

The Water Is the Law



About

Convened by the Cisneros Research Institute for the Study of Latin American Art at MoMA and conceived by guest curator Camila Marambio, Cumbre Aconcagua (the Aconcagua summit) looks at the history of water management in the Americas through the interdisciplinary work of artists, theorists, historians, lawyers, ecofeminists, scientists, and local communities. The Cumbre comprised a series of conversations, or “confabulations,” and an experimental tribunal titled *The Water Is the Law*, presented in this document.

With the term confabulations, Marambio describes the three public dialogues that she moderated on August 11, 25, and September 8 between Carolina Caycedo and Ignacio Valero, Maria Thereza Alves and Denise Ferreira da Silva, and Cecilia Vicuña and Marisol de la Cadena, respectively. The intent of these *confabulaciones* has been to reflect on strategies for de-extinction, solidarity between North and South, and an overall reorientation toward societies of care that include the more than human.

Initially, Cumbre Aconcagua was meant to be a research retreat in Chile, from April 28 to May 2, 2020. The summit was to be set along the shores of the Laguna del Inca, a glacial lake that rises 2,680 meters above sea level and is situated halfway up the Aconcagua, the tallest peak of the Andean Mountain Range. The name Aconcagua stems from the Quechua terms *kawa* (to see, to look) and *kon* (mother of life, the sea, chaos, transformation), and acknowledges the cycle of water from ocean to glacier and back. The Aconcagua basin has been the subject of a lifelong body of work by artist Cecilia Vicuña and, in tribute, Marambio had chosen this site as the meeting place for the first Cisneros Institute conference dedicated to the study of the relationship between the arts and the environment in Latin America.

Chile is the only country in the world where water is privatized, and though the original Cumbre’s agenda was set by the invited artists’ and theorists’ work on water-related issues around the Americas, the summit was timed to coincide with the Chilean election—offering a window of opportunity to conceive the return of water rights to the commons, and hopefully to water itself. The unexpected COVID-19 crisis brought the Chilean election cycle and Cumbre Aconcagua to a halt.

In keeping with these commitments, and with Cumbre Aconcagua’s initial, situated goals, the summit culminates with the publication of the performative trial *The Water Is the Law*, modeled on the International Rights of Nature Tribunal.

CODA

It’s almost always quicker to come down from a summit than to climb up it. Be that as it may, the descent strains our knees because of the mechanics of bodies leaning forward—and that exertion digs us in.

Mount Aconcagua is the highest peak in the Americas. A local responsibility comes with calling a virtual summit on the waters of the Americas “Aconcagua.” As the guest curator coordinating the conference organized by the Cisneros Institute at MoMA as part of its research on the relationships between art and environment in the region, I decided to take on that geopolitical responsibility collectively, inviting four Chilean women and one Argentine to reflect on the waters of the Andes. In different ways, environmentalist Bárbara Saavedra, art historian Catalina Valdés, anthropologist Francisca Fernández, lawyer Nancy Yañez, and Argentine researcher Maristella Svampa have spent years advocating for the Andes. In their disciplines and in-disciplines, each one accepted the challenge of showing us the way down from the summit with iron conviction and open heart.

Titled *The Water Is the Law*, the epilogue to the Aconcagua Summit is this libretto published weeks after artists Carolina Caycedo, Maria Thereza Alves, and Cecilia Vicuña confabulated with philosopher Ignacio Valero, theorist Denise Ferreira da Silva, and anthropologist Marisol de la Cadena to guide our ascent to the summit. From the heights, we spotted interweaving rivers, lakes, and glaciers. We remembered that those different bodies of water are a single body. A body that is not only a body, but also phases of transition, memory, struggling communities, righteous rage, brutal history, and deadly abstraction. And the unanswered questions asked on the way up to the peak resonate fervently. Yearnings circling. The warm sense of sisterhood and of possibility that germinated on the way up is tinged with the manipulation and degradation experienced on the way down to a Chile where water is privatized and the current crisis threatens biodiversity.

Like a choral score, the brief arguments presented in this libretto were conceived as oral arguments to be submitted to a fictional water tribunal. That is why I invite you, the reader, to gather (any way you can) in groups of five to read this epilogue out loud, thus turning *The Water Is The Law* into an aesthetic-performative act that defies what would fragment us, what would tear us apart, what would abstract us.

Bringing together art, science, law, and politics to create a tonal vibration that recalls that everything is water: that is our common duty.

Camila Marambio, guest curator
The Aconcagua Summit

Water is a precious and versatile substance. Most of the water on the planet (97%) is salt water in oceans and seas; 2% is in the form of ice in the North and South Poles or ice fields. Just 1% is sweet water, most of it ice (69%) and ground water (30%). Only 1% of that sweet water is in the form that we humans, and so many other earthly species, need. Water takes different forms: solid, liquid, gas, and even supercritical in high-pressure volcanos, like the ones found throughout the Andes. Water is innately versatile and diverse, just like the life associated with it: water is the essence of life, and life is biodiversity.

