4

GRASSROOTS SCALAR POLITICS IN THE PERUVIAN ANDES

Mobilizing allies to defend community waters in the Upper Pampas watershed

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Introduction

Water is and has always been the "life stream" of rural livelihoods in Andean communities. Access to water has for centuries been guaranteed through various forms of collective action and autonomous governance structures (Boelens, 2015). Until now, collective action has assured individual water access and is mostly based on local, inter- and intra-community water rights systems that shape, and are shaped by, water flows and infrastructure, local water-related practices, authorities and territory, and particular world views on how societies relate to water and nature (see Beccar et al., 2002; Hoogesteger et al., 2016).

These communities do not operate in isolation from broader social and political environments and processes. Since long before the Inca Empire, Andean community organizations have connected to and formed alliances with different water governance actors, legal systems and human and supranatural authorities. The relationships of communities with external actors and forces, such as the officials and ordinances of the Spanish Crown, the "Indian Reductions" (community remodelling) policies and later the municipalities and government officials and agencies of the sovereign nation states have always played a role in the shaping of communities (see Stern, 1992). In turn, communities also play an important role in shaping the outcomes of water governance interventions through their interrelations with "outside" actors and forces such as powerful private actors (landlords, agro-export companies and extractive industries), growing cities, social and environmental movements, or transnational human rights networks.

The increased claims and demands of external actors on water sources within their territories have made communities ever more aware of the fact that if they are to keep their waters and related environments, they must defend these through community collaboration but also, and ever more importantly, by mobilizing allies

and creating and maintaining networks with external actors that operate at different spatial scales. This is often the most promising, if not the only, way for Andean communities to overcome their spatial constraints to agency and exert influence to defend their stakes at differently scaled sites and institutions (Boelens, 2008; Hoogesteger, 2013).

Based on these notions, in this chapter we describe and analyse how the four pastoralist communities of Ccarhuancho, Santa Inés, Pilpichaca and Choclococha, situated in the headwaters of the Pampas watershed (Peru), defend their waters, wetlands and livelihood integrity, and gain voice in decision-making in different water governance arenas by strategically mobilizing collective action within their communities and by creating alliances with differently scaled actors. In our analysis we draw on the perspective of *grassroots scalar politics* (see Hoogesteger and Verzijl, 2015). It departs from the notion that geographical scale, understood as a socio-spatial construct or enactment, can be used – and is insightful – to understand "the processes that shape and constitute social practices at different levels of analysis" (Marston, 2000: 220). Within the debates on scale, a focus on grassroots scalar politics proposes to concentrate on strategic collective action by which civil society groups, communities, NGOs and advocacy groups advance their interests through engagements and alliances with other differently scaled and situated actors and networks (Bebbington et al., 2010; Boelens et al., 2010). This notion assumes that actors pursue their interests through:

a mobilizing and maintaining networks and alliances with actors at different spatial scales;
b consolidating interaction, influence and political control at different sites; and
c the discursive and material bending of existing scalar realities (see Hoogesteger and Verzijl, 2015).

Through these scalar practices, Andean communities increase their capacity to secure their waters and related territorial resources and livelihoods, vis-à-vis the projects of influential adversarial actors. Scalar practices enable communities to access institutional, financial and political support and power at various interrelated scales (i.e. regional, national and international; wetlands, headwaters and basins; or NGOs, stakeholder platform and transnational water justice movements). Mobilizing allies and creating alliances that have the potential to help communities defend and advance their claims forms the key to these scalar strategies through which water governance outcomes are shaped.

