WATER AT THE HEART OF EL SALVADOR’S STRUGGLE AGAINST NEOLIBERALISM
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Introduction

In the 1990s, when El Salvador emerged out of a civil war where 75,000 lives were lost, the country required $1.6 billion to rebuild damaged infrastructure. A right-wing government, keen on liberalizing the economy, accepted a World Bank Structural Adjustment Programme and rapidly pushed through large-scale privatization, the dollarization of the economy which meant the loss of control over its currency, and trade liberalization with the signing of numerous free trade agreements. With the country open for business, Foreign Direct Investment increased from less than $30 million to $5.9 billion within the period 1992-2008. Post-conflict El Salvador was a prime example of what Naomi Klein calls “disaster capitalism.”

Over the past decade, efforts to achieve greater water sovereignty have been central in El Salvador’s attempts to break from this neoliberal stranglehold, where foreign interests dominate the country to the detriment of local communities. El Salvador – a small, densely populated Central American country of 6 million people – is one of the most water-stressed countries in the world. A 2010 study by El Salvador’s Ministry of National Resource and the Environment (MARN) found 98 per cent of water sources were deemed to be contaminated and unfit for drinking.

As is the case elsewhere in the world, water scarcity in El Salvador is a political problem and not simply a naturally occurring phenomenon. While rainfall is low in parts of El Salvador, water is abundant in other parts of the country. Rather than limit themselves to a conservationist approach, environmental movements in El Salvador are tackling the social and political factors that have determined how water is used and distributed. They have put forward bold proposals to permanently close the door to metal mining, improve access to water resources, and establish mechanisms for the social control of water.

Efforts to fight social injustices through water policy highlight the role of water within strategies to transition towards a more sustainable, sovereign and solidarity-based economy within a highly neoliberalized world. Yet the rampant economic liberalization of the post-war era continues to haunt El Salvador’s present and its future. Mining corporations have used trade agreements such as the Dominican Republic - Central American Free Trade Agreement and the 1999 corporate-friendly investment law to sue the government for millions of U.S. dollars.

This paper examines three national-level strategies championed by social movement coalitions in El Salvador in order to address the freshwater crisis by challenging its systemic causes. These strategies include: a national ban on metal mining, a constitutional amendment recognizing the human right to water, and a general water law that legally establishes social control of water resources and services. These strategies are aimed, in part, at balancing power by strengthening the sovereignty of the Salvadoran people to determine their own freshwater future.

Each of these developments is a testament to the strength of Salvadoran social movements. But they have faced significant challenges, which reflect the complex power dynamics of Latin America’s newly rising left within a highly neoliberalized regional context.

Our research team spent 10 days in El Salvador in March 2014 conducting interviews in San Salvador, Cabañas and Chalatenango with activists, politicians, researchers and community leaders in order to document the inspiring struggle for water sovereignty against powerful transnational industries and the global neoliberal regime that protects them.
Threats to water

According to Yanira Cortez, Deputy Attorney for the office of the Human Rights Ombudsperson, the water crisis is a ticking bomb.

Two-thirds of El Salvador’s population depends on a single source of freshwater: the Lempa River watershed. While there are no active mines in El Salvador, the Lempa River watershed is shared by Guatemala and Honduras, making the Salvadoran population extremely vulnerable to the impacts of industrial contamination in those countries where the mining sector continues to expand.

According to hydrologist, Julio Cesar Quinonez, the groundwater situation is also dire. Although there are heavy demands for limited freshwater resources, there is no monitoring of plummeting groundwater levels. The state is yet to put in place a promised groundwater monitoring program. Meanwhile, the only source of clean freshwater exists within the Quezaltapexque aquifer, which is a part of the watershed known as the Sistema Zona Norte. This where the two per cent of water classified as clean within the MARN study on freshwater quality exists. A number of multinational corporations have set up shop over the past decade or so within the Sistema Zona Norte to exploit this supply of clean water.

When the groundwater source east of the capital, known as the Sistema Tradicional, began to dry up in 1990s as a result of urbanization and industrialization, industries began to seek access to the Sistema Zona Norte. Development took place in a restricted fashion until the early 2000s when the right-wing Flores government changed the land use plan to enable greater industrial access. This rapidly turned the fertile, water-rich area into an industrial zone.