Biodiversity—or what we call nature—is the ecological-evolutionary fabric specific to our world. It is the maximum expression of our universe's singularity. Biodiversity consists of millions of unknown species. It is the only structure that sustains human populations, yet it is invisible to our societies. Water is what gave origin to and has sustained all life forms, including human beings, that have populated the Earth for some 3,500 years. The diversity of life past and present—and undoubtedly future—depends on that trickle of water on our planet.

The zones with the greatest diversity are wetlands, ecosystems rich in water. They consist mainly of peatlands (69%) like lakes (21%) and rivers (0.5%), but also of salt flats, coastal wetlands and other coastal ecosystems, and swamps (2.6%). A small fraction of the Earth's water is in the soil, which is 3.8% water. The soil is made up of many small organisms, fungi, bacteria, archaea, insects, and roots that, though largely unrecognized, are—along with vegetation—the single most important element to maintaining life on the planet and making possible the things we living humans do.

Biodiversity connects humans to water through the materialization of the water cycle, which exists insofar as there is vegetable diversity. Without biodiversity—vegetable ecosystems like forests, meadows, brush, wetlands—there would be no sweet water, oxygen, food, or medicine for the human species, to say nothing of human identity or spirituality. That biodiversity is where the deepest essence of what it is to be human brews, unfolds, and gestates. The biodiversity of a nation, a community, or a society—ultimately of our planet—is its most important and necessary common good.

In essence, we human beings are water. We form a triad with biodiversity and water, and that triad provides for us and connects us; it is what defines us and allows us to exist. That triad is the minimal unit on which all of nature's wonders blossom and unfold; our life, human life, and the life of all the other living beings with whom we share this planet. We and they are ultimately one and the same. We are nature. We are water. No more and no less. It's that simple and that complex.

The loss of biodiversity—or the degradation of nature—is the greatest problem facing the world today. It is even graver than

other, more widely discussed, problems like climate change. It encapsulates a drama repeated throughout our planet, in every land and marine area, affecting over 75% of the land and 66% of the oceans, including the ones that make up the Americas—the greatest repository of nature and water on the planet Earth today.

The situation of sweet water is dramatic. As said above, it was always just a very small fraction of the water on the planet, but today it is even scarcer, as 85% of the world's wetlands have disappeared. The situation is particularly critical for ecosystems like central Chile's Mediterranean ecosystem, where I am standing now. Deterioration of this magnitude has had, and continues to have, a direct or indirect impact on hundreds of thousands of communities around the world subject to water scarcity. Many of those communities are in Chile, especially at the foot of Aconcagua.

The Aconcagua basin is pure life because it is full of water. It covers almost half of my home, Valparaíso province, in the heart of the Andes. If, in our minds, we travel the 170 kilometers that go from that basin's highest peak to its mouth, we find moist wetlands everywhere, which are what give rise to, cleanse, and move the water in the Andes. Scores of glaciers that feed rivers like the Juncal and the Colorado. Those two, along with the Putaendo, and estuaries like Catemu, Limache, and Los Litres, shape the magnificent Aconcagua River, which, paradoxically, dies in an explosion of life: the Mantagua wetlands. It also nourishes the coastal wildlife so typical of Chile.

The Aconcagua River has long sustained all the human activity in the region (agriculture, ranching, mining, industries, and a number of human settlements). Many of those activities have done the river and the basin harm, with pollutants, sewage, destruction of vegetation on the banks, massive plantation of water-consuming monocrops like avocados, damming, and many other malicious practices that, little by little, have even further narrowed the vital trickle of its waters.

When I was a girl, I swam in the waters of the Blanco River in Riecillo. My daughter has never been able to dip her feet in its now dry basin. Almost half of the basin's soil has been eroded, and in some places, like Llay-Llay and Calle Larga, over 70% of the soil is barren.

The degradation of nature degrades us as humans. Human and nature are one and the same fabric; humans, nature, and water are strands in the fabric of life. That basic triangle is woven into each and every corner of our planet, including Aconcagua.

I hope we come out of this Summit declaring the need to re-ground what it is to be human. The basic order of life on the planet must be recognized in the guiding principles of humanity.

Seventy-two years ago, a world horrified by the Holocaust issued the Universal Declaration of Human Rights. We faced what we believed, at that time, to be the greatest threat to humanity: nuclear war. I think the time has come to issue a new declaration, but this time with a focus on the three strands that make up life's fabric and sustain us: humankind, biodiversity, and water.

