The State Apparatus and Andean Water Reforms

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Introduction

The absolutism of state power, being the nexus of coercion and violence in Anarchist and Marxist theory, narrows our attention on the state as the central site of transformative politics and resistance. Anarchists critique the belief that a modern society requires a state system to foster social order, equality, and justice. Generally, Anarchists are antiauthoritarian and seek an alternative model of human interaction based in voluntarism and oriented towards communication and localized collective decision-making. Social order is not imposed, as in the state-centric society, but collectivized through horizontal democratic processes. In other words, Anarchists seek a social life supported by the minimum amount of coercion where social agreements are voluntary and authority is conceived as practical rather than absolute and perpetual (Bamyeh 2009, 27-8). Anarchism, incorrectly critiqued as utopian, provides a set of theoretical tools and practical solutions for anti-capitalist movements. Anarchists believe the state apparatus is inherently uncontrollably violent. The elevation of a vanguard class to the helm of state power would not displace the state's inherent violence, only change its form. Gramsci noted, if a social movement came to power and seized the state, "sooner or later the progressive fraction of the ruling group will end up by controlling the new government, and by making it its instrument for turning the State apparatus to its own benefit" (Gramsci, 1972, 166). Rather, anarchists seek to construct a different set of relations and politics situated outside the state (Newman 2010, 109). This shift outside, allows each community to devise policies and ways of being best suited to their unique circumstances.

The purpose of this paper is to examine the exercise of state power and sites of state resistance concerning water resources in the Andean region through an Anarchist and Marxist theoretical lens. Through this analysis, I argue that community building and decision making, outside the purview of the state, is ideal for marginalized collectives. Instead of assimilating into state socio-legal realities, communities should construct autonomous societies decoupled from the state. Moreover, these collectives should consider adopting "prefigurative politics" — the commitment within the collectives themselves to "define and realise anarchist social relations within the activities and collective structures of the revolutionary movement itself" (Gordon 2007, 35). In proposing this view, the paper will first examine the state apparatus through a Marxist and Anarchist theoretical model. This analysis will provide perspectives into the ways in which the state functions through the guise of legitimized violence and coercion. This section will be followed by how the state mobilizes this power in the context of water resources in the Andean region. In particular, I look into the legal and economic impositions that instituted policies which dispossessed indigenous and farmers' water rights and management capabilities. Finally, I provide Anarchist alternatives and ways of being unique to anti-state-centered engagements.

State Power and Coercive Measures

Both Anarchists and Marxists place the state apparatus as the site of violence, social control, and political class struggle. Bakunin argued, "[t]he State is the organized authority, domination, and power of the possessing classes over the masses" (1972, 133-4). Bakunin, and many others, see the state as the primary source of imposition from which legal and social policies that benefit the capitalist class emerge. To be sure, the state has conceded significant social welfare policies due to the successes of social movements; however, the "idea that the masses, always incapable of governing themselves, must submit at all times to the benevolent yoke of a wisdom and a justice, which one way or another, is imposed on them from above" (Bakunin, 1950, 25) preserves the foundational inequities while outwardly transforming its social persona. The state's existence hinges on its ability to retain control and superficially reform social injustices. While many other forms of coercion and violence exist, Foucault informs us that "[e]ven if the State apparatus isn't the only vector of power, it's still true…that the State spans the essential sector of disciplinary practices" (Foucault 2007, 179), which makes it an essential site of theorization concerning transformative social movements and politics. Anarchists focus on, to a significant degree, the injustices both directly and indirectly attributed to the state. For example "[t]he state is directly responsible for those practices that benefit it — or the political class' — at the expense of the general population…The state is indirectly responsible for the practices of privileged social groups that it promotes or protects" (McLaughlin 2007, 79). Therefore, anarchists pronounce the state responsible for reproducing social evils' that bear upon the majority.

