The Constitutional Right to Water in Uruguay

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By Rachael Moshman*

On October 31, 2004, more than sixty percent of the Uruguayan people voted to amend their constitution and make water a human right – a decision that guarantees public management of water services for Uruguay in the future.1 Further, the executive branch determined that the constitutional amendment would be retroactive, that all current water companies in Uruguay are no longer legally authorized to do business in the country,2 and that an “orderly, fast, and fluid” retreat of the water companies would be organized.3

At least twelve companies in Uruguay will be affected by the water plebiscite.4 The State Sanitary Works (“OSE”) will take over the provision of water services5 and announced that it is prepared to be responsible for the 60,000 households that will now require service.6

The referendum to make water a constitutional right was promoted by a coalition of social and political organizations calling themselves the National Commission in Defense of Water and Life (“CNDA V”), united under their opposition to water privatization in Uruguay.7 Reasons for opposition included unaffordable, low quality services that were burdensome on the state economy, and environmental harms caused by the private companies.8

Civil society opposition to water privatization is common throughout Latin America. The most famous incident of civil society resistance to water privatization is the Cochabamba, Bolivia case. In that instance, a water company partly owned by the multinational corporation Bechtel took over water services in Cochabamba in late 1999.9 Water bills rose sky-high and in April, Bolivians began to riot in the streets.10 After eight days, the government announced that the water company had fled the country, and water services had returned to the control of the government.11

Other countries in Latin America face similar conflicts over the privatization of water services. Nicaragua will soon decide whether or not to accept 13.9 billion dollars from the Inter-American Development bank for the privatization of their water services. Non-governmental organizations are proposing a bill for Nicaragua that, like the recent decision in Uruguay, recognizes water as a human right and emphasizes the necessity for low-cost access to water.12

Endnotes:

4 Id.
5 Id.
7 Id.
8 Supra note 1.
10 Id.
11 Id.

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Colombians at a protest against the Andean Free Trade Agreement in Bogota, Summer 2004, hold a sign reading, “Water is a common good, never a commodity.”