
**Right to Water: Community Empowerment and
Access to Water in Buenos Aires**

NARRATIVE REPORT

Centre on Housing Rights and Evictions (COHRE)
Right to Water Programme

*El Centro de Estudios Legales y Sociales (Centre for Legal and Social
Studies)*

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1. Background to Project and Report

The objectives of the project were to enable two local communities in the outskirts of Buenos Aires to:

- *Deepen and strengthen the initiatives* already taken by communities and CELS and COHRE to enforce the right to water.
- *Understand their entitlements and responsibilities* regarding access to water and monitor by themselves the performance of governments and private companies in progressively realising their rights to water and sanitation services.
- *Develop strategies* to improve their situation which might include participation in the decision making processes and negotiations with local authorities and private water companies to ensure that water polices and programmes take into account their rights in accordance with human rights and Argentinean law.
- *Participate* in the current political processes at the national level concerning the renegotiation of the concession contracts of private water companies with the aim of ensuring that the revised terms of the agreements are consistent with community needs and realities.
- *Establish networks* with other communities and organisations to increase their influence in political process and to demonstrate to other communities the value of a rights-based approach for improving the performance of public services.
- *Secure better access to legal and technical services.*

In the Phase I of the project, these various objectives were advanced through a number of project components between July and December 2004. Community representatives from the La Cava and Conet neighbourhoods are now informed about their rights and opportunities and have formulated strategies to realise access to water. With the assistance of the project team, the community representatives have started negotiations with the local, provincial and national authorities to require improvements to their access to water, and to develop links with other non-governmental organisations that can provide technical and scientific assistance to bolster the legal and political strategies. Further details on these actions are carried out in the Narrative Report for Phase 1 below (section 2) and the Achievements (section 4). Work continues in Phase 2 of this project to build on the actions carried out in the first phase, an interim report of which is provided in section 3.

2. Narrative Report for Phase 1 (July-December 2004)

The project team comprised the COHRE Right to Water Research Officer, Carolina Fairstein and lawyers from the CELS Economic Social and Cultural Rights Programme (Luis Campos and Pablo Ceriani). Legal and policy advice was provided by Ashfaq Khalfan and Malcolm Langford from the COHRE Right to Water Programme. The two communities selected for the project, from those listed in the proposal, were the La Cava community and the Conet community because they were sufficiently organised to be able to take action to secure their right to water and because they asked for forms of legal and policy assistance in which COHRE and CELS had the necessary expertise.

In order to fulfil the aims of the project, members of the project team visited the communities in a regular basis (once a week to Conet and every two weeks to La Cava). These visits helped deepen and strengthen the initiatives already taken by communities, CELS, and COHRE to enforce the right to water. The project team interacted with community representatives to prepare a report on their water rights and provided training to them on how to better to secure their entitlements. This process thereby renewed the enthusiasm of the community members and facilitated the involvement of new members of the communities.

The following lists the particular project inputs carried out.

2.1. Preparation of Research Action Reports

The project team, with the participation of representatives of La Cava and Conet in the regular meetings, prepared a research-action report in plain language Spanish for the communities on their rights, obligations and entitlements regarding access to water. The reports responded to the expressed concerns of the community members. The reports provided information to the community regarding their legally binding right to access to water of reasonable quality, pressure and taste, the institutions they could raise their claims and concerns and the possibilities they had to improve their actual situation regarding access to water. The information provided also include basic information on procedures and strategies to approach local and national authorities and get access to public information.

The reports include, inter alia, the following:

- The current regulatory framework of drinking water and sewage services applied to the community, and the particular treatment accorded to each community under this regulatory framework.

For example, the reports covered the classification the communities receive under the concession contract with the private company, Aguas Argentinas (i.e. whether it is a served area, an area intended for expansion of the network or whether it is not covered by the contract), and whether each community was included in the official expansion plans of Aguas Argentinas for the next year.

- The mechanisms by which the communities can hold water providers and the State regulatory bodies to account and gain access to public information, through recourse to administrative and judicial bodies.
- The responsibilities of the different actors (State bodies, local authority, private company) regarding provision, monitoring, and protection of water for the communities.
- The policies and programs developed by the relevant government or by the private companies that may be available (in the short-term and medium-term future) to improve water and sanitation services for the relevant communities.

In this respect, the documents listed the 'water plus work' programme, and the 'low-income neighbours' program, their characteristics and the possibilities for La Cava and Conet to apply for these programmes.

- The human rights of the members of the communities and the corresponding duties of all actors.