To claim "the state" is responsible for anything requires further examination of the general composition of the state itself. Foucault saw the state apparatus as the "crystallization" of power in the "formulations of law" — the legitimization of social hegemonies (1990, 93). Marxist conceptions of the state apparatus varies from an autonomous dictator of capital, a place of contest and struggle of complex actors, a neutral tool utilized by those in power, and a site of inherent capitalism (El-Ojeili 2012, 30). Althusser reduced the state's complexity by delineating two important forms of control — "the body of institutions which represent the Repressive State Apparatus on the one hand," which functions through violence, "and the body of institutions which represent the body of Ideological State Apparatuses on

the other," which functions through ideology (1994, 113). The Repressive State Apparatus — consisting of the army, police, and judiciary — works primarily through authoritative utterances (legislation for example), but when these fail to secure compliance of the citizenry the state resorts to physical force. This is how the state maintains order and re-establishes it when challenged. The Ideological State apparatus (ISA) — consisting of schools, media, churches — works primarily through indoctrinating ideologies vital to maintaining ruling class dominance. These brief descriptions of the state reveals its general character while Althusser's theory of ISA reveals how the state maintains power without resorting to violence.

Althusser's ISA manipulates through ideology, which he defines as, "the system of the ideas and representations which dominate the mind of a man or a social group" (1994, 120). The ISA infiltrates the collective (un)conscious and produces self-interpretation epistemologies that steer us into state promoted ideologies. In other words, "[p]articular ideologies are always explicable in terms of specific class positions and the concrete histories of a particular social formation. They are determinate systems of value, rationalizations, for the interests of the dominant class" (Grosz 1990, 67). The ISA explains how disparate economic, social, and political systems flourish despite the fundamental conflicts of majority interests — "consciousness is not a reliable index of social reality but its distorted or false representation" (Grosz 1990, 63). Places of higher learning, usually restricted by privilege, undeniably reproduce ideological "forms which ensure subjection to the ruling ideology or the mastery of its practice'" (Althusser 1994, 104). For example, law school, while not completely non-existent of critical thought, ensures the continued existence of an unjust and racialized legal system through initiation and jurispreduntial exaltation. We are trained to critique and confront the law, but only within the law itself. More effective tools of transformation are contracted while the primacy of the law expands. But, most importantly, "[t]he state is always accompanied by a statist mind-set or political logic which affirms the idea of the necessity and inevitability of the state, particularly at revolutionary junctures, and prevents us thinking beyond it" (Newman 2010, 107). Ideologies are the source of our freedom and our imprisonment.

State Power and Water Policy in the Andes

Essential to the ordering of society, the state possesses the monopolistic authority to draft, approve, and impose laws. Democratic processes of law reform or political engagement are subdued by the controlling interests of the state and its supporters. In many countries, there is a substantial democracy deficit, especially concerning those most marginalized. In Andean countries, water rights policies and procedures all have an underlying key feature, which denies the already existing diverse collective water management approaches and indigenous conflict resolution practices in favor of a centralized water resource law and policy (Rutgerd Boelens 2011a, 8). Through social and legal engineering, the state denies any other water management system and "assumes that by simply enacting and enforcing official laws, the many-faceted reality of water management in the Andes can be molded and homogenized, to create modern,' efficient,' and rational' management" (Rutgerd Boelens 2005, 146). These official laws emerge from state interests and compels its subjects to fall in line.

