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Learning Exchange Report



First Meeting of Auxiliary Watershed Organizations: Good Practices, Limitations, Lessons, and Prospects

Rapporteur's Report*

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1ER ENCUENTRO DE
ORGANISMOS
AUXILIARES DE CUENCA

BUENAS PRÁCTICAS,
LIMITACIONES, APRENDIZAJES
Y PERSPECTIVAS



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Prologue

Elvia Alzate, ControlaTuGobierno



Ideas were proposed at the *First Meeting of Auxiliary Watershed Organizations*, held on September 5th-6th, 2017, at the Universidad Autónoma Metropolitana, Xochimilco, Mexico City, that enriched the current debate on water management and the provision of public water and sanitation services in three key areas:

- There is great interest in promoting the participation of the most marginalized and vulnerable communities in water resources management to improve water governance, but this will not be possible without timely, reliable, and complete public information. In Mexico, as in other regions of the world, much remains to be done to get more complete public access to information on water.
- Official institutions for public participation in water management should be transformed to keep them from being merely ornamental mechanisms without any real possibility of influencing decision-making.
- The government's monitoring and oversight institutions will be relevant to improving public sector performance to the extent that they develop the capacity to connect the dots to identify systemic problems. As long as accountability mechanisms continue to be weak, those who make and carry out water and sanitation policies will continue to lack incentives for taking an interest in the most marginalized and vulnerable communities.

For the full Rapporteur's Report on the First Meeting of Auxiliary Watershed Organizations in Spanish, please visit ControlaTuGobierno at <http://controlatugobierno.com/>.





Community-based Water Management Organizations Share Experiences

In many countries, water management involves a multiplicity of actors, and Mexico is no exception. Mexico has an intricate set of institutional arrangements. The government agency in charge of administering, regulating, controlling, and protecting national waters is the *Comisión Nacional del Agua* (National Water Commission). *Organismos de Cuenca y Organismos Independientes* (Watershed Commissions and Independent Water Management Organizations) are in charge of administering and preserving federal waters in each of the country's 13 water management regions.

Consejos de Cuenca (Watershed Councils) are the mechanism established by the National Waters Act to incorporate citizen participation in decision-making on water. They are agencies for coordination and consensus-building among the National Water Commission; federal, state, and municipal agencies; and water users and civil society organizations.

Watershed Councils have three auxiliary mechanisms for performing their functions: (a) *Comisiones de Cuenca* (Watershed Commissions), whose scope of action is commonly at the level of sub-basin or group of sub-basins corresponding to a particular watershed; (b) *Comités de Cuenca* (Watershed Committees), whose scope of action is normally a micro-basin, or a group of micro-basins in a specific sub-basin; and (c) *Comités Técnicos de Aguas del Subsuelo o Subterráneas* (Technical Committees on Groundwater), which carry out their activities in relation to a given aquifer or group of aquifers, as necessary.¹ Like all such mechanisms, they face challenges and obstacles in pursuing their work.

Organizations interested in issues of accountability and transparency involving water and sanitation policy, such as *ControlaTuGobierno* (Control your Government), the *Comisión de Cuenca de los Ríos Amecameca y la Compañía* (Watershed Commission of the Amecameca and La Compañía Rivers, see Box 1), the *Grupo Promotor de la*

Box 1. Co-Convener: Watershed Commission of the Amecameca and La Compañía Rivers

This Commission was installed on 22 August 2008 as an auxiliary body to the Watershed Council of the Valley of Mexico. Its main objective is to promote the participation of water users, state and local authorities, and social organizations in designing and implementing strategies and actions for the restoration and management of the watershed.

Among its main accomplishments is the design of the watershed's Integrated Water Management Plan, coordinated with the Sierra Nevada Research Program at the *Universidad Autónoma Metropolitana*. Specialists from the fields of hydrogeology, biology, agronomy, and sociology all participated, and the process also included smallholder farmers, homemakers, small business owners, and various community members, all of them water users.

The Watershed Commission also includes the participation of federal, state, and local authorities; representatives of various ethnic groups from the Chalco-Amecameca region; water users (urban/public, industrial, agricultural, and livestock); primary and secondary school teachers; university researchers; students; people affected by flooding and subsidence; representatives of the forestry, education, and tourism sectors; green companies; youth, smallholder farmers and civil society organizations; members of autonomous water committees; Catholic Church communities; and homemakers.