The reports covered rights contained in the National Constitution and in the Constitution of the Province of Buenos Aires. They briefly listed the main components of the UN Committee on Economic, Social and Cultural Rights General Comments on the right to health and the right to water (which are often directly invoked in Argentinean courts).

- The possible advocacy strategies to guarantee these groups their right to water and sanitation.

The report addressed official remedies, such as appeals to administrative bodies, but also considered the importance of participation in the decision making processes, negotiations with local authorities and private water companies and facilitating the development of alternatives to the current or prospective water service provision. The report mentioned, as an example, the experience of Don Orión (another neighbourhood in Buenos Aires Province) where the community organised a water cooperative and is carrying out negotiations with the Ministry of Public Works in order to be granted the permission to take over the water services, which are currently being managed by an inefficient private company. The reports included different strategies for Conet and La Cava due to the different situations in each community.

In order to prepare the reports and to address the concerns of the community members, several meetings were held with officials at the Water and Sanitation Regulatory Agency (ETOSS), the Public Works Ministries of San Isidro and La Matanza Municipalities, and the National Public Infrastructure Ministry. Such meetings gathered and clarified information and in many cases were followed by formal submissions in writing to request more information. The information required included: expansion plans and timing of the planned infrastructure construction, existence of social programs to help people pay for the service once they are connected to the network and to pay any connection fees, possibilities for community participation and monitoring of the expansion plans, information on the federal housing plan and municipality budget information.

2.2. Community Consultation on Reports

The Research-action reports, together with simple explanatory brochures on some aspects of the report, were circulated within each community. A number of meetings held to consult on these and to plan strategies. In both Conet and La Cava, consultations occurred with regard to the government actions that were likely to be the most useful in solving their water problems. In Conet, it was noted that is necessary for Aguas Argentinas to implement its undertaking to expand services to the neighbourhood. In response to the formal requirements and claims made by community members and follow-up pressure, Aguas Argentinas included this undertaking as one of the few investments it agreed to do while the concession contract with the government is being renegotiated. In La Cava, the community discussed the possibility that water services could be provided through an expected Federal Housing Plan jointly by the National and Provincial government which envisages the construction of 400 new houses for La Cava, which would upgrade the settlement, including through provision of proper water services.¹ However, information was not available on when the construction is going to start and whether the houses will be appropriately built. This is of significant concern because experience from other contexts has shown that in many cases, upgrading of informal settlements without the participation of the community has led to evictions.

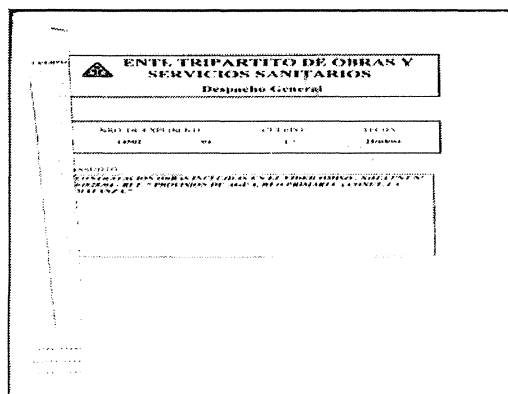
In both La Cava and Conet, a definite solution to ensure water access will take a long time. Therefore, the consultations considered alternative strategies for the immediate improvement of the water situation. In Conet, the consensus was to make a claim to the Municipality asking that it provide safe water through trucks or any other reasonable means pending the completion of the expansion plans. The meetings considered the possibility of suing the Mayor in court if no action is taken. This decision was partly inspired by other court decisions about which the project team informed both communities, specifically the *Comunidad Paynemil* and *Chacras de la Merced* cases in which municipalities were obliged to provide potable water to the members of communities that were drinking contaminated water.

In La Cava, the consensus was to repair and improve the precarious pipe system already in place in the neighbourhood. For this purpose, a water commission was created among the members of the community to carry out a diagnosis of the current system and to identify the areas that need urgent repairs. Once this is done, the plan is to make a claim for technical assistance of both Aguas Argentinas Corporation and the Water and Sanitation Regulatory Agency (ETOSS) and for financial assistance from the Municipality or the Buenos Aires Province.

It became clear, both in the case of Conet and La Cava, that the community members would be discouraged from following up with their initiatives to secure access to water if they did not see any changes as a result of their initiatives. However, the project team was able to demonstrate that some reforms had been achieved due to the community's presentation before the Water and Sanitation Regulatory Agency (ETOSS), the water company and the Municipality, the government has now publicly listed the Conet

¹ This plan was formally announced in January 2005.

neighbourhood in its schedule of neighbourhoods selected for extension of water services as part of the very few infrastructural works Aguas Argentinas is accepting to undertake until a new renegotiated contract is agreed upon. In addition, Aguas Argentinas, lists the Conet community on its water bills to consumers as a neighbourhood that will benefit from future extension works as marketing strategy, as a way to show the rest of the consumers their engagement with the poor in Argentina.



