republic of Chile, Article 19, N. 24.

what they planned on using the water for. According to the article, until that moment “holders of water were not its owners and consequently could not carry out any type of transaction, which produced investment paralysis”; by contrast, now the value of the transaction would be agreed upon by those participating in the exchange and “in accordance with the law of supply and demand.” Much hope was placed in the new water code: “full transactional freedom with respect to water” would permit “automatic regulation of its use, according to the judgment of specialists.”⁵ The new code, which was drafted in the Ministry of Agriculture but ultimately created the legal framework governing the distribution of all freshwater resources, would replace existing water-related legislation, including the prior water code and any references to water in the agrarian reforms undertaken by the Frei and Allende administrations. Its ardent supporters defended the new water resources administration regime using the logic and language of the free market. For example, reflecting on the water code after the return to democracy, Hernán Büchi, an economist who served as Minister of the Treasury under Pinochet, reiterated that:

“...the [water] problem would persist so long as the market was not allowed to function, for which it is fundamental to first recognize property rights in the sector and the rules of the market. Because that’s what the problem comes down to, regardless of the fact that the word ‘property’ is still a bad word in many circles. Even the military government didn’t dare to use the word directly...they refer to property over the right to use water, not property over water. This fear is absurd. Private property is by far the best system to safeguard social interests and the correct distribution of resources...”⁶

Under the new institutional framework regulating water resources, water in rivers, lakes, and streams (surface water) and water in aquifers (groundwater) could be “owned” in the form of indefinitely held “rights of use” over water, registered as water titles held by private entities. The water code divided water titles into “consumptive” and “non-consumptive” rights; the former

⁵ “Nuevo código: Libre transacción de los derechos de Agua.” *El Mercurio*. 30 de octubre de 1981. p. A1, C8.

⁶ Büchi 1993. *La transformación económica de Chile: del estatismo a la libertad económica*. Santafe de Bogota: Norma.

applied to cases where the volume of extracted water could be consumed, while the latter could be used on the condition the water was returned (the case of hydroelectric power). The idea was that different kinds of users—whether they were a drinking water utility, a mining company, a rural water user association, a farmer, and so forth—would “own” such use-rights and be able to buy and sell them through market-like exchange when they required more or less, resulting in the most efficient allocation and productive use of water resources. No restrictions were placed on the water use changing after a transaction (say, from agriculture to mining), nor did any party have to justify future uses of the water or consider social or environmental impact; the quantity granted reigned supreme and had constitutional protection.

The partitioning of water resources into titles was to take place as follows. Original water rights would be granted through an application and administrative procedure carried out with the General Water Directorate (*Dirección General de Aguas*). Indefinitely held rights of use could be awarded at no cost if there was sufficient availability of water in the source, no existing rights were affected, and no competitors were vying for the same water rights (if there were, the rights would go to auction and be awarded to the highest bidder). The granted rights would then be codified in an instrument of public record and recorded in the water rights register (*Registro Público de Aguas*) of the local real estate office (*Conservador de Bienes Raíces*), with a record of the filed document going back to the General Water Directorate so that it could keep a running database of where rights were held and by whom.⁷ Once rights were distributed, water user associations and *juntas de vigilancia* organized at the river basin level were to monitor water withdrawals and facilitate conflict resolution.

⁷ The DGA is also supposed to receive a copy of the rights registered at the real estate office, thereby maintain a public record of the distribution of water rights throughout the country. However, this record has not been maintained and remains incomplete.

In the original scheme, although the state office was needed to grant the original rights and keep track of how many rights were granted in each source, the idea was that the state's role would be kept minimal and would become even less relevant as the market mechanism kicked in. For example, the government—including a democratically elected government in the post-authoritarian period—could not intervene to prioritize a particular water use (such as drinking water) over another if there was competition over the same water. If one type of user needed additional water resources, the user was expected to purchase the water use rights from another user who was willing to sell.

Administratively, the titling of water use rights did not go as smoothly as anticipated. Records were not kept evenly so information was imperfect, and in some areas, more powerful economic players tended to dominate and even “hoarded” water use-rights by acquiring titles and not using them. Furthermore, because water titles could be owned and transferred separately from land, one could buy use-rights in another part of the country as a speculative measure and not actually put them to productive use.⁸ The measure of using a newspaper notice to check if competing claims to the water existed also proved problematic, since not all potential competing claims were captured by this mechanism.⁹ Finally, in some watersheds, water sources were declared to be depleted, with all titles assigned to existing users and no additional water use-rights available to be designated to any water uses (see Image 1); these were the instances when the market mechanism was intended to kick in, facilitating efficient allocation, but where in practice, conflicts often ensued.

⁸ The code was eventually modified to introduce a fee (*patente por no uso*) to mitigate against speculation and accumulation of use-rights without them going to productive uses, as well as to allow the state to act preventively in times of emergency. It also introduced the idea that the General Water Directorate should allow for a “minimal ecological flow” in the body of water to protect the ecosystem. See Law 20.017, Título XI. 11 May 2005.

⁹ For example, after the democratic transition, the state eventually would have to address claims for customary rights by farmers and ancestral rights by indigenous communities.