Since the 1970s, the Andean states implemented neoliberal policies causing deleterious affects on water management practices and resources. The neoliberal model fundamentally bases its policies on legal and market incentive structures to determine the most efficient activities of water users and managers, which externalizes/delocalizes water rights (Hans Achterhuis 2011, 45). Neoliberalism alienates indigenous communities both physically and economically through "active strategies of enclosure of commons that increase people's dependence on capitalist markets for the reproduction of their livelihoods" (De Angelis 2007, 133). Through neoliberal construction, the embedded indigenous practices of collective property systems become disembedded by outside regulations and market-based rules, "the destruction of systems of collective rights are seen as important successes and achievements of the model" (Zwarteveen 2005, 115). Commodifying water demarcates the most useful water practices by assigning the highest price — the most expensive use is the most useful. Neoliberal models relies on "rational-actors" who manage water "rationally." The certainty of the economists' "rational-actor" disregards the complexity of social relationships and personal realities. What does this rational person look like? What does this rational person think? The ISA mentioned earlier, provides an explanation of why Latin American countries implemented neoliberal policies and how capital's subjects can be molded into "rational actors." Apeldorn explains — "[a]ny hegemonic project needs not only a more or less coherent accumulation strategy serving the interests of the leading capital fractions and their immediate allies, but it also needs the political ability to mobilize majorities in parliamentary democracies, and a sufficient measure of at least passive consent" (Apeldoorn 2012, 3). The Andean region is home to significant populations with no relations to the state until their resources are threatened. The state's imposition upon these isolated populations, who managed their own water for decades, is the most obvious form of state coercion.

The imposition of water rights, upon farmers and indigenous peoples, disciplines their collective irrigation practices by branding them as illegitimate. By excluding their rights, identity, and practices from the official laws, the state can

legally expropriate both land and water resources by highlighting the collectives and indigenous peoples failure to comply. The state rewards those communities who do comply to the new policies by providing technical and organizational support to modernize their management systems into the rational new institutional market logic (Zwarteveen 2005, 98). Most established collective water management practices in the Andean region work through the ”one person-one vote" rule implying that each right-holder has a decision making vote in resource allocation (Zwarteveen 2005, 111). This horizontal system, as opposed to the state sponsored hierarchical system, highlights the importance of community involvement and the knowing associated with controlling the communities own water resources. State controlled water policies undermine the existing collective arrangements, which settle conflicts and proportions water resources effectively. Instead, a centralized command controls the resource without due regard to unique circumstances of each community. The state expropriates resource ownership when the community stands in the way of modernization. The collectively owned Los Castillos Vally lands in Ica Peru, which belonged to 114 indigenous families, undermined the free sale and parcelization to individual owners (Zwarteveen 2005, 103). The Ica Technical Commission and the Peruvian Water Directorate, with the support of the landlords of the Ica Valley, successfully pressed the state to create and enforce a law to legally expropriate the land and install the landlords as the land and water property owners (Zwarteveen 2005, 103). Here, the interests of the state converged with the owning class and dispossessed indigenous families through the creation of laws — an integral coercive tool of the state.

National water laws create a space of inclusion where all are equally subject to the law, but only the state’s interests are protected. Reproducing stereotypes and racialized notions of indigenous people as ”backwards" and ”undeveloped" these forms of ”legislation rests on the idea that water allocation is a highly technical process requiring precise calculation and distribution of water according to the specific needs of agricultural crops, and that it is therefore too complex for local people themselves to carry out and oversee" (Trawick 2003, 985). This equalization of law creates a ”national identity within an imagined community’, a uniform nation in which all parties share similar interests and have the same natural’ objectives regarding water resource management" (Rutgerd Boelens 2005, 146). However, collective and indigenous water interests couldn’t be more at odds with state interests. For example, Peru’s General Water Law of 1969, still in force today, declared all water sources to be state property charging the Ministry of Agriculture the responsibility of national water management (Zwarteveen 2005, 154). Peru’s law decouples collective control and ownership of water and requires communities to pay ”water tariffs" and report to the ”Technical Administrator" regarding management practices and water use (Trawick 2003, 984). Similarly, Chile’s 1981 law entailed the centralization of control and the privatization of water rights often resulting in the auctioning and taking of indigenous water rights — Chile’s law has been the model for other Latin American countries since (Hans Achterhuis 2011, 43).

