Critique of the Water Operators Partnerships in Latin America and the Caribbean (WOP-LAC)

By Philipp Terhorst

Key arguments of the report

The Water Operators Partnership in Latin America and the Caribbean (WOP-LAC) is a member of the Global Water Operators Partnership Alliance (GWOPA) and should adhere to its principles and objectives. However, it has been institutionally captured by powerful groups that have a record of promoting neoliberal water sector reforms. As a result, WOP-LAC is dominated by private and commercially oriented public utilities.

- The Inter-American Development Bank (IADB), based in Washington DC, hosts the secretariat as a core funder of WOP-LAC. The IADB's sector policy is geared towards competition, which is at odds with the GWOPA principles of solidarity and inclusiveness.
- The control of the steering committee is in the hands of a small number of powerful sector institutions and commercially oriented water operators. Trade unions and civil society organisations are not on the steering committee but private water lobby group Aquafed has participated in meetings.
- WOP-LAC partnership projects tend to be in countries preferred by the IADB and the IADB tends to promote WOPs with existing project partners. Partnerships and training workshops narrowly focus on management efficiency rather than pro-poor themes, despite recommendations by the GWOPA Assembly to focus on the latter.
- WOP projects implemented under WOP-LAC have been mostly simple, short-term and one-dimensional exchanges that have not led to sustainable twinnings and have had little impact.
- With the creation of national WOP platforms, WOP-LAC favours countries with strong foreign relations and trade ties to the United States and does not give attention to countries with progressive governments.
- Strong partners / tutors in WOPs are mainly commercialised public utilities with aggressive international expansion plans. Some WOPs raise concerns about these public utilities' potential use as entrance points for future commercial projects.
- These problems are visible in the two best-practice examples of WOPs highlighted by WOP-LAC; one involves a private utility and the other concerns outsourcing of infrastructure development.
- Civil society and trade unions do not participate in WOP-LAC's structure or partnership projects. While participation is not streamlined in GWOPA principles either, it should be a central component.

Background and introduction

Launched in 2007 in the Colombian capital Bogota, the Water Operators Partnership-Latin America and the Caribbean (WOP-LAC) is a collaborative network of regional water institutions and water and sanitation operators in Latin America and the Caribbean. It was initiated and is managed by the IADB and UN-HABITAT and supported by IWA-International Water Association, AIDIS (Inter-American Sanitary and Environmental Engineering Association) and other international organisations. Its mission in the region is to promote and implement collaborative arrangements (twinnings) on a not-for profit basis between water and sanitation operators. Incorporating public and private-sector utilities, WOP-LAC's stated aim is to improve management and operational capacity and to promote capacity-building in the public sector.

WOP-LAC is part of the Global Water Operators Partnership Alliance (GWOPA). It should therefore adhere to GWOPA's principles of inclusiveness and transparency and prioritise strengthening public sector water management by activating dormant capacities in the public sector. Unfortunately, WOP-LAC promotes a commercialised model of public sector management, especially by fostering public utilities that seek international business opportunities. It also does little to support those public utilities that seek democratisation, participation and a progressive public sector ethos. The main reason for this is that WOP-LAC has been institutionally captured by the IADB, by neoliberal water sector institutions at national level and by a small number of highly active utilities with agendas of international commercial expansion. The dominant group in WOP-LAC is clearly commercially oriented public companies, which reflects the analysis by pro-privatisation think tanks. They argue that water privatisation still has a future through "local" companies and "commercialised" public operators, rather than the traditional multinationals." This paper will demonstrate how these public companies organise WOP-LAC in a way that secures the dominance of the likeminded who narrowly focus on efficiency-oriented management reforms (modelled after the corporate sector) and, in effect, promote neoliberal concepts instead of the vision of "publicpublic partnerships".

For those in civil society and public sectors in the Americas who seek democratisation instead of commercialisation, this means that WOPs in the Americas unfortunately are not the progressive tool they should be. They have turned into yet another mechanism for powerful interests. Still, WOPs and WOP-LAC should be understood as an area of political struggle. The future of WOP-LAC will depend on progressive public utilities to turn it around. Also key will be the participation of trade unions and civil society that, so far, is non-existent in WOP-LAC. It is an important political task to make WOP-LAC truly adhere to GWOPA's principles and make it support progressive publicness rather than increased commercialisation. If WOP-LAC is to become a useful mechanism for those in favour of the democratisation of public water, it needs to implement and go beyond the principles of GWOPA and fully integrate workers, social movements and citizens.

