

Chapter 28

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ABILITY TO PAY VERSUS RIGHT TO WATER: COMMERCIAL IMPERATIVES AND SOCIAL PUBLIC ALTERNATIVES IN MEDELLÍN, COLOMBIA

This chapter describes water service provision in Medellín, Colombia, in the context of the Covid-19 pandemic. It does so by analyzing the introduction of national and local emergency measures regarding public water and sanitation services, and how social movements and vulnerable communities reacted to these measures. Following national mandates, the local public utility company EPM offered a tariff discount for the poorest users and more favourable terms of payment for the rest. However, none of these measures were “free.” Instead, they added to the debt burdens of the poor and did little to address the lack of essential services in the most marginalized neighbourhoods. In response, social organizations proposed alternative strategies to guarantee the constitutional right to water, including debt forgiveness for the most vulnerable users, as well as strengthening neighbourhood improvement programmes and community aqueducts.

INTRODUCTION

Medellín is considered one of the most unequal cities in Colombia and in Latin America, with marked socioeconomic contrasts between neighbourhoods (Medellín Cómo Vamos 2019). The public

utility company, *Empresas Públicas de Medellín* (Public Enterprises of Medellín, EPM), claims to provide water and sanitation for the vast majority of residents, with a water coverage rate of 97% and sewer coverage rate of 95% (EPM 2019). These statistics, however, do not account for the fact that poorer and more vulnerable neighbourhoods are outside the coverage area.

With the aim of critically examining the Covid-19 national emergency measures on water service provision introduced locally by EPM, this chapter takes into account the views of social movements and the most vulnerable communities in the city. Research was carried out using the method of virtual ethnography. This method included a review of secondary sources, institutional webpages and social networks, in addition to 12 in-depth interviews conducted by phone or virtual platforms with EPM officials, the Medellín Mayor's Office, municipal city council members, leaders of urban social movements, activist lawyers, and residents of human settlements.

EPM'S COVID-19 MEASURES

Before the pandemic, EPM estimated that about 19,000 households had their water services suspended or disconnected, and about 8,000 more were at risk of losing service (EPM 2020a). In addition, about 16,644 customers had prepaid water services and therefore were at risk of running out of water because of economic constraints. *Agua prepagada* (prepaid water services) are offered to users who have not paid their water bills for six months and have had their services cut off. With prepaid water meters, 10% of what they are charged goes to paying off previous debt, and the rest to consumption.

Following national public service provision mandates, EPM suspended the re-payment debt portion of the water charges for users of *Agua y Energía prepagada* (prepaid water and energy services) (EPM Decree 2280, 2020; EPM official, personal communication, June 26, 2020). In addition, it created a programme to allow users to access a certain quantity of water and electricity service during the

lockdown, and to pay for this extra consumption later (EPM 2020c). Under the *Precargas por la Vida* (Preloads for Life programme), EPM introduced “financed recharges” (EPM 2020e) for prepaid water users. If a user’s consumption of prepaid water was normally between 8 and 9 m³ per month, under this programme they were given two charges of 15 m³ per month so that they would not have to go to a store to reload the prepayment card (EPM official, personal communication, June 26, 2020).

While introducing these initiatives, EPM made it clear that it was simply rescheduling payments, not offering “free” public services. Prepaid programme users could enroll from March 27, 2020, to July 15, 2020. As of July 22, these special preloads of water service were to be added to previous debts (EPM 2020d) without charging interest for 36 months. According to EPM, the aim of *Precargas por la Vida* – under which households would be allocated 30 m³ for a month (equal to about three months of regular consumption) – was to give families peace of mind during lockdown (EPM 2020e). As of March 31, 3,000 preloads had been charged in the Aburrá Valley, of which 2,500 correspond to the city of Medellín (EPM 2020f).