After some meetings with low attendance, the project team took a more active announcement campaign, rather than relying only on word of mouth announcements. The team prepared posters announcing the workshop in strategic places, asked the priest to make an announcement on Sunday in the church and called by telephone people who had attended the previous meetings.

(The cover of the administrative file approving the extension of the network to Conet)

The project team learnt that the public meetings could not only discuss water problems, but also needed to leave space to discuss other environmental or health problems of the communities. In this way, a group of over 25 persons, most of whom were female, began to participate regularly. A core group of key community workers was identified. They were asked to identify the main problems that they felt needed the most urgent solution in the places where they live. Access to clean water occupied the first place of the priorities. Other issues raised were air pollution by a nearby factory, an open air contaminated ditch crossing along the neighbourhood, and the existence of PCB in voltage transformers and electric condensers. The community members agreed that it would not be possible to address all the problems at the same time, but that since all the identified problems in a way or another might contribute to the contamination of the underground water that they rely upon, it was easier to call their attention on the report and discuss the strategies it proposed.

The report in Conet was summarised with an explanatory brochure. The project team distributed copies of the explanatory brochure so the most involved community members could give them to other people who were not present at the meeting and discuss the strategies. As a result of this discussion we arrange another meeting for the preparation and signature of different notes for implementing the strategies.

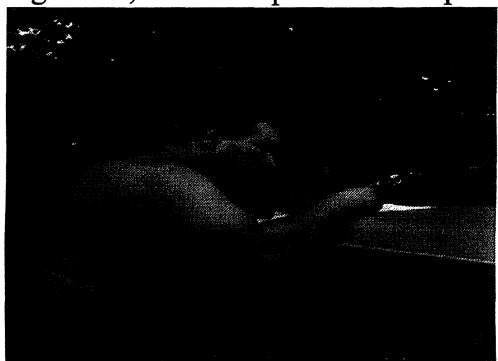
At a large meeting of community members, with good attendance, the project team prepared and circulated for signatures two different petitions:

i). One petition for the La Matanza Municipal Department of Public Works giving him a deadline to answer the peoples' requirement of providing them with potable water in tanks until they have been connected to the Aguas Argentinas network. This petition

constitutes a pre- requirement that should be carried out before it is possible to sue the municipality in court. (Copy of the petition attached as Annex 1).

ii). Another petition to the Water and Sanitation Regulatory Agency (ETOSS) asking for information relating to the expansion plans and the envisaged timing for the expansion plans, among other issues.² In this petition, the members of the communities asked for an expansion of the area to which the service is planned to be extended and mechanisms for participation. This petition was signed by more than 60 community members. (Copy of the petition attached as Annex 2).

In La Cava, the main obstacles the project team faced for the discussion and circulation of the report with a broader number of people was that, in the majority of the meetings organised, the water problem occupied a secondary place to the bigger problem of access



(Member of the Conet neighbourhood signing the petition)

to housing. New problems and political conflicts related with the solution of the housing situation arose since the proposal was written. In this regards, the project team decided to follow the lead of the community and to not restrict its focus to water, but to also address issues of housing issue as an indirect means of addressing the water access problem. Improved housing upgrading is internationally a primary means by which improved water access can be achieved.

2.3. Community Workshops



(Project member Carolina Fairstein giving a presentation in the Conet workshop on administrative procedures).

Two workshops were held in Conet to provide the community members with information on their rights to access to public information and the special administrative procedures for that end, on how to claim and submit petitions before administrative bodies, and on how these administrative mechanisms and procedures operated.

The workshops discussed the benefits of making administrative petitions and the importance of following them up with other presentations, and obtaining the information necessary to make a convincing presentation. The workshop discussed the research action report, and the problems faced by community members in accessing water and

² The project team consulted the administrative files in ETOSS and verified that the relevant maps and documents for the tender of those works had been prepared and approved without consulting or informing the community. There was no provision envisaging that the community would have the possibility to participate in the implementation of the works. In addition, the administrative files did not contain any information on: a clear deadline for the tender launching, how long the works might take, who was going to monitor the correct use of the funds or under which conditions the services would be provided once the extension works are completed.

sanitation, and how they may form possible presentations and claims. Finally the workshop participants together with the project team defined strategies and possible methods to make presentations for improving their access to water and sanitation.

