



FOUNDATION FOR URBAN  
DEVELOPMENT  
COSTA RICA,



**FAO/Netherlands Conference on Water for Food and Ecosystem**

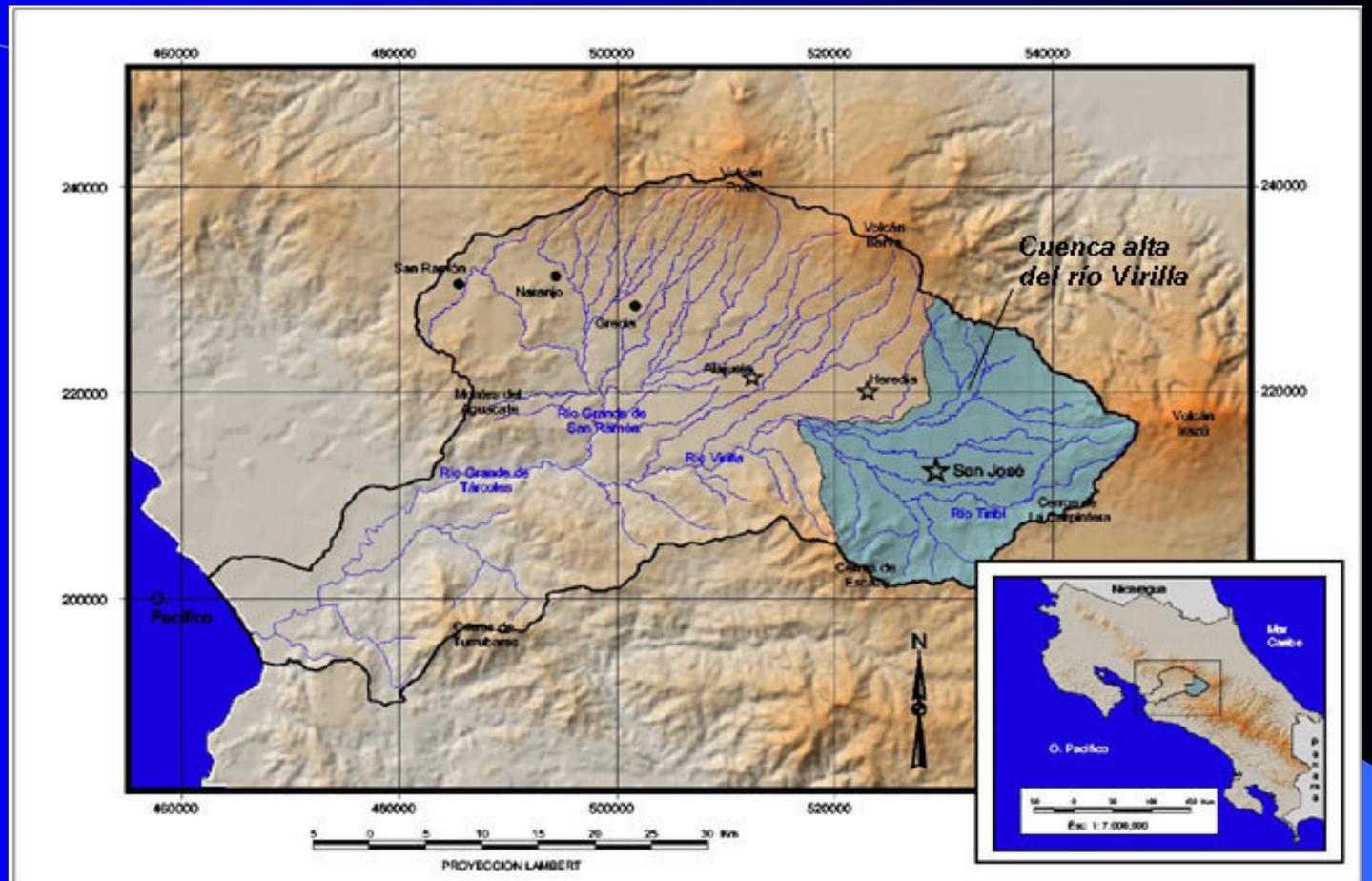
**“A Contribution for a common Central American Policy for Water, Initiated in The Grande de Tárcoles River Basin experience in Costa Rica”**

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**The most important lesson learned:**

**A local initiative can have a significant impact on the legal and institutional framework at national and regional levels**

# The situation:



## The Grande de Tárcoles River Basin:

2.169 km<sup>2</sup> (4% of national territory)

36 of the 81 municipalities (including the capital)

55% of the population of Costa Rica

85% of the national industries, commerce and services

50% of the national coffee production

**Serious conflicts in this river basin linked to water uses:**

**-Food production**

**-Industries**

**- Agriculture, agro-based industries**

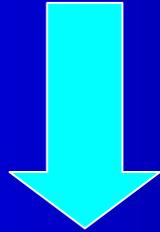
**- Domestic uses (freshwater supply and sanitation)**

**-Residential projects and urban expansion**

**- Ecosystem needs**

## **THE PROCESS AND THE LESSONS LEARNED:**

1992: FUDEU, the Municipality of San Jose and the Ministry of Environment began a process to find solutions for the main problems in the river basin.



