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Low Turnout for Ecuador Water-Law Protest; Indigenous Movement Weakened

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A march staged by Ecuador’s indigenous movement—the second during President Rafael Correa’s time in office—was so small that, instead of influencing the government, it showed the indigenous movement to be weak and fragmented.

The indigenous march protesting the water law proposed by Correa and recently approved by the Asamblea Nacional left the province of Zamora in the southern Amazonian area on June 19 and held political acts in the provincial capitals along the way. It arrived in Quito July 1. The administration, nevertheless, convinced the Asamblea Nacional to approve the Ley Orgánica de Recursos Hídricos on June 24, rendering useless the indigenous mobilization that, despite the small turnout, had tried to revive the Parlamento de los Pueblos where various social leaders had debated national issues in the past.

President Correa downplayed the march that had no more than 500 people when reaching El Arbolito park, a socially historical site in the north-central part of the capital. El Arbolito had been the gathering point for major indigenous protests that had helped topple three prior administrations: that of Presidents Abdalá Bucaram (1996-1997) in February 1997; Jamil Mahuad (1998-2000) in January 2000; and Lucio Gutiérrez (2003-2005) in April 2005.

Controversial law imposed

The water law, as this set of regulations for the use and administration of a natural resource that the Ecuadoran Constitution classifies as a human right is known, was approved by 103 of the Asamblea Nacional’s 137 members despite ongoing debate since the bill was proposed in 2009 and even though it had sparked demonstrations and road closures throughout the country. Demonstrations were strongest in the city of Macas, in the central Amazonian region where Shuar professor Bosco Wisuma died during a confrontation with police (NotiSur, Oct. 23, 2009, and Jan. 27, 2012).

When indigenous people marched against the proposed law in March 2012, there was considerable participation by social movements demanding a plebiscite on the proposal.

Under pressure from indigenous people, the Asamblea Nacional decided to hold a plebiscite, but it turned out to be a farce as not all aspects of the bill were considered, particularly the articles dealing with water administration and use. The consultation only dealt with specific articles connected to the conceptual part of the law and other issues of lesser importance such as the religious and ritualistic use of water.

The plebiscite was not carried out according to principles set forth in the definition of free, prior, and informed consultation requiring the government to respect related traditional organizational systems, which in this case would be the water boards and water-user associations in indigenous and campesino communities that have been in force since before the Spanish conquest. The
government created its own consulting network and passed over the national and regional
leadships that politicians knew didn’t agree with their proposals.

Finally, even though the consultation occurred with sectors that shared the official view, it didn’t
even incorporate suggestions from these organizations—in particular, the request that the
authorities administering water be made up of diverse social sectors with the creation of the Consejo
Plurinacional del Agua.

**Indigenous proposal ignored**

Indigenous organizers of last month’s march proposed five points they wanted incorporated into the
law:

* Creation of a Consejo Plurinacional del Agua to administer water use and determine priorities
  based on the Constitution. This body would be made up of indigenous and campesino
  representatives as well as government delegates. The law that was approved establishes an
  Autoridad Única del Agua named by the government.

* Prohibition of concessions to extractive industries such as mining and petroleum in headwaters of
  streams or in water-supply watersheds, a provision intended to stop mining activity in the southern
  highlands or in the Cordillera del Cóndor in southern Amazonía. The law made no mention of this
  concern.

* Prohibition of privatization of water resources. Article 3 of the law apparently prohibits water
  privatization; however, it does not establish what should be done with concessions already in the
  hands of private or mixed companies such as Interagua, a private firm that distributes water in the
  city of Guayaquil, Ecuador’s largest city. Neither does the law refer to outsourcing public services
  related to water distribution such as billing, connection, meter installation, fee collection, and other
  services already in the hands of private companies in places such as Quito.

* Recovery of current concessions now held by agroexport firms, bottlers, and large estates. These
  concessions concentrate the flow of water in those businesses and affect surrounding communities.
  Indigenous leaders had said that, by not redistributing the water channels, the government was, in
  practice, backing a form of privatization that favored affluent sectors of society.

* Priority use of water for human consumption and agricultural activities that would guarantee food
  sovereignty.

Meanwhile, various social sectors warned that the law leaves out other organizations that should be
involved in decisions regarding the use and administration of water such as the Ministerio de Medio
Ambiente.

In effect, the Ministerio de Medio Ambiente and the Autoridad Ambiental Nacional can put a
monetary value on environmental and ecological services the state provides such as purification,
filtration, and decontamination of the air, water, and soil, hydrological services or conservation of
watershed areas including the regulation of flows, reduction of landslide and flood risks, reduction
of sedimentation and erosion, maintenance of water quality, recharging of aquifers, and supplying
water for irrigation and human consumption.
With the Ministerio de Ambiente as the regulatory agency granting environmental licenses for extractive industries, such industries could be allowed to use water resources, thus undermining the quality of water for human use and ongoing food sovereignty.

Despite having a proposal consistent with constitutional provisions, the government ignored these recommendations.

**Weakened and divided movement**

How could a law that threatens the very survival of indigenous communities be imposed?

It is surprising how easy approval was and how limited the capacity of the indigenous movement to prevent passage of the bill turned out to be. However, the answer can be found in the movement’s current situation of being overwhelmed by internal divisions and having lost the direction previous leaders had established earlier.

In effect, the Confederación de Nacionalidades Indígenas del Ecuador (CONAIE) was not noticeable during the protest march. It has since remained silent about other issues involving indigenous communities such as territorial defense, bilingual education, and the loss of its ability to strategize.

ECUARUNARI, CONAIE’s main subsidiary that had united indigenous organizations in the Ecuadorian highlands, is now broken into three factions: the south, where the fight for water and opposition to mining companies heads the agenda; the center, more connected to electoral politics and focused on defending its areas inside the Asamblea Nacional and local political bodies to the point that the leaders in this sector broke away from the march and called it an initiative belonging only to the south; and finally, the northern sector, where there is more sympathy for the governmental perspective.

Because organizations of Amazonía and the Ecuadoran coast lack leadership, local organizations have decided to follow their own agendas. Some have come out in favor of the presidential thesis; others oppose government projects only weakly.

The government took advantage of the small indigenous march to exhibit its own role in this sector. It showed broad support for the water law, making the opposition march appear very weak.

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