2.4. Assisting with Implementation and Enforcement

As discussed in Section 2.2 above, the project team assisted the communities in the initial steps for the implementation of the chosen strategies identified in the reports and agreed upon in the workshops. The project team assisted the community draft the petition that the Conet community presented before ETOSS and the Ministry of Public Works. The team accompanied the community members to several meetings with the La Matanza Municipal Health Secretary and drafted and submitted two petitions: one asking for access to the Municipality's budget and the other requiring the Secretary of Public Health to provide information about prevalence of cancer and other illnesses in the neighbourhood and causes of pollution, among other health concerns. (Petition on budget attached as annex III).

The project team established contacts and held meetings with other organisations that could provide technical and political support to the legal and policy strategies chosen by the community. A meeting was held with a biochemist, Andrea Randi, who agreed to provide assistance in case it is needed in a legal case and to facilitate contact with different institutions to whom the Conet neighbours could approach for assistance with their environmental problems. The team is also getting advice from a team of economists at the Latin American Faculty of Social Science, coordinated by Daniel Aspiazu, with whom it is discussing how to approach (and the best position to adopt) the official Unit that is in charge of the renegotiation process of the contract with Aguas Argentinas.

The Conet community members had discussed the issue of the renegotiation of the concession contract and had come to consensus on the following:

- It was very important to ensure that whichever body is going to provide the service in the future, the already promised investment and expansion plans should be finished in the shortest reasonable time.
- If a new contract is agreed with Aguas Argentinas or any other private company, it should include specific provisions regarding affordability and prohibition of service cuts, as well as other human rights standards,
- The new model of water provision should allow for broader participation and control by the users and should guarantee accessible mechanisms for claiming and solving disputes.

In the case of La Cava, the community members did not request assistance with specific petitions in the Phase 1 period, and efforts focused on the preparations of the research action reports, consultation and for the community to carry out a full diagnosis of its situation regarding access to water prior to approaching the authorities. The project team also contacted the relevant officials at ETOSS for information on how to proceed in order to obtain the technical and financial assistance for the improvement and repairs to the current water system once the community diagnosis is completed.

3. Follow-Up Activities (January-June 2005)

This section briefly reviews the further activities that built upon Phase 1 of the project.

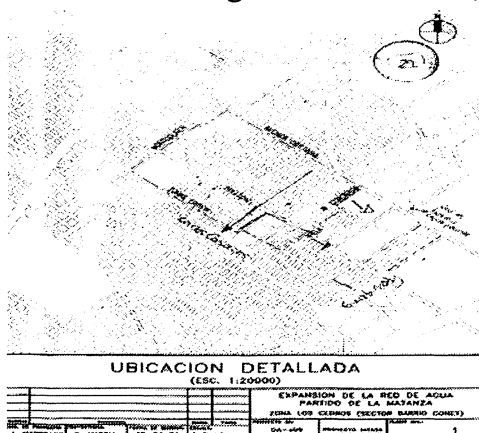
3.1 Production of Training materials

The project team improved the materials used in the workshops on administrative procedure and access to information and prepared materials for the workshop on the right to water held in April 2005 and for a future planned workshop on how to read and use budget information. The materials can be used for both neighbourhoods. The team also prepared a large map of the Conet neighbourhood which was used for the workshop on the right to water.

3.2. Training workshops

i) Conet Workshop on the right to water

In Conet, a workshop on the right to water was held over two days. In the first part of the workshop, held on 14 April, community members were provided with basic information about what the right to water means, and what it implies in terms of entitlements, duties and responsible actors. The second day, 22 April 2005, was dedicated to discussions on how to proceed with the petitions previously made to both the Mayor and ETOSS.



In this workshop, the project team reviewed the skills and information learnt in the workshop on administrative procedures, and went over information gathered by a member of the project team, Carolina Fairstein, from the administrative bodies regarding the two petitions (such as an internal memorandum from which the content of the answer to the petition could be anticipated).

(Copy of the network map obtained from the official administrative file with pen marks made by the neighbours).

In this workshop, the community members reviewed the map included in the administrative file and analyzed whether the future network would reach all their houses. Using the big map the project team provided, they drew a new proposed network map and identified the main factories and buildings suspected of being the main polluters of the water.