Box 2. Co-Convener: Group Promoting the Xochimilco Watershed and its Tributaries

The group came about in 2011 to promote citizen participation and link integrated community development initiatives in the Xochimilco region and the Mexico City region. In pursuit of that objective, in 2011 the group obtained its legal registration as *Atzin, Acción para la Sustentabilidad del Territorio* (Action for Sustainability of the Territory).

The group promoting the formation of the Xochimilco and Tributaries Sub-basin Committee was the result of an effort by various community groups as a response to the *Caravana por el Agua Ce Atl* (Ce Atl Caravan for Water), an initiative which convened community meetings and cultural activities to learn about the status of water provision in the Valley of Mexico Basin.² The group includes teachers, students and academic researchers, cultivators of *chinampas*,³ small agricultural producers, civil society organizations, members of the urban popular movement, representatives of different social groups, indigenous peoples and neighborhood organizations, tourism service providers, florists, merchants, transporters, artisans, and independent citizens of Xochimilco.

In 2012, the Watershed Council of the Valley of Mexico recognized *Atzin* as the promotion mechanism of the Xochimilco and Tributaries Sub-basin Committee, which was in the process of developing its regional Water Plan.

See also: <http://comisiondelacuena.org/>.

Cuenca de Xochimilco y sus Afluentes (Group Promoting the Xochimilco Watershed and its Tributaries, see Box 2), the *Universidad Autónoma Metropolitana* (Autonomous Metropolitan University), and the Accountability Research Center at the School of International Service of American University, decided to hold the “First Meeting of Auxiliary Watershed organizations: Good Practices, Limitations, Lessons, and Prospects.”

The meeting brought together women and men who work day in and day out to preserve water, members of citizen participation institutions, academia and civil society from several regions of Mexico (see Annex 1 for more on participants). It was held on 5 and 6 September 2017, at the Universidad Autónoma Metropolitana, Xochimilco, Mexico City, to promote sharing experiences and analysis of the workings of Watershed

Commissions and other auxiliary bodies that enable citizen participation in local and community water resources management.

The participants shared lessons drawn from their successes as well as their difficulties and failures. They contributed ideas, proposals, and inquiries that made for a rich debate characterized by the diversity of perspectives. The participants recognized that meetings of this sort are useful and necessary and expressed the desire to coordinate to ensure the continuity of the process they had begun.

The meetings unfolded around three main issue areas, and the key debates, ideas, and proposals associated with each are summarized below.

Issue Area 1: Findings of the Social Audit of the Wastewater Treatment Program in the Amecameca and La Compañía River Watersheds

“Social Audit of the Wastewater Treatment Program in the Amecameca and La Compañía River Watersheds” was an independent action-research project led by *ControlaTuGobierno*, which pursued a keen strategy of using reports by the national audit agency, the *Auditoría Superior de la Federación* (ASF, Supreme Audit Institution), to take stock of the main failings of the government’s Wastewater Treatment Program,⁴ the rules that regulated its implementation, and how it accounted for the public resources involved (see Annex 2 for details).

The action-research project found:

- Violations of the public’s right to information by the National Water Commission, the government agency responsible for federal water management. There was no information on Watershed commissions, water quality, or the operation of treatment plants; and
- there were no studies or assessments to justify implementing specific sanitation programs or granting subsidies for building sanitation infrastructure.
- Lack of planning and adequate use of the budgets available for maintaining and ensuring the use-life of infrastructure built with public resources
- Existence of many water resource-related plans that were not taken into account when building treatment plants
- Underuse of wastewater treatment plants
- Serious shortcomings in protecting groundwater
- The issue of water addressed not as a matter of human rights, but as a national security issue.