From March 23 to July 31, 2020, EPM also suspended all water cutoffs during the national health emergency and ordered the reconnection and re-installation of drinking water service in homes or premises where it had to be suspended. Under this programme 7,650 families were prevented from cutoffs in the metropolitan area (EPM 2020a, 2020c). As of April 29, 2020, about 96% of the 11,400 users who had not paid for more than nine consecutive months were able to have their services re-installed (EPM 2020c).

To comply with national government decrees, EPM suspended the collection of interest on unpaid water bills from March 23 to July 31 (EPM Decree 2310, 2020). It also created new flexible terms for financing, setting deadlines and fees that varied according to socio-economic tier. EPM offered residential users in the lowest-income tiers (1 and 2) a preferential interest rate for 36 months and for the middle tiers (3 and 4) a preferential interest rate for 24 months. The

highest-income tiers (5 and 6) and non-residential users were also offered special terms and reduced fees. In addition, the company offered a 10% discount for tiers 1 and 2, which was valid for up to a maximum of three bills paid on time (EPM Decree 2310, 2020; EPM 2020g).

In the city of Medellín, the inability to pay is not the only issue that limits access to water. The formal water and sanitation network does not extend to some neighbourhoods because these settlements are situated beyond the urban perimeter in the higher parts of the mountains. To service these populations, EPM considered delivering water by tanker during the pandemic. It concluded, however, that users were too scattered throughout the Aburrá Valley and that they did not have the appropriate equipment. EPM also feared that distributing water in this manner would encourage large gatherings of people, which would not allow for the appropriate physical distancing measures (EPM, personal communication, April 13, 2020).

SOCIAL MOVEMENT DEMANDS

For social movements, Covid-19 served to expose problems in the poorest neighbourhoods of the city that existed long before this crisis. These neighbourhoods consist of people from different parts of the country, many of whom are victims of the Colombian armed conflict (Granada 2008, Zibechi 2015, CNMH 2017). For residents in these communities water is a “vital element necessary for survival” (Comuna 8 social leader, personal communication, July 23, 2020). However, they feel that at the moment, because they lack access to water, it also hinders them from exercising their right to the city.

Thus, for them, water constitutes life, but it also reveals the possibilities that all the inhabitants of a territory have to access rights that are respected and guaranteed equally. In this order of ideas, according to a social movement member of the *Mesa Interbarrial de Desconectados* (Inter-neighbourhood Roundtable of Disconnected People), water has been one of the physical reference points around

which the city has been planned and organized (personal communication, July 9, 2020).

EPM's water and sewerage networks do not reach these communities because they are informal settlements not legally recognized by the municipal administration (member of the *Corporación Jurídica Libertad*, CJL, personal communication, July 13, 2020). Households have therefore developed different ways to access water which continue during the pandemic. In some cases, residents in the hillsides have built their own formal and informal village aqueducts, drawing water from springs that run through the mountains (Botero-Mesa and Roca-Servat 2019). Others solicit donations of water from neighbours who have a formal connection with EPM, or rely on the solidarity of friends, family and acquaintances (Comuna 1 resident, personal communication, August 1, 2020). When finances permit, some households also buy bottled water. In certain neighbourhoods, there are sources of untreated water that are controlled by clandestine groups. This water often arrives late at night, and when it does, people wash clothes or store it for later use. The fee for this service is 5,000 pesos¹ per week (Comuna 1 resident, personal communication, August 1, 2020). Others obtain water from water tanks via "informal" hoses, although this water is not suitable for human consumption.

Some of these mechanisms entail physical contact with others, creating fear, stress, anxiety and even depression in the face of contagion (Stoler et al. 2020). Women are the most affected because of the additional threat of domestic violence (Stoler et al. 2020) and because they are often the head of household. As one resident put it: "Do we work and become infected? Or quit working and lack the means to eat and pay for services?" (Comuna 1 resident, personal communication, August 1, 2020).