We must amplify from this Summit the clamor nature has been making in each and every territory—especially in the Aconcagua basin—and demand the restoration, re-composition, expansion, healing, and reinforcement of the fabric that gives our unique planet life and water. It is, ultimately, what sustains life itself.

Francisca Fernández

Hello, my name is Francisca Fernández, and I am a member of the Chilean Movement for Water and Territories and of the Socio-Environmental Committee of the 8M Feminist Coordination. I'm here today because of the intensification of an ecological and social crisis, a product of the devastation of nature, which in Chile is linked to the privatization of water and various community assets, which makes it fundamental to recuperate the ancestral memories of the flows of water.

The Movement for Water is made up of around 100 multinational organizations, from Arica to Magallanes, and our main fight is to abolish the 1981 Water Code, which enables the privatization of water.

Thus, in Chile, water can be bought, sold, leased, and even mortgaged to create a water market under the figure of right of use. In this framework, within the movement, we have brought together Indigenous peoples, Africans, migrants, and members of the rural and urban sectors. Without a doubt, the different communities in the Andean context, both Indigenous and Mestizos, have been fundamental in this process.

It is important to note that we understand the Andes as a backbone through which the waters flow. In the north of Chile, there are the Aymaras, Quechuas, Diaguitas, and Likanantay communities. In the central valley, where I am located, specifically the Aconcagua Valley, we had communities that are associated with a phase called Aconcagua because of its pottery production, which were considered to be the north of the Mapuche land, called Pikun Mapu. This is, fundamentally, a common space between Kollasuyo, the southern part of Tawantinsuyo, and the northern part of Wallmapu.

Thus, Mama Cocha, Mama Cota, or Yaku Mama, where water is considered mother, is the origin of life. It is essential to understand that within the Andean worldview, water originates from the mountains, the fundamental origin of flow that later runs through the rivers as if it were blood. Water, in this sense,

is a space, a sacred place that refers to ancestral memories, to narratives of memory of the past, present, and future.

In an Andean context, the Pacarinas are the origin of the world, lineages, and communities. The Pacarinas are sacred places, *wacas*, that are natural springs, *puquios* (of which Lake Titicaca stands out) where life originates, and where the first Inca couple, Manco Cápac and Mama Ocllo, emerge. Hence its vital importance. On the one hand, the water emerges from the Ukhu Pacha, the subsoil (where the telluric elements are), the snake. Thus, another view emerges regarding water flow. From there the Kay Pacha rises, the here and now, where all the agricultural activity is generated to end, finally, in the Hanan Pacha, the sky, that is part and axis of the construction of the Milky Way, which is considered the great river, the Mayu, and then return to the Kay Pacha in the form of snow, hail, and rain. There is an entire hydrological system. So we see that this vision of water is fundamental in the Andean context, because water is the support of life, of fertility through articulation with the earth. And in that sense, water and land are absolutely indissoluble.

Today, however, in the 1981 Water Code, heir to the Chilean constitution of 1980, a division is generated in which, for example, peasant, Native, and Afro communities have their land, property, but not water rights, which produces a break in this cosmogonic logic in which water is the source of life, where it is possible to, ultimately, supply the earth, which is the support of all life, both human and non-human. In this sense, water is considered a community asset, a political subject, but part of the community and, therefore, it must always be offered.

Water, as I mentioned, originates in the mountains. For this reason, the mountains are considered a reservoir of water, but they also link us to three stages: the above, the here, and the underground. For this reason, the most emblematic offering that was made was the burial of girls and boys, dreaming of new territorialities. In the Apu, a tutelary hill as important as Aconcagua, a boy who fulfilled that mission was buried, as in El Plomo hill in Chile, where a boy was found.

The Aconcagua Valley is one of the important tributaries that arise from the waters of this great mountain, which is also located toward the Argentine territory, and for this reason, it seems to us essential in the fight of de-privatization and the recovery of water, vindicating the ancestral memories of the people who were here.

My name is Catalina Valdés, and I come before this Water Tribunal as an art historian. I will submit visual arguments that prove the paradoxical relationship between geography and politics and show the radical truth that resides in landscape when it emerges from the physical experience of exploring territories. I will base my argument on a paradigmatic case: the formation of the image of the southern Andes.

How was the image of this southern stretch of the Andes shaped? I am not speaking here of rocks or soil, but of their imaginary mirror, not of ontological expansions but of the Western imagination—a strictly modern process that governs both the mountains and ourselves, especially if we are female.

At stake in the formation of this image is a convergence of historical conceptions of the mountain that only rarely imply actually experiencing it. The representation of the mountain is marked by a utopia of progress that would dominate nature by dint of catalogue and border. Its agents—men, for this history is practically devoid of women—look to nature as a source of riches, origin myths, and a supposedly common identity (fig. 1).

