

Questionnaire – Water Resources and Wastewater

i) What are the conflicts in Brazil regarding the different uses of water (e.g.: agriculture, industry, tourism, among others)? What are the main challenges that the Brazilian Government confronts regarding the water resources and wastewater management that negatively impacts the realization of human rights?

In Brazil, water is mainly used for human supply, watering animals, industry, power generation, irrigation, sanitation, and waterway transportation.

Disputes between its uses for irrigation and human supply may arise, as Brazil has vast areas of intense agricultural production. In the central areas of the country, water sources are mainly used for irrigation, especially in rural areas, which can impact the supply of water in dry seasons. In the semi-arid Northeast, as well as in other dry regions, the population has difficulties to access water in rural locations. During periods of water shortage caused by weather conditions, the level of water reservoirs is lower, causing conflicts on the uses of water, especially between agricultural and energy uses.

The contamination of water sources and bodies by domestic and industrial effluents is a problem, caused by the characteristics of the process of occupation of the country. Contamination of rivers by upstream cities can generate downstream water unavailability in certain areas of the national territory. In almost all metropolitan areas, which are also state capitals, shortage of water within the municipality limits is a reality. Sewage generated in a municipality can also be transported and treated elsewhere. In the Northern region, despite the abundance of water resources in urban and rural areas, a deficit of water supply for human consumption occurs. The contamination of streams (wetlands) caused by urban occupation and the low presence of water supply network in rural areas are also serious problems.

The Brazilian water resources policy emphasizes the treatment of organic matter instead of chemical contaminants, which are controlled by a specific environmental policy for their industrial use. Regulations regarding levels and release conditions of domestic and industrial effluents nationwide are strictly controlled by the Environment National Council (CONAMA). States and municipalities are authorized to establish their own regulations, which cannot be less strict than the federal law. Nevertheless,

control is generally present only in release areas and may result in inadequate accumulation of chemical contaminants in water bodies. Municipalities are responsible for the costs of production and supply of water for domestic use, as well as environmental, social and economic burden generated by the production of effluents.

The main challenges faced by the Brazilian government are:

a) improving water resources quality, including domestic sewage treatment, industrial effluents and contaminants from agriculture (pesticides) for better management of water supply. In urban areas, reducing water loss in public systems is necessary. In rural areas, especially in semi-arid, improving the management of simplified systems of storage and irrigation (dams) is essential;

b) advancing water resources integrated management, considering the interests of different sectors in a balanced way, and;

c) putting into practice a policy of sustainable development that respects the proper use of water resources and assembles the interests of civil society, private sector and government, without hampering the realization of the human right to water and sanitation.

ii) What is the priority given to the different uses of water in national legislation and the formulation of public policies regarding the theme? How these laws and policies are implemented in practice? Were there problems identified at the time of their implementation? If so, please explain which are they and what measures are being taken to overcome them.

In Brazil, the protection, preservation and management of water resources are part of the environmental policy. The Brazilian federal law on water resources, Law no. 9.433 of 1997 (the National Policy for Water Resources) states that water is a public good, limited and of multiple use. In the country, the multiple uses of water are basically: human consumption, watering livestock, industrial, power generation, irrigation, sanitation and waterway transport. These uses change from basin to basin, depending on the characteristics of each one of them. The Water Resources Law states that water use for human supply and for watering animals are a priority, necessarily in that order, in all basins in the country.

The implementation of the National Policy for Water Resources is carried out in a decentralized manner, as a partnership between the federal government and state governments, in accordance with the character of the basin (national or subnational), through the National Water Resources Management System (SINGREH).

A basin can be classified as national or subnational, according to the criteria defined by federal law. Water resources that neighbor other countries, that derive from other countries, or that are part of the territory of more than one federative unit are classified as national. Basins are considered subnational if they are restricted to the territory of a federative unit.

The National Policy for Water Resources, which was enacted in 1997, is a responsibility of the National Water Agency (ANA), an environmental regulatory body, in accordance with Law no. 9.984 of 2000. The National Policy for Water Resources is properly institutionalized at the national and subnational levels. All states have environmental agencies and laws corresponding to national policies and laws.

The water resources management model established by the federal legislation is decentralized, based on the hydrographic basin and managed by the Basin Committees, with a strong participation of civil society. Each Basin Committee is responsible for the Basin Plan, which are long-term plans that define priorities for granting the right to use water resources and the guidelines and criteria for charging for water resources use.

In the implementation of the National Policy for Water Resources some difficulties regarding the number of professionals working in the sector and the need for ongoing training, with impacts on the enforcement actions of water resources are a reality. The federal government, through ANA, develops a program for capacity building and technical assistance that integrates SINGREH to enhance the capabilities of subnational units. Between 2001 and 2012, there was a progressive increase in the resources available for these actions and about ten thousand people were trained.

The Environmental Crimes Law, no. 9.605 of 1998, and the new Forest Code, of 2012, also contain provisions concerning water resources. The first law typifies as an environmental crime water pollution which leads to the discontinuation of public supply. The second law, which generated an intense debate on the Brazilian society, established measures for the protection of forests and watersheds. The environmental policy is also implemented in a decentralized manner by the National Environmental System (SISNAMA), established by Law no. 6.938 of 1981. IBAMA (Brazilian Institute

of Environment and Renewable Natural Resources) is the federal agency which is given the power of environmental police. Subnational entities also have environmental enforcement bodies, regulatory agencies and Basin Committees for rivers under its territory.

iii) What strategies, approaches, and mechanisms guide the management of water and wastewater? How is the answering of the basic needs of the population ensured?