Many households in the neighbourhoods located in the higher areas of the mountains cannot pay their bills even during regular

¹ 1 USD = 3844.20 pesos.

times. The economic crisis of these families has been exacerbated by the pandemic (Observatorio de Seguridad Humana Medellín 2020), with rising concerns over water service disconnections. Disconnection occurs in two ways: non-prepaid utility users, and *Aguas Prepago* (prepaid water services). Both are subject to the ability to pay. As one member of the CJL put it: “We understand prepaid water as another form of disconnection. A user with prepaid services can be disconnected from one moment to the next because it depends on the user’s purchasing capacity. If you have money, you can recharge; if you do not, you are disconnected” (personal communication, July 13, 2020).

Residents have also complained that information disseminated about the *Precargas por la Vida* (Preloads for Life) programme has been confusing. One resident had this to say: “With the pandemic, when I was looking at *Precargas por la Vida*, both in energy and water utility, it said that you can only receive a water load once for the first few months, but afterwards it was not very clear” (member of the CJL, personal communication, July 13, 2020). Many residents were uncertain about how many times they could purchase preloads and how they would pay off the additional debt in the future.

Social movement organizations have made several demands related to water in the context of the pandemic. In addition to proposing that EPM suspend all disconnections (Corporación Contracorriente et al. 2020, Zona Nororiental de Medellín 2020) – a measure that was implemented – they also demand supply by tanker truck for neighbourhoods and territories where there is limited access to the formal water network (Corporación Contracorriente et al. 2020). Neighbourhoods in the Northeast Zone also propose additional forms of payment for utilities that take into account real capacities of low-income families to pay: forgiving all debts for tier 1, forgiving 50% of the overdue payment accounts for tier 2, and eliminating late penalties for tier 3 for the duration of the pandemic (Zona Nororiental de Medellín 2020, 4).

In making these demands, these organizations call upon the

state to enact the right to *Mínimo Vital de Agua Potable* (vital minimum amount of drinking water) or MVAP, which is defined by the Constitutional Court of Colombia as “a fundamental right that allows the individual to live according to the lifestyle that characterizes him, according to his economic situation and all that he requires to live with dignity” (Judgment T 469/18 cited in Roman 2020). They call upon the state to guarantee this right in the medium term for all households, not only in the context of the pandemic, but because of the constant exposure of children to other infectious diseases associated with water quality (Corporación Contracorriente et al. 2020, Zona Nororiental de Medellín 2020).

These organizations have criticized EPM’s minimum drinking water measures, calling for continuity of water service and public investment to expand service coverage. They draw attention to the fact that in the midst of the greatest public health threat of the century, EPM’s business-oriented logic has inspired nothing but a commercial innovation: *agua a crédito!* (water on credit!) (Penca de Sábila 2020).

Proposals made by these organizations also call on the mayor to prioritize the recovery and stabilization of vulnerable populations in the 2020-23 Development Plan, implementing measures to strengthen the informal economy and ensuring universal health coverage and better health conditions through “providing essential public services and basic sanitation and improved housing” (Corporación Contracorriente et al. 2020). To this end, they propose the implementation of the February 2020 judgment in which the State Council ordered the city to provide drinking water to the Granizal district, which would entail building infrastructure that could benefit more than 30,000 people that live between the Granizal district and Comunas 1, 3 and 8 (Zona Nororiental de Medellín 2020, 12).

In addition, social organizations have called on the local and the national governments to provide a basic income. The first phase would involve identifying recipient families, and the second phase (to be implemented between 2021 and 2023) would entail the rollout

of transfer payments to these families to cover costs for health, education, food security, access to culture, public services, decent jobs and recognition of household work.

The aim of the basic income is to strengthen peoples' capacities to access the minimum conditions essential for life. These exceptional circumstances are giving rise to reflections on the historical demands put forward by the inhabitants of working-class districts. Many social movement and community leaders are now reconsidering their discursive strategy that has emphasized basic minimums. Instead of minimums, the idea of *máximos vitales* (vital maximums) has been gaining ground during the pandemic. *Máximos vitales* refers to the integral development and dignity of the human being, issues that cannot be addressed by covering minimum needs, but rather require that all forms of oppression and vulnerability be eradicated (Comuna 13 social leader, personal communication, July 15, 2020). Among the vital maximums for a dignified life is an expansive notion of socio-economic rights, "including food, essential public services, housing and education" (Comuna 8 social leader, personal communication, July 23, 2020).