Issue Area 2: Analysis of the Watershed Commissions and other auxiliary bodies as participation mechanisms

Principal debates

- The deterioration of citizen participation in the Watershed Commissions and other auxiliary regional bodies placed the effectiveness of citizen participation in these mechanisms at the center of the debate.
 - Participants questioned the Watershed Councils and their auxiliary bodies because they are seen as removed from communities, having little capacity for advocacy,⁵ and excluding indigenous communities and peoples.
 - Indigenous communities and peoples find no place in Watershed Councils or their auxiliary bodies, because their worldview comes up against the formal mechanisms of participation created by the government.
 - Lack of communication among government agencies and lack of coordination between the three levels of government (federal, state, and local) has resulted in the inoperative and obsolete condition of the Watershed Councils and the auxiliary bodies.
 - The involvement of citizens in the Watershed Councils occurs in a context of lack of familiarity with their structure, powers, and operations. As a result, participation often involves volunteer work in activities that are actually responsibilities of the government institutions in charge of water management.
- rather, they should be transformed, strengthening the population's participation so as to create the broad and national organization that Mexico needs for water management.
- The main challenge is democratizing the Watershed Councils. Participants suggested identifying social movements and organizations that work on environmental issues so as to strengthen their presence in these councils.
 - In the current context of the transition towards drawing up a new General Water Act in Mexico, participants proposed supporting and disseminating the Citizen Initiative for a General Water Act⁶ to promote, revalue, and expand citizen participation in decision-making and citizen control of water resource management.
 - Mexico is a multicultural country. Forums for citizen participation in water planning and management should be redesigned so as to take cultural considerations into account. Such spaces are needed for indigenous communities and people interested in water management to be able to have an impact on the water management decisions of government agencies.
 - In view of the National Water Commission's imposition of megaprojects, strengthening community organizations and citizen participation in the design and implementation of strategies is essential.

Main ideas and proposals

- The Watershed Councils and their auxiliary bodies do not have the best structure and face many challenges. Nonetheless, they should not disappear;
- Watershed Councils can be effective tools for accountability and transparency in the use of public resources. For that to happen, citizens need to become familiar with the powers of Watershed Councils and strengthen their participation in them.

Issue Area 3: Challenges in water resources management at the local level: planning, budgets, and community participation

Main debates

- An integrated model of water resources management is needed.⁷ Nonetheless, some participants believe that it will be very difficult for there to ever be integrated water resources management.
- The lack of systematic information on the activities and powers of Watershed Councils and their auxiliary bodies is an obstacle to integrated water resources management and to accountability.
- The members of Watershed Councils and auxiliary watershed bodies emphasized the conditions in which they carry out their many tasks. Voluntary work predominates; that is, work without compensation or access to funds earmarked for water resources management.

Main ideas and proposals

- The issues facing watersheds require an approach based on integrated water resources management that takes account of the various sectors that

converge in the watershed, the diversity of interests, and the different perspectives on water issues.

- Integrated management should be based on two pillars: (a) the human right to water, which considers it essential for life, above and beyond other values; and (b) nature, including water, is considered a good that is the basis of existence and has environmental value.
- The new governance of water and sanitation that is needed implies a reworking of the concepts of water and watersheds. Since each watershed is different, studies need to be carried out for each watershed to propose new boundaries.
- Participants proposed that relevant information be generated systematically and that a more inclusive model of Watershed Councils be established.
- Community organizations opted to propose locally-based actions. Such actions would guarantee their autonomy while at the same time allowing them to incorporate uses and customs into integrated water resources management in keeping with their needs.

Annex 1 – Participants at the First Meeting of Auxiliary Watershed Organizations

A total of 86 people from 11 Mexican states attended the First Meeting of Auxiliary Watershed organizations. They came from Baja California Sur, Chiapas, Estado de México, Jalisco, México DF, Morelos, Nuevo León, Puebla, Sonora, and Tabasco, representing 13 auxiliary Watershed organizations (see list below). Five universities were represented (Benemérita Universidad Autónoma de Puebla, El Colegio de Sonora, Universidad Autónoma de Guadalajara, Universidad Nacional Autónoma de México, and Universidad Autónoma Metropolitana) along with 11 civil society organizations widely recognized for their work on the right to water and sanitation in their regions (Centro para la Sustentabilidad Incalli Ixcahuicopa; Colectivo Educación para la Paz y los Derechos Humanos; ControlaTuGobierno; Cuenca Mágica del Agua; Grupo de Estudios Ambientales; Instituto Mexicano de Desarrollo Comunitario; Legados de la Madre Tierra; Mujer y Medio Ambiente; Oxfam México; PRONATURA Noreste; and Pronatura Sur.)