The Andes mountain range is presented as a road that connects history and place. It is a battlefield, the background of a canvas, an immense monument to the glories of the nation.

During the gradual formation of the nation, the Andes were a passage for thousands of exiles who trekked from one side of the mountain to the other in search of a nation that would guarantee their freedoms (fig. 2).

Eyes were glued to the Andes as point of reference in the local appropriation of the European visual language, which sees in the mountain universal beauty (fig. 3). This formation of the modern image of the southern Andes culminates with the construction of a border—and therein lies the crux of my argument.

For 19th-century positivist geography, the border was an institution on the basis of which to delimit the nation as abstracted territory. The relationship between nation and territory was grounded on supposedly immutable “natural laws” rooted in an authority greater than any human will (fig. 4).

Over the course of the 19th century, more and more countries dove into the currents of modernity. They fought wars and signed treaties. Steadfast as they were in the conviction that their nationhood was written in the land, these countries attempted to establish “natural” borders that would perfectly align to water flows and mountain peaks. In the southern Andes, the border between Chile and Argentina was the result of a war of maps. Once conceived as a strip or porous zone, like a pathway, boundaries were now seen as a mappable and controlled line, more like a wall (fig. 5).



fig. 1
José Gil de Castro. *Capitán General Bernardo O'Higgins Riquelme* (Captain General Bernardo O'Higgins Riquelme). 1820. Oil on canvas, 205 × 136.5 cm. Museo Histórico Nacional, Santiago

fig. 2
Benjamin Franklin Rawson. *Repartiendo pan en la cordillera* (Giving Out Bread in the Andes). 1855. Oil on canvas, 146 × 168 cm. Complejo Cultural Enrique Udaondo Luján



fig. 3
Onofre Jarpa, *En las cordilleras de Chillán. Quebrada del Manzano* (The Chillán Mountain Range. Manzano Ravine). 1893. Oil on canvas, 200 × 131 cm. Museo Nacional de Bellas Artes collection, Santiago



fig. 4
Detail of a representation of the Andes at the altitude of Santiago and Cuyo. Juan de la Cruz Cano and Juan de la Olmedilla (drawn in Madrid, 1775). Geographic map of southern America (engraved and printed by William Faden in London, 1799). Available at davidrumsey.com

At first, experts strove to find those lines on old maps, believing that the foundations of modern nations were forged in the colonial past. But those earlier maps recounted the pathways of another time, and where there should have been a line there were instead empty spaces, mistaken names, folds, and errors rendered by the passage from drawing to print. Those maps were an archive of now-dated imperial geopolitical practices and technologies useless to drawing national boundaries (fig. 6).

To go beyond the colonial legacy, theories of geography developed far from the terrain ventured to settle borders on the basis of spurious descriptions of mountain life. The 1881 Border Treaty, for instance, declared:

The boundary between Chile and the Argentine Republic is from north to south, as far as the 52nd parallel of latitude, the Cordillera de los Andes. The boundary-line shall run in that extent over the highest summits of the said Cordilleras which divide the waters, and shall pass between the sources (of streams) flowing down to either side.

That abstract, speculative geography hoped to reshape rocks, volcanos, torrents, and glaciers, to reduce them to a geometric symmetry (fig. 7).

Thus, starting in the mid-19th century, the image of the Andes was rendered a silhouette, an outline imposed on the horizon, contorting mountain peaks to make them align with water divides—two strong arguments in the geopolitics of the time (fig. 8).

But any experience on the ground, no matter how far from topographic knowledge it may be, reveals that the Andes do not have a principal range. They consist, rather, of a sum of mountain chains of varying height and expanse. Any line connecting peaks is discontinuous on the ground and very difficult to draw on the map. Exploring the mountains also evidences that the water thawing on the peaks does not trickle down in a uniform line—no matter how much the image of the map tries to make it do so (fig. 9).

In brief, experts strove to forge a border by the forced union of two imaginary lines that did not align with one another or with the laws of nature that supposedly determined them—laws that, at these heights, betray the vast dynamism of natural life. And that life is what I mean when I say “the radical truth of the landscape,” for I know that its only borders are the ones set by the limits of human vision (fig. 10).