Where waters are at stake: divergent claims in the Upper Pampas

The headwaters of the Pampas River are part of a plateau in the central Andean highlands of the Huancavelica Region, located more than 4,000 metres above sea level (see Figure 4.1). This environment consists of lakes, bogs and pastureland. The biggest lake in the area, one that holds a spiritual connection for many families in Huancavelica, is called Choclococha. For centuries, semi-nomadic pastoralists

and camelid herds have roamed and shaped this area, relying on the extension and maintenance of wetlands (ecosystems of saturated peat material) or *bofedales*. These are particularly important in the drier months of the year – May to November – when rainfall is scarce and seepage and snowmelt provide a gradual water influx. The *bofedales* are the basis of subsistence for 1,500 families in the Upper Pampas who rely on the meat and wool of about 200,000 alpacas and sheep for their livelihoods (see Postigo et al., 2008). Land and water are held in common and elaborate wetland irrigation practices exist to maintain and increase the *bofedales*. This is done by diverting water to new terrain and letting it infiltrate, turning dry peat into lush wetland over time. Practices include making canals, tinkering with water flows, digging infiltration ditches and small ponds, and experimenting with new technology, in addition to improving vegetation composition (Verzijl and Guerrero, 2013).

In July 2006, a legal decree was issued – DS 039-AG-2006 – which threatened the livelihoods, water flows, wetlands and territorial integrity of the Huancavelica communities of Ccarhuancho, Choclococha, Santa Inés and Pilpichaca. The decree allocated 50 million cubic metres (MCM) of water per year from this area to augment the existing coastal irrigation in the Ica Region through an interbasin transfer (see Figure 4.1). This transfer, for which powerful actors, including agribusinesses, Ica water users' associations and regional and national government agencies had strongly lobbied for years, was an important part of an Ica-based hydraulic multipurpose project called "Proyecto Especial Tambo-Ccaracocha" (PETACC). To collect the allocated water of the Upper Pampas, all springs and runoff water in this area would be collected through a 73-kilometre interceptor drain – *el canal-colector Incahuasi*. Once constructed, this canal would transfer these waters to Lake Choclococha. Here the collected water would be stored, behind a large dam, before being directed to the Ica plains through the existing Choclococha derivation canal.

In Ica, most water is used for commercial irrigation. Over the last two decades it has become the country's economically most important agro-export region, with several large, transnational companies turning the desert into sites of modern agriculture (Hepworth et al., 2010). To secure and expand their lucrative operations and the overall economic development of the Ica Region, for years this politically well-connected sector has sought new sources to augment the water supply in the valley. In that regard, the Incahuasi project was, and continues to be, promoted in national and regional election campaigns. To fulfil such a campaign promise, and in the wake of DS 039-AG-2006, US$30 million were allocated by the national government to the Incahuasi project in 2007.

For the communities, *el canal-colector Incahuasi* was not the first large-scale project transferring water to Ica's irrigation sector: the dam and the Choclococha derivation canal were constructed in the 1950s. This infrastructure submerged one community and cut through grazing lands and herding routes of many others. Over the years, the canal has claimed the lives of hundreds of alpacas and dozens of people in the Upper Pampas who fell into the freezing water. It further negatively

