

Water Law in Colombia: Experience and Status

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Abstract. Located at the top of South America and just adjacent to Panama, Colombia with a surface area of 446,000 square miles (1,141,748 square kilometers) is about the size of Texas, New Mexico, and Oklahoma combined. Colombia has rich natural resources, including water and it faces a number of political challenges. In spite of its challenges, Colombia has made surprising advances in delivery of public services and in development of its water laws. Among the Latin American nations, several have reformed their water law in the last two decades. Mexico, Brazil, Chile have received publicity, for example. Although it has not received as much publicity, Colombia has also innovated in water law and it has useful experiences to share. Briefly, Colombia introduced a new “Code of Natural Resources” during the 1970s, and implemented water laws that were ahead of those in other Latin American countries. During the 1950s, Colombia organized its first “regional autonomous corporation,” which was essentially a development organization for a particular region. Colombia now has over 30 of these corporations, and has designated them as the country’s main environmental authorities. In 1993 Colombia introduced a new environmental law. In 1994, it introduced a new law for public services (Law 142), which brought into effect new encouragement for private delivery of public services and new regulatory structures and agencies. However, Colombia has reached a crossroads in its use of water resources and in delivery of public services. With a rising population, problems of contamination and over-exploitation threaten the resource and the quality of life in the country. These problems have emerged in spite of innovative and forward-looking approaches to water law. Complex institutional problems that have heretofore been allowed persist cannot be tolerated if the nation is to solve problems that inhibit more effective management of the water resource. Colombia is preparing a new, comprehensive water law to respond to its challenges. The paper will describe the new law and its approaches to solving national water problems.