### **Actors and stakeholders:**

- **Industrial Chambers (agricultural organizations, coffee producers, food industries, etc.)**
- **Communal organizations**
- **Local Governments**
- **Ministries of Environment and Health's local agencies**
- **Environmental NGOs**

# **THE FIRST RESULT:**

**Creation of the “Grande de Tarcoles River Basin Commission” as a forum to find integrated solutions while considering the different interests of the various social sectors.**

**It is a good instrument to:**

- Have a permanent multi-stakeholder dialogue and negotiation**
- Obtain technical and scientific information about water resources**
- Develop specific projects**  
**(eg. reforestation, environmental taxes for industries, etc.)**
- Develop master plans for development within the River Basin**

**BUT...**

**This Commission could never become an official agency for the river basin management.**

## **THE OBSTACLE:**

### **The present legal and institutional framework is:**

- **Centralized**
- **Without participatory mechanisms to involve both local and national stakeholders**
- **Obsolete (with a water law of 1942)**
- **Based on traditional command and control instruments**
- **Without efficient mechanisms to determine the economic costs and benefits of the different uses of water**

**These obstacles, as well as a lack of legal authority have prevented the Commission from making the desired changes in decision making processes.**

# THE SOLUTIONS:

**Expanding the local action to a national level**

**FUDEU CHANGED ITS STRATEGY**



**In addition to action at the local level, we have started to influence and involve the politicians, stakeholders, and decision makers at the national level, in the government and in Congress**

## **Since 2001 until nowadays:**

- 1. FUDEU alongside GWP, the Ministry of Environment and two more NGOs created the “Technical Group of Water” (GTA) to support that Ministry and the National Congress in the formulation of a new water law.**
- 2. The GTA and the Congress developed a dialogue process for the new water law that was one of the most broad and extensive processes that had ever been organized in Costa Rica.**

**The consultation  
process for the Water  
Law**

**One Technical  
national workshop.  
110 specialists, social  
sector and  
institutional  
representatives**

**6 Regional workshops.  
460 representatives of CSOs, state  
agencies, NGOs, etc.**

**22 working sessions of  
the GTA**

**2 National Workshops  
with the Regional  
Commissions  
responsible for the  
follow up of the process**

**6 sessions with the  
Congressmen of the  
Environmental  
Commission of the  
Congress**

**This process was very difficult; but it allowed the Government and Congress to understand that:**

**Only with the participation of all social sectors and stakeholders it would be possible to have a new water law.**

## **The results after finishing this consultation process:**

- The Environmental Commission agreed to proceed with voting on the consulted text.
- The political, social and institutional actors agreed that the new text provide for:
  - A new decentralized and participative structure
  - A river basin focus for water management
  - Creation of new economic instruments to internalize the negative and positive impacts of water uses.
  - Incorporation of principles of “Water as a Human Right”, “Polluter Pays”, “Responsibility for Environmental Damage”, “Water as a Public Good and freshwater supply as an exclusive public competence”, “Water as an Economic Good” (but not a commodity)

# NEW OBSTACLES AND CHALLENGES

- The economic integration process in Central America
- The Free Trade Agreements
- The globalization processes

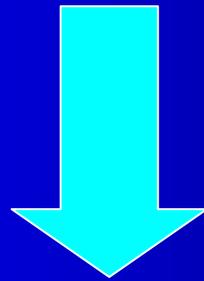
**Difficulty: One country, by itself, develops strict legal frameworks of protection and environmental regulation without considering the international and regional context**



**It could produce negative economic impacts; for example: “Environmental Dumping” if the foreign investments select countries with less environmental regulations**

# Strategies:

1. FUDEU established an agreement with The Program of Modernization of the Systems of Environmental Management (PROSIGA/CCAD):



**AIM:** To support the ministries of Environment, Health and Agriculture to develop a regional strategy for water management.

# Strategies:

**2. Since Johannesburg Summit, FUDEU promoted the creation of a network of local and national organizations (CSOs, NGOs) in Central America:**

## **CENTRAL AMERICAN FRESHWATER ACTION NETWORK**

**with the support of FAN-international, Both Ends (Holland) and the Dialogue on Water Food and Environment.**



**AIM: To involve CSOs and NGOs of Central America in the elaboration of Water Policies on the national, regional or international level.**

**Specifically: Regional Strategy, National Water Law processes**

# **The main results of this process of regional incidence:**



- 1. The elaboration of a participatory regional strategy for water management (approved by the Ministers of Environment, Health and Agriculture of all countries of Central America)**
- 2. The involvement of CSOs and NGOs in the process of elaboration of a National Water Law in at least 4 countries of the Region**

### **3. The incorporation of a series of principles in all of those national and regional legal instruments:**

- Water as a Human Right and a Public Good**
- Polluter Pays and Responsibility for Environmental Damage**
- “Water as a social, environmental and economic good” (but not a commodity)**
- Civil society participation in the decision making processes**
- Incorporation of the ecosystem needs in the planning of water uses**