

5-10-2012

El Salvador's government sends general water law into legislative pipeline

Benjamin Witte-Lebhar

Follow this and additional works at: https://digitalrepository.unm.edu/la_energy_notien

Recommended Citation

Witte-Lebhar, Benjamin. "El Salvador's government sends general water law into legislative pipeline." (2012).
https://digitalrepository.unm.edu/la_energy_notien/61

This Article is brought to you for free and open access by the Latin American Energy Policy, Regulation and Dialogue at UNM Digital Repository. It has been accepted for inclusion in NotiEn: An Analytical Digest About Energy Issues in Latin America by an authorized administrator of UNM Digital Repository. For more information, please contact disc@unm.edu.

El Salvador's Government Sends General Water Law Into Legislative Pipeline

By Benjamin Witte-Lebhar

For the million or so residents of greater San Salvador whose faucets run dry on a regular basis, the message they received in late April from the Administración de Acueductos y Alcantarillados (ANDA) was a familiar one: "It's going to be a while."

Because of technical problems, the pumping station that supplies those homes is only operating at about half capacity right now, according to ANDA, El Salvador's state water regulator. Las Parvas, as the plant is called, draws water from the Río Lempa, El Salvador's largest river, and supplies between 45% and 60% of greater San Salvador's drinking water.

The good news, ANDA head Marcos Fortín told reporters, is that his agency is close to inking a deal with the Banco Centroamericano de Integración Económica (BCIE) to secure US\$20 million to upgrade the pump. The bad news is that he does not expect the project will be put up for public tender until October at the earliest. When the actual repairs will be completed is anybody's guess. "Its shelf life has already expired," Fortín told reporters. "It's in a critical state right now. For 18 years, it hasn't received any preventative or corrective maintenance."

The ANDA president was talking specifically about Las Parvas. But he might as well have been describing El Salvador's entire freshwater network, both natural and artificial. Maintenance and repair issues are part of the problem. Coverage is another.

Many Salvadorans, especially in rural areas, are not connected to ANDA's water grid at all. The most recent Encuesta de Hogares de Propósitos Múltiples (EHPM), an annual census carried out by the Ministerio de Economía, found that more than 27% of Salvadoran households still do not have running water on their properties. In rural areas, only about one in two households have their own faucets.

Water quality is another serious concern for the tiny Central American country. In mid 2010, El Salvador's Ministerio de Medio Ambiente y Recursos Naturales (MARN) tested water samples from 55 Salvadoran rivers. Researchers classified just 2% of those samples as "good." A third of the samples, in contrast, were labeled "bad" (27%), meaning the water quality "restricts the development of aquatic life," or "horrible" (6%), meaning aquatic life simply cannot survive in it.

More troubling still is that 90% of the samples tested would be unsafe for human consumption even if the water was first treated using conventional methods, namely boiling, chlorinating, or filtering, according to MARN.

The study went on to say that only 6% of the 124 sites included in the survey were apt for human recreation. "The remaining 94% showed high levels of turbidity, low levels of dissolved oxygen, and serious contamination from fecal coliforms," a March 2011 MARN press release reads. High fecal content also makes much of El Salvador's river water unsuitable for irrigation. Researchers concluded that, of the 59 spots they tested along the Río Lempa, only 12% had water that could safely be used to irrigate.

Demanding government action

None of this is news to groups like the Unidad Ecológica Salvadoreña (UNES), a San Salvador based environmental organization that has been trying to draw government attention to the country's water crisis for years. UNES says the only way El Salvador can hope to solve the myriad water problems is by first asserting greater state control of the situation.

For starters, that means increasing budgets so that ANDA can extend coverage, repair existing infrastructure, and build more water-treatment facilities. It also means cracking down on pollution from industry and farming and regulating who exactly uses the country's water resources and for what purposes. "The water crisis is the biggest socio-environmental problem El Salvador faces," UNES director Ángel Ibarra told the online news portal ContraPunto this past March.

In 2006, UNES joined dozens of other grassroots organizations in presenting El Salvador's unicameral Asamblea Legislativa (AL) with a proposal for a General Water Law. The bill's backers, organized under the umbrella group Foro Nacional del Agua, insist it would allow for greater and more coordinated state control of how the country's freshwater resources are used, treated, and protected. The bill defines access to water as a human right and prioritizes human consumption of the resource over industrial and commercial interests.

The AL ignored the proposals for years, prompting the Foro to submit another version of the bill in March 2011. But that, too, was dismissed by the AL, which said it would not begin to address the water issue until it received an "official" draft law from the government.

Prioritizing human consumption

That excuse no longer applies. On World Water Day, March 22, Environment Minister Herman Rosa Chávez presented the Asamblea with a 178- point Ley General de Agua, a comprehensive bill that looks to "guarantee the right to water" by establishing a usage blueprint for all of El Salvador's water resources. "No other country in Latin America has as critical a situation as the one El Salvador faces," Rosa Chávez said during the official presentation.

One of the bill's principal features is that it prioritizes human consumption over other uses of water—such as irrigation or electricity generation, for example—which have preference, in

turn, over industrial and commercial interests. In this way the legislation offers authorities clear guidelines for resolving water conflicts.

The draft law, furthermore, calls for creating a special water tribunal to ensure not only that the usage priorities are respected but also that individuals or enterprises be held accountable for environmental infractions. To enforce the law, the tribunal will have authority to impose fines ranging from hundreds to millions of dollars.

"Finally, the Asamblea no longer has an excuse for why it won't begin debating [the water issue]," Carlos Flores of UNES told fellow demonstrators during a March 22 gathering outside the AL building in San Salvador. "The Asamblea's been saying for about five years now that, as long as the executive branch doesn't propose a law, there's no law....Now it's our responsibility to review the proposal that MARN presented today."

Shifting political currents

But even if the AL does finally turn its attention to the water crisis, there is no guarantee it will approve the MARN bill, especially now that the Frente Farabundo Martí para la Liberación Nacional (FMLN), a leftist party allied with the administration of President Mauricio Funes, has lost some of its leverage in the legislature.

Upon receiving the bill in March, FMLN Deputy Sigfrido Reyes, the AL president, acknowledged that El Salvador has "a lot of people without access to water." The environmental situation, furthermore, is "very troubling," he said, urging his colleagues to work quickly on the MARN bill.

As of last week, however, Reyes is no longer presiding over the same group of deputies. Thanks to this year's midterm parliamentary elections, the far-right Alianza Republicana Nacionalista (ARENA) now has a two-seat advantage over Reyes's FMLN, which lost four seats in the March 12 contest. ARENA controls 33 of the AL's 84 seats, while the FMLN and the conservative Gran Alianza por la Unidad Nacional (GANU), a relatively new party made up of mostly ARENA defectors, have 31 and 11 seats, respectively. Three minor parties hold the AL's remaining seats.

Members of the Foro Nacional del Agua say ARENA's resurgence does not bode well for the Ley General de Agua. "ARENA has been one of the parties...that has opposed protecting natural resources, and not just water," Ibarra told ContraPunto during an early March water conference held by the Foro Nacional del Agua. "The economic model that they propose, the economic model that they protect, is one that's based on looting [resources]."

The Foro's water conference, held just a week before the parliamentary election, had hoped to attract participants from all of the country's political parties. A handful of FMLN, GANU, and independents attended. ARENA was a no-show.

"Their absence doesn't surprise us," said Ibarra. "It's coherent with the vision they've had within the Asamblea Legislativa."

<http://ladb.unm.edu/noticen/2012/05/10-078603>