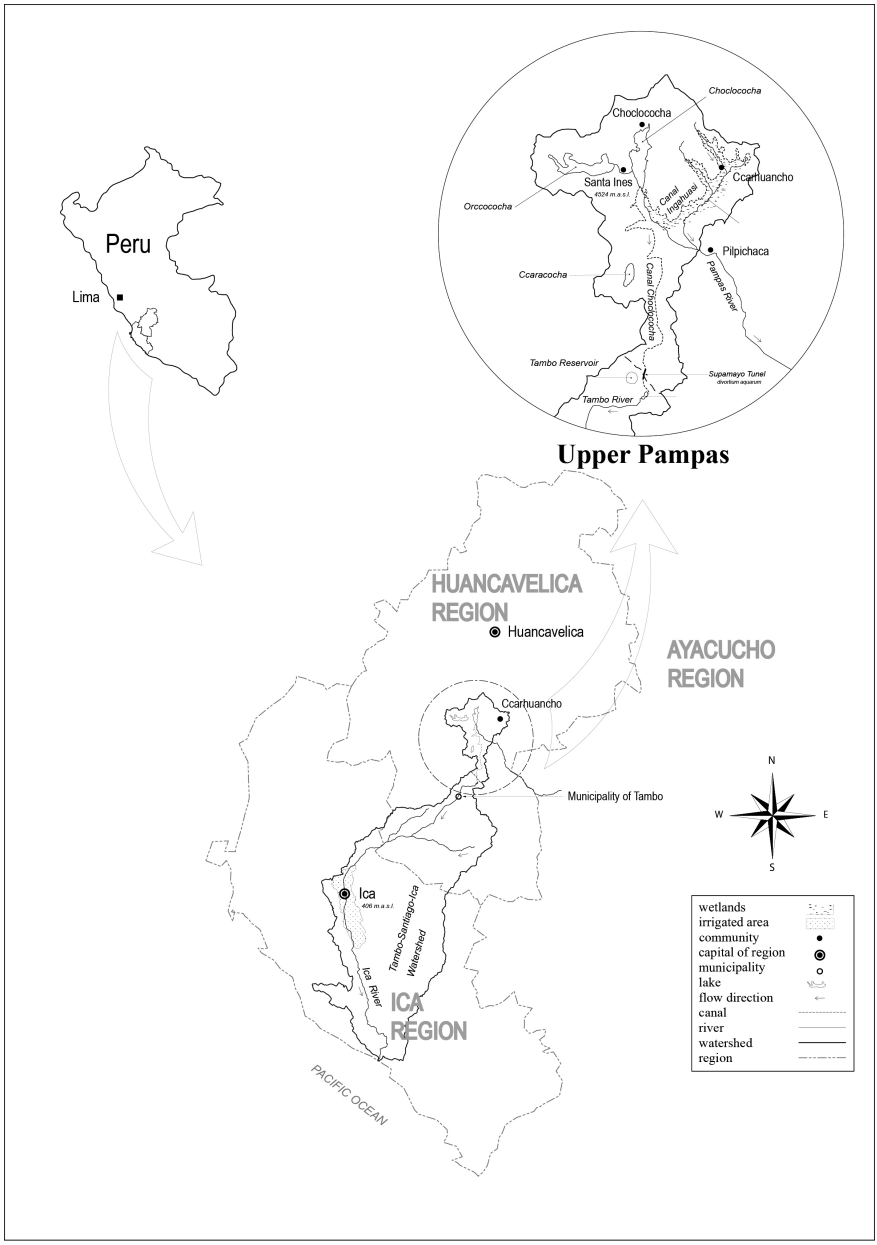

FIGURE 4.1 The Ica–Upper Pampas watershed
Source: Authors' elaboration

affected the water streams that sustained many *bofedales* and restrained the ability of the communities to move their herds through their territories. The construction of the Incahuasi canal would have similar negative effects in addition to the degradation, if not destruction, of hundreds of additional hectares of vital wetlands (Verzijl and Guerrero, 2013).

Contentious collective action for the defence of water and wetlands

After learning of DS 039-AG-2006, community members of Ccarhuancho started to mobilize allies to defend their waters and wetlands. On 15 September 2006, about 500 people from the four communities affected by PETACC gathered to protest on the village square of Ccarhuancho, where they received a delegation of the regional government of Huancavelica[1] and NGOs, most of which were associates of MEGAH (Mesa Técnica de Gestión del Agua de Huancavelica). This was a multi-stakeholder platform set up around the same time to defend the rights of water users of the Huancavelica Region. It enjoyed strong public and regional government support, in great part based on perceived structural injustices and inequalities of the Andean areas vis-à-vis the coastal zone (Ica). At this public gathering, MEGAH adopted the communities' struggle against PETACC as an important case. Being the frontrunner of early mobilizations, the community of Ccarhuancho became a full-fledged member of MEGAH, with their leaders representing the four communities. This secured allies for their local struggle among regional government and NGOs with different scalar reaches.[2] MEGAH members included representatives of the Offices of Agriculture, Health, and Natural Resources and Environment of the Huancavelica regional government, the Water Authority (ATDR) of Huancavelica as well as decentralized offices of national programmes like PRONAMACHS (the National Watershed Management Programme). It also included national and international development NGOs.