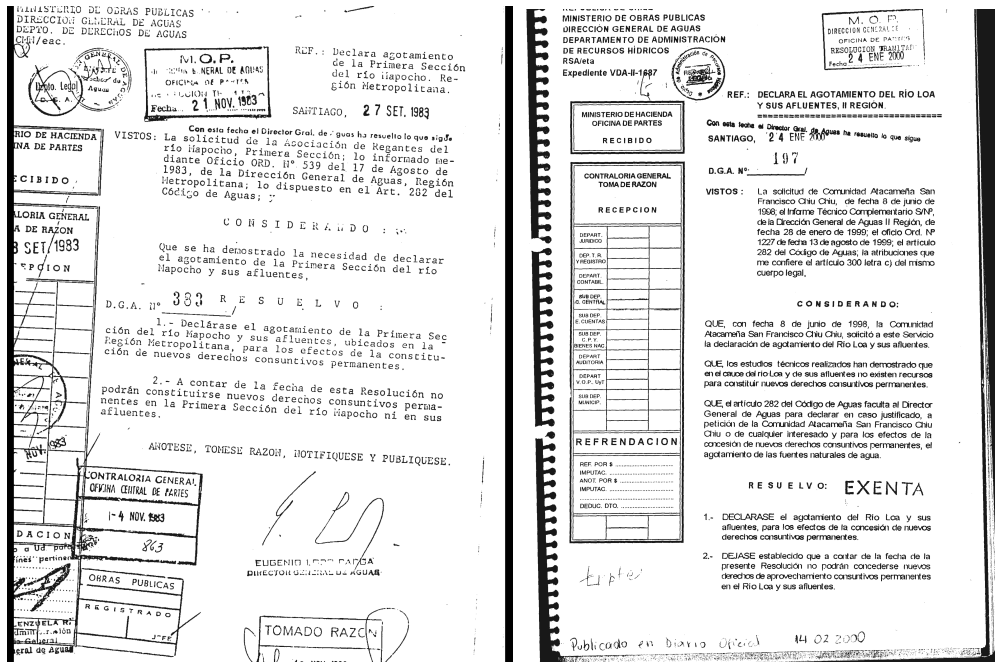


Image 1. Declarations of depletion (“agotamiento”), signifying that no more titles are available in the first section of the Mapocho River and the Loa River

Democratic Transition and Varieties of Environmentalism in Post-Authoritarian Chile

When Chile returned to democracy after seventeen years of dictatorship, neither the water code nor environmental policies were especially high on the national political agenda. Patricio Aylwin, the newly elected president, had run against Pinochet’s former finance minister, Hernán Büchi, and won, yet despite being backed by a broad opposition coalition composed of seventeen political parties, the country’s political future was uncertain.¹⁰ Pinochet himself—after conceding his loss in the 1988 plebiscite in which he had sought approval of the Chilean people for another eight years in power—voted in the election yet promised that he and the political right were still present and watching.¹¹ The democratic transition occurred largely based on terms set by the junta; it was what some scholars have called a “*transición pactada*,” a transition by agreement.

¹⁰ In the 1970s, Aylwin had been critical of Allende’s Popular Unity government and initially supported Pinochet’s coup; however, he would later oppose the dictatorship and worked for the “No” campaign for the 1988 plebiscite. For excerpts from his speeches, see Retamal Avila (1990).

¹¹ For example, Büchi “vowed that the political right would be ‘attentive in the defense of our vision of the future.’” Robinson, Eugene. 1989. “Aylwin Elected Chile’s President.” *The Washington Post*. 15 December.

Pinochet became Commander-in-Chief of the army upon stepping down from power, and was guaranteed to become a senator for life after removing himself as head of the armed forces. The Amnesty Law protecting perpetrators of human rights abuses between 1973 and 1978 remained in place and the Council of National Security was created.¹² The new government therefore had to operate in a highly constrained political space.

Against this backdrop, it was nevertheless undeniable that awareness of environmental issues was growing and would be among the topics that the Chilean state and civil society would soon confront.¹³ The Aylwin campaign included environmental concerns in its electoral platform and the newly elected government took several steps toward recognizing that the state apparatus should contain some organizational capacity to address environmental concerns (Camus and Hajek 1998). Aylwin's administration created the first environmental state institution in Chilean history, the National Environmental Commission (*Comisión Nacional de Medio Ambiente*, CONAMA).¹⁴ In 1991, CONAMA produced the first comprehensive studies by the Chilean state identifying and discussing environmental problems in the country. The same year, a national water policy seminar (*Seminario sobre Política Nacional de Aguas*) was held by the government to assess the legislative framework governing water resources, and a few initial calls to moderately reform the water code would soon follow, though they did not get much traction

¹² Moreover, the binomial system of representation put in place by the regime made it difficult to change Pinochet's legislative and institutional legacy, including the 1980 constitution that the junta had put in place. Under the binomial system, two major electoral coalitions tended to dominate congress. This system was changed in 2015.

¹³ Chile signed: Declaración de Río, Agenda 21, Declaración de Principios sobre los Bosques, Convención Marco de Naciones Unidas sobre Cambio Climático; Convención Naciones Unidas sobre Diversidad Biológica; Convención Naciones Unidas de Lucha contra la Desertificación.

¹⁴ Decreto supremo No 240, 5 June 1990, created the National Environmental Commission. It was modified by Decreto supremo No 544, 9 October 1991. During the authoritarian period, there were some attempts to introduce environmental issues that did not get very far. For example, there was a *Comisión Nacional de Ecología* created in 1984 and a *Comisión de Legislación del Medio Ambiente* created in 1985.

(even moderate reforms would get stalled until 2005).¹⁵ Encouraged by the Rio Earth Summit, Aylwin introduced the need for comprehensive environmental legislation in a 1992 speech, calling to reestablish “the balance between man and his environment” and “a healthy relationship between economy, nature, and human community.” He also proposed that environmental considerations should be incorporated into the Chilean model of development as opposed to being perceived primarily as a hindrance to it, calling for a more moderate economic liberalism.¹⁶

By March 1994, a law laying the groundwork for environmental protection and management was passed (*Ley 19.300, “Sobre Bases Generales del Medio Ambiente”*). The new environmental legislation would formally set up institutions to address environmental problems at the national level, with CONAMA accompanied by Regional Environmental Commissions (*Comisiones Regionales del Medio Ambiente*), an important feature given the diversity of Chilean geography and distribution of environmental problems. The law would also introduce new tools such as the environmental impact evaluation system, new environmental norms, and natural resource management and pollution reduction plans to consolidate environmental policies into a more coherent body of laws.¹⁷ As part of environmental impact assessments, the law stipulated a measure to incorporate citizen participation into decision making regarding new projects, though the environmental impact evaluation system would not begin to officially function until 1997. The legislation was criticized by environmentalists for not going far enough

¹⁵ Mensaje de S.E. el Presidente de la República con él que inicia un proyecto de ley que modifica el Código de Aguas. 2 December 1992. Mensaje en Sesión 27. Legislatura 325.

¹⁶ Mensaje 387-324 de S.E. El Presidente de la República con el que inicia un Proyecto de Ley. 14 September 1992. Sesión 26, Legislatura 324. (Note that a draft bill on the Recuperación del Bosque Nativo y Fomento Forestal was also introduced, though it wouldn't be ratified until much later. See Ley No. 20.283).