The organisation of WOP-LAC - institutional capture, dominance by a few operators and lack of participation

WOP-LAC's misuse of the Water Operator Partnerships (WOPs) starts at the organisational level, where it is institutionally captured by the dominant interests of the IADB, by neoliberal national water and sanitation institutions and by commercially oriented operators.

The first problem is the powerful role of the IADB. In 2007, the secretariat was moved from AIDIS Brazil to the Washington offices of the IADB, where it is run in collaboration with UN-HABITAT and IWA. III,IV The IADB often says that it took on the secretariat because the WOP-LAC steering committee asked it do to so. However, this claim of legitimacy is tainted by the limited political representation on the steering committee and the lack of broad participation. The IADB also provides core funding to WOP-LAC, which gives the IADB a lot of power. This is disconcerting, especially given the IADB's track record in the sector, its persistent pro-market infrastructure approach and its utilities policies and sector programme. vi,vii,viii Within the IADB, the business plan of WOP-LAC for 2011 and 2012 ix is aligned to other sector policy objectives that the IADB summarises under the heading "infrastructure for competitiveness and social welfare". A policy framework of competition is a mismatch for GWOPA-related activities that are to be based on solidarity. Even if WOP-LAC has a different focus than the Bank's overall policy, WOP-LAC remains a tiny project within the overall water and sanitation work of the Bank. The total budget of WOP-LAC for 2011 and 2012 is USD 620,000, which the IADB finances from Aquafund, without counterpart. Of this, USD 45,000 will be charged to Aquafund for IADB expenses.

Also, the data gathering for this paper was hindered by the IADB's restrictions on access to information. At first, my requests for information were turned down. It was only after the initiation of a first stage review under the access to information policy that the IADB released data on WOP-LAC. It did this slowly and in a piecemeal fashion. Only after significant delays the responses got more helpful and eventually a substantial set of data was received. However, WOP-LAC's secretariat is still not transparent enough, nor is it participatory or open, which means that GWOPA principles are not heeded.

The second problem is a lack of diversity in the steering committee. This committee was initially created by IADIS calling on utilities that had participated in prior meetings.* Instead of an open regional call for participation, this restricted process favoured pre-existing relations and those utilities with high incentives to participate; in other words private utilities and public utilities with commercial expansion plans. The lack of democracy and participation is worsened by the fact that no trade unions or civil society organisations are included. However, Aquafed, the lobby group of the private water operators, participated in the steering committee meeting in April 2011 in Chile.

The third problem is that dominant sector institutions and a small number of commercially oriented operators control the steering committee, which was set up by the IADB, UN-HABITAT, IWA, CARIWOP and eight operators. Officially, the committee should have a regional balance and a balance of types of operators, but since its creation it has favoured public utilities with a commercial orientation. For example, at a steering committee meeting in November 2009 in Mexico, of the five utilities present one was a private utility and three were public utilities with a stated international commercial expansion strategy.^{xi}

Currently, the committee is composed of one semi-privatised and one commercially oriented utility from Brazil (SABESP-Sao Paulo and COPASA-Minas Gerais), three commercially oriented public utilities from Colombia that have international commercial expansion plans (SADM-Monterrey, EPM-Medellin and EAAB-Bogota), one private utility from Chile (Aguas Andinas), and two public utilities (AySA and SANAA) from Argentina and Honduras. The regional distribution in the steering committee is weighted in favour of Colombia and Brazil, whose utilities EPM and SABESP also hold most WOP projects. EPM and Aguas Andinas have also offered to produce an evaluation tool for WOPs. This composition clearly leads to a small number of commercialised (public and private) utilities dominating WOP-LAC projects and politically controlling WOP-LAC.

The fourth problem is that, at national level, WOP-LAC gives less attention to countries with left-wing governments who distance themselves from United States' foreign and trade policies and are thus not on the list of favourable partners of the IADB. WOP-LAC has created three national platforms, in Colombia, Brazil and Mexico, which are all countries which have strong foreign relations and trade ties to the US. The lead organisations of these platforms follow neoliberal agendas and support the commercialisation of water services. The Mexican water utilities association, ANEAS, recently created the national WOP platform in Mexico. This association was a central pillar in the development of the World Water Council's regional process towards the World Water Forum in Istanbul.xii In Colombia, a national WOP platform was initiated by ANDESCO (Colombian Association of Public Services) and ACODAC (Colombian Association of Sanitary Engineers). That WOP-LAC expands especially in a country that the IADB has identified as stable environment for Public-Private Partnerships^{xiii} (PPPs) begs the question of whether WOPs are used as a policy vehicle by the IADB to promote the PPP agenda. In Brazil, the national WOPs platform is led by the association of traditionally right-wing state water operators Association of State Utilities of Basic Sanitation (AESBE), rather than the more left-leaning association of municipal operators, ASSEMAE.

