Water Resource Management in Brazil: The Federal Perspective

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Brazil is organized as a Federative Republic, consisting of 26 (twenty-six) states, the Federal District and approximately 5,600 (five thousand and six hundred) municipalities where live 170 million inhabitants.

The legal framework governing this federative organization is the 1988 Constitution that redefined the relations between the three levels of Government (Union, states and municipalities).

An area of 8.5 million km², and a great diversity of regional, climatic and hydrologic conditions (12% of the available freshwater of the world).
Annual Freshwater Production ($km^3$)

**Brazil**
5.660 km$^3$ (12%)

**Brazil + Upstream Countries**
8.427 km$^3$ (18%)

**World**
44 mil km$^3$
Legal Context

- Specifically concerning water resources, the Constitution (1988) establishes water as a public good that can be utilized based on the concession of rights to use. Granting concessions is an exclusive prerogative of the Union or State, giving the user only a right to its use.

- It should be noted that the bodies of water have two domains, rivers that drain more than one state or country or define a border between states or with other countries belonging to the Union.
The Water Brazilian Law (1997) created an **institutional model**, consisting of a higher deliberative council (National Council and its equivalents in the states); regional deliberative collegiums to be set up in the management units (the Basin Committees); and the executive institutions dealing with these regional collegiums (the water or river basin agencies).
The Brazilian Law (2)

created a set of management instruments consisting of: the national and state plans of water resources; framing of bodies of water in classes; concession of water use rights (as an instrument of public regulation of use); charging for the right to use water resources, and water resources information systems.
National River Basin Committees Implemented
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<thead>
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<th>State</th>
<th>Committees</th>
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<tr>
<td>SP</td>
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<td>MG</td>
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<td>PB</td>
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<td>RJ</td>
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<td>Total</td>
<td>97</td>
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National Water Agency (ANA- Agência Nacional de Águas)  
(created in 2001)

· instituted on the lines of an autarchy in a special regime, ANA is independent for decision-making purposes, its directors have stable tenure (their appointment is confirmed by a hearing in the Federal Senate) and relative financial autonomy;

· its main institutional duties are: (i) granting concessions in bodies of water in the federal domain (environmental regulation instrument); and (ii) implementation of the National Water Resources Management System;

· ANA is characterized by a broad territorial perspective of action, based on national macrobasins, with few instruments to deal with local issues (problems of floods and pollution control), for which they must count on the cooperation of competencies in the state and municipal spheres, especially as to planning land use and occupation.
Personal Evaluation

- The system is still “under construction”,
- The principle of water as a “public good” is present in the National Law, but not already in the “mind” of water users (specially “farmers”),
- The principle of decentralization is also present in the law, but not already in the mind of most part of “public decision-makers”,
- The principle of participation is “achieved” in many regions of the Country, although in some cases one observes high transaction costs in the decision-making process,
- The implementation of the principle of integration is, in fact, the more difficult task,
- Because of the diversity of situations, the results in terms of IWRM are not equal.
Thank you!
Muito obrigado!

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Amazon River