¹⁷ The environmental legislation was criticized by representatives of *ecologista* groups such as CODEFF and the Instituto de Ecología Política, on the one hand, and by mining and agriculture groups such as the Sociedad Nacional de Agricultura and the Sociedad Nacional de Minería, on the other hand (Camus and Hajek 1998).

and by economic elites as a nuisance, though neither side considered it to be especially strong, especially next to laws governing particular sectors such as the water code (*Código de Aguas*) and the mining code (*Código de Minería*). Still, its introduction meant that laws regulating not only water volume (the responsibility of the General Water Directorate) but also activities affecting water quality were officially on the books. The introduction of a law to protect indigenous peoples around the same time (*Ley Indígena* 19.253 in 1993)¹⁸ referred to protections of ancestral water rights for indigenous communities, also impacting the legal landscape for water resources.

Following the return to democratic rule, state-society relations were also in a state of transition. Under the dictatorship, mobilization had been restricted and the space in which civil society groups could organize was fragmented, yet mobilization attempts had also given rise to a set of newly vocal social actors including women and young people as well as “social, cultural, and religious groups born in direct response to subsistence needs and human rights violations¹⁹ and other government abuses” (Garretón M. 2001). Still, many activists that had been active in pro-democracy mobilization during the 1980s demobilized, while some leaders moved into positions in government, gradually shifting from their connections to grassroots struggles into their new responsibilities within the state administration. For example, Representative Muñoz recalls that during the dictatorship years, she worked as a leader in the feminist movement, with ties to grassroots women’s groups and neighborhood groups, as well as clandestine ties to the socialist party. Yet when she became an elected representative, things changed:

¹⁸ The law also created a state institution tasked with indigenous policy, the *Corporación Nacional de Desarrollo Indígena* (CONADI). Note that bills are currently in Congress to create the *Ministerio y Consejo de Pueblos Indígenas*. The bills were developed with the input of the following indigenous groups: Aymara, Quechua, Atacameño, Diaguita, Colla, Rapa Nui, Kawashkar, Yagán, and Mapuche.

¹⁹ See efforts to connect environmental problems to the human rights framework during the democratic transition. For example: Aylwin Oyarzún, José and Ana Scozia. 1989. “El problema del medio ambiente en Chile: violación de un derecho humano.” Documento de trabajo. Comisión Chilena de Derechos Humanos, Departamento de Derechos Económicos, Sociales y Culturales. No. 113.

In March 1990 when I started in parliament, slowly I began to lose touch with the movement. First, because one paid attention to the citizens in one's district, in the *comuna* one represented...and it was full of *juntas de vecinos* and organizations, so I took responsibility to channel these citizens' demands. And also, because the social movements...they sort of went home. I don't know if they demobilized on their own or if it had to do with the ties with political parties, with the political class that was taking the reigns of rebuilding democracy...[the movements] became weakened.²⁰

Some activists reflecting on the period immediately following the democratic transition recall that there was also a reluctance to organize and protest, partly out of a desire to protect the return to democracy and partly out of fear of disturbing a fragile political peace and provoking military intervention once again, a fear especially common among activists of an older generation.²¹ As Hipsher (1996) points out, it was precisely during a moment when the “resurrection of civil society” (O'Donnell and Schmitter 1986) was expected to move forward that movements restrained themselves. As a result, many of the government's actions and policy changes went forward with restrained social response as the democratic transition began.

Despite low overall mobilization and relatively little priority given to environmentalist concerns, relative to rebuilding democratic institutions and addressing human rights abuses, organizations and citizen groups working on issues related to the environment and environmental justice mobilized during the first decade of the transition.²² Local groups concerned about pollution in urban areas formed. Citizen groups reacted to particular controversial projects, as in

²⁰ Interview by author with Adriana Muñoz, Representative, Cámara de Diputados, Valparaíso, Chile.

²¹ Interview by author with Lucio Cuenca, OLCA, Santiago, Chile; interview by author with José Araya, Observatorio Ciudadano, Santiago, Chile.

²² Building on earlier emergent efforts that had taken place during the authoritarian period. The first scientific summit on environmental issues in Chile (*Primer Encuentro Científico sobre el Medio Ambiente Chileno*) was held in 1983 at the Universidad de La Serena in Serena, Chile. The congress was organized by the Centro de Investigación y Planificación del Medio Ambiente (CIPMA) and supported by the Academia Chilena de Ciencias. More than three hundred people participated. (Orrego 1983) The second meeting was held in Talca in August 1986 and the third was held in August 1988 in Concepción (check if there was another in 1989 that Aylwin and Buchi came to). Note that there were earlier organizations working on the protection of the environment and natural resources in Chile, such as the *Comité de Defensa de Flora y Fauna* (CODEFF, created in 1968). See also, Rafael Elizalde's (1970) book, *La sobrevivencia de Chile*. (Camus and Hajek 1998). The Instituto de Ecología was created in 1974 (see Juan Grau).

the case of mobilization in response to the *GasAndes* pipeline in the Santiago metropolitan region and the *Trillium* forestry industry case in southern Chile (Balestra 2001).²³ Civil society groups such as the *Instituto de Ecología Política* (since 1987-8) and the *Red Nacional de Acción Ecológica* (RENACE) questioned the local environmental and social impacts of industries reliant on the extraction of natural resources for export, wondering at what cost economic growth was being prioritized and how the benefits versus risks were being distributed. The *Observatorio de Conflictos Ambientales*²⁴ began producing publications cataloguing environmental problems throughout Chile in the mid-1990s (Padilla and San Martín 1995; San Martín 1997). For example, they had documented more than two hundred environmental conflicts of various sizes by the mid-1990s using their own networks and local media sources, and used publications about these local conflicts to raise awareness about socioenvironmental issues (Padilla 2000).

Professionals and academics from the social and natural sciences created non-governmental organizations (NGOs) like *Chile Sustentable* and *Fundación Terram* in 1997 around a discussion of how to incorporate sustainability into the Chilean model of economic development and engage with policymakers. Some groups were supported by international environmentalist organizations, especially after the Rio 1992 conference. As Hochstetler and Keck (2007) and other studies of the rise of environmental issues throughout Latin America show, the rise of environmentalist concerns on public agendas in the global South have entailed both local and transnational processes.