Water and sanitation services in El Salvador are delivered by a diverse group of providers, which includes state-run utilities, private firms, municipalities, and community-run operations. The state

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**NEJAPA**

Among the corporations operating within the Sistema Zona Norte, the largest is SABMiller, which runs a beverage plant in Nejapa that bottles water for Coca-Cola and produces beverages for all of Central America.

Located 22 kilometres from San Salvador, Nejapa is an ecologically significant region of El Salvador. There is an abundance of good, quality water that is easily accessible, but according to hydrologist Julio Cesar Quiñonez, like the rest of the country’s clean water, this pristine groundwater supply is threatened by industrialization.

SABMiller-Coca-Cola is currently in conflict with people living in Nejapa and neighbouring communities over its application for a second well. The local authority has refused to grant permission and the national government has deemed the company’s Environmental Impact Study to be incomplete, according to Quiñonez’s independent assessments.

Quiñonez’s study shows that the aquifer is already overexploited and that it would be placed in further peril if SABMiller is granted a permit for a second well. Quiñonez argues that SABMiller is proposing to extract water from a groundwater recharge zone and that the company’s data fails to take into account the broader implications of this permit to surrounding communities within the larger watershed.
Meanwhile, we met with residents of Nejapa who said that their own water needs are not being met. They are paying steep monthly bills despite very irregular access to water. The taps in their homes run dry and occasionally emit brown-coloured water. They took us to the river to show us members of the community bathing, collecting water and doing their laundry in an area where various pipes spewed waste further downstream. Residents remembered fishing in the river and now blame contamination from Coca-Cola for the lack of fish. The company argues the contaminants come from other sources.

Residents also complained that public consultations were inadequate and expressed concerns regarding the protocol at an October 2013 meeting where the company presented its case to local residents. Those who attended were asked to sign a document, which they feared might be used to indicate their consent. One community member charged that the company was taking advantage of the hunger of the people by luring them to the meeting with food and collecting their signatures. The fact that many community members were unsure about what they had signed raised red flags for the national water justice coalition, El Foro del Agua. The coalition has documented these concerns and is working with local residents to investigate the situation. Together, they sent a petition to the Ministry of Environment with the signatures of 5,000 local residents who oppose the SABMiller permit.

While in Nejapa, we were also taken to an old biofilter, which once offered natural wastewater treatment to the community, but had long collapsed. A putrid swamp now stands in the place of what was once an ecologically innovative local initiative. Raw wastewater is now being dumped directly into the river, which is the source of water for the basic necessities of lower income households.

The Nejapa conflict reflects both the battle for scarce water resources between local residents and multinational companies as well decades of poor management and a lack of public investment in infrastructure. The Foro del Agua is demanding that no new groundwater permits be issued until the groundwater mapping is done and a monitoring system is in place.
operator, ANDA, is the primary provider of water and sanitation services, with coverage extending to 172 municipalities out of the 262 existing in the country, or about 40 per cent of the population. Despite being a government agency, ANDA does not regulate or control the behavior of the other service providers, leaving a significant governance gap. Amongst public agencies, it is also one of the poorest performers. One study, conducted between January and June 2013, suggests that ANDA received 10 times more complaints from users than the next public company.\(^4\)

A 2010 United Nations Development Programme report found that El Salvador is the third most unequal country in the region in terms of access to water.\(^5\) According to the Multi-Purpose Household Survey of 2012, only 69.8 per cent of rural households in El Salvador have piped water, compared to 93.5 per cent in urban areas.\(^6\) As noted in Nejapa, having pipes and faucets in a home, however, does not necessarily mean that people actually have potable water. Almost half of the respondents in a World Bank survey have intermittent water service, sometimes receiving water only every few weeks on an unpredictable schedule.\(^7\) And in some cases, when water shows up in the taps, it is often murky or foul smelling.