What followed is more or less what we experience today (fig. 11). A mountain range conceived as abyss, a space perceived as residual and deserted, though riddled with monoliths and mines. A place devoid of wildlife and handed over by the government of those drawn countries to that other government, the one that rules us and apparently knows no borders—it is global. A small step is all that divides yesterday's



fig. 5
Spherical chart of the lower section of southern America to show the path that leads from Valparaíso to Buenos Aires built on the basis of astronomical observations made onsite in 1794 by Don José de Espinosa and Don Felipe Bauzá, Officers in the Hydrographic Department of the Rl. Armada [and members of the Malaspina Expedition] [Madrid] Hydrographic Department, 1810 (54 × 82 cm). Biblioteca Nacional de Chile

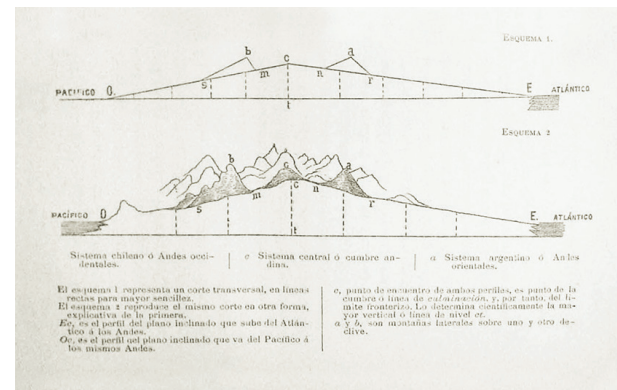


fig. 6
Eduardo de la Barra. “Diagram 1” in *The Problem of the Andes*. Buenos Aires, printed by Pablo Coni, 1895. p. 31

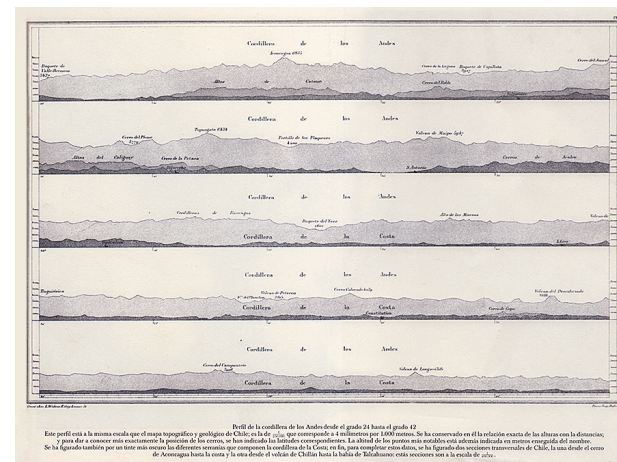


fig. 7
Pedro José Amado Pissis. “Profile of the Andes and of the Coastline,” Plate 14 of the *Atlas of the Physical Geography of the Republic of Chile*. Paris, Institut Géographique National, 1875

cartographic design from today's mining grid (fig. 12).

I beseech this tribunal to consider these arguments the precedents of a politics that sought to dialogue with the geography, that—at least on paper—saw in the descriptions of the mountain evidence of something greater than human will. If nature's shapes were heeded as evidence to alter the contours of a nation, why aren't they heeded today to re-alter the contours of our lives?

I submit these images as witness to a graphic culture that is today beginning to come apart in something like a second virtual nature.

In closing, I trust this exposition will be understood as an attempt to reaffirm the exploratory practices that yielded material evidence in the late 19th century. Those practices are necessary today as well to recompose a natural history that includes us. We must return to the terrain.

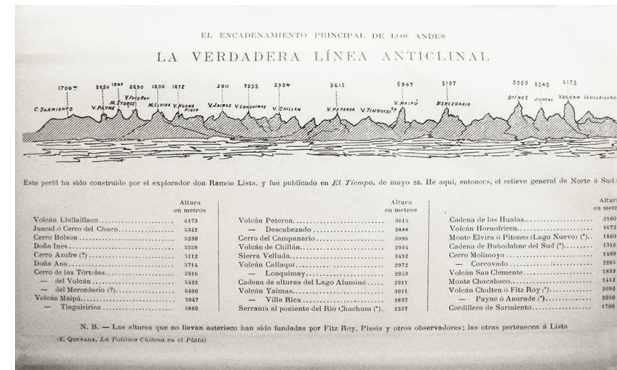


fig. 8
"The Andes' Principle Range: The True Anticlinal Line," plate from Ernesto Quesada, *Chilean Policy in El Plata Peak*. Buenos Aires, Moen Editor, 1895

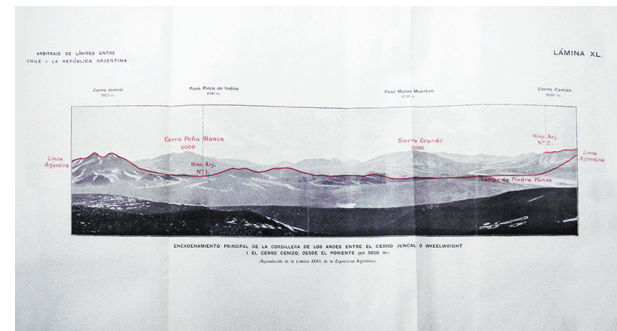


fig. 9
Plate XL. Submitted by Chile in response to the argument submitted by Argentina to the tribunal constituted by the government of Her British Majesty, the arbitrator named by the agreement of April 17, 1896. Paris: Imprimerie Chaix, 1902