Environmental justice groups began to collect information about instances of conflicts relating to natural resources and to knit together a network of grassroots mobilization around socioenvironmental issues. Gradually, a set of environmental conflicts raised the visibility of

²³ Trillium, GasAndes, Tompkins, Ralco, Celco-Mehuín, Central Renca, Cascadas, Costanera Norte, Celco-Itata

²⁴ Later, *Observatorio Latinoamericano de Conflictos Ambientales* (OLCA).

environmental issues on the national political agenda in Chile. Each involved citizen groups, social movement organizations, and NGOs at odds with a different economic sector and industry, in different parts of the country. Yet they became visible, attracted widespread public attention, and eventually formed the basis of activist networks that would link up people mobilizing around social and environmental justice issues along the length of the Chilean landmass.

Many of these civil society responses had to do with the social and environmental impact of the economic production of particular resources—for example, mining copper, silver, and gold or producing pulp and paper from timber. People took issue with inputs into these production processes—for example, in water-scarce areas, with the water needs of mining companies and their capacity to dominate the distribution of water resources. They also took issue with outputs of these production processes—such as the production of effluent that could contaminate water resources, as well as soil and air, and specifically where industrial waste would end up. People also criticized the construction of dams and their capacity to displace communities and affect natural areas.

Environmental legislation and environmental institutions created the sense that the government was incorporating environmental and social concerns into its policies, but in fact, the ability to stop controversial projects from going ahead was limited and would require more than legal protection; the legal protection would have to be activated by social mobilization. Several highly visible conflicts shaped the dialogue about the environment and environmental justice, and began to be covered by media and discussed in the public sphere. Three cases in particular were considered to be emblematic by environmentalist and environmental justice groups (see Table 1).

Table 1. Emblematic Cases

Case	Industry	Time Period	Grievances	Types of organizations involved
Pangue-Ralco	Hydropower	1995-present	Negative impact on local communities (Pehuenche indigenous communities) and natural environment	Environmentalists; indigenous groups; residents
CELCO/Arauco	Forestry	1995-2001; 2004-present	Threat of pollution from industrial waste affecting water supply; discharge of industrial effluent into coastal area affecting livelihoods of fishermen; pollution of nature preserve and effects on swans; water quality	Environmentalists; indigenous groups; residents; tourism industry; farmers; religious groups
Barrick Gold/Pascua Lama	Mining	2000-present	Threat of pollution affecting water supply of local residents, including farmers and indigenous communities; lack of consultation	Environmentalists; farmers; indigenous groups; residents

[Note: remainder of section needs to be reworked to summarize the conflicts and their relationship to water politics in a more direct way.] Electricity production from hydroelectric sources is one of the most important energy sources in Chile. During the 1990s, Chilean and foreign firms proposed to construct new hydroelectric dams in the country, as well as expanding the power generation capacity of existing infrastructure. Hydroelectricity harnesses the power of water to generate energy, which is looked upon favorably in the context of climate change; however, dams can have both positive and negative social and environmental impacts. As Bauer (2009) points out, hydropower typically affects and sometimes competes with other water uses in the same river basin, including urban, agricultural, and environmental uses. Moreover, the construction of dams and reservoirs can displace communities from their land and alter local ecosystems. There have been a number of conflicts over hydroelectric dam construction in the country, with the Pangue and Ralco hydroelectric dam project as one of the most visible cases

during the early years of the democratic transition. In the Pangué and Ralco case, the electric utility company ENDESA (Empresa Nacional de Electricidad) proposed a new dam construction project on the upper Bío Bío River in southern Chile. As in many cases of dam construction, local communities would have to be resettled and concerns about the social and environmental impacts on the selected site were raised, mobilizing opposition by environmental and indigenous peoples' groups, especially members of the Pehuenche indigenous communities living in the area. Alongside local opposition, the Grupo de Acción del BíoBío was set up to mobilize against the project, led by ecologist Juan Pablo Orrego; anthropologist Rodrigo Valenzuela, who had carried an environmental impact assessment of the dam on Pehuenche groups; and José Aylwin, a lawyer working on indigenous rights and son of President Aylwin (Dall'Orso 2014). [...]

Timber and other forestry-related products such as lumber, pulp,²⁵ paper, and cellulose are among the country's most important export commodities. Chile began to promote the conversion of lands to industrial tree plantations—typically, monoculture plantations to cultivate foreign tree species such as eucalyptus and *radiata* pine²⁶—as early as in the 1930s, but the forestry sector experienced especially rapid growth during the late 1970s and 1980s (Klubock 2006). These commercial tree plantations became concentrated primarily in the country's southern and central regions. During the post-1973 forestry boom under Pinochet's government, many public lands were sold to private companies for large-scale forestry projects, with incentives to set up tree plantations. Conflicts over the land in these areas continue today between forestry companies, the Chilean state, and Mapuche indigenous communities, who

²⁵ Chile is one of the largest global producers of pulp; bleached softwood kraft, bleached hardwood kraft, unbleached kraft.

²⁶ “The sector relies on two imported species—the *radiata* pine (from California) and the eucalyptus (from Australia). In the forestry areas of the Chilean South, the *radiata* pine matures in 25-30 years; the eucalyptus in 30-40 years for timber or 12-15 for pulp. Firms have also (and more controversially) used part of Chile's native forest (hardwoods that take an average of 60-100 years to mature)” (Gwynne 1996, 348)

argue that some of their territories were included in the sales without their consent (Aylwin 2000).

In this context, the case of the Valdivia pulp and paper mill was an important socioenvironmental conflict during the early years of the democratic transition and an emblematic case related to the forestry industry. The *Celulosa Arauco y Constitución* S.A. (CELCO) company,²⁷ a major Chilean forestry company focusing on wood pulp and engineered wood manufacturing, decided to build a pulp mill in the southern province of Valdivia, in the Los Ríos region. Pulp is used as raw material to produce things like cardboard, copy paper, and tissue paper; after trees are cut down, the lumber is processed and transformed into pulp, which is then processed (cellulose fibers are filtered and suspended in water). Pulp processing, especially bleaching, generates industrial waste. In this case, the immediate source of the conflict centered on where the effluent generated by the plant would be deposited, though the ensuing battle would raise questions about the impact of the pollution on livelihoods of local fishermen, the quality of life of indigenous communities who had longstanding territorial disputes with the forestry industry over the location of commercial tree plantations, and the impact on the quality of water resources affecting the towns and ecosystems in the area near the mill.²⁸ [...]