UNITED FOR WATER NEIGHBOURHOOD IMPROVEMENT PLAN

Although the 2020-23 Development Plan recognizes the existence of housing in areas that lack basic service provision due to their geographical location and includes discussion about how to integrate these areas through new technologies, there are no concrete plans to materialize this idea. The development plan also proposes many interventions aimed at increasing basic service coverage in peri-urban neighbourhoods "because that is where the largest deficit exists and where compliance with health measures to curb contagion by Covid-19 or any other pandemic becomes much more complex" (Concejo de Medellín 2020, 11). More specifically, it mentions the goal of expanding water and sewerage coverage through the continuation of the *Unidos por el Agua* (United for Water) programme and

the upgrading of community aqueducts (Movimiento de Laderas 2020). This programme has been in place since 2016 as a municipal programme of the previous local administration in partnership with EPM.

According to the *Corporación Jurídica Libertad*, a legal advocacy organization in the city, this programme led to the expansion of water and sewerage services in some sectors of Moravia, La Honda and La Cruz (CJL, personal communication, July 13, 2020). However, the Development Plan of the current administration does not give sufficient importance to this project. The CJL is concerned that in the 2020-2023 Development Plan, the *Unidos por el Agua* programme, which has been re-named *Conexiones por la Vida* (Connections for Life) by the new municipal government, is not well-defined and its continuity is unclear. Social leaders have also criticized this programme for not contemplating the limited ability of people to pay, which will lead to disconnections and more prepaid water users (Comune 13 social leader, personal communication, July 15, 2020).

STRENGTHENING COMMUNITY AQUEDUCTS

Prior to the expansion of EPM into peripheral neighbourhoods, water management was carried out by various community or village aqueducts. For example, the aqueduct of the El Faro neighbourhood located on the limits of the urban-rural periphery has existed for more than 30 years. The water it supplies comes from the La Castro stream, and it has no system to treat its water. Between 2008 and 2016, the community built a non-conventional aqueduct and sewerage system that today benefits more than 2100 families. Yet there are approximately 350-400 households in the highest neighbourhoods of Comuna 8 that still do not have services because they lie outside the urban perimeter (Comuna 8 social leader, personal communication, July 23, 2020).

During the pandemic, the inhabitants of these sectors have had to face some additional difficulties regarding the use of water

from the aqueduct: “During the holidays local tourists come to the area and pollute the water. We have to close the valve on Saturdays, Sundays, and Mondays, and have to use whatever water is left in the tank. Those who don’t have a storage tank have to drink mud” (Comuna 8 social leader, personal communication, July 23, 2020). These families have made some improvements to clean the water and have been fighting since 2016 to make the water of El Faro potable (Comuna 8 social leader, personal communication, July 23, 2020; member of MID, personal communication, July 9, 2020).

It is important to mention that while El Faro is the best-known case of a peri-urban aqueduct, it is not the only one (MID member, personal communication, July 9, 2020). Popular neighbourhoods on the hillsides call for the support, creation and “strengthening of community aqueduct processes, to ensure water suitable for human consumption” (CJL member, personal communication, July 13, 2020). On the other hand, community leaders question EPM’s role on this issue: “Why does it not allow the formalization of community aqueducts? Why does it not help improve their infrastructure?” (MID member, personal communication, July 9, 2020). Strengthening community aqueducts is crucial to democratize water management and guarantee water as a fundamental right.