Also included were representatives of different social sectors, including people who belong to indigenous groups, young stewards of the environment, and women working for gender equality and on the implications of the right to water for women and girls, as well as people from marginalized communities who experience water scarcity or contaminated water on a daily basis.

Auxiliary Watershed Management Organizations:

- Comisión de Cuenca de los Ríos Amecameca y de la Compañía (Watershed Commission of the Amecameca and La Compañía Rivers)
- Grupo Promotor de la Subcuenca de Xochimilco y sus Afluentes (Group Promoting the Xochimilco and Tributaries Sub-basin)
- Comisión de Cuenca Río Concepción (Watershed Commission of the Concepción River), Sonora
- Comité Técnico de Aguas Subterráneas del Acuífero (COTAS) Huamantla de los Libres Orientales, Alto Perote (Technical Committee on Groundwater of the Huamantla Aquifer of the Libres Orientales, Alto Perote), Puebla
- Comisión de Cuenca del Río Bravo del estado de Nuevo León (Watershed Commission of the Rio Grande, state of Nuevo León)
- Comité de Cuenca del Río San Vicente (Watershed Commission of the San Vicente River), Tzimol, Chiapas
- Comisión de Cuenca Río Matape (Watershed Commission of the Matape River), Sonora
- Comité Técnico de Aguas (COTAS) de San Martín Texmelucan (Technical Committee on Water of San Martín Texmelucan), Puebla
- Comité de Cuenca del Valle de Jovel (Watershed Commission of the Jovel Valley), Chiapas
- Comisión Indígena Amecameca (Amecameca Indigenous Commission), State of México
- Comité Agua de Guadalupe Victoria (Water Committee of Guadalupe Victoria), State of México
- Comité Agua de San Isidro Atlautenco (Water Committee of San Isidro Atlautenco), State of México
- Comité Agua de San Pablo de las Salinas (Water Committee of San Pablo de las Salinas), State of México

Annex 2 – What do the Mexican Government’s Audits Really Tell Us? Lessons from a Close Look at Water Treatment Plants⁸

MaylÍ Sepúlveda and Tonatiuh Paz Aguilar, ControlaTuGobierno

The *Social Audit of the Wastewater Treatment Program in the Amecameca and La Compañía River Watersheds* study carried out an independent assessment of the government’s audits of public service delivery programs, to see how they could be improved with civil society participation. The analysis focused first on the audits of water treatment plants published by the government’s supreme audit institution, the *Auditoría Superior de la Federación* (ASF, Supreme Audit Institution).⁹ The ASF reports covered programs managed by the *Comisión Nacional del Agua* (CONAGUA, National Water Commission) from 2012 to 2016, and focused on the implementation of the *Programa de Tratamiento de Aguas Residuales* (PROTAR, Wastewater Treatment Program) and in the State of Mexico, where ControlaTuGobierno, which implemented the study, has worked with grassroots communities for more than a decade. Second, as part of a citizen oversight exercise, the study compared the ASF audits with findings from field visits to the wastewater treatment plants, accompanied by grassroots community leaders.

This study’s central finding is that the ASF’s fragmented, “snapshot” approach to auditing lacks a systemic perspective that would “connect the dots”. The ASF reports do not document whether water treatment plants actually work in practice, and they fall short of identifying and responding to the underlying causes of system failure. The ASF could address these limitations with greater collaboration with independent citizen oversight.

What patterns did the audits reveal?

The review of the ASF audit reports produced three main findings:

- *The ASF’s oversight of policy implementation is fragmented, which produces incomplete findings that limit its impact.* Although the ASF reviews the same government programs year after year, audits make no reference to the observations from the previous year to verify whether there were changes, or to recommend adjustments to the public policy audited. This is important because as a result, the audits do not have any corrective effect on program implementation, and their potential deterrent effect—to keep irregularities from continuing—is also lost.
- *When the ASF detects irregularities, agency responses are rare.* When the ASF detects irregularities and presents them to the federal and state agencies’ internal review bodies (*órganos internos de control*) the process is very delayed and rarely results in any sanctions for violations found, nor in any improvements in public policy. In some cases, the audit process is able to recover funds found to be misallocated, either because there is proof that the funds were used, or because they were not used within the official timeframe. For example, the PROTAR program, which began in 2009, was audited for the first time in 2012. In 2014, the ASF reported administrative and operational irregularities that were very similar to those found in the first report, which shows that CONAGUA did not follow the ASF’s recommendations.