The activities of WOP-LAC: ineffective – preference to commercially oriented public utilities – neglect of pro-poor issues

WOP-LAC's undermining of the spirit of WOPs also occurs at the project level, where partnerships and training workshops give preference to commercialised versions of public sector management. They narrowly focus on management efficiency reforms (modelled after the corporate sector) rather than pro-poor themes, and they appear as a tool by which the IADB promotes its own policy agenda and fosters pre-existing projects.

The problem with the limited focus on technical, economic and managerial issues chosen by WOP-LAC is not that these issues were not important. But, by itself the narrow drive for more "economic efficiency", which seeks productivity of resource allocation for the maximisation of net benefits, is not enough. WOP-LAC needs to be re-centred towards a broader perspective of "social efficiency", which would more adequately address the social, public-welfare and political dimensions and goals of water and sanitation provision.** While considerations such as the input of capital and output in terms of household connections remain pertinent, they need to be expanded. They should take into account the complexities of policy formulation and implementation in water and sanitation and be made suitable for the pursuit of diverse goals of public service providers, such as equity, stabilisation, and

social and environmental sustainability (unlike the private sector whose primary goal is profitorientation). In turn, this would lead to an adjustment of WOP-LAC activities to meet different sets of criteria and to deal with issues that look not only at narrow economic and technical themes.

WOP-LAC's projects have so far mostly been simple, short-term and one-dimensional exchanges that have not led to sustainable twinnings. According to the IADB's internal review, the majority did not have any impact at all. Many WOPs (i.e. EMACAL-EPM; SEDAPAL-SABESP) yielded no results and current staff in the recipient utility often had no knowledge of prior exchanges.

While the WOP-LAC steering committee acknowledged this deficit in April 2011, the new WOP initiatives in 2011 do not indicate any fundamental change to this practice as far as available data shows. One WOP (CONAGUA-Chile/Paraguay) is designed merely as a short trip to exchange information that, with WOP-LAC funding, helps an IADB-funded project (CONAGUA/PROSSAPYS).xvi In addition, this exchange is not at utility or operator level. The project is noteworthy because it is the only one where participation by water users and civil society is mentioned by any WOP-LAC document. But in this project participation by communities is limited to the involvement of an international development NGO and visits to communities that received state funding. Another new WOP project in 2011 was a simple one-day visit (CORAAVEGA-EPM). In this case, the person responsible at EPM was the sub-director of international business and the meeting itinerary resembles commercial project procurement more than a partnership visit. Afterwards, CORAAVEGA was to send a plan of action on wastewater management to EPM. But EPM is not mentioned in the available documentation as supporting CORAAVEGA in developing this plan of action, which leads one to question the purpose of this exchange and ask if there is any future commercial interest by EPM.

WOP-LAC publically promotes two "best practice" examples of supposedly sustainable and effective WOPs (EMAAP-Q –EPM; AYA-SABESP). One of these WOPs (AYA-SABESP) features a semi-private operator (SABESP, Brazil) and was not started under WOP-LAC but under the auspices of a bi-national cooperation agreement that focused on wastewater treatment. WOP-LAC funding was merely used as an intermittent source of finance, at the request of SABESP, for some travelling between the utilities. The resulting long-term cooperation is managed by the Brazilian Cooperation Agency and WOP-LAC principles do not necessarily apply. No further public information has been available on the nature of this cooperation, but it should be a cause for concern that WOP-LAC resources were used as interim funding for an already existing arrangement developed under a bilateral trade agreement. In the case of the project involving EMAAP-Q (Ecuador) and EPM (Colombia), the WOP is to support a tender for waste water infrastructure development in Quito that is supported by visits to three similar utilities in the neighbouring country. The question remains if the WOP is used for outsourcing infrastructure development, then what role will the Colombian utility play in future consultancy, training etc.