These highly centralized systems ignore ”any other form of organization, imposing a single model regardless of geographical, productive, and sociocultural differences" (Zwarteveen 2005, 154). The Peruvian law and its regulation, inculcated with technocratic models, ensures the interests of the state through organizing water realities based on the coastal region’s economic needs (Zwarteveen 2005, 154). Similarly, the 1972 Ecuadorian law neglects any existing local water management practices and removes authority of established water management organizations in favor of a single rigid set of regulations that ignores the diverse geographic zones and varieties of irrigation systems (Rutgerd Boelens 2005, 146). More recently, Article 308 of Bolivia’s new Constitution alienates those water practices viewed by the government as harming the collective interests. The Article requires that either private or collective ownership of property must ”fulfill a social function" that must be for the greater good — the greater good as defined by the state (Tsolakis 2012, 190). The ideological function of these official laws highlights the omnipresent status of the law, which can’t take into account the varied differences of water rights and needs.1

Through globalization and the deterritorialization of capital, globalists’ argue that the state is subservient to capital flows since exploitative state based or multinational corporations seemingly operate without state interference (Vertova 2005, 4). However, each corporation imposes self-regulations and looks to the state for positive treatment before conducting business. Thus, the state authorizes, actively or passively, corporate activity within its borders. Governments and companies in Andean countries continue to side with the forces of capital by questioning the legitimacy of indigenous organizations and leaders in property disputes and transfers. The Andean governments grant contracts and concessions to large natural resource extraction companies despite prior consent requirements in legislation (Anthony Bebbington 2010, 314). Moreover, companies promote the creation of new indigenous or farmer organizations within disputed territories to encourage infighting between the organizations (Anthony Bebbington 2010, 314). The distribution of water, in Peru’s drainage basins, shows the corporate allotment of water resources totaling ”41 per cent of the Jequetepeque and Santa River basins, 40 per cent of the Rimac (which provides drinking water to Lima), 26 per cent of the Mantaro, 31 per cent of the Apurimac" (Anthony Bebbington 2010, 312). Additionally, oil and mining companies cause significant environmental degradation — Large stretches of the upper reaches of the Mantaro River in highland Peru have been devastated, while oil extraction has seriously contaminated Peru’s Rio Corrientes.

Meanwhile, mining companies have diverted watercourses in order to access the water they need for their production, leaving communities with diminished supplies. And in the worst cases, some communities and peoples have been doubly affected by both mining and hydrocarbon extraction" (Anthony Bebbington 2010, 312-3).

The specter of resource wars further highlights the importance of community sustained and managed resources. In the Andean region, state interests coincide with the interests of the capital owners. The continued appropriation, commodification, and exploitation of natural resources for financial gain is certain to continue. The imposition of state policies upon marginalized communities awakens the emerging sites of resistance culminating in grassroots alternatives. As Uri Gordon notes, ”such practices may be our only hope for passing through collapse in a way that will result in liberatory and life-affirming social realities, rather than in nightmares of authoritarianism or wholesale destruction" (2009, 257).

Alternatives and Collective Movements

The way forward for collectives facing disparate and harmful affects from neoliberal water policies and state coercion, that destroys ways of being, is to continue working outside of the state’s purview. Despite the success of agrarian revolutions, dramatic democratic moments, and armed revolts, the inherent foundation of the state is coercive and violent. As Marshall notes, ”[t]he only act of power excusable in a popular revolution is to dissolve power as far as possible. This would involve the `re-empowerment' of the individual to shape his or her life" (2010, 616). Successful resistance movements, Anarchists believe, are those that dissolve the state and construct societies and ways of being that reflects their own unique ways of coexistence. The prefigurative politics, mentioned earlier, imposes substantial tasks on the movement itself — ”the central one being to create and sustain within the live practice of the movement, relationships and political forms that prefigured’ and embodied the desired society" (Breines 1982, 6). Saul Newman captures the anarchist sentiment perfectly — Anarchist politics requires conscious and patient organisation: the building and defending of autonomous, collective spaces outside the state; the experimentation with alternative forms of democratic decision making and egalitarian forms of exchange; and even a form of discipline, as long as it is a discipline imposed voluntarily and without coercion by the subject on him or herself, rather than by a revolutionary leadership — a discipline that comes, for instance, with a commitment to a cause (2010, 112).

