

Colombia's Movement for Water Democracy and Constitutional Reform

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Water activists in Colombia are pushing a popular initiative to add explicit protection for the human right to water to the nation's constitution. The initiative follows similar reform efforts that succeeded in Uruguay in 2004, Ecuador in 2008 and Bolivia in 2009. These constitutional reforms demonstrate the close parallels between the movement for access to safe and sufficient water and the movement for democracy that is sweeping the Americas. After three years of popular mobilization to build support, the Colombian reform measure is now up for debate before the nation's congress.

Background

In 2006, environmental groups and public sector workers in Colombia simultaneously expressed a demand that the human right to water be included in the country's constitution. By 2007, progressive forces had united to launch the formal process of constitutional reform. According to the law, 1.5 million signatures must be gathered to bring a constitutional referendum before Congress. The measure is subject to two debates in the House and two in the Senate, after which it goes before a federal court judge for review pending approval by the president. Following this process, the measure comes to a popular vote. For the vote to be valid, a full quarter of the population — 7 million people — must vote. A winning vote is 50 percent plus one.

The popular initiative came in response to deteriorating access to safe water combined with a wave of failed water privatization projects that had swept the water sector over the previous decade. Like many financially constrained developing countries, the government of Colombia had long neglected its water and sanitation infrastructure and services. A 2009 survey conducted by the *Defensoría del Pueblo*, the government's human rights agency, found that at least 9 million Colombians lack reliable access to safe drinking water due to poor infrastructure and 20 million more are at high risk of going without due to scarcity. The private sector has also failed to provide needed services, despite its boasts of efficiency and improved service. Water and human rights advocates



Marching in the streets for the right to water.

in Colombia see democratic reform, citizen participation and increased public investment as the solution to decaying water infrastructure and inadequate water services.

In February 2007, a diverse popular coalition came together, calling itself the National Committee for the Defense of Water and Life (CNDAV in its Spanish acronym), after the movement that ejected Bechtel Corporation from Bolivia in 2000. CNDAV drafted a five-point reform proposal and mobilized to collect signatures across the

country. From an initial 70 organizational members, CN-DAV's membership grew 17-fold by early 2008 to 1,200 member groups.

Between 2007 and 2008, CNDAV mobilized massive popular support to gather signatures and educate the public about water issues. CNDAV employed all the traditional tactics of gathering signatures at shopping centers, concerts and other public venues. It also broadened its effort and reached out to underserved communities, journeying by boat down Colombia's major rivers, including the Cauca, the Magdalena and the Amazon, to reach communities isolated from most national political processes. Since these remote communities are gravely affected by the public health problems associated with lack of access to safe water, the support was overwhelming.

In October 2008, the coalition delivered over 2 million signatures, forcing Congress to address the issue. Ecofondo, one of Food & Water Watch's partner groups and the institutional host for CNDAV, buoyantly announced:

Walking across an enormous blue fabric like a river, which minutes before had been carried jubilantly through the streets, a crowd of children delivered packages of signatures to the delegates of the Congress. The scene was set: everything blue like water, green like the mountains, white like the sky; amidst tears, hugs, emotional words, song and dance, we delivered 294 packages containing over two million signatures; but more than signatures, these packages contained the hope of millions of Colombians who have taken this initiative as their own.



Delivering signatures to Congress: the hope of millions.

The Original Five Points of Reform

1. The state should guarantee the protection of water in all of its manifestations as essential for the life of all species and for present and future generations. Water is a common good and a public trust.
2. Access to potable water is a fundamental right. The state has the obligation to supply sufficient potable water to everyone without discrimination and with consideration for gender equity. The state should guarantee a minimum free lifeline supply.
3. All waters, in all of their forms and states, including runoff channels, riverbeds and coastal areas, are national goods for public use. There will be respect for a zone of protection around rivers, lakes and wetlands. Waters that run off or are found in indigenous territories or in the collective territories of Afro-Colombian communities are to be considered part of those territories. The cultural value of water as a sacred element in the cosmovision of these ethnic groups will be guaranteed.
4. Ecosystems essential to the hydrological cycle should enjoy special protection on the part of the state, guaranteeing the function of this cycle without threatening the rights of communities that traditionally inhabit these areas, and allowing access to abundant clean water by all living beings.
5. Water and sewerage services will be offered directly by the state or by organized community groups. State or community entities established for this purpose will function on a not-for-profit basis and will guarantee citizen participation, social control and transparency in the management of financial resources and other aspects of operation.

Organized community groups, without motive for profit, will base these services in self-management in which all members agree to the form of economic development necessary for their functioning. These community groups will receive the support of the state to guarantee coverage and potability of the water they deliver.



Mobilizing for the right to water... on the water.