Starting with the nitrate boom in the late nineteenth century and followed by the copper boom starting in the late 1940s,²⁹ the mining industry has historically been one of the most

²⁷ The company is Chilean and controlled by Empresas Copec. Celulosa Arauco S.A. and Celulosa Constitución S.A. had merged to create CELCO in September 1979. They were initially affiliated with CORFO but were privatized during the Pinochet era. See Dahse 1979.

²⁸ Proyecto Ducto de Eliminación de Residuos Industriales de la Planta de Celulosa de la Empresa Celulosa Arauco y Constitución S.A.

²⁹ See Augusto Millán. 2006. *La minería metálica en Chile en el siglo XX*. Santiago: Editorial Universitaria; Luz María Méndez Beltrán. 1979. *Instituciones y problemas de la minería en Chile: 1787-1826* Santiago: Ediciones de la Universidad de Chile; Beltrán. 2004. *La exportación minera en Chile 1800-1840: Un estudio de historia económica y social en la transición de la Colonia a la República*. Santiago: Editorial Universitaria; Carlos María Sayago's *Historia de Copiapó* (1874); Joaquín Morales *Historia de Huasco* (1896); Augusto Orrego Cortés *La industria del oro en Chile* (1890).

important industries in Chile.³⁰ Today, mining exports—including copper, iron, silver, gold, molybdenum concentrate, lithium carbonate, and table and sea salt—constitute more than half of overall Chilean exports and more than fifteen percent of total GDP. Among these, copper has continued to be the central export commodity, accounting for more than 90 percent of mining exports between 2003 and 2014.³¹ The majority of copper mines are located in the north of the country, with the Antofagasta and Atacama regions considered to be major exporters of copper to global markets and the location of many major open pit (surface) mines such as Chuquibambilla and Escondida.

Despite its long history and accepted role in Chilean economic development, the mining industry has generated many local socioenvironmental conflicts throughout the country. Mining not only uses copious amounts of freshwater in a region known for its aridity,³² but also generates air pollution (in the case of smelters) and results in the creation of waste rock, slurry and effluent that must be disposed of according to a strict set of standards if it is not to contaminate local soil and water sources (for instance, in the case of gold mining, crushed rock is treated with cyanide and in the case of copper, with sulfuric acid, both of which have shown up in local water sources). It is often associated with environmental health risks that take time to detect, caused by “cyanide and sulfuric acid leakage, long-term exposure to acid mine drainage, respiratory problems from dust inhalation, and altered water quality caused by the diversion of

³⁰ The *Sociedad Explotadora del Desierto de Atacama* was formed in 1866 and they soon formed a partnership with a British company to build a nitrate processing plant. The region still belonged to Bolivia at this time, until the War of the Pacific of Chile with Peru and Bolivia (1879-1881). Following the war, Chile took over the nitrate zones in the region. The region was affected by the discovery of an artificial substitute for nitrates and a nitrate crisis in 1930, at which point copper mining began to become dominant (Fernández and Atienza 2011).

³¹ Between 2003 and 2014, copper (cathode and concentrate) accounted for more than 90% of total mining exports (in millions of US\$). Other mining exports included iron, silver, gold, molybdenum concentrate, lithium carbonate, sea and table salt. Base de Datos Estadísticos, Banco Central de Chile. Sector Externo, Exportaciones de bienes, 2003-2015. www.bccentral.cl.

³² Desalination plants have been proposed as a potential solution to water scarcity problems faced by the mining companies, including the state-run Codelco.

existing water supplies” (Helwege 2015). In Chile, the polluting consequences of the mining industry did not receive serious legislative attention at the national level until the 1990s. In 1992, voluntary agreements were reached to clean up five smelters and to carry out environmental impact studies for new mining projects.

In this context, the Pascua Lama-Veladero mining project has led to one of the most emblematic socio-environmental conflicts in Chile. The project, run not by Codelco but rather by the Canadian company Barrick Gold,³³ is situated in the Andes on the border of Chile and Argentina and was set up to extract gold, silver, and copper. On the Chilean side, the mine is located above the Huasco Valley, in the northern region of Atacama. Concerns about the mine have been broad, ranging from its impact on the glaciers (Toro 1 y 2, Esperanza) where it would be located, the quality and quantity of the water supply for residents of the Huasco Valley (as a result of water extraction for mining reducing the amount available for human consumption, irrigation, and livestock), the impact of water on the livelihood of local farmers, adverse consequences for the ancestral lands of Diaguita indigenous groups, and its impact on biodiversity.

These three emblematic conflicts, organized in different parts of the country around different industries, led to three different major networks of activists that would later converge in the movement around water.

Building a Social Movement for the Defense of Water

In September 2009, activists from all over the country gathered at the University of Chile (*Universidad de Chile*) in Santiago for a national forum to discuss water politics. The forum was called “Contemporary Conflicts and the Human Right to Water in Chile.” Members of

³³ Nevada-Ltda in Chile and Barrick Producciones Argentina S.A. in Argentina.

neighborhood groups, environmentalist organizations, indigenous rights groups, religious organizations and labor unions came forward to express their concerns and experiences relating to water access and water-related conflicts in their communities. Movement leaders who had been involved in prior cases such as the CELCO/Arauco forestry case, the Panguel-Ralco dams (and later HidroAysén), and the Pascua Lama mine case were all among the key speakers and moderators.

As Table 2 shows, the organizations present represented a broad and diverse social coalition. Forum participants gave presentations about the local conflicts they had come to describe, generating a broader discussion about the commonalities among the conflicts and what was generating them. The format was built on the same principle as prior publications to raise awareness about environmental justice concerns—participants in the forum presented their cases to the general group one by one, in an effort to construct a patchwork image of the diversity and content of socioenvironmental conflicts unfolding throughout the country. As one movement leader explained to me later, the purpose of this format was to come up with a “diagnosis” of the problem and facilitate the creation of additional networks among activists involved in similar conflicts.³⁴

Table 2. Organizations represented by speakers and moderators at the 2009 social forum on water

Category	Organization
<i>Environmental and human rights NGOs</i>	Chile Sustentable Ecosistemas Observatorio de Derechos Ciudadanos CODEFF
<i>Local environmentalist groups</i>	Acción por los Cisnes
<i>Religious groups</i>	Coalición Ecuménica Confederación de religiosos (RM) Obispo de Aysén Caritas-Chile

³⁴ See Part II, “Registro de los Conflictos Ambientales en Chile, 1993-1994.”