Severe inequalities exist within cities as well. It is not uncommon, for example, for wealthy households in the exclusive parts of San Salvador to pay a fixed monthly quota of $2.29 USD. In such cases, there are no water meters to measure use so water flows freely and unregulated. We were told the fixed monthly rate for households in Nejapa, despite services being irregular and of poor quality, was $7 USD. Meanwhile, poor urban families lacking household connections have to rely on buying barrels of water from private vendors, which can cost up to $2 USD per day. Since almost one-third of the population lives in poverty, many families cannot even meet basic survival needs.\(^8\)

Even more scandalous are the prices paid by companies that exploit the local water supplies. Businesses such as Coca-Cola pay as little as 0.06 cents per cubic meter – if they pay at all.\(^9\) Furthermore, according to a report by the Consumer Defence Centre, one-quarter of approximately 1,000 companies dump their wastewater and sewage with no treatment at all.\(^10\)

As a result of this long history of neglect, El Salvador has nearly run out of clean water. Tests carried out in 2010 on 55 different Salvadoran rivers produced alarming results. Researchers from the Ministry of the Environment and Natural Resources found that 90 per cent of the samples tested were unsafe for human consumption even if the water was first treated using conventional methods, such as boiling, chlorinating, or filtering.

Climate change also threatens to make things worse since storms or droughts tend to exacerbate water problems, increasing the risk that people will contract cholera, dysentery and other waterborne illnesses.\(^11\) The UN predicts that El Salvador will be the hardest hit by climate change in the region.

However, the water crisis has also been a unifying factor, according to long-time water activist and current Vice Minister of the Environment, Angel Ibarra. The water crisis has generated a broad-based movement calling for water sector reforms that attack the root causes of environmental and social injustice in the country. In the last decade, the momentum surrounding these reforms has grown tremendously and generated significant political will. The Farabundo Marti National Liberation Front (FMLN) government, now in its second mandate, has shown strong support for these initiatives. However, right-wing parties backed by powerful foreign interests have managed to stall policy changes that could protect the country’s dwindling freshwater supplies.
The struggle against mining

Central America’s mineral wealth has been a curse for communities trying to survive and maintain their livelihoods against severe drought in arid regions that are increasingly occupied by water-guzzling multinational mining projects. In September 2014, the United Nations World Food Programme warned that as many as 2.81 million people were going hungry due to prolonged drought conditions in the region. The 2014 drought was considered the worst to hit the region in 40 years and was attributed to extreme weather changes due to climate change.

The drought-prone region known as the Central American Dry Corridor, spanning Honduras, Guatemala, El Salvador and Nicaragua, overlaps significantly with metallic mineral deposits including gold, silver, copper and lead. Since the 1980s, the industry has been rapidly expanding in the region, contributing to large-scale deforestation, soil erosion and water contamination. This has led to massive public opposition to mining and fierce clashes between front line communities, mining companies and their political allies in the region. Despite strong public resistance, the industry has seen an increase in production and concessions in Guatemala, Nicaragua and Honduras.

In El Salvador, a grassroots struggle to protect the Lempa watershed has led to a de facto moratorium on metal mining since 2008. The anti-mining coalition, La Mesa Frente a la Mineria Metallica, has been a powerful force against mining in the country. La Mesa has successfully campaigned over the past decade to ban metal mining. In 2008, La Mesa helped build public pressure to protect Salvadoran watersheds from mining, Antonio Saca, El Salvador’s then-president from the conservative ARENA party, declared that he would not issue any new mining permits. A majority of Salvadorans and La Mesa would like El Salvador to become the first country in the world to prohibit metal mining permanently. A bill to ban the industry played a major role in the 12-year civil war, particularly in the FMLN-controlled areas and in the refugee camps. Cidía Cortés, a biologist, researcher and organizer with the local NGO CEICOM, emphasizes the importance of participatory-action research (PAR) as a key part of their mobilization strategy. As she explains, the strength of PAR is that “people get to know their own reality, and then mobilize collectively to change it. People will not stand up and fight for something that they do not understand.”

Concerned that communities did not have the information they needed to counter claims of mining corporations seeking to exploit water, CEICOM has developed PAR projects that serve the dual purpose of producing technical reports on the impacts of mining and mobilizing community members in the process. In San Sebastian, located in the northeast corner of the country, CEICOM trained community members to collect water samples upstream and downstream from a former mine site. In cooperation with the local university, they analyzed the water quality of each sample. The research revealed that although there has not been mining in the region for the past 25 years, the area is suffering from acid mine drainage. Communities downstream had heavy metal levels 1,000 times more than the levels recommended by the World Health Organization. The research also documented how locals have been adversely affected by high numbers of health problems, such as kidney failure. The community was able to use this research in a campaign to demand reparation for environmental and public health damages.