Another problem with the WOP-LAC projects is that they tend to be in countries preferred by the IADB. In 2011, all recipient countries have close foreign policy relations and trade agreements with the US (Chile, Mexico, Belize, Jamaica and Haiti). Apart from a few exceptions (mainly in Ecuador), there are no WOP projects in the left-wing countries of the region that are critical to the foreign and trade policy of the US. In many cases, WOP projects were started because the IADB had existing project relations (SEDAPAL-SABESP;

EMAAPQ- SADM; CONAGUA-Chile).xvii In addition, according to a senior engineer from Argentina with ample experience in PUPs, the requirements for accessing IADB funding are strict and prevent many utilities from participating in WOP projects.xviii

Civil society organisations have so far not participated in WOP-LAC projects, which focused on management reforms and have not covered pro-poor themes. *ix This is in contrast to what was proposed by GWOPA's last biannual General Assembly. *x The IADB mentions the following themes for twinning arrangements: electronic procurement; wastewater treatment; information systems; water consumption management; wastewater treatment and commercial management; best practices in management; management practices. *xii The themes for potential WOPs, identified by the Medellin matchmaking workshop in 2009, do not cover such issues, apart from a few around social management. *xiii Civil society or trade union participation has not been part of any WOP-LAC project. There are no documents in which WOP-LAC mentions participatory, social or political dimensions of WOPs.

The tutors in WOPs are predominantly commercialised public utilities with aggressive international expansion plans. Of 15 projects implemented by 2010, five were tutored by the public utility EPM from Medellin, Colombia. Three are tutored by SABESP from Sao Paolo and two by CAESB from Brasilia. It is important to note the profiles of these three operators. All three run their public operations commercially. SABESP is a semi-privatised utility with listings on international stock exchanges and CAESB and EPM are fully public but maintain international expansion strategies with commercial interests. EPM for example has an international expansion strategy and is looking for project opportunities in Latin America to raise its revenues to USD 15 billion by the end of 2015.**

The remaining seven tutor utilities include other commercially run public utilities with aggressive international expansion strategies, such as EAAB (Bogota) from Colombia. There is also the private operator Aguas Andinas with transnational capital of a Suez-Lyonnaise des Eaux/Aguas de Barcelona consortium, and BWSL from Belize, which returned to government ownership after an unsuccessful privatisation but whose shares were since sold again.

An additional problem is that some WOPs raise concerns about their potential use as entrance points for future commercial projects. The WOP project between SEDAPAL (Peru) and SABESP (Brazil), which focused on procurement software but was stalled in 2008, xxiv was associated with previous PPP plans of SEDAPAL's commercial management.xxv In addition, the WOP was concerned with areas of commercial operations where SEDAPAL had been promoting outsourcing and concessions.xxvi In another case (SEDAPAR- EPM), the tutor, EPM, wants to expand its commercial activities, especially in Peru. XXVII In general, the role and interest of EPM, as well as the other commercially oriented utilities, should be questioned, given its aforementioned aggressive commercial expansion strategy. One partnership involves the public operator SEDAPAR of Arequipa, Peru, mentored by the private operator Aguas Andinas, a subsidiary of Suez/Aguas de Barcelona. objective of this WOP is to "identify critical areas of improvement in the management of SEDAPAR", but the IWA WaterWiki website describes the purpose as "general efficiency of a private operator".xxviii The partnership of the Quito-based EMAAP-Q involves EAAB from Bogota. This is questionable since EMAAP-Q saw a PPP project cancelled in March 2007 with one bidder having been a Colombian consortium that included Aguas Capital, which held a management and services contract in Bogota. xxix

The training workshops of WOP-LAC have been on issues of efficient management and not on pro-poor issues. There was no participation by civil society and issues of participation or democratic governance were not included. This is at odds with the above-mentioned call by the 2011 GWOPA biannual assembly in Cape Town to focus WOPs more on pro-poor themes, rather than primarily on efficiency.xxx Of the ten training and capacity-building workshops in 2008 and 2009, three were on energy efficiency, four were on non-revenue water and other themes included wastewater treatment and modelisation of wastewater treatment plants. Aguas Andinas, the Suez/Agbar subsidiary running the privatised water service in Santiago (Chile), hosted the workshop on commercial management training and was presented by the IADB as a champion in this particular area. xxxi Overall, all training workshops held until 2011xxxii and future themes that were proposed by the most recent WOP-LAC steering committee meeting only cover management efficiency and technology issues. They have failed to address pro-poor themes, as proposed by the GWOPA assembly in Cape Town, and do not feature priorities such as inclusiveness, participation and democratic governance that civil society has campaigned for. XXXIII In addition, while the work plan of WOP-LAC states that training workshops are to be documented and the information disseminated, there is almost no public information available.