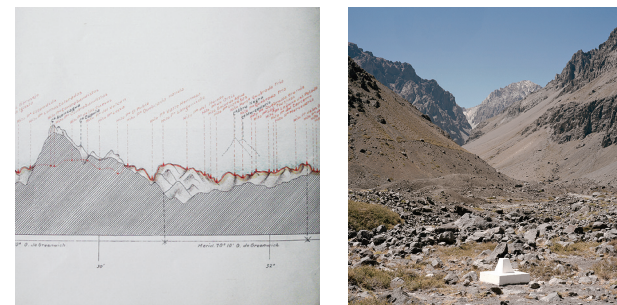


fig. 10
Longitudinal profile of the Andes that shows the path of the dividing line with the Republic of Chile. Argentine Border Commission. Archivo General de la Nación de Buenos Aires, Hermitte file n. 28 (detail of folio)

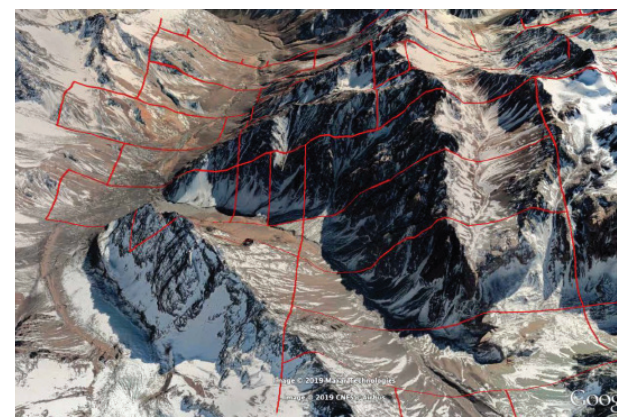


fig. 11
Ignacio Acosta. *Pedimento minero* (Mining Monument). Photograph taken in Parque Andino Juncal, December 2018



fig. 12
Satellite image of the grid delimiting the mine holdings rendered on the area encompassed by the Parque Andino Juncal, high-altitude Ramsar Site, 2019. Part of the *Pedimento Minero* (Mine Monument) project by Ignacio Acosta and Tomás Dinges

I am Nancy Yáñez, director of the Center for Human Rights of the Faculty of Law of the University of Chile. Today I am going to talk about the water situation in Chile, and its impact on the Indigenous peoples in the north of the country.

Between the Cordillera Domeyko, a mountain range in Chile, and the Andes mountains is the Salar de Atacama, the largest salt flat in the country. There, the development of the Atacameño civilization, whose Kunza name is Licán-Antai, has taken place. At present, this town is made up of about 19 communities that inhabit the streams of the Salar de Atacama. During the last decades, these communities have experienced extreme pressure regarding the availability of water resources, fundamentally due to mining overexploitation and the growth of tourism in the territory.

Socio-environmental conflicts in the territory are of great relevance. And this is seen, especially, in the levels of overexploitation of water in the Salar de Atacama, but also in the aquifers that supply water to this ecosystem. CORFO, the Production Development Corporation, in a study that involves the exploitation between 2000 and 2015, indicates that nearly 6,800 liters of water enter the salt flat per second; as a consequence of anthropic exploitations, water exits at a rate of approximately 8,842 liters per second. Mining draws fresh water but it also draws brine, mainly for the exploitation of non-metallic minerals, specifically lithium. One of the main aquifers in the basin is that of the Tilopozo-Pajonales, and the General Directorate of Water has reported that it is overexploited by nearly six times its natural capacity.

The distribution of water in the territory is totally inequitable. Mining concentrates approximately 70% of the water, the agricultural sector 17% (which corresponds mainly to the agricultural and livestock use of indigenous communities for subsistence purposes), and human consumption is 13%. Much of this consumption is due to the tourism industry. The communities have minimal rights over the water in the territory.

The registration process that took place in 2000 reserved surface water rights for the communities: approximately 70 rights were registered for 18 organizations. And this regime is possible because in Chile there has been a process of water privatization since the adoption of the Water Code in 1981. According to this mechanism, the owner of a water right can freely dispose of the water in the market, and can use it for what they deem appropriate without any limitation whatsoever. That is what allows, on the one hand, the concentration of rights, and on the other, overexploitation due to lack of regulation.