- *ASF reports show a lack of coordination among the public agencies responsible for operating PROTAR.* This is important for accountability because the lack of coordination among the institutions involved reduces the program's efficiency and fosters poor use of public resources. In addition, the audits show that the agencies' own internal control bodies did not act to prevent irregularities, which contributed to delayed completion of projects, excessive use of new contracts, shifting deadlines and paying above market prices for inputs. In addition, the ASF's audits of PROTAR did not examine how that lack of coordination impacted the program's results, nor the effects on whether the water treatment plants actually functioned. For example, the audit reports show that CONAGUA and the *Comisión del Agua del Estado de México* (Water Commission of the State of Mexico) did not comply with the PROTAR rules, yet the auditors did not examine how these cases of non-compliance led a wastewater treatment plant built with PROTAR resources to come to a standstill before being completed (because of a dispute over property rights to the site), or to cease operations due to problems in its construction.

What additional insights do independent field visits provide?

- *Independent field reports found discrepancies in the ASF findings.* The ASF audits report visiting plants under construction using PROTAR resources and cited the percentage of progress. In a 2012 report, the ASF reported 12% progress on the works for the La Cañada treatment plant, whereas in 2013 the community produced a video showing that the plant had been abandoned since 2011. This could cast doubt on the reliability of the ASF field visits, but above all it shows that the federal and state water agency's internal audit bodies responsible for overseeing the operation of PROTAR on a day-to-day basis were not doing their job. Other treatment plants built with PROTAR funds have similar histories. One example is the Huitzilzingo treatment plant, whose plan was approved without having a site; it was relocated three times and is currently being built on an unstable site. In the case of the Ayapango plant, its location does not correspond to what is indicated in its environmental impact study, which also casts doubt on the audit's validity. Moreover, agricultural producers were asked to donate part of their land in exchange for a benefit they cannot enjoy, because the plant is operating but the water quality is not even good enough for irrigation. In other words, the snapshot the ASF takes in its reports should be backed by the full picture, such as frequent internal checks performed by the institutions that run PROTAR, or by evidence that can be collected through field-based citizen oversight initiatives.
- *Numerous water treatment plants reported as built do not actually work, or work poorly.* In the State of Mexico, PROTAR funds were used to build 15 plants between 2011 and 2016. Community field visits in 2017 found that only five of those plants were fully operational. Of the 10 remaining treatment plants, three operate with some shortcomings, five continue under construction (even though they should have been delivered years ago), and two are completely out of commission.¹⁰ Huge public investment in the construction of plants that do not work is evidence of system failure, yet this pattern is not explicitly revealed by ASF audits.
- *Water agencies choose to build with unsustainable operating costs and inadequate designs.* The audits do not address one of the reasons *why* so many treatment plants do not function: they were targeted at low-income municipalities but were designed with technologies that require unsustainably high operating costs, which are supposed to be paid by local governments. Most audits are limited to a narrow accounting and administrative focus, so they do not include observations or recommendations on the technical and economic factors that agency decision-makers could have considered, such as the use of alternative technologies that would cut the treatment plants' operating costs.

These findings suggest a set of opportunities for citizen participation to improve both policy implementation and oversight.

- Citizen involvement could foster better coordination among the different levels and agencies of government, multiply the points of oversight in policy implementation, and offer closer to real-time feedback through independent on-site observation.
- Citizen involvement could also improve “upstream” agencies decision-making by providing well-documented field perspectives about the characteristics of the region, the needs of the population, property rights to the sites, such as legal tenure of land, and the pollutants in the wastewater.
- Academics and experts could offer alternatives for more economically sustainable designs, as well as proposals to repair or rebuild already-existing plants, to avoid squandering public resources.

Citizen participation encompasses and combines different types of knowledge (from small farmers to university-trained professionals). While official audits come only at certain intervals, it is the citizens who stay in their communities, where the programs unfold. They are the stakeholders with the greatest interest in contributing to making sure that wastewater treatment plants actually work.