<i>Indigenous organizations and communities</i>	Consejo de Pueblos Atacameños Identidad Territorial NAGCHE (Araucanía)
<i>Unions</i>	FENATRAOS
<i>Rural water users' associations</i>	APRs
<i>Campesinos</i>	Federación de Junta de Vigilancia de la VI Región (regantes y agricultores) ANAMURI (Bío Bío)
<i>Local (place-based) groups</i>	Comité de Defensa Ríos del Maipo (RM) Comunidad de Quillagua (Antofagasta)
<i>Women's organizations</i>	Red de Mujeres del Norte Grande
<i>International organizations</i>	Council of Canadians Fundación Heinrich Boll Federación de Funcionarios de Obras Sanitarias del Estado (Uruguay)

The forum had four main objectives:

1. “To share information about increasing water scarcity in Chile; pollution; monopoly concentration of the rights of water and the intensification of these problems in relation to the current Water Code.
2. Collect testimony from actors throughout the Chilean territory—including indigenous community members, peasants, farmers, rural water users’ associations and committees, irrigators, workers, unions and local authorities—about the deterioration of water resources, water basins, and about water conflicts at the national level.
3. Inform participants about principles and agendas related to the right to water at the international level, and share international experiences about legal and institutional change leading to the recuperation of water resources for the public good.
4. Advance dialogue toward a platform for the human right to water in Chile; the recovery of water resources for Chileans and Chilean territories; and the creation of proposals for the sustainable and democratic management of water and hydrographic basins.”³⁵

³⁵ Program of the 2009 Water Forum, 3-4 September 2009, Santiago, Chile. Seminario Internacional. Conflictos Actuales y Derecho Humano al Agua en Chile: “Hacia una Nueva Cultura del Agua.”

The head of an environmental NGO who helped organized the forum published an op-ed in a Chilean national newspaper, arguing for constitutional reforms to recognize the human right to water and implement deeper reforms to the water code, in order to address conflicts unfolding in areas with “high ecological, cultural, and economic value.” The op-ed linked issues like the over-use of and stress placed on water sources by mining and hydroelectric companies; water pollution by agricultural, forestry and mining companies; and the structural features of the water code, contributing to a broader critique of the institutional framework regulating freshwater sources in Chile. In this critique, the “structural vices of the Water Code, imposed without democratic discussion in 1981, and applied without effective corrections by democratic governments” appear alongside “investment projects that...pollute and destroy watersheds, rivers, and aquifers.”³⁶

Following the forum, a group of participants formed the coordinating committee for the defense of water and life (*Coordinadora por la Defensa del Agua y Vida*), an umbrella group to provide leadership and connect activists concerned with water issues throughout Chile. The main organizations leading the coordinating committee were environmentalist, human rights, and religious organizations. The committee would continue to coordinate activities about water-related conflicts. [...]

The following year, one of the organizing NGOs of the water forum came out with a publication of water conflicts throughout the Chilean territory. The publication featured a description of local conflicts, including instances of conflicts affecting water resources with the mining, agriculture, hydroelectricity, and other industries (see Image 2). The work done by local groups in specific conflicts on their territories, coupled with data gathering and compilation by a

³⁶ Larraín, Sara. 2009. “Opinión: El agua como bien común.” *La Tercera*. 28 September. ; Note specific conflicts that are referenced, in Copiapó, Tarapacá, Biobío

handful of environmentalist and environmental justice umbrella organizations looking to piece together the overall national picture, resulted in a process of information sharing and the strengthening of activist networks, which helped to build the movement infrastructure to mobilize about socioenvironmental problems in the country.

In this context, water became a crucial link for creating a shared understanding of environmental problems throughout Chile, helping to build ties among activists and to build a broad critique of existing legal codes and institutions inherited from the authoritarian era. According to José Araya, one movement leader who has worked on human rights, indigenous rights, and environmental issues in southern Chile since the 1990s, discussions about water created a common space and a common element to connect apparently distinct socioenvironmental conflicts:

...Within the topic of natural resources, water is...the resource that makes common sense to everyone...in many conflicts, water has...been a unifying force and that's why there are many coordinating spaces about water and platforms to work on the issue of water, more so than for other topics related to natural resources...[For example,] in the south, no one works on the issue of mining. It is hard to find a person working on mining, but you *are* going to find, as much in Arica [in the far north] as in Punta Arenas [in the far south], someone who is concerned about water...looking at it this way, it is like the right to life. That's why...this slogan, that water is life...it's a common-sense thing, in the most basic sense...it is like this great consensus that we have now and that's why water is a space that draws things together.

As Lucio Cuenca, a leader from OLCA, puts it:

...there is a chain of events that begins to elevate the water problem in distinct places in Chile, water begins to be identified as a cross-cutting issue...In some cases, you talk about conflicts with the thermoelectric companies, but it has to do with the issue of water. You talk about conflicts with the cellulose industry in the south, and it's a water issue. You talk about the problems that the Mapuche population has with the forest plantations, and an important factor of that kind of conflict is the disappearance of water sources. So water, becomes a cross-cutting axis and...*it becomes identified as such.*



Image 2. Map of socioenvironmental conflicts, by type (compiled by author), based on Chile Sustentable publication

In the far north of the country, two group leaders initially became involved in response to the Lequena project. At the heart of the conflict was the decision to have Aguas de Antofagasta extract and sell water from the Loa River to the Collahuasi mining company (*Doña Inés de Collahuasi*) for its mining operations in Pica, in the adjacent region of Tarapacá. The water would be transported from a pumping station in Lequena in Calama via a 98.5 kilometer pipeline to Ujina in Pica. The group in Calama mobilized because they were concerned about the availability of scarce water resources in their part of the Atacama desert and particularly the idea that the drinking water company—in other words, the water utility responsible for the water supply for the Antofagasta region—would be transferring water from the Loa River to another

geographic region (from Antofagasta to Tarapacá) and another kind of water use (from drinking water to water for mining).