In 1992, an attempt was made to correct the effect that this privatization system could have, fundamentally, in the high Andean ecosystems that correspond to plains and wetlands, prohibiting the exploitation of groundwater. There was also an attempt to correct the situation with Indigenous

communities, and the 1993 Indigenous Law recognized the ancestral property rights of water of Indigenous communities. But the truth is that these corrections have not managed to reverse the critical situation in the territory. The paradigmatic case is that of the Peine community, made up of approximately 500 people, surrounded by mining companies that have put the cultural integrity of the community and the ecosystem at risk due to the scarcity of water resulting from overexploitation. The communities have tried to deal with this situation by demonstrating that public policy has omitted the variable of water scarcity in the territory, and the fact that it is an extremely arid area. Policies have not been adopted to safeguard the sustainability of the salt flat, despite its environmental fragility and the biodiversity it houses, nor have policies been adopted aimed at preventing and reversing the effects of climate change, despite the fact that the territory has observed a sustained decrease in rainfall.

The efforts of the communities have been aimed primarily at opposing mining exploitation, and also at generating mechanisms through which the different interests in the territory could be articulated, but in a way that is consistent with Indigenous interest and with the fundamental interest of protecting the rights of nature and Mother Earth.

This is the issue that Indigenous communities will bring to the constituent debate in Chile, where we hope that, indeed, water is no longer a private good, but that it is a common good and that legal mechanisms are sought to guarantee its social and environmental functions preferentially over industrial uses. Because what allows life on the planet is that water is available to all and we can equitably access this vital element.

My name is Maristella Svampa. I'm a sociologist and writer. I live in Buenos Aires and for many years, I've been working on socio-environmental problems in Latin America. I'd like to make three comments in the context of the Water Tribunal.

The first comment is linked to the rich interventions made by our colleagues from Chile about the serious water privatization problem in their country, which reveals an increasing process of dispossession. Their voices thus illustrate the long memory and the short memory of their struggles.

For example, Francisca Fernández links us to the ancestral worldview, to the Indigenous worldview prior to the regime of colonial dispossession, an ancestral understanding in which the mountains were the great water reservoirs. Furthermore, the voice of Catalina Valdés effectively illustrates the progress of the liberal regime associated with the national state that institutes borders and that, in that sense, places the dividing water lines as markers of those borders between countries. But above all, it also illustrates the progress of a model of the appropriation of nature and, very particularly, of water through transnational mining, thus instituting a global corporate regime of water control. Additionally, Nancy Yáñez fully introduces us to a moment of exacerbation of this dispossession regime in Chile, in which the overexploitation of natural resources like water strongly impacts the most vulnerable populations, resulting in unequal distribution. She tells us that not only the copper mining industry, but, above all, that of lithium mining is involved in this process. Lastly, the voice of Bárbara Saavedra reminds us of the essential tripod articulated by nature, humanity, and water, and notes the fact that biodiversity is not an asset that can be owned.

Along these lines, one could say that we are, in the Chilean case, in the presence of an extreme figure of extractivism, of privatization, and of the commodification of water. However, listening to my colleagues, I thought about an idea proposed by Rita Segato: the idea of *dueñidad*, or ownership. Segato maintains that today's world is one marked by ownership and lordship, that talking about inequalities is not enough, that ours is a world of owners. Well, Chile is also a country of owners, right? For example, in December 2019 *Forbes* magazine published a ranking of the richest people in the world, in which no less than 10 were Chilean business people, among them the current president of Chile, Sebastián Piñera, and the richest woman in Latin America, who is involved with mining. The important thing to note is that the fortunes of these families were obtained based on the expansion of extractivism, of monocultures that are thirsty for water, like the expansion of the forestry industry, the expansion of the fishing boundary, and, of course, copper mining, and especially now, lithium mining.

Water and extractivism, water stress, virtual water, water and feminism, water and biodiversity, water and territory, water and ownership—these are topics that, without a doubt, should be on the Constituent Assembly agenda that we hope

will be held in Chile soon. And my colleagues have particularly highlighted the need for this agenda to include water as a common good and that, furthermore, that access to water be considered a universal right within the framework of the paradigm of the rights of nature.

A second comment is linked to the expansion of the socio-environmental conflicts that we can see in today's plentiful Latin American cartography. They are conflicts closely linked to water, not just the ones linked to mining, but also to monocultures and mega-dams, a topic that has appeared in this cycle of reflections organized by MoMA.

It's important to emphasize that many of the longest rivers in the world have been dammed or altered in some way or another. According to data from the journal *Nature*, there are approximately 60,000 mega-dams on the planet, and currently there are 3,700 being built. There aren't many long rivers left flowing freely in the world. Because of structures such as the mega-dam, what has been lost is the connectedness of rivers, not only their tributaries, but also their places of birth and estuaries, with all of the impact that this implies for the populations that have lived off these rivers for centuries.