Challenges to the Reform

After the signatures were delivered to Congress, allies of President Álvaro Uribe nearly derailed the reform effort by proposing sweeping changes to the text. The proposed revisions would have gutted the basic goal of reform by eliminating reference to the human right to water and the recognition of water as a common good for public use. The Uribe-backed proposal also slashed the special protections for ecosystems and removed the hurdles to water and sewer privatization. Further, the proposed modifications attempted to add a provision enshrining water as a private good in the constitution by adding the phrase “waters that are born and die in the same property are private.” The revised document also reduced the proposed minimum lifeline supply of water designed to provide every Colombian with an ample and affordable supply of water by falsely suggesting that lifeline services were oriented strictly toward the poor, and maintaining that this service would be provided through “the private management of public utilities.”

Ecofondo quickly mobilized to prevent the constitutional reform from being distorted. On May 21, 2009, Ecofondo’s Director, Rafael Colmenares, delivered a letter to Congress, signed by dozens of international supporters, expressing concern over the proposed changes. Following this intervention, on May 26, Congress voted 66 to 26 to sustain the original text of the reform, allowing it to move to debate in congressional commission and on the floor of the House.

About More Than Water

Colombia’s initiative, like the ones in Uruguay, Bolivia and Ecuador, would act as a bulwark against privatization. The passage of the Uruguayan referendum in 2004 marked a landmark victory for public water manage-

ment; a victory in Colombia promises to be equally important. Not only do these victories prevent calamitous water privatization schemes, they also widen the scope of human rights to address not only physical brutality and abuse, but to recognize that when people are denied access to life’s essential resources like water, they are denied life itself.

Colombia is not a country with a strong democratic tradition. The country has been mired in a long, bloody civil conflict and extreme economic and political inequality. Bubbling tensions between rich and poor, landowners and landless, and the country’s large indigenous population, its Afro-Colombian population, and its majority Ladin (Spanish-descended) population present challenges to both equity and democracy.

Although Colombia’s economic and political elites have a firm grip on the country, there is at the same time a strong tradition of popular grassroots mobilization. A driving force behind the movement for constitutional reform, for example, are consumer groups organized into neighborhood-based chapters to ensure adequate delivery of public services. Similarly, the national indigenous movement, known as *la minga indigena*, is profoundly devoted to reviving ancestral traditions of direct democracy. Manual Rozental and Vilma Almendra, speaking for the indigenous movement, argued: “Democracy, for us, is when power resides in the social fabric and not in the ideas of one person or one institution. Without collective action, there is no democracy.”

In this sense, the constitutional reform movement is about more than water; it is about collective rights, gender equity and native sovereignty. In rural areas of the developing world, women and girls walk an average of six kilometers a day to collect water and carry it, at

eight pounds per gallon, from the source to the home. If this water is unsafe — which it quite often is — it must be treated or it will sicken entire families. By building the right to safe water into national legislation, the government takes responsibility for addressing this critical public health issue and reducing the burden of excess labor and ill health that falls most heavily on women.

Water reform also reinforces the indigenous people's value of collective ownership and community-based solutions. The constitutional reform will codify these ideals by establishing water as a public trust. Corporate-driven globalization, including water privatization, entrenches private investor rights at the expense of collective rights and collective property traditionally enjoyed by many native peoples. Community-based water management practices that go back centuries can be dismantled by private interests seeking to own what many indigenous people consider un-ownable — the water, forests and ecosystems where they live. Colombia's water referendum promotes a vision of water that maintains it not simply as a "resource," but as a part of what many native groups refer to as "territory."

Conclusion

CNDAV and the other organizers in Colombia recognize that passing the water referendum is the first step in a long process towards water democracy — but it is an important step for three key reasons. First, it marks an important tactical shift, from protesting water privatization to promoting just and humane water policies. Second, the movement sidesteps Colombia's historical ethnic and economic polarization and brings together a broad constituency. This inclusiveness offers a way out of the cycle of political violence that has marred narrower movements, while still recognizing that social change must account for structural inequities and overcome historical abuses of power. Third, the reform process engages popular participation, empowering millions of disenfranchised Colombians. The successful mobilization has generated



Rafael Colmenares, director of Ecofondo, speaking before Colombian Congress.



Employing music, art and theater to mobilize support.

tangible benefits before the vote on the referendum has even been cast.

Javier Marquez, director of *Penca de Sabila*, one of the NGOs that makes up the National Committee for the Defense of Water and Life, said:

The most important aspect of this process is the conjoining of forces from different sectors to unite in a single platform. We've shown that we can build a united front linking water with the struggle for human rights, for gender equity, for native territories and for economic and environmental justice.

Sources

Much of the material in this briefing paper is based on interviews conducted with Rafael Colmenares Faccini and Juan Mira, Executive Director and Campaign Director for EcoFondo, the Colombian organization that houses CNDAV, between May 21 and June 21, 2009; an interview with Javier Marquez, Director of *Penca de Sabila*, conducted on May 20, 2009; and an interview with Manual Rozental and Vilma Almendra conducted on May 21, 2009. Additional information was adapted from "Los Sentidos del Referendo en Defensa del Agua," by Rafael Colmenares Faccini, published in *Boletín Ecofondo*, No. 29, and from the video, "Segundo Foro Nacional y Internacional Agua y Medio Ambiente," produced by EcoFondo.

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