Endnotes

1. The *Ley de Aguas Nacionales* (National Waters Act), text in force. Last amendments published in the Official Gazette, 24 March 2016.
2. See <https://agua.org.mx/biblioteca/caravana-por-el-agua-ce-atl-un-espacio-para-la-reflexion-en-la-cuenca-del-valle-de-mexico/> for more information on the Caravan por el Agua Ce Atl.
3. *Chinampas* is a production system in central Mexico, in which crops are grown in wetlands on small, rectangular areas of fertile soil in shallow lake beds.
4. The Wastewater Treatment Program, implemented by the National Water Commission, targeted marginalized regions with federal subsidies from 2009 to 2015.
5. "The formation of Watershed Councils considers only the participation of users based on the type of water use (agricultural, urban, industrial); thus, the indigenous communities and peoples interested in the possible impacts of water management on their ways of life and in general on the territory they inhabit do not have in those agencies an adequate opportunity to express themselves and have an impact on decision-making." Peña, F. (2004). "Pueblos indígenas y manejo de recursos hídricos en México," *Revista Mad*, (11) 20-29.
6. See <http://aguaparatodos.org.mx/la-iniciativa-ciudadana-de-ley-general-de-aguas/> for the text of the initiative, promoted by the *Agua para tod@s, agua para la vida* (Water for all, water for life) collective.
7. According to the National Waters Act (1992), Integrated Water Resources Management is a process that promotes the management and coordinated development of the water, land, resources related to them, and the environment, in order to maximize social and economic well-being equitably without compromising the sustainability of vital ecosystems. Such management is intimately associated with sustainable development.
8. This text, written in February 2018 by Maylí Sepúlveda and Tonatiuh Paz Aguilar of ControlaTuGobierno summarizes a more extensive study, which includes empirical evidence, and will be published at: <https://goo.gl/tjwi45>.
9. The ASF has a public, online system for consulting audits where one can see all the reviews of public accounts carried out since 2000 (http://www.asf.gob.mx/Section/58_Informes_de_auditoria). This initiative, part of ASF's strategy of developing closer relations with the citizenry, is an invaluable source of public information that in recent years has been tapped by civil society organizations and investigative journalists interested in issues of transparency and accountability.
10. In his report, the UN Special Rapporteur on human rights to safe drinking water and sanitation points to very similar problems related to poor management and bad functioning of water services during his field trip to Mexico. This investigation found, for example, that according to the state Government of Chiapas, of 194 water treatment plants reportedly built, only 12 actually operate. See the full report in Spanish [here](#), and an English version [here](#).

Accountability Research Center Publications

Accountability Notes

- Walter Flores. 2018. "How Can Evidence Bolster Citizen Action? Learning and Adapting for Accountable Public Health in Guatemala." *Accountability Note 2*.
- Walter Flores. 2018. "Lecciones sobre acción ciudadana y rendición de cuentas en los servicios públicos de salud de Guatemala." *Accountability Note 2*.
- Abdulkarim Mohammed. 2017. "Following the Money in Ghana: From the Grassroots to the Hallways of the IMF." *Accountability Note 1*.

Learning Exchange Reports

- Marta Schaaf, Caitlin Warthin, Amy Manning, and Stephanie Topp. 2018. "Report on the Think-In' on Community Health Worker Voice, Power, and Citizens' Right to Health." *Learning Exchange Report 3*.
- Joy Acheron, Angela Bailey, Shaazka Beyerle and Jonathan Fox. 2017. "Citizen Action Against Corruption." *Learning Exchange Report 2*.
- Victoria Boydell, Jonathan Fox and Sarah Shaw. 2017. "Transparency and Accountability Strategies & Reproductive Health Delivery Systems." *Learning Exchange Report 1*.

Working Papers

- Francis Isaac, Danilo Carranza and Joy Acheron. 2017. "From the Ground Up: Multi-Level Accountability Politics in Land Reform in the Philippines." *Accountability Working Paper 2*.
- Suchi Pande and Rakesh R. Dubbodu. 2017. "Citizen Oversight and India's Right to Work Program: What do the Social Auditors Say?" *Accountability Working Paper 1*.

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