In response to this proposal, the citizen group collected more than 20,000 signatures, which it then presented to the regional authorities. The regional authorities, including the mayor of Calama and other Antofagasta mayors, supported the critique. The Environmental Evaluation Service (*Servicio de Evaluación Ambiental, SEA*), eventually rejected the project on the grounds that it had inaccurate information and lack of adequate analysis with respect to the possible impact of availability of drinking water for household consumption. They were concerned about the long-term impact of water extraction on groundwater aquifers in the region. As the group leaders explain, "...we have tried to empower the citizenry, we have sought to collect signatures, we have sought to educate, to influence the population in various ways...what we do most of all is provide information." There are leaders from other groups that participate in this group, such as from neighborhood associations (*juntas de vecinos*), participants from indigenous organizations, women's and men's groups, and youth groups. The group mobilizes at the grassroots: "We're always on Paseo Ramírez de Calama with a megaphone, collecting signatures, and passing out flyers to the citizens so that...so that first...they become informed and become conscious of the issues and second, that their behavior is more oriented toward action, more toward mobilizing themselves." But as the group leaders point out, they are still working on how to maintain vibrant participation and keep people interested and mobilized, how to get "mass" participation which they say is difficult to achieve. Nevertheless, they are confident that eventually people will understand the power of their argument:

Water in the desert is a vital element, which I think is going to generate social mobilization...because one thing is legality, but we think that immorality is another thing, and we believe that we have the right to live in a clean environment, and we also have the right to defend water resources."

In another case, Jenia Jofre, one citizen and activist explained that she and other members of her group were responding to the decision to construct a reservoir on the Cautín River, which was made by the government with technical involvement of the National Irrigation Commission (*Comisión Nacional de Riego*) in the Ministry of Agriculture, without informing the surrounding communities of these plans: “we were never consulted, so we are generating a citizen movement to force the government to [allow for our] participation, [participation] that *should* exist in this territory.” As she puts it, the situation “forces us to have an opinion and a proposal, because the government has already decided that this is a priority project.” The central goal of this local movement, then, is twofold. Whereas the central aim is to influence the terms under which this particular project is planned, including its location in an area that contains primary forest, the vision is actually broader; it is to make the consultation with the public not a “mere formality” carried out purely to comply with the law on citizen participation, but rather a consultation that involves “real, effective” participation with the capacity to solve problems.

As the movement around the defense of water resources became more clearly defined, it attracted more adherents willing to see their local conflicts in terms of water.³⁷ In the central and northern regions, these developments were accelerated by a drought in Chile which, beginning in 2008, commenced one of the driest periods in the country in one hundred years (Centro de Ciencia del Clima y la Resiliencia 2015),³⁸ putting additional stress on the situation,

³⁷ Groups continued to form in the regions as well. For example, the *Coordinadora Regional de Defensa del Agua* formed in Copiapó, Atacama in January 2009. According to OLCA, representatives from Alto del Carmen, Vallenar, Huasco, Freirina, Caldera, Chañaral, Tierra Amarilla, and Copiapó participated. The coordinating mechanism was formed after a meeting “El Agua es un Derecho Fundamental,” organized by the *Coordinadora del Agua del Valle de Copiapó*.

³⁸ Bevilacqua, Romina. 2014. "Sequía en Chile: los grandes efectos de la desertización en la flora y fauna." *La Tercera*; Espinoza, Cristina. 2012. "Cambio climático: expertos proponen agencia del agua y ecocasas para RM." *La Tercera*; Ríos, V, V Mery, and F Ramdohr. 2014. "Avance de sequía dejará a casi un tercio de comunas del país con problemas de riego." *La Tercera*.

exacerbating competition and conflict over freshwater in areas where water scarcity became felt more intensely.

The first national protests for the defense of water resources were held in Chile in 2013. National protests around water have been held in Chile every year since then, in different parts of the country. They have been accompanied by continued instances of regional and local protests and ongoing work at the grassroots level, as well as with local government officials. The second march, la *Segunda movilización nacional por la recuperación y defensa del agua* was held in Santiago in April 2014. The third major demonstration, la *Tercera marcha nacional por la recuperación del agua y la vida* was held in April 2015 in Valparaíso. The fourth march, *Marcha y encuentro plurinacional por la defensa de las aguas y los territorios* was held in Temuco, in southern Chile, in April 2016.

In addition to organizing demonstrations and creating activist networks among groups throughout the country, some organizations have chosen to engage directly with state institutions. Within the Chilean Congress, there are commissions that receive public input on issues related to water from civil society groups, public agencies, and private sector actors. A permanent *Comisión de Recursos Hídricos, Desertificación y Sequía* was set up in the Chilean House of Representatives (*Cámara de Diputados*) in August 2012 to work on legal initiatives, national, and international norms relating to water resources, especially taking into account water scarcity, climate change, and the extended period of drought in the country. A Special Commission on the same topic was created in the Senate in September 2014.³⁹ Some of the groups involved in organizing social protests and other actions have also appeared in these institutional spaces to present their claims directly to lawmakers.

³⁹ A number of representatives and senators have proposed changes to the constitution and the water code.

Importantly, water was not only a schema used to bring diverse groups together because of its symbolic power. The demands of the movement directly targeted the legal and institutional framework regulating the governance of water resources. Of course, despite a growing coalition around the topic of water resources, there were still divisions within the movement about goals and strategies. For instance, for some activists, addressing the legal status of water resources meant modifying the water code to make it more functional; for others, it meant that water's status as a "national good for public use" had to be reclaimed, not only symbolically in public discourse, but through concrete legal reforms; and for others, "nationalizing" water had little appeal and clarity and instead they urged that more local control over water resources was necessary vis-à-vis the state and private companies. As the movement developed, some participants began to articulate goals such as community management of water and distinct goals such as calls to decriminalize actions by socioenvironmental leaders (an issue salient among indigenous organizations in the south) and even a constitutional assembly to draft a new constitution to replace the one put in place by Pinochet.

Within the coalition, some groups in particular have been especially vocal about continuing to press the moral qualities of water. For example, one of the participating religious groups, has continuously emphasized water's spiritual qualities in tandem with its other qualities.

As one group leader explained,

...our participation in the Coordinadora por la Defensa del Agua y la Vida, for example, has always been to have a super clear discourse that water is not only a human right and not only a resource, but rather that it has distinct meaning, as I was saying, spiritual and cultural...and when technical matters are being discussed, technical matters that have to do with water quantity, with legislation...we say that we have to insert these meanings alongside the others, in other words transferring the discourse of our organizations...And the ways of talking about water within the Coordinadora...have changed substantially...⁴⁰

⁴⁰ Interview by author with Cesar C., Coalición EcuMénica por el Cuidado de la Creación, Santiago de Chile.