CEICOM has also organized a series of workshops across the country to raise awareness about the damaging effects of mining and to build a popular movement involving politicians, religious and other community leaders. In the first part of these workshops, the facilitators would introduce basic information about the environmental and social impacts of mining. In the second workshop, community members would ask the question: “What is to be done?” They created an agenda to meet with political leaders, identifying key

Participatory action research and popular education have been key to La Mesa’s strategy to build public opposition to mining. Popular education played a major role in the 12-year civil war, particularly in the FMLN-controlled areas and in the refugee camps. Cidía Cortés, a biologist, researcher and organizer with the local NGO CEICOM, emphasizes the importance of participatory-action research (PAR) as a key part of their mobilization strategy. As she explains, the strength of PAR is that “people get to know their own reality, and then mobilize collectively to change it. People will not stand up and fight for something that they do not understand.”
potential supporters. The last workshop focused on building a broad base of support within the community, with invitations extended to municipal councillors, teachers, religious leaders, and members of youth groups, local peasant organizations and water committees.

The work of organizations like CEICOM to socialize information regarding the negative effects of mining has been a necessary step to counter the misinformation campaigns by pro-mining interests and their governments. Pacific Rim, for example, targets funds for scholarships, schools, and other benefits to municipalities (and mayors) in communities not directly affected by mining, creating friction with communities affected by the industry.\(^{15}\) According to FMLN MP Lourdes Palacios, the Canadian government has actively lobbied the Salvadoran government by promoting the benefits of mining with members of Parliament.

While the moratorium is a symbol of hope for anti-mining movements, it is a threat to pro-mining interests in the region. El Salvador is currently being sued for more than $300 million by a Canadian-Australian mining company called Oceana Gold. The company is using the World Bank’s International Centre for the Settlement of Investment Disputes (ICSID) to argue that the refusal to grant a mining permit is a violation of the El Salvador’s national investment policy.

Canada has also pursued opportunities for free trade in Central America. A trade agreement with Honduras recently came into force despite strong concerns from Canadian civil society organizations that the agreement would only deepen conflicts surrounding natural resource struggles by strengthening the rights of Canadian extractive industries in the country.\(^{16}\)

In a regional context where the Canadian government has successfully pushed for legislative reforms that have made the climate more favourable to mining in countries like Honduras, the moratorium on metal mining in El Salvador makes the country a regional outlier and a powerful symbol of popular resistance.

While social movements have expressed concerns regarding the failure to establish a permanent ban on metal mining in the country despite strong public support, the fact that three consecutive governments have maintained a de facto moratorium represents a major threat to pro-mining interests in the region. In one of his first post-election statements in 2014, President Salvador Sánchez Cerén vowed never to permit metal mining in El Salvador.
CABAÑAS

In 2004, before it was sold to the Canadian-Australian company Oceana Gold, Canadian mining company Pacific Rim applied for a permit to build a massive gold mine in the province of Cabañas. In 2009, after the permit was denied when the company failed to meet regulatory requirements, Pacific Rim decided to challenge El Salvador through ICSID.

We visited Cabañas to speak to activists from the community regarding their courageous campaign to protect water from mining. We were told that when the mining company first arrived in the community there was strong support from the Salvadoran government and little understanding within the community regarding the potential impacts of the proposed project. Antonio Pacheco, a community leader and director of the community organization ADES (Asociación de Desarrollo Económico y Social, Santa Marta), told us that Pacific Rim had begun exploring without public consultation. In 2005, when the community realized the potential threats posed by the project, they commissioned a study to review the environmental impact study produced by Pacific Rim. U.S. hydrologist Robert Moran conducted the review and found that the mining company’s assessment was highly flawed – it lacked basic information, including baseline water quality and quantity data, and failed to consider the cost to the community of its “free water use.” The study concluded that the project could “spell disaster for the
hundreds of thousands of Salvadorans who rely on the [Lempa] river for their livelihoods and basic needs.”