The presentation of the Colombian artist Carolina Caycedo emphasizes the history of the dammed rivers, particularly the Magdalena river and the impact on the populations of this common good's transformation into an exchange good, into a commodified good. It's also important to say that in the last decade the rivers in Latin America, through large infrastructure projects, have been transformed into waterways; waterways that are expressed, or rather, are constituted, as routes, routes of extractivism to transport—to transport different raw materials, different commodities, minerals, metals, soy-bean, oil, palm leaf, in short, so many commodities exported from Latin America to the world. Without a doubt, this new cartography of conflicts places water conflicts at the center of the agenda and at the center of reflection on the numerous eco-territorial battles that occur in Latin America today. These conflicts are also revealing the emergence of a new paradigm, or maybe not that new, but in any case, a paradigm that opposes the paradigm of occidental modernity that has been consolidated over the last 500 years. A dualistic, binary paradigm, that separates society and humans from nature, shaping humanity as beings independent or autonomous from it, as lord and master, fated or destined to dominate it.

In reality, what the Indigenous peoples who are currently resisting extractive projects, and also the feminist struggles or popular feminisms spreading in Latin America, are telling us is that there's another possible paradigm, that it's possible to transform relationships with nature through a relational paradigm that underlines interdependence and opens those other languages of valorization that we currently see expanding in territories in which complementarity, reciprocity, care, are revealed as important in this process of affirming that

what's important is the sustainability of life. Concepts like *buen vivir*, rights of nature, territory, autonomy, agroecology, food sovereignty, post-extractivism, and care are, without a doubt, at the center of this relational paradigm that runs through the current eco-territorial struggles in Latin America and are accountable for the emergence of a novel narrative, an emancipatory counter-narrative, that acquires more and more importance at a global level.

Third, I would like to say a few words about the role of art in this process and, above all, in the heat of this crisis of civilization that's revealed today almost as terminal, and, especially, during a moment of a health crisis linked to the pandemic that we're all currently going through. Saying that art can be thought of as a portal to other possible worlds—without a doubt this is a truism, it's not new, but somehow it acquires a novel significance in this time of crisis and, above all, at a time when emancipatory languages, political languages, seem rather obstructed.

Art promotes a very rich, interesting conversation—as the writer and art critic Graciela Speranza points out, a conversation “in the Anthropocene key”—with different disciplines overflowing epistemological barriers and linking, I would say, to a dialogue of new knowledge with socio-environmental movements, native peoples, and farmers who are fighting against the expansion of neo-extractivism today.

This dialogue of knowledge that appeals to complementarity, to care, is without a doubt a starting point to think about those other possible worlds and to give visibility, also, to the re-existence processes that are brewing in the heat of these struggles. It's paradoxical that it's not in the field of political and social thought, that it's not in the field of social and human sciences that we find these relational counter-narratives where politics, society, ecology, and aesthetics converge. Many of the social sciences and the human sciences are trapped in an environmental illiteracy. Or, rather, we could say they are trapped in a kind of epistemic, developmental, productivist blindness, which encourages the expansion of neo-extractivism, which contributes to accelerating the collapse of the global ecosystem and, of course, also contributes to reinforcing this war against nature, against life, which we are a part of. In this sense, we find that art speaks in an emblematic way with these processes of re-existence and causes a process of cognitive liberation that opens the opportunity to think in those other possible worlds where the sustainability of life, a dignified life, is at the center.

Along these lines, the trust in an eco-social, economic, and intercultural pact from the South has also introduced a comprehensive and holistic proposal that seeks to articulate social justice with environmental justice, and that seeks to articulate gender justice with ethnic justice as well. Without a doubt, we know that the situation is extraordinary and that the crisis and the collapse are getting more and more accelerated. For this reason, we consider it increasingly necessary

to carry out a dispute, a dispute of meanings that establishes the need to think about and achieve another type of society. A society in which solidarity, resilience, and democracy are at the center; an ecosocial pact that's nothing less than a pact with life, a pact with nature, a pact of re-existence.

Bios

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The Cisneros Institute aspires to become a vital platform for the arts of Latin America by fostering critical thinking across borders. Through its programs and publications, it aims to stimulate, support, and disseminate new research on modern and contemporary art of Latin America and its role as an integral part of global culture. It also seeks to promote the multiple perspectives of artists and scholars from Latin America by engaging in an international dialogue.

As part of The Museum of Modern Art, the Institute is committed to strengthening the Museum's longstanding commitment with Latin America through rigorous and experimental research into MoMA's Latin American holdings and meaningful collaborations with artists, art historians, critics, curators, and other cultural institutions.

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