In October 2006, MEGAH organized a regional water forum in the capital city of Huancavelica, leading to the creation of new alliances with national water experts and human rights activists. At this forum several invited candidates in the upcoming regional government elections promised to prioritize the water issues of Huancavelica if elected. The elections were won by Federico Salas, who had played a controversial role during Fujimori's dictatorial regime. This caused tensions with certain NGO representatives of MEGAH and eventually led the Salas administration to create a second water platform after withdrawing its representatives from MEGAH. Though MEGAH continued to operate independently, its influence declined as a result.

To maintain alliances with and secure the support of the new regional government of Huancavelica, the communities mobilized their members to attend several political rallies that were co-organized with Salas between February and June 2007 against the water transfers to Ica. These rallies, which were attended by thousands of people, aimed to address the unjust division of water between the Huancavelica and Ica regions and later present this interregional dispute in front of national

ministries and agencies. More protests were organized in the communities located near the dam and sluice of Lake Choclococha. Different from the territorial integrity and water access claims of the four communities in Upper Pampas, the central component of Regional President Salas' political case was that the region of Huancavelica ought to be compensated for the water that flows from Huancavelica to Ica. His argument was that millions of dollars were invested in hydraulic works for Ica, while not a single drop or dollar was left for Huancavelica.

The rallies led to the involvement of the Prime Minister in the mediation of the conflict between the two regional presidents. This resulted in an agreement that, in exchange for its waters and the consent to construct the Incahuasi canal, Salas would get US$30 million for development projects in Huancavelica (equal to the cost of constructing the Incahuasi). This settlement – along with other issues that caused public dissent in Huancavelica – resulted in a popular mass mobilization and street protests in Huancavelica's capital. The deal between Ica and Huancavelica was eventually cancelled. In parallel, and through contacts from MEGAH, the leaders of Ccarhuancho travelled to Lima to present and discus, their case and the illegitimacy of the water reservation for Ica with congress members.

Transnational actors and the Latin American Water Tribunal

In another course of action, Ccarhuancho and the other affected communities consulted with the human rights activists and NGO legal advisers they had met at MEGAH. With their help, the Ccarhuancho leaders worked on presenting their case at the Latin American Water Tribunal (TLA). In preparation for the case, Ccarhuancho reclaimed its indigenous identity to appeal to ILO 169 and incorporated internationally recognized wetlands protection treaties (RAMSAR) and other environmental impacts in its defence arguments (see Hoogesteger and Verzijl, 2015). The financial support to get the Ccarhuancho representatives to the TLA hearing in Mexico and then disseminate the results in Peru was arranged through a national NGO and a Netherlands-funded international water education programme.[3]

On 8 October 2007, in the city of Guadalajara, Mexico, the TLA ruled in favour of Ccarhuancho and the other communities of the Upper Pampas, demanding that construction of the Incahuasi canal must be halted and DS 039-AG-2006 (and others) revised. It further recommended compensation and retribution for past damage, as well as the realization of an environmental impact assessment, in collaboration with the communities of Ccarhuancho, Choclococha, Pilpichaca and Santa Inés. The accused parties were notified, but absent.

After this triumph, a press conference was organized in the Peruvian capital Lima. The aim was to make the verdict of the international court public for the national media, the authorities and the wider citizenry. Those in attendance included transnational actors such as NGOs and solidarity networks but also PETACC and representatives of Ica agro-export interests. Although the TLA verdict was not binding, its impact was considerable. It gave legitimation to the

communities' struggles, which had resulted in previous community leaders facing criminal charges. It also forced PETACC to consider the headwater communities properly in environmental impact assessments (EIAs) and generated considerable international and national attention. The TLA's ruling cemented the position of the communities in the inter-regional conflict, making it harder for the national government to support the demands of Ica stakeholders to push for the Incahuasi canal. However, despite several dialogues and attempts to establish a report in the following year, no EIA was drafted (Guerrero et al., forthcoming).