The creation of a broader movement and consciousness raising for the defense of water resources in Chile has not meant that instances of local mobilization have stopped. On the contrary, local grassroots groups continue to direct their efforts in their regions, targeting local publics, state actors, and the particular private companies against whom they have grievances. Many such groups now are even more aware that they are part of a broader network of grassroots groups and non-governmental organizations working on a set of related issues, and new groups have formed and joined the broader movement for the defense of water resources in Chile. At the national level, the water movement continues to be composed of a shifting coalition, with multiple organizing spaces and different sets of leaders, some of whom collaborate with each other and others who prefer to maintain their own spaces due to differences over movement goals and strategies. Regional differences and emphases continue to be strong within the water movement, even though water has offered a connecting thread and broader frame to discuss socioenvironmental conflicts and their relationship to the Chilean development model and institutional framework.

Conclusion

Policies enacted by the Pinochet dictatorship in the 1980s were both market-oriented and technocratic: they sought to minimize the role of the state in governing environmental questions such as water commons and to buffer natural resources from political considerations. However, following the democratic transition, civil society mobilization around the environment and water issues in particular began to occur more frequently. After dictatorship, civil society organizations in post-authoritarian Chile faced the task of reestablishing themselves during a time of profound institutional change driven by the twin processes of democratization and economic restructuring.

They experienced different modes of reincorporation into the public sphere: some joined the efforts to rebuild and strengthen the political party system, while others sought to learn the strategies of interest-group politics or transform authoritarian era pro-democratization groups into new vehicles for participatory democracy. Since then, the gradual resurgence of civil society mobilization has been accompanied by the rise of public discourse evaluating both political and economic legacies.

Environmental conflicts have generated a new area in which Chilean civil society groups have sought to articulate political claims and do democratic politics, sometimes working through state institutions and other times mobilizing internally and protesting in the streets. Although there is extensive scholarship on environmental mobilization in the global South and on environmental movements in Chile (Carruthers 2001; Carruthers and Rodríguez 2009; Sepúlveda 2012; Silva 1996; Urkidi 2010), questions remain about how civil society groups are grappling with institutional regimes governing natural resources and how they are participating in debates about the incorporation of socio-environmental issues into public agendas, including in cases where mobilization has not necessarily led to the policy and other outcomes sought by movement groups.

In this paper, I have argued that social movement groups and civil society organizations built a movement around the defense of water as a common good and a “national good for public use” in the late 2000s by weaving together socioenvironmental conflicts across the country related to activities associated with different water users, ranging from mining to forestry. In this sense, water became a crucial link for creating a shared understanding of environmental problems throughout Chile, building ties among activists, and developing a critique of existing legal codes and institutions inherited from the authoritarian era. The emerging politics around

water also became a space in which groups articulated and practiced democratic politics, calling for greater state and public involvement in recognizing and addressing socioenvironmental problems.

Democratization studies have extensively analyzed processes of democratic transition and consolidation after dictatorship, including the transformation and opening of civil society spaces and the public sphere (Diamond 1994; Fox 1994; Fox 1996; Linz and Stepan 1996; Mainwaring, O'Donnell and Valenzuela 1992). Studies of social mobilization have examined the multifaceted internal dynamics of social movements (Armstrong and Bernstein 2008; Goodwin and Jasper 2004; McAdam, Tarrow and Tilly 2001; Polletta 2002; Tarrow 1994; Tilly 1978), as well as how they make claims challenging states and other institutions such as the private sector and the academy (Walker et al. 2008).⁴¹ Scholars have also considered the particularities of social movements outside of democratic polities, and the emergence and transformation of social movements in Latin America during the late twentieth and early twenty-first centuries (Alvarez, Dagnino and Escobar 1998; Escobar and Alvarez 1992). In sociology, scholars have effectively bridged these distinct areas of scholarship, especially in work on democratic collective action and the creation of public spaces for popular participation in countries returning to democratic regimes in Latin America (Avritzer 2002) and other parts of the global South (Heller and Evans 2010), as well as in scholarship on activism and participatory democracy (Baiocchi, Heller and Silva 2011).

Environmental activism is not often the first social movement that comes to mind when one thinks of democratic politics. Environmentalism is frequently referred to as a “new” social

⁴¹ The former subfield blossomed as scholars sought to analyze dictatorships giving way to nascent democracies, while the latter grew following the wave of social change taking place in the 1960s.

movement that began in most countries as a movement rooted in middle-class interests and “post-materialist” concerns (Cohen 1985; Inglehart 1997; Offe 1985), often associated with elitist organizations and frequently reliant on experts and professional organizations, given the technical content that characterizes many environmental problems. Yet as the ample literature on environmental justice and radical environmentalism has demonstrated (Bullard 1990/2000; Gottlieb 2005; Guha and Martínez-Alier 1997; Pellow 2002), the environmentalist movement has been pushed to incorporate excluded voices as well as reframe its central concerns to encompass connections between environmental issues and inequality. As scholars like Svampa and Leff have pointed out, existing mobilization over territory and land use by peasant and indigenous groups has become connected to broader alliances mobilizing over socio-environmental conflicts as well as environmental NGOs. In countries with relatively new environmentalist organizations and mobilization, then, the characterization of environmentalist mobilization in terms of extremes falls apart as soon as one examines the actual empirical context; in practice, organizations mobilizing about environmental issues can be both exclusionary and inclusive, both engage with the state and exercise power through disruption, and as relatively recent movements, continue to argue among themselves with respect to identities, tactics and strategies.

These processes of organizational identity formation and learning how to “do politics” as civil society and social movement groups in the public sphere—whether they constitute “state-society synergy” (Evans 1996) or a more disruptive churning in public space as claims are articulated—constitute the fabric of rebuilding and strengthening the public sphere after dictatorship in a post-authoritarian context. It is therefore important to take a look at how forms of mobilization occurring around environmental issues and natural resources—less often studied

alongside scholarship on stronger and more visible actors in the region such as labor movements, indigenous movements, student movements, and women's movements—contribute to creating new patterns of state-society relations in such contexts.

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