



**RESEAU INTERNATIONAL DES ORGANISMES DE BASSIN  
INTERNATIONAL NETWORK OF BASIN ORGANIZATIONS  
RED INTERNACIONAL DE ORGANISMOS DE CUENCA**

**« EURO RIOB 2005 »**

**Réunion internationale sur l'application  
de la directive cadre européenne sur l'eau  
NAMUR (WALLONIE) – 29 SEPTEMBRE / 1<sup>er</sup> OCTOBRE 2005**

## **Water Resource Management in Brazil: The Federal Perspective**

**Oscar Cordeiro Netto**

**Director of ANA – National Water Agency – Brazil**

***oscar@ana.gov.br***



# Brazil

- 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 km<sup>2</sup>, and a great diversity of regional, climatic and hydrologic conditions (12% of the available freshwater of the world).

# BRASIL



## Bacias Hidrográficas com Rios Fronteiriços e Transfronteiriços

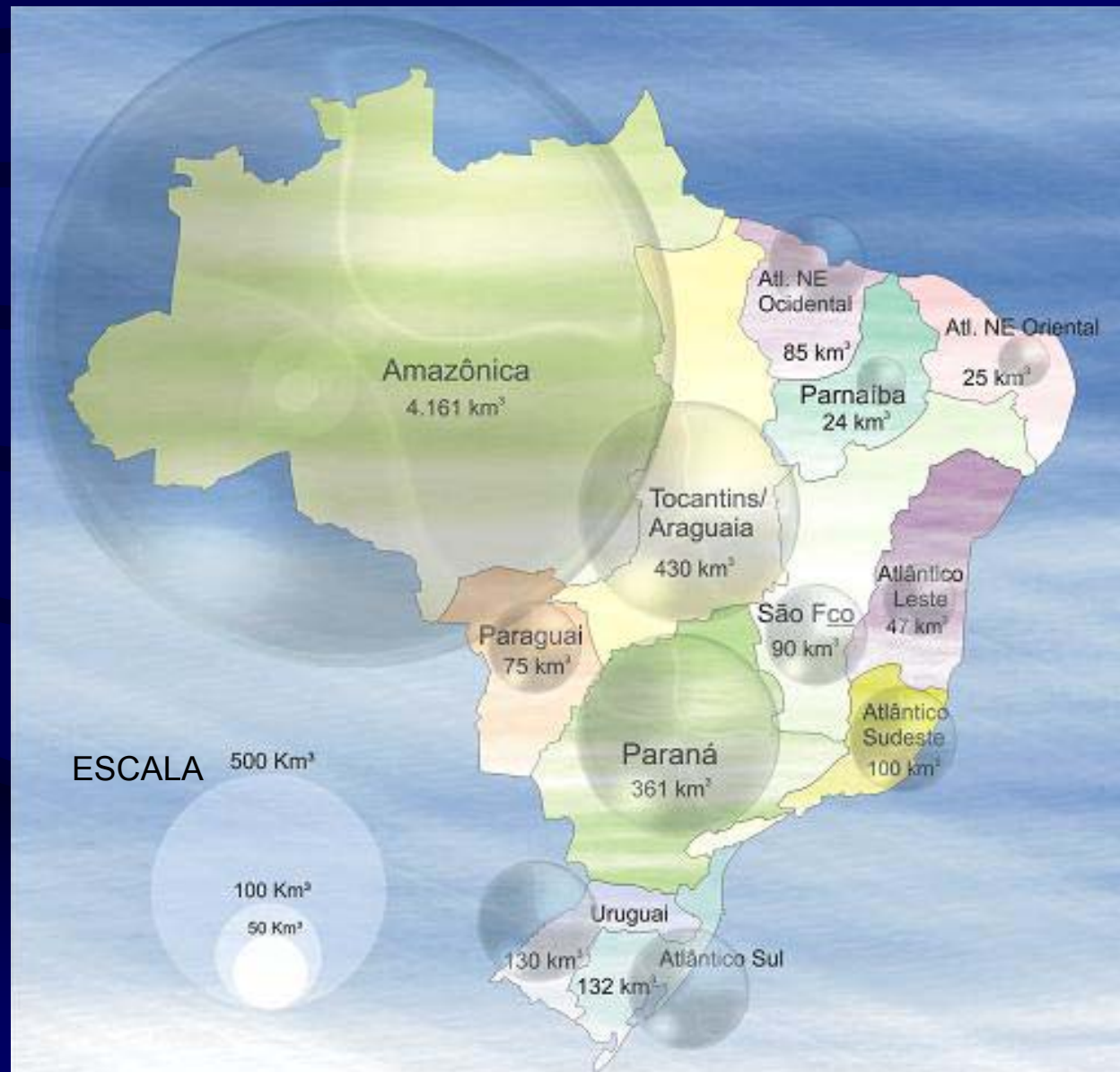


Annual Freshwater  
Production (km<sup>3</sup>)