Water laws and watershed boundaries

The current water law (enacted in 2009) stipulates that watershed committees have to be installed at watershed level, with the participation of local and regional governmental actors and water user groups. In cases of inter-regional conflict, such as between the Upper Pampas and Ica, each region first has to form a "pre-commission," and these then negotiate about the watershed committee's agenda and positions. In connection with this law, the World Bank and the Inter-American Development Bank funded the Modernization of Water Resources Management Project (PMGRH) to strengthen the institutional capacity of the water sector. One of its pilot projects was the Ica watershed, including the area of the interbasin transfer from the Upper Pampas (Guerrero et al., forthcoming). For this, US$8 million were allocated, on the condition that a watershed committee would be created. In 2010, the National Water Authority (ANA), PMGRH and PETACC started negotiations to reach an agreement between Ica, Huancavelica and the communities of the Upper Pampas, but without success. Part of the conflict revolved around the watershed committee's boundaries. Lake Choclococha is the origin of the Pampas River, from where water is diverted to the Ica watershed (see Figure 4.1). The Ica Irrigation District boundaries marked this area (together with a small margin on either side of the Choclococha derivation canal) as belonging to it. The Ccarhuancho River is a tributary of the Pampas River and technically part of the Ayacucho Irrigation District that administers these waters. However, since the Incahuasi project, Ica interests and stakeholders, as well as ANA officials, have envisioned this area to be part of the Ica Irrigation District.

A lot of effort was put into persuading actors from Huancavelica to participate in the Ica watershed committee. Yet, the communities insisted on first resolving the issue of community water rights and decision-making power over (future) hydraulic works (Guerrero et al., forthcoming). Difficult negotiations followed, in which the communities and the Huancavelica regional government insisted on the hydrological watershed boundaries, in which their territories form part of the Pampas watershed.

A fragile dialogue was shattered in 2011 when, shortly after newly elected regional presidents were inaugurated, an emergency decree – DU 001–11 – was issued by the national government. The Incahuasi canal and related infrastructure were declared projects of national interest, which meant that normal legal

processes, such as an approved EIA, could be sidestepped, allowing work to begin immediately. The new regional president of Huancavelica maintained the position that he was not against the projects, but would consent to them only if there was no opposition from the communities. In turn, the communities protested and mobilized, not just against Ica actors, but against their own regional government, whom they urged not to give in.

The emergency decree coincided with a sense of urgency among those funding the PMGRH Modernization Project, for which the signatures of both regional presidents were needed. However, since the president of Huancavelica would not sign without the communities' consent, Incahuasi was again halted and removed from the list of projects of national interest by mid-2011. This led ANA and other involved stakeholders to reconsider their desired watershed boundaries, which included the area of the basin transfer in the Upper Pampas, and focus on the Ica watershed scale. It was believed this would make formation of a watershed committee easier, but it was viewed by many pro-Ica actors, including PETACC, as a loss of control. Then Huancavelica and community representatives insisted that the Pampas Watershed Committee would be set up in parallel to the Ica Watershed Committee. Both ANA and the PMGRH Modernization Project initially agreed to this. Furthermore, through their position in relation to infrastructure and their established negotiating skills, the communities managed to secure a special seat on the future Ica Watershed Committee. They succeeded in gaining this concession after arguing that their practices and the existing infrastructure shape and influence each other.

Strategic bending of the watershed boundaries to, on the one hand, gain voice in the Ica Watershed Committee while, on the other hand, keeping Ica interests at bay through assisting in the formation of the Pampas Watershed Committee has been formidable. At the same time, however, the formation of the Pampas Watershed Committee has stalled because representatives of other regions (Ayacucho and Apurimac) could not be mobilized. This has legal consequences for the Incahuasi canal in light of the fact that the 2009 water law stipulates that new large hydraulic projects can be developed or planned in a watershed only after a functioning watershed committee has approved of the plans.