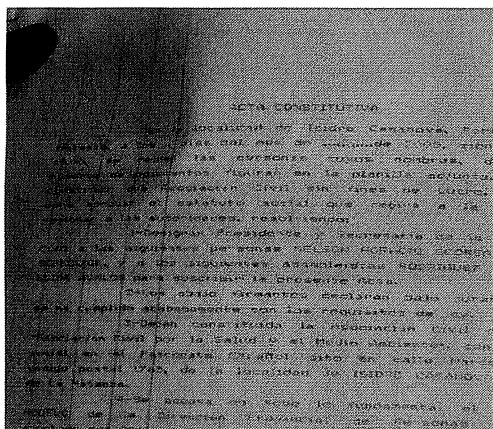
Since the Ministry had not answered the last petition regarding the provision of water in tanks, the community members decided that they wished to submit a judicial petition. In order to prepare it, one of the decisions taken in this workshop was to gather as much evidence as possible about the many health problems the neighbours had. The community members then took the map and divided it into different zones. Each zone was assigned to one neighbour who had the duty to collect information about the

illnesses and health problems of the inhabitants of that area. (Annex 4 provides a summary of the information collected).

(Example of the inquiry form made by the neighbours).

ii) Conet Workshop for the constitution of a civil society organization

In one of the many consultation sessions, Conet community members decided that it would be a good idea to form a community organization and asked for assistance in order



to learn how to do it. For this workshop, the team invited Luis Gaspar Salas, a lawyer who has experience in the field. In the workshop, community members learnt about the formal requirements for constituting a civil society organization, how many members it should have, which authorities they will have to choose and which duties and obligations it implied, etc. The advantages and disadvantages were discussed.

Community members noted how difficult it is to make presentations and claims representing the interests of the neighbours when few people attend the workshops and meetings. The collection of signatures for the presentation before ETOSS was a good example of that difficulty. In addition, when the project team submitted on behalf of the Conet community, it leant that La Matanza municipality had recently



(Conet's parish priest and some members reviewing maps provided by the project team)

introduced a fee in order to make the presentation. Since community based organizations are exempted from having to make this payment, this was another reason that supported the idea of forming the organization. Finally, the community members also felt that being part of an organization would strengthen their efforts and legitimacy. The community members then distributed duties in order to take the first steps to form the organization.

iii). La Cava Workshop on Federal Housing Plan

The activities in La Cava were related with the analysis and follow up of the Federal Housing Plan, which would include water and sanitation infrastructure. As expected, in January 2005, the National Government launched a new Federal Housing Plan that included La Cava as one of the chosen locations to implement the Plan. The La Cava research-action report was updated at the beginning of January 2005. (Copy of the Agreement reached between the National Government and the Mayor of San Isidro Municipality, Abel Posse, attached as annex 5).



(Project team member Luis Campos giving a presentation on the Housing Plan in the workshop).

The project team prepared explanatory brochures and, at the request of community members, organised a community workshop to distribute these brochures, explain the plan and facilitate its discussion. On the basis of the discussion, a petition was drafted asking for additional information and clarification regarding the division of responsibilities between the Provincial, National and Municipal authorities in regards to: design of the works, timing, preparation of tender documents, protection of peoples' housing rights and financing. The petition has been submitted to the relevant authorities.

Finally, as the question of the existence of public resources for improving the community's living conditions often arose in the different meetings, the project teams also commenced planning for a workshop on reading and using budget information. A petition for access to the 2005 Municipality budget for La Matanza was submitted. The workshop is going to be held once all the necessary annexes and documents are received.

3.3. Assisting with Implementation and Enforcement (January–June 2005)

The main activities carried out in Conet in this period were:

- i) following the presentations made before ETOSS and the Municipality,
- ii) preparing a presentation before a court of justice demanding access to water
- iii) assisting with the organisation and constitution of the community based organisation and
- iv) lobbying the Government Water Renegotiation Unit (which is negotiating with Aguas Argentinas) in order for it to take into consideration the human right to water.

The project team is preparing the legal case, which will raise claims against the Municipality for failure to provide water in the short-term. Aguas Argentinas and national government may also be sued for their failure to agree on the replenishment of the fiduciary trust fund (which is required in order to start the process of tendering for the extension of the network to Conet). The team is considering in which jurisdiction it should present the case, and whether it is convenient to make only one or two different

presentations, among other legal issues. The team, with the community and other partners is also studying the water analysis results, and researching about the type of illnesses that the bacteria and chemicals found might cause. The team is consulting biologists and doctors.

In La Cava, the activities were carried out to ensure that the San Isidro Municipality effectively implemented the Federal Housing Plan in the manner announced in January 2005, which promised that 1882 houses would be constructed in La Cava. However, there were rumours that the Mayor intended to construct the houses in a stages, contrary to the Plan, implying a delay of two years or more, based on the argument that there was insufficient land in La Cava. This rumour appeared to be confirmed in February of 2005 when the San Isidro Municipality put a project for building housing units to tender, but not including any houses for construction in La Cava.

