

Towards a New General Water Law: Challenges and Opportunities

Orlando F. Cabrera C. *

Mexico's water resources present a difficult scenario of important challenges for the future. Climatic and socioeconomic factors have negatively affected on per capita resource availability. Moreover, the resource has significantly decreased. In urban areas, the population density has increased water demand to satisfy its needs. In turn, hydrometeorological phenomena, such as, drought, accentuates this situation. Therefore, the Mexican State needs to take concrete actions to make the human right to water a reality.

On March 4, 2015, the Joint Committee on Water and Sanitation as well as Water Resources of the House of Representatives approved the Draft Decree by which the General Water Law is issued. On March 10, the Draft Decree was going to be referred to the full House of Representatives; nevertheless, the Political Coordination Board decided to postpone its discussion "as long as necessary" in order to clear up some concerns, mainly in the sense that water services will be privatized. The Board authorized discussion forums to address these concerns with various actors of society.

This project of bill aims at implementing the constitutional reform of February 8, 2012, in which the following paragraph was added to Article 4 of the Constitution:

Everyone has the right to access water and sanitation provision for personal and domestic consumption in a sufficient, safe, acceptable and affordable form. The State shall guarantee this right and the law shall define the bases, support and arrangements for access besides equitable and sustainable use of water resources, establishing the participation of the Federation, states, municipalities, and citizens to achieve these goals.

Likewise, this Decree contains an important obligation to implement this reform. Transitory article states: "Third: The Congress will have a term of 360 days to issue a General Water Law." Three years later, neglecting the timely fulfillment of this obligation, the Project on General Water Law was presented to the House of Representatives in the ordinary session of February 26, 2015.

The project consists of 11 titles with an overview section detailing both its nature and purpose, these being respectively, to regulate articles 4 and 27 of the Constitution and establishing the involvement of the Federation, the States, the Federal District, municipalities and citizenship to enforce access and sanitation provision of drinking water as well as regular national waters.

Mexico faces a complex and critical water situation that requires the immediate attention of the various levels of government, as well as the active participation of citizens to make effective the human right to water for present and future generations. Never before, Mexico has required such a shift of paradigm that allows the optimal utilization of water. Lawmakers must assume their role with finesse, balancing the concerns of the social and private sector, to make the law of the vital fluid an asset for the country's future.

* Attorney-at-Law, Ibáñez Parkman, ocabrera@iparkman.com.mx