When ADES began to organize against the mine, Pacific Rim realized the community could pose a threat to its project. According to Pacheco, the company approached ADES and other groups to “apply to the company for funding” dedicated to community outreach. The battle in Cabañas quickly gained national significance. ADES became a founding member of the national coalition La Mesa, along with 12 other organizations.

Meanwhile in Cabañas, the mining project began to cause deep divides in the community and anti-mining activists began to receive death threats. In 2009 three anti-mining activists were killed, including a pregnant mother of six. In 2010, the parents of another mining opponent were murdered. In all cases, community members report a lack of support from the police in apprehending or preventing the violence. Since then, other members of the community have received death threats.

The anti-mining movement has nonetheless been extremely organized in Cabañas. Together, with the Spanish NGO Ingenieras Sin Fronteras, the community has developed its own baseline study on water quantity and quality, as well as an alternative sustainable development plan.

In an environment where local organizing has been extremely risky and challenging, community activists have successfully built a national campaign that has resulted in a de facto moratorium on mining in El Salvador.
The Department of Chalatenango has a long history of resistance. During the civil war, it was “liberated territory,” which the Salvadoran army was unable to control. After the war, under the rule of the ARENA government, Chalatenango, like other communities that supported the FMLN, was neglected by the state, lacking access to basic services including clean water and sanitation. It has remained a primarily subsistence economy and even during the heights of economic liberalization, organized resistance has kept mining exploration and other environmentally harmful development projects away.

We spoke to the mayors of the towns of San Jose Las Flores and Nueva Trinidad, community organizers and other members of the community.

Mayor José Felipe Tobar described the encounter with Aurora Resources Mineral Group, the mining company that began explorations in the town of San Jose Las Flores in 2005: “We saw strangers in our community and asked them what they were doing. When they said they were looking for mines, we told them ‘there are no landmines here.’ It wasn’t until then that we realized that they were looking to build a gold mine.” The community organized quickly when they realized what was happening. The word spread to other Chalatenango communities. They got in touch with groups in Guatemala that had experienced the devastating impacts of mining, organized educational visits to see the impacts of the Valle de Siria mine in Honduras, and connected with doctors and academics. Unlike in Cabañas, communities were united in their opposition to mining. Every time public relations people from the mining company entered the community they were escorted out by dozens of community members. The mining company eventually gave up.

The mining company offered gifts to community leaders and organizers in San Jose Las Flores and Nueva Trinidad, which were firmly rejected.

Chalatenango will continue to resist mining, but some people will still feel vulnerable until a permanent ban on mining is established. “What will happen if a new government comes in and allows mining?” one community member asked. The department has jurisdiction over land use, but the State controls the mineral rights.

In the meantime, San Jose Las Flores, Nueva Trinidad and other communities are being proactive by continuing to organize against mining. They have developed municipal ordinances to declare their territories “free of mining.”
Although El Salvador has limited experience with mining, water justice advocates have learned from the experience of neighbouring communities in Honduras and Guatemala where mining is more advanced. Several community organizations in the Chalatenango municipalities located in the “Gold Belt” – an area identified by mining companies as rich in resources and conducive to mining investment – have reinforced their relationships with community activists in Honduras. Some of these ties date back to the time of the civil war when thousands of displaced people fled to refugee camps scattered along the border. Solidarity tours have helped educate Salvadorans about the impacts of mining in affected communities in Honduras and Guatemala, where mining has developed more quickly than in El Salvador. This allowed the community activists to document the damage associated with the industry in these countries. Thanks to their counterparts, the Salvadoran activists learned that the growth in employment associated with mining development was moderate and temporary, and that the environmental costs were serious and long-lasting.

Each segment of the anti-mining coalition in El Salvador has developed international allies and has used these associations as a source of information and resources. Several research teams and activists in El Salvador worked with technical experts abroad, some of which were located in the United States and Canada. These experts have provided a wealth of expertise and academic experience related to environmental damages associated with the gold mining.

The Catholic Church has also been essential in the transnational flow of information, building political support and lending legitimacy to the struggle. The statement of the Salvadoran archbishop in 2007 confirmed the concerns previously expressed by Central archbishops in Honduras and Guatemala, where several Catholic officials publicly opposed mining. The statement of the Salvadoran archbishop also anticipated pronouncements concerning the environment that emerged from the Latin American Episcopal Council (CELAM) at a meeting of 160 Latin American bishops in Aparecida, Brazil in 2007. The Catholic Church in El Salvador has also been very supportive of the right to water, which, as Father Domingo Soliz explains, is linked theologically to the “right to life.”