Sustainability of a dialogue platform

Despite the existing legal and institutional hurdles, during the electoral campaign for regional governments in 2014, Incahuasi was again put on the public agenda by candidates in Ica who claimed to have reached agreements with the communities in the Upper Pampas. Meanwhile, other candidates announced plans for the realization of Incahuasi through public–private partnerships (Guerrero et al., forthcoming). The national government supported Ica actors' proposals to increase water availability and even went so far as to allocate them funds from the central treasury. In Huancavelica and the Pampas headwaters, the national government would invest in pasture management and alpaca breeding, but not in projects that

allocated water to the communities. The Minister of Agriculture emerged as a strong Ica ally when pledging to remove any obstacle or administrative constraint against infrastructure investment (Guerrero et al., forthcoming). Once again, the communities mobilized to refute false claims that they had agreed to the infrastructure projects. To this end, media outlets in Ica were approached, while graffiti on walls and streets in Upper Pampas signalled the activists' discontent. At the same time, they sought new courses of action and new allies as well as old ones.

In June 2014, community representatives met the high commissioner of the National Office for Dialogue and Sustainability (ONDS). The ONDS is the highest authority in Peru on controversial issues and social conflict resolution. Its main aims are "to promote spaces for dialogue … for citizen participation and consolidation" (ONDS, 2014: 48) and "foster agreements and consensus between the State, private sector and society" (ONDS, 2014: 74). During an intermission of the June meeting, the situation in the Pampas headwaters was briefly explained to the commissioner by Huancavelica stakeholders. He acknowledged the need to secure social justice for the Huancavelica communities and promised to put them on the ONDS agenda. When the meeting recommenced, he mentioned that the state owed a historical debt to Huancavelica that had to be honoured.

The creation of the "Bi-regional Dialogue and Development Platform Ica–Huancavelica" (MDDB) was announced in March 2015. Before the first roundtable dialogue, a number of preparatory meetings were held in both regions. In the capital of Huancavelica, the ONDS moderator showed the community representatives a video of the president of Ica renouncing the Incahuasi canal on national television, specifically because of "the environmental value of the wetlands." According to the ONDS official, this statement virtually marked the end of the conflict. However, those who were present declared that the cancellation of the Incahuasi project was just part of their agenda. Other, more immediate points also had to be addressed, such as the co-administration, by both regions, of PETACC (or whichever entity would be tasked with operating the infrastructure) and recognition of community water use and allocation of water rights.

In a final preparatory meeting, held in August 2015, delegations of both Huancavelica and Ica presented their agendas for the MDDB. The meeting was chaired by the ONDS and participants included representatives of ANA, various branches of the Huancavelica and Ica regional governments, PETACC, the affected communities, the Ica water users' associations and others. In total, thirteen agenda points were tabled, nine by Huancavelica and four by Ica. The latter's main point concerned the formation of the Ica Watershed Committee.

In October 2015, the first roundtable meeting was held. The media presented it as a historic meeting between the two regions to determine a shared water future. There was careful optimism among the actors involved that a watershed committee might be formed, PETACC might be replaced with a bi-regional project and other goals might be addressed. However, water reallocation and the construction of infrastructure were still stumbling blocks.

In parallel to the communities' numerous efforts to mobilize allies and upscale their struggle by connecting to a multiplicity of scaled actors and spaces, they engaged locally to defend their water and wetlands. Several communities have issued written *oficios* (formal documents) prohibiting PETACC from trespassing on their territory and denying its engineers access, pending the resolution of controversies like DS 039-AG-2006. In September 2006, an unmarked car was spotted on a road in Ccarhuancho. Community members intercepted it and demanded that the two strangers explain their intentions as well as the survey documents and maps that they found in the car. The locals then confiscated identity cards and the survey documents, which were handed in to the provincial court, where the trespassers were denounced.