Outlook

The balance of forces in the steering committee will determine the future character of WOP-LAC. Critical engagement of civil society and public sector bodies that firmly promote a public sector ethos away from commercialisation is needed. But, as it stands today, the dominant view continues to be to use WOPs as a mechanism for promoting neoliberal water sector policies, as well as commercial activity. If that remains the case, then the institutional weight and financial resources of WOP-LAC will be used to support the IADB's sector policies of promoting neoliberal management reforms and commercial sector interests, rather than to strengthen the solidarity between public operators and awaken their dormant capacities. If the main function turns out to be to provide business opportunities for commercially-oriented public operators, then the potential contribution of WOPs will be lost, because the WOPs processes in Latin America would fail to mobilise the resources of the public sector operators who are not interested in commercial expansion – which is the great majority.

Despite these contradictions of WOP-LAC, the overall trend within WOP-LAC however is not linear. The picture of undue weight of commercialised WOPs may partially change in the future. This is because WOP-LAC has plans to cooperate with the Spanish Public Water Utilities Association (AEOPAS), which is interested only in non-commercialised forms of partnerships. Although the planned cooperation with AEOPAS has been put on hold due to funding problems, it shows that the policy vehicle WOP-LAC can be used in different political strategies, either by those wanting to promote commercialised-public and private models and also by those advocating public/non-commercial approaches. But the three national WOP platforms in Brazil, Mexico and Colombia are also planning a series of new projects — on which there is no information available yet - and it remains to be seen how these materialise, for example in the Colombian context of PPPs and commercial public operators.

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Annex $\label{eq:WOP-LAC} \text{WOP-LAC up to December 2010}^{\text{\tiny XXXIV}}$

Recipient name	Place and country	Mentor name	Place and country	Theme of WOP
Casan	Florianopolis Brazil	SABESP	Sao Paolo Brazil	Efficient company management
Sedapal	Lima Peru	SABESP	Sao Paolo Brazil	Electronic procurement
Sedapar	Arequipa Peru	Aguas Andinas	Santiago Chile	Efficient company managment
Sedapar	Arequipa Peru	EPM	Medellin Colombia	PTAR, Efficient company management*
EMAAPQ	Quito Ecuador	EMCALI, EPM, EAAB	Cali, Medellin, Bogota Colombia	Waste water
EMAAPQ	Quito EcuadorHe will have	SADM	Monterrey Mexico	Water demand management
EMAAPQ	Quito Ecuador	CAESB	Brasilia Brazil	Non-accounted for water
IDAAN	Panama City Panama	EPM	Medellin Colombia	Waste water
AyA	San Jose Costa Rica	SABESP	Sao Paulo Brazil	PTAR, commercial management
ANDA	San Salvador El Salvador	EPM	Medellin Colombia	Waste water
ENACAL	Managua Nicaragua	EPM	Medellin Colombia	Information system
Aguas del Norte	Salta Argentina	CAESB	Brasilia Brazil	Energy efficiency
GWI	George Town Guyana	BWSL	Belize City Belize	ANC, reduction of iron and manganese
EPSAS	LA Paz Bolivia	VEI	Utrecht Holland	Operation and rehabilitation of systems**

^{*} This WOP failed and has apparently been deleted from current lists of WOP-LAC. It was included in previous documentation.

WOPs in WOP-LAC in 2011 (until October 2011) xxxv

Recipient name	Place and country	Mentor name	Place and country	Theme of WOP
FESAN	Maule, Chile	CINARA (University of Cali)	Cali, Colombia	Wastewater treatment (by non-conventional means – source GWOPA)
Conagua/ PROSSAPYS	Mexico	Various state institutions and programmes	Chile (and Paraguay)	Rural water and sanitation
Belize Water Ltd	Belize	Contra Costa Water District	California, USA	Non-revenue water, billing systems
National Water Commission	Jamaica	Louisville Water	Kentucky, USA	Non-revenue water, billing systems
CORAAVEGA	La Vega, Dominican Republic	EPM	Medellin, Colombia	Development of waste water treatment action plan and plant refurbishment
DINEPA	Haiti	CAESB	Brasilia, Brazil	Condominial systems

^{**} This WOP was included in previous documentation but is not named in current lists.

http://www.aidis.org.br/htm/eng htm/wop lac.html

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xxxiv Source: data from various sources compiled by authors, including IADB public presentations, various WOP-LAC documents and direct communication with GWOPA.

xxxv Source: data received from IADB public information office and private communication with Corinne Cathala, IADB.