Anarchist theory advises the way forward for indigenous and collective water rights owners is to build the collective power outside of the state system. By creating a decentralized and localized society where people manage and govern themselves, the community can effectively face unique issues, instead of relying or working within the disparate state system. Marshall outlines the general structure of an Anarchic society and shows how communities evolve and overlap through economic and administrative means by creating ”a federation of self-managing workers' associations within the communes which would federate amongst themselves. The communes could form federations at the regional and national level, with mandated delegates, to resolve disputes, deal with foreign threats, and co-ordinate economic life" (2010, 628). While the state has traditionally, and unequally, distributed social services and welfare to its citizens, a voluntary association of communities would be better situated to provide those services. In Ecuador, after the state expropriated and then denied access to water rights for hundreds of indigenous farmers, the indigenous groups formed the Interjuntas Chimborazo a collective comprising 280 irrigation and drinking water user organizations (Rutgerd Boelens 2011b, 295-6). This collective organizes mass protests, occupies state run water agency buildings, and ”deals with conflict management among users and among associated systems, between marginalized groups and large landholders, and between indigenous—rural peoples and the state" (Rutgerd Boelens 2011b, 296). While operating outside the state in conflict resolution and water management, Interjuntas Chimborazo effectively mobilizes thousands of protestors and pressures the government for water reform policies. While this collective, and many others like it in the Andes, have proven to be successful, the state continues to control water management and policies. Anarchists believe the dissolution of the state is the only effective and permanent path resulting in social relations based in mutual respect and social justice.

Indigenous and collective ownership of water rights, that navigate outside the purview of the state, entails the continued resistance of capitalist or authoritarian absorption. The state will continue marginalizing movements that act outside their purview, especially concerning movements affecting nonrenewable resources. However, by creating strong collectives, in solidarity with other collectives on a variety of scales, resistance to state interference and coercion can be subdued or eliminated. Collectives must not only be autonomous from the state, but also from the politicization of their own space and the social and economic relations therein. Prefigurative politics, then, requires us to imagine the world we want to live in, create it in the present, and build its foundations for the future.

Conclusion

The state apparatus coerces and controls every facet of our being. From how we think, to what we buy, to how we interpret ourselves and those around us. The state has a vested interest in maintaining its power by making us powerless, subservient, and resigned. The state and corporations continue to accumulate capital through dispossession and exploitation. Despite this, billions of people around the globe are fighting against inequality and injustice. A global shift is emerging into a crystallized moment of change. This ”event is a moment of unpredictability which, while conditioned by history and by the situation in which it arises, is not determined by them and exceeds them, leading to the emergence of something entirely new" (Newman 2010, 128). The outcome of our personal and social transformation ”will be decided in and through struggles between contending forces in relation to the state" (Apeldoorn 2012, 12). For Anarchists and individuals who seek to change the ubiquitous capitalist and individualist relations between us, we must move beyond our present conformism and view radical politics and anti-capitalist social movements as — no longer laying the ground for a revolutionary event or a single, unified moment of global emancipation, but rather as a series of struggles, movements and communities whose existence is often fragile, whose practices are experimental, tentative and localised and whose continuity is by no means guaranteed. Nevertheless, they represent moments of potential rupture with the global order of power, and they embody — in their very singularity — the possibility of an alternative (Newman 2010, 170).

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1 While there has been a shift in state practices to recognize legal pluralism and indigenous rights within their territories, this neoliberal multiculturalism creates and fashions subjects of capital. Unfortunately, state interests to modernize and reform water management ”ignore alternative visions of development based on organic agriculture, notions of territoriality, food security and collective rights to natural resources, as well as local forms of water management" (Assies 2011, 70).