When the National Roundtable against Metallic Mining expanded its public outreach initiatives, a network of international partners and solidarity organizations, including the Catholic Church, the Institute for Policy Studies, Oxfam-America, CIS-PES, Breaking the Silence, Sister Cities, SHARE, International Allies against Metal Mining, and SalvAide added their support. These international partners – many of which involve the Salvadoran diaspora displaced by the civil war – have provided financial support and international visibility to the anti-mining campaign in El Salvador, helping with media outreach, public opinion surveys, and the public education campaign.

Despite the importance of external partnerships, however, leadership of the anti-mining movement has remained under the control of a network of closely linked Salvadoran activists coordinated by the Mesa. The Mesa has played a key role in choosing their transnational allies, and the adaptation of specific frameworks to the Salvadoran context, including the distinctive call for a national ban on metal mining.
General water law

In 2006, social justice groups presented a proposal to the Salvadoran government of a water policy that would address key social and environmental concerns surrounding water. In 2012, the proposal was introduced in a bill authored by the Ministry of the Environment and Natural Resources. Just getting to that point was, in itself, a major victory for the water justice movement in El Salvador. Since then, there has been global interest in El Salvador’s groundbreaking water bill. International water justice organizations like the Blue Planet Project hold up the bill as model because it seeks to address the water crisis by addressing the political and economic root causes of water scarcity and tackles the social injustices in relation to water access that arise from social hierarchies and power imbalances.

The proposed policy would address environmental concerns by declaring water a commons that cannot be privatized, establishing public and community control of water resources and services, and setting up a national body to ensure better coordination between the 27 agencies and departments currently working on water. The policy includes greater accountability for all government policies and programmes related to water. It would also grant greater power to Salvadoran communities currently engaged in battles against multinational corporations seeking greater access to scarce water resources by setting up a hierarchy of water use that would prioritize water for domestic purposes and local food production and establish the rights of impacted communities to consent to the use of community water supplies.

According to Angel Ibarra, one of the key instigators of the water law and a founder of the Salvadoran water movement, the water law was created through extensive public consultation coordinated by the Foro del Agua. The Foro del Agua is a coalition of 100 organizations that work collectively to promote water justice in El Salvador.

Prior to developing the water bill, the Foro del Agua delivered a popular education campaign to raise awareness throughout the country about the water crisis in El Salvador. With the help of technical experts and resource people from around the world, the organization created a policy proposal that would provide solutions to the Salvadoran water crisis. Ten thousand people were consulted over a two-year period during public consultations on various components of the water law.

Ibarra highlights the role of the global water justice movement in galvanizing the water movement in El Salvador. “We were inspired by the struggle against the privatization of water in Cochabamba after meeting Bolivian allies at the World Social Forum in Brazil [in 2001],” said Ibarra.

The water bill was also created with the help of allies in Spain, Guatemala, Nicaragua and Colombia. In 2003, El Salvador became a founding member of Red Vida, water justice coalition of the Americas, which continues to promote regional solidarity for water justice.

Since 2012 all political parties have participated in a parliamentary commission on the environment and climate change, which is negotiating the bill section-by-section. At the time of publication of this report, initial gains achieved through an FMLN negotiation with one of the smaller opposition parties (GANA) have been reversed due to strong opposition from the right-wing party, ARENA.

According to FMLN Member of Parliament Lourdes Palacios, who chairs the committee overseeing the negotiations for the water bill, right-wing parties have been using scare tactics to undermine the bill with the help of large Salvadoran media outlets. Opponents of the bill are arguing that it will lead to increased tariffs for water services, drive out investments, and make El Salvador less competitive on the global stage. The FMLN has therefore relied on community radio, social and digital media to maintain support for the water bill, while the Foro del Agua continues to muster up popular support through its extensive network.

