

20th May 2010, Bogota - Colombian civil society organisations gathered more than two million signatures to ask Congress to hold a referendum on a constitutional amendment that would make access to water a fundamental human right.

But Congress gutted the draft referendum bill this week by eliminating the clause on water as a human right.

The popular initiative "no longer exists, it was blocked," Rafael Colmenares, spokesman for the Committee in Defence of Water and Life, told IPS after the Tuesday, May 18 session in the lower house of Congress that approved major modifications in the bill presented by the civil society groups.

The legislative debate on the referendum will continue. But its proponents say the vote that Congress will propose will be stripped of its original purpose: to declare that water is an inalienable right.

"We are not advocates of the referendum that will be voted on," said Colmenares, after two and a half years of efforts to gather signatures and raise awareness on the issue.

"The situation is serious," said the activist, pointing out that nearly 30 percent of rural Colombia lacks water and sewage services.

And in the capital alone, 300,000 families a year have their water services cut off at one time or another because of failure to pay their bills.

In the meantime, "the Andean highlands are granted in concession to foreign mining companies" that use enormous amounts of water, while the country suffers droughts that alternate with flooding aggravated by deforestation and erosion accentuated by overgrazing.

In September 2008, the authorities validated 2,039,812 signatures in the petition calling for a referendum, and a month later, the draft referendum bill was introduced to Congress.

Since then, national and regional organisations of indigenous people, peasant farmers, environmentalists and workers have held numerous demonstrations in support of a referendum, and have carried out a continuous campaign to educate the public on why access to water should be considered an essential human right.

But on its way through Congress, the bill was modified by the committee on the environment and natural resources, and the changes were approved this week in the lower house of Congress.

The text of the citizens' initiative was considered "idealistic and nonviable," and lawmakers argued that it was impossible for the state or private companies to assume the cost of providing households with a basic minimum of water free of charge, as established by law in South

Africa, for example.

The legislators also decided that accepting that water is a fundamental human right would jeopardise water sources located on private property, to which citizens would have to be given access when they exerted their rights.

The legislature's solution was to include water in the category of economic, social and cultural rights, "which renders the whole exercise meaningless," according to Colmenares.

Congress modified the draft referendum bill even though the Constitutional Court declared in February that it could not change popular initiatives.

"The Constitutional Court ruled that in the case of citizens' initiatives, Congress can only vote yes or no," Colmenares noted.

"That applies to the water referendum, as we repeatedly pointed out to the legislators," he added.

Lawmakers from opposition parties like the centrist Liberal Party and the leftist Alternative Democratic Pole (PDA) set forth the same argument.

PDA congressman Germán Reyes told IPS that legislators from the governing right-wing Party of the U "are looking for ways to sink the referendum, because the policy at the highest levels of government is to privatise water through deals that put it in the hands of transnational corporations. That's why the referendum annoys them.

"They're not pleased with the idea of people exercising their fundamental rights, or with the protection of water sources that are being handed over to multinational corporations," he added. "But they're not being open about it to the public, simply shooting it down; instead, they're using all sorts of delaying tactics."

Advocates of the principle of water as a human right also point to such a strategy, as a result of which they say any further debate on the referendum in Congress is merely an empty gesture, because the end is a foregone conclusion.

They are also certain that the Constitutional Court will strike down the bill when it is finally approved by Congress, and thus the referendum itself, because of the modifications introduced by the legislators.

"If the Constitutional Court takes a coherent stance, it won't approve it," Reyes said.

The current legislature ends Jun. 20 -- not enough time for the bill to make it through the remaining debate in the lower house and two in the Senate. And in terms of the vote, nothing will change in the new Congress to be sworn in on Jul. 20, because the Party of the U and the right-wing Conservative Party, its ally and the most radical opponent to declaring water a human right, will have a comfortable majority.

Proponents of the referendum are now considering alternatives.

Activist Rafael Espinel told IPS that one possibility would be "collecting another 1.5 million signatures," because with that amount of support from the population, Congress would not have to approve the referendum proposal.

Other ideas are a boycott of water and sewage bills, mass demonstrations or a symbolic popular vote.

"The legislative process no longer has any meaning, and we have to look for other ways to mobilise to revive the referendum," Espinel said. "But we are not backing down from this challenge."

Source: [IPS](#)