In addition, a number of neighbors with political links to the Municipality began soliciting payment in order for people to gain priority in the allocation of houses. After discussions with the project team and representatives of APAC, La Cava community members decided to respond to these concerns by obtaining official statements from the relevant authorities stating that any plans to delay implementation of the plan were contrary to official Federal policy and that there was no possibility or necessity to pay any money in order to gain priority in the allocation of houses.

The project team assisted members of the housing and land commission of La Cava to draft and submit the following petitions:

- i) One to the Municipality demanding participation in the design and implementation of the housing plan to La Cava, as agreed upon between the Municipality Mayor and the National Government.
- ii) Two petitions to the Federal Secretary of Public Works asked about the duty or obligation to pay a fee or price to access to the houses and about the manners and time frames envisaged to implement the housing plan in La Cava. (Petitions attached as Annex VI and VII).

When answering the petition, the Federal Secretary of Public Works not only confirmed that no payment was required before the house is built, but also invited the neighbours to a formal round of meetings in order to address the different questions they have raised in those petitions. Luis Campos of the project team attended these meetings (three in total) along with members of the housing and land commission of La Cava, representatives of APAC and representatives of the local chapel.

In these meetings, community members raised their concerns and presented documentation showing the existence and availability of sufficient land to build the houses. Due to these meetings with federal authorities, the San Isidro Mayor was required to call for public bids to build 1200 houses for La Cava in May 2005.

On 29 June 2005, a tender was granted for the construction of these houses. Efforts by the community now focus on monitoring the construction of these houses, including permission to participate in the process. The community members are starting to focus on

The La Cava community has enhanced its previous organisational strength. As a result of the ideas and discussions held during the meetings and workshops, members of the La Cava commission on housing and land developed further capacities to prepare and submit petitions to administrative bodies and represent the interest of the neighbours in meetings. Community members also created a special commission within the housing and land commission, which has a mandate to analyse, monitor and demand the provision of adequate water and sanitation services in the new houses.

4.3 Visibility and government recognition of the communities

Government officials and Aguas Argentinas are now fully apprised of the existence of the La Cava and Conet communities, and of their needs. At the start of the project, the Conet and La Cava neighbourhoods were just two of the many politically invisible communities of the Greater Buenos Aires that had been neglected in terms of expansion plans of water and sanitation when the concession contract was signed and in the subsequent renegotiations. The term 'Conet' does not appear as such in the official municipality maps. After the various petitions and community mobilization, 'Conet' become visible for all the actors and Aguas Argentinas used the name 'Conet' to refer to its future undertakings with regard to this neighbourhood. La Cava members have not only obtained the offer of having regular meetings with officials of the national government but also succeed in forcing the Municipality to start building houses for La Cave despite the Municipality's opposition to the La Cava settlement.

4.4. Addition of Conet to official plans to extend the water network to Conet, and obtaining information about government efforts to implement this commitment

Conet has been selected as one of the few investments the company is obliged to undertake while the concession contract is being renegotiated. This action occurred due to the petitions and organization by the community.³ Community members in Conet are aware that they have won only the first battle by securing this undertaking, but they now have to insist on their right to get the water provided in the meantime. They have learnt that according to human rights norms the government has an obligation to guarantee that nobody is forced to consume unsafe water.

On 16 June 2005, ETOSS formally answered the petition on clarifications about the network extension plans. It confirmed that there is not yet an estimated date for putting the planned network extension out to tender, and therefore there is neither an estimated date for starting and finishing the works. This uncertainty is mainly due to the refusal of Aguas Argentinas to agree to the renewal of the fiduciary trust fund contract for 2005. Should Aguas Argentinas insist on such position, the Conet community has asked COHRE and CELS to convert the political decision to extend access into a legally

³ After the peso devaluation in Argentina, Aguas Argentinas asked to either raise tariffs or cut planned investments. Since this was not accepted by the government a renegotiation process reviewed all the investment obligations of the company and reached agreement on lessening them. The agreement provides for the financing by Aguas Argentinas of a limited investment program of 242 million pesos coming from a special tariff item paid by all the users that is deposited in a fiduciary trust fund.

binding obligation through a judicial claim against both the national government and the Aguas Argentinas.

4.5 Addition of La Cava to official Federal Plan on housing and securing a tender for construction of 1200 houses

Due to pressure from the community with the assistance of the project team, La Cava was included in the Federal Plan on Housing in the area, in spite of the opposition of the Municipality and its preference for re-settling the community outside the Municipality. The petitions and meetings with the federal government appear to have prevented possible corruption and favouritism in the allocation of housing and prevented an undue delay to the construction of new homes. The community is in a stronger position as a result of the capacity building activities to monitor the implementation of this Plan.