CONCLUSION

The EPM case illustrates the importance of democratizing basic water and sanitation services and defending water as a commons and fundamental right. The Covid-19 pandemic has deepened a water crisis that Colombians have been experiencing because of a capitalist economic model based on neoliberal, technocratic, cumulative and often individualistic ideals. In this sense, when we talk about democratizing basic water and sanitation services we do not mean the ways in which capitalism has coerced or appropriated liberal democracy – which is limited to a superficial representative democracy in which private interests rule (Roa 2016) – but rather a need

to transcend representative democracy and transform our communities to create deliberative and community forms of participation exercised at the local and national levels (Santos and Avritzer 2007). This democratization must take into account intersectionality as a tool that reveals the complexity of the inter-relationships of different oppressive structures such as race, social class, gender, age, functional diversity or sexuality, among others (Collins 2017).

In this sense, water service provision in the city of Medellín shows the tension between the neoliberal vision of water and the one that understands it as a fundamental right. There are at least three points of contention: (a) the tension between the understanding of water as a strategic natural resource versus a commons, (b) the tension between water as a commodity and as a fundamental right, and (c) the tension between corporate models of water management and community water management.

Regarding the first tension, we highlighted that according to EPM's corporate logic water is at the same time a scarce resource that must be governed by the market and a public good that belongs to the state. When performing its duty of providing a service, EPM must first and foremost perform its business function. By contrast, for social movements such as the *Mesa Interbarrial de Desconectados* and the neighbourhood organizations of Comuna 8, access to water provides the possibility of accessing a dignified life (in terms of health, housing and basic services). As the basis of life, water is not a thing/object but is present in multiple ways and can therefore be accessed and known in various ways as well.

Regarding the second tension, we see how for the company the goal of achieving universal coverage clashes with the problem of accessibility and affordability. For EPM, it is impossible to guarantee the right to water without integrating the costs and payment for its use. By contrast, for social movements, the lack of clean water reveals unequal access to rights and dignity. That is why, in the context of the pandemic, neighbourhood movements have called for debt forgiveness for the payment of basic services for the lowest

tier, the extension of the *Mínimo Vital de Agua Potable* (vital minimum amount of drinking water) for the most vulnerable population, and the implementation of a basic income as rates of hunger, pauperization and violence increase.

Finally, the third point reveals the contrast between the orientation of EPM and community aqueducts when it comes to management. For its part, the market logic of EPM limits its ability to provide basic public services. We can see this in the example of the programme *Unidos por el Agua/Conexiones por la Vida*; although it provides water access to vulnerable people living in areas of high risk or outside the limits of the urban perimeter, it does not adequately respond to the inequity of the economic system or the violence that intersects social class issues with race, gender, age, sexuality, etc. According to social movements, EPM appears to be more interested in payments than guaranteeing fundamental rights.

In light of these findings, these are our recommendations:

- Expand communication channels and trust between EPM and civil society, particularly with neighbourhood movements and associations.
- Ensure the *Mínimo Vital de Agua Potable* as a fundamental human right within the framework of the Social Rule of Law and as redress mechanisms for victims of internal armed conflict. Moreover, the vital minimum amount of drinking water must be extended to the entire vulnerable population during crises.
- Integrate an intersectional analysis, which takes into account subjects of special protection, as well as in the different forms of oppression in public water policies.
- In the context of a deepening economic crisis, the municipal government of Medellín and EPM should integrate efforts in order to forgive 100% of the debts for basic service for tier 1, 50% for tier 2, and create more flexible payment facilities for tier 3. Additionally, more attention should be put into how public services are handled, viewed and implemented.
- Continue and strengthen cross-subsidies and solidarity mecha-

- nisms between social groups, seeking redistribution and equity.
- Strengthen and expand the *Unidos por el Agua/Conexiones por la Vida* programme to reach more areas in the city by including comprehensive neighbourhood improvements and guaranteeing access to water as a fundamental right.
 - Recognize the autonomy of community aqueducts and strengthen public-community agreements, allowing a variety of ways to manage water as a common good.

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