There have been many similar incidents over the years, especially in times of crisis. The communities exert tight control over who enters their territory and on more than one occasion they have stopped, questioned and even threatened suspected intruders. In January 2015, when the conflict with "new" Ica politicians was escalating, the communities again denied entry to PETACC personnel charged with managing the Choclococha reservoir and canal. This strong local territorial control has become a powerful tool for these communities vis-à-vis PETACC and related Ica-based interests. To date, it has made it impossible for engineers to carry out the topographical surveys that would be needed before construction of the Incahuasi canal could begin.

As of November 2016, a decade after the first public hearing in Ccarhuancho, negotiations about the dismantling of PETACC and the launch of a new bi-regional hydraulic project were just beginning.

Discussions and conclusion

This chapter shows how Andean communities, in defence of their waters, successfully engage in grassroots scalar politics to create and cultivate alliances and associations with national NGOs, regional governments, transnational actors such as the TLA and broader water education and solidarity networks. It is due to these alliances, which are both based on and depart from the local collective action of communities in the Upper Pampas, that the Incahuasi project has, over the years, been blocked repeatedly. This has been achieved through the creation of political leverage and embedded in inter- and intra-community associations and collaboration. Though communities are often diverse and even antagonistic, it is crucial that internal cohesion is both established and maintained when external threats imperil the resources and livelihoods of the community members.

In this case, cohesion is tied to pastoralist identities and practices and the defence of these and the resources that sustain them. This collective struggle mobilizes community members for protests, rallies and action that establishes local control over who enters community territory. At the same time the collective is the support base that financially, strategically and emotionally backs those community representatives that engage in networking and alliance-building activities that enable local communities to upscale their struggles and gain political agency in regional and national water governance arenas.

The lens of grassroots scalar politics offers an entry point to improve our understanding of the communities' dynamic multi-scalar associations and their strategic deployment of scale – such as regional, watershed level or the particular ecological zone of *bofedales*. For this they mobilize differently scaled political interests and powers, institutions and legal systems (regional, national, international, water, environmental and human rights) as well as identities (regionally rooted, indigenous, *campesino*, pastoralist, water professional) (see Bebbington et al., 2010; Boelens et al., 2010). An important line of inquiry that remains open in improving our understanding of how communities create such alliances is analysing the crucial role that community representatives play in the process of advancing grassroots scalar politics (see Hoogesteger, 2012).

What this case highlights is the crucial role that networking and alliances play as a means for local actors to upscale their struggles through grassroots scalar politics. It shows that although collective action at the community and supra-community levels is essential, increasingly multi-stakeholder and multi-scalar forms of collective action and collaboration are needed to create the necessary political leverage to defend local interests and stakes. These are rooted in community practices but also connected to broader scales such as tribunals in Mexico, government ministries in Lima, and the water education programmes of solidarity networks and environmental NGOs. The resulting alliances are increasingly important in shaping water governance processes and its outcomes at different scales. Communities that fail to engage in grassroots scalar politics are at great risk of becoming invisible at broader scales and in consequence losing their access to water and related livelihoods to more powerful actors (Perreault, 2013, 2014; Zwarteveen and Boelens, 2014).

The community struggles analysed here show that the interests, waters, territories and livelihoods of rural communities can be protected and maintained through collaboration that successfully engages with different multi-scaled actors as part of a broader process that leads to more just water governance processes and outcomes.

Notes

1 In Peru, the governmental administration is divided into regions that have considerable political autonomy and clout.
2 It is worth noting that the regional government and NGO actors were not present in the 1950s, when the first infrastructural projects were realized. The communities did protest, but they found it difficult to build networks and maintain allies.
3 The programme was a precursor of the Alianza Justicia Hidrica, a broad solidarity network that unites international development organizations and universities with national water advocacy groups, grassroots initiatives and community leaders in the Andes who aim to further water and environmental justice (see www.justiciahidrica.org).

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