4.6 Compilation of research and tools to assist other communities

The research-action reports have obtained detailed and up-to-date information about the water regulations, contract renegotiation, the complex institutional setting, water quality standards, etc., affecting access to water in poor communities. This information is being shared with various actors, with responsibilities throughout the Province of Buenos Aires, such as civil society organizations, professionals, community groups and government officials. The Conet community and its efforts, and an interview with the project team and community members, will be featured in a article on water and sanitation infrastructure in Greater Buenos Aires in a magazine published by Fundación Metropolitana, a public policy think tank operating in the Buenos Aires Metropolitan Area (<http://www.fundacionmetropolitana.org/>).

The research-action reports will be made available on the internet. They will also be useful as a case study to be shared internationally, with a view to assist other actors engaging in community empowerment for access to water. The report will also be disseminated at the World Water Forum in March 2006 in Mexico.

Appendix 1: Background Information on Communities (Situation as of May 2004 prior to Phase 1 of the Project)

1. La Cava Neighbourhood

Community: La Cava neighbourhood, located in the town of Beccar, Municipality of San Isidro, Buenos Aires Province.

Size: Approximately 22 hectares

Inhabitants: Approximately 10,000 people.

Characteristics of the Neighbourhood: Emergency village; a precarious settlement established in public lands belonging to the San Isidro Municipality with no separated lots and few streets. Housing quality is very low.

Water provision: There is a creative informal system of piped water with “aerial,” as opposed to underground, pipes. The water is of reasonable quality but very low quantities and pressure. The people do not pay for the water.

Sanitation: There are some septic tanks and cesspools.

Level of community organization: The Neighbours are relatively well organised, particularly since the initiation of a project in 2001 called “La Cava, *de villa a barrio*”, which attempted to assist and encourage neighbours to participate in the task of improving their living conditions by taking decisions and making requirements related to housing, land and services. This project is being carried on jointly by CELS and the Association for Communities’ Support (APAC). The neighbours have formed and participate in different thematic committees such as land, housing and services.

Water aspirations of Community: To be provided water by the local water service provider, in this case the private company Aguas Argentinas S.A.⁴

Potential for Realisation of Aspirations: Expensive infrastructure works are not required. La Cava is already inside a zone that is supplied by Aguas Argentinas which implies that there are main pipes near the neighbourhood. The first main obstacle to be tackled is the lack of public streets and public spaces in which Aguas Argentinas can lay pipes. This will require a process of ‘urbanisation’, and some form of land regularisation and compensation for residents who must vacate housing for roads. At the moment the whole land is the property of the San Isidro City Council. The second task will be to negotiate with Aguas Argentinas to extend the service and ensure that there is a manner in which the people can be involved in the process. Finally a special social plan will be required for tariffs.

⁴ Water company subsidiary of Suez Lyonnais which has a concession to supply water and sanitation services to the City of Buenos Aires and 17 surrounding municipalities in the Province of Buenos Aires.

Action already taken:

1. Negotiations have already been conducted on the housing and urbanisation situation, with CELS providing legal and strategic support.
2. CELS and residents in the neighbourhood's Public Services Committee prepared a preliminary report about both people's and Aguas Argentinas entitlements, responsibilities and obligations related with water. This report will be further developed into an Action-Research Report.
3. Conversations have been held with member of Aguas Argentinas about the possibility of the company visiting the community and explaining what alternatives the company can offer.

Action Needed To Be Taken:

1. Continue with urbanisation process.
2. Complete Action-Research plan and develop plans for further strategies including consultations.
3. Work towards a compromise between the City Council, Aguas Argentinas S.A. and the Community to ensure a minimum water supply in the short-run and then construct roads, build a pipe network, bring water and make household connections. The process should include a formal agreement to provide the community with water services include provisions regarding a time schedule for the work to be finalized, an affordable price for the service and the cost of the households connections, among other rights and obligations.

2. Conet Neighbourhood

Community: Conet Neighbourhood, town of Isidro Casanova, La Matanza Municipality, Province of Buenos Aires.

Size and population: Precise area and inhabitants still being determined. La Matanza is the biggest municipality of the Province of Buenos Aires and has extremely low average income.

Characteristics of the neighbourhood: Low-income urban neighbourhood, with regular lots, austere houses made of basic materials.



Water provision: Residents obtain water from individual wells with pumped or manual motors. People don't pay for water. However, the wells were installed by the people and they pay for their maintenance and for water purification.

Water is taken from shallow groundwater aquifers with high percentages of nitrate and other industrial contaminants. In addition there are concerns that the aquifer is also polluted by the chemical polychlorinated biphenyls (PCB).