The National Policy for Water Resources has as main guidance "the adequacy of water resources management to the physical, biotic, demographic, economic, social, and cultural rights of the various regions of the country" and "the joint water resources planning with user sectors and regional, state and national level".

The National Policy for Water Resources instruments are: the Plans for Water Resources; classification of water bodies according to the predominant uses of water; granting rights of use of water resources; charging for the use of water resources; compensation to municipalities; and the Water Resources Information System.

The Federal Government has directed its actions towards the intersectoral integration of the policies and programs developed by the bodies responsible for policies for water, as well as towards strengthening cooperation between states. The governmental Multi-Year Plan for 2012-2015, which sets priority programs to guide investments by the federal government, establishes a cross-cutting agenda. The provision of basic services to the population and user sectors is included in two main agendas, Water and Desertification, Production and Use of Water Resources Agenda and Poverty Alleviation Agenda. Long-term plans and policies reinforce the coordination and cooperation between sectors to ensure water availability and wastewater management. This is the case of the National Policy on Environment, the National Policy of Water Resources and National Sanitation Policy as well as specific plans as the National Plan for Water Resources, the National Sanitation Plan (pending presidential approval) and the National Irrigation Plan (in early stages of development).

At the subnational level, state entities work to strengthen the Basin Committees and their instruments of action, such as the Basin Plans, also called Water Resources Plans. ANA is fostering the process of implementation of the Basin Committees at national and sub-national levels.

Regarding the assistance to the population in rural areas and where shortage of water supply is a serious problem, as in the semiarid region, investments have been made in the implementation of simplified systems of water storage for human consumption and irrigation, as weirs and small dams and rainwater storage for human consumption and watering livestock, such as pits and cisterns. Through the Water for All Program, which comes under the Brazil without Poverty Plan (PBSM) to overcome poverty and extreme poverty and is coordinated by the Ministry of National Integration, 750,000 tanks (serving 750,000 families in scattered rural areas) will be built by 2014.

iv) How does the Government ensure transparency, access to information and participation in decision-making related to water resources and wastewater management? In the Government's view, how should the management of water resources and wastewater be reflected in Sustainable Development Goals and the development goals post 2015?

The water resources management policy is democratic and transparent and strongly encourages the participation of civil society. The main pillar of the National Plan for Water Resources is participatory and decentralized management. Access to information to users and citizens is also a principle of water resources, environment and sanitation policies.

Since 2003, the federal government has been encouraging citizen participation and social control over public policies through Public Policy Councils and National Conferences, largely tributary of the participatory and democratic management model in the sectors of environment and water resources.

Within the Federal Government, the Environment National Council (CONAMA), the Water Resources National Council (CNRH) and the National Council of Cities (ConCidades) are national instances of participative management of policies that deal with water resources and water for human consumption. CONAMA and CNRH have a deliberative and regulatory character.

The CNRH, in operation since 1998, is the highest body of the National Water Resources Management System (SINGREH). The CNRH includes representatives of both public and private sectors, such as civil society organizations, social movements and users sectors (subnational sanitation companies, industrial and agriculture sectors).

The several public policy councils that deal with the Water Agenda of the Multi-Year Plan 2012-2015 include the representation of different public bodies responsible for policies on environment, water and sanitation infrastructure, regional development, health and social policies, as well as the different civil society sectors.

At the subnational level, participation occurs through the Basin Committees. Basin Committees are participatory and also include the three main interested sectors: civil society, government (federal, state or local) and user sectors (agriculture, industry, energy, water transport and water utilities).

National Conferences are held in a decentralized manner, in cooperation with subnational governments and with the participation of various sectors of society. Their purpose is to discuss and to collect information for the formulation of public policies in a democratic and participative way. The National Conferences on Environment and Cities, and most recently, Water Resources, discuss themes and issues of the water and water resources agenda. The National Conference of Environmental Health, in 2009, was the first cross-sector conference, which represents a government effort, in terms of conferences, to collect inputs for the creation of a national policy on environmental health.

Information systems have been implemented and coordinated by national bodies of water resources, environment and sanitation. The National Water Resources Information System (SNIRH), the National Information System on Environment (SINIMA) and the National Information System on Sanitation (NHIS) are examples of these information systems.

In relation to environmental crimes, IBAMA has a direct channel of communication with society, called Green Line (telephone number 0800 61 8080) through which complaints, requests for inspection, among other services can be made from any point of the country free of charge. In 2012, the Law on Access to Information (Law no. 12.527/2011) came into force. This legal mechanism allows citizens to access information available in public bodies at all levels of government.

A process of debate and consultation with civil society and the different agencies of government and industry stakeholders on the framework of post-2015 development is ongoing. It is not yet concluded, although its results should be reflected on the management of water resources and wastewater agenda.

Nowadays, water should be considered a central aspect in the agenda post-2015, being protected in a holistic perspective and ensured in a sustainable way, without prejudice to the different user sectors and without prejudice to the country's development. It is expected that this agenda should:

- a) prioritize water for human use, domestic use, and health promotion;
- b) advance in the provision of safe water and sanitation for populations not served by the network of water supply in urban and rural areas, and
- c) advance in the control of industrial effluents and chemical pollutants.