The ARENA Party, the bill’s primary opponent, has ties to large multinational corporations in Central America. Former ARENA leader and ex-President Alfredo Cristiani owns the distribution rights for
Monsanto in Central America. The Meza Ayau family, which has strong ties to the party, was the first owner of the beverage company in Nejapa that was sold to SABMiller in 2005.\textsuperscript{20}

The Foro del Agua has outlined nine aspects of the bill that it considers to be non-negotiable. These include:

1. The water law must guarantee the human right to water and sanitation, which must serve as an overarching framework for the water law.

2. The creation of a water authority (CONAGUA) that would provide institutional support for the public management of water and sanitation for all.

3. Binding mechanisms to guarantee public participation in decision-making of the water authority.

4. Recognition of community rights to water.

5. Publicly owned and managed water and sanitation services that guarantee the rights of the population.

6. No privatization of water in any form.

7. Sustainable water management at the basin level with a priority on restoring deteriorated watersheds, including the Lempa River.

8. Binational treaties to protect the Paz, Lempa and Goascorán watersheds.

9. A hierarchy of water use that prioritizes human consumption, water for ecosystems and sustainable agriculture.

### Constitutional recognition of the right to water and food

In addition to the water bill, the Foro del Agua has fought for the constitutional recognition of water and food as a human rights. In 2012, the Salvadoran legislative assembly voted overwhelmingly in favour of an amendment to Article 69 of the Constitution to recognize water and food as human rights. According to Salvadoran law, a vote for constitutional reform must be supported by two consecutive legislatures – the bill is introduced by one legislature and ratified by the following one. If the amendment put forward by the 2009-2012 Parliament is not ratified by the 2012-2015 Parliament by April 30, 2015, it becomes void. Once the 2012-2015 term ends, the constitutional reform expires.

After a unanimous vote in favour of the amendment in 2012, right-wing parties have flip-flopped and are now using their votes as a political bargaining chip to force the FMLN government to make concessions in other areas. As a result, the constitutional amendment has been stalled for three years and runs the risk of never being ratified. Yanira Cortez fears this would lead to regressions in the fulfillment of the human right to water and sanitation.

If passed, the recognition of water and food as human rights offers a very strong tool in community struggles against mining, corporate takeover of resources and privatization in El Salvador.
As corporations, multi-stakeholder bodies and international financial institutions push depoliticized strategies that narrowly focus on conservation, El Salvador’s battle to address the water scarcity problem through strategies that promote environmental sustainability by changing power relations make it an extremely important model for water justice worldwide.

While policies at the national level remain gridlocked, the role played by Salvadoran coalitions to keep the public engaged and active on water policy and mining issues amidst tremendous adversity is an inspiration. If the national strategies fail, grassroots campaigns like the Territories Free of Mining Project demonstrate that community-led solutions present a viable alternative.

El Salvador is also a strong model for global solidarity: historical ties formed during civil war and strong regional networking on water and mining have been instrumental in the success of communities and coalitions in El Salvador.

**Recommendations:**

- Chalatenango and the Territories Free of Mining Project demonstrate the power of local strategies in El Salvador. This should be explored to examine the potential of moving other water justice strategies to the community level. Current strategies of community resistance to the corporate takeover and contamination of water resources may be formalized through municipal processes like those deployed in Chalatenango, including community recognition of the right to water and the incorporation of elements of the water bill to community ordinances.

- There is a lack of hydrological data to support community struggles against mining, beverage companies and other industries. In addition to the nine recommendations of the Foro del Agua, the government must map ground water and implement mechanisms to monitor water quality and quantity. In the absence of this data, Cabañas provides a strong model for cooperation with technical experts in order to develop community capacity for monitoring water.

- Many organizations pushing for a ban on mining like CEICOM agree that the ban alone is not enough to address the water threats in El Salvador. Greater global solidarity is also required for the broader water justice strategies being promoted by national coalitions and groups.

- El Salvador’s national and local water justice movements have developed important tools for community struggles against the corporate takeover of water. Salvadoran water justice activists could play a key role in building capacity within the global water justice movement to enable other communities to replicate successful Salvadoran strategies.
Endnotes

2. For an analysis on the impacts of dollarization in El Salvador, see: https://voiceselsalvador.wordpress.com/2011/06/08/ten-years-later-the-impact-of-dollarization-in-el-salvador/
15. https://nacla.org/article/mining-ban-el-salvador
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