Sanitation: Some septic tanks and cesspools. Precise coverage of sanitation still being determined.

Level of community organisation: The community is not organised. CELS and COHRE keeps close contact with an active woman in the community whose daughter has contracted cancer presumably because of the presence of PCB. Nonetheless neighbours showed their will and predisposition to participate when invited by CELS to a special meeting in order to discuss the contamination problem in both air and water.

Community's water aspirations (according to a consensus reached in aforementioned meeting): To be connected to the public piped network which in this case is also operated by Aguas Argentinas and to also receive sewerage services.⁵

Possibilities to realise aspirations: Unlike the La Cava case, the neighbourhood is situated far away from where the main pipes of Aguas Argentinas, therefore more expensive infrastructure works are needed. Although the Aguas Argentinas concession contract is under review, Aguas Argentinas and the regulatory agency have announced the implementation, during the period 2004-5, of some of the necessary infrastructure works to extend the service to this neighbourhood. There are apparently special funds available to that end. The documents for the respective tenders have been published and the process is now on track.

Actions already taken: CELS and COHRE assisted this community file claims before the Municipal Ministry of Public Works, the City Council of La Matanza, the Environmental Policy Office of Buenos Aires Province, Aguas Argentinas S.A. and ETOSS (the regulatory agency for water) demanding access to safe water, following which it was announced that the extension works were going to be undertaken. The community has not been consulted or informed about those works, it is not clear whether they will have the possibility to participate in the tender process or later on in the implementation of the works. There is no information on how long the works might take, who is going to monitor the correct implementation of the funds, and how and under which conditions the services going to be provided once that extension works are completed.

⁵ The contamination of the aquifers is closely related to the lack of appropriate waste disposal.

Appendix 2: Implementing Agencies

Centre on Housing Rights and Evictions

The Centre on Housing Rights and Evictions (COHRE) coordinated this project through its Right to Water Programme. Established in 1992, COHRE is an international, non-governmental human rights organization committed to ensuring the full enjoyment of economic, social and cultural rights for everyone, everywhere, with a particular focus on the human right to adequate housing. COHRE is registered as a not-for-profit foundation in the Netherlands. COHRE has an international secretariat based in Geneva, and regional offices for Africa, North America, South America and Asia/Pacific.

The COHRE Right to Water Programme mandate includes:

- Promoting and providing legal and policy advice for the implementation of the right to water at the international and national level
- Developing the capacity of communities living in poverty to lobby for the right to water
- Working with national and local groups to monitor and oppose violations of the right to water

The COHRE Right to Water Programme has actively promoted the right to water at the UN Commission on Human Rights and other UN bodies. COHRE provided expert legal advice to the UN Committee on Economic, Social and Cultural Rights which adopted a General Comment on the Right to Water in November 2002 and was publicly thanked by the Committee's Vice-Chairman, Professor Eibe Riedel for its advice.

The Programme has conducted training workshops for civil society organisations and made presentations on the right to water at several international meetings. It has provided legal advice to development NGOs and marginalised communities to support their advocacy. The Programme is monitoring the right to water in Argentina, Kenya, Bangladesh and Ghana and is planning fact-finding missions and training workshops in these countries.

The Programme's advocacy and training is extended to a wider audience by its publications. These include *Legal Resources for the Right to Water*, currently the most detailed publication of international and national standards and jurisprudence on the right to water, and a user-friendly booklet entitled, *Right to Water* with the World Health Organization and others. It is currently preparing an ambitious Manual on the integration of the right to water into water and sanitation policies.

El Centro de Estudios Legales y Sociales (Centre for Legal and Social Studies)

The Centre for Legal and Social Studies (CELS) is a non-governmental organization founded in 1979 to foster and protect human rights and to strengthen the democratic system and the rule of law in Argentina. CELS was founded in 1979, during the military dictatorship, in response to the urgent need to take quick and decisive action to stop serious and systematic human rights violations. The principal activities of CELS are test

case litigation, legal assistance, research, training, mental health assistance and community outreach. CELS is based in Buenos Aires and works throughout Argentina. It has been successful in achieving concrete remedies for victims of economic, social and cultural rights violations through a combination of legal activities and political mobilisation.

CELS has been working on water issues through its Economic, Social and Cultural Rights Programme. The Programme has assisted four informal settlements in greater Buenos Aires make representations to the City Council and the private water company on their rights to access water. CELS also carried out advocacy related to multilateral financial agencies to ensure that pressure from the International Monetary Fund did not lead to increases in public services rates, including the price of water.