**Brazil**  
5.660 km<sup>3</sup> (12%)

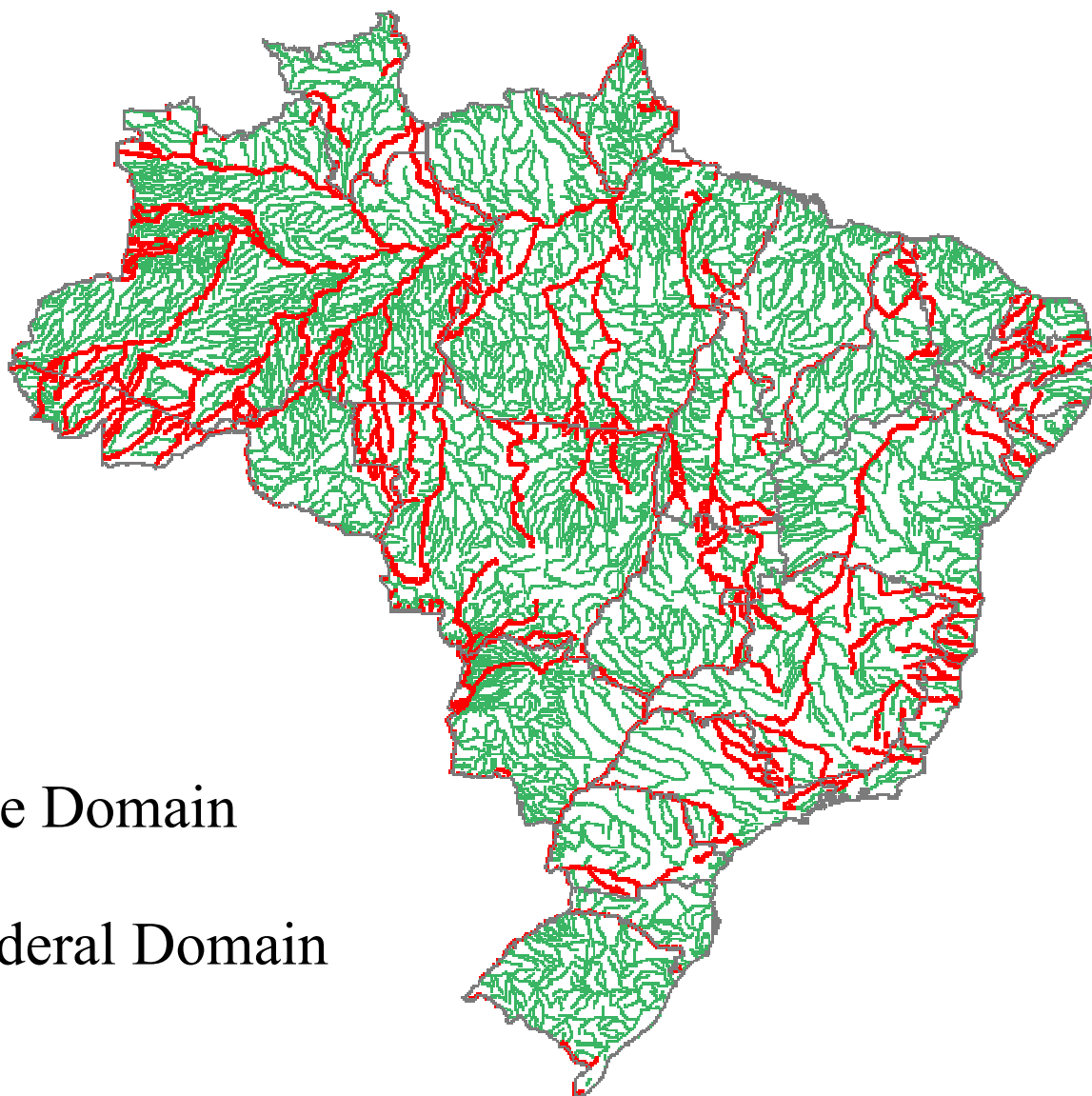
**Brazil +  
Upstream Countries**  
8.427 km<sup>3</sup> (18%)

**World**  
44 mil km<sup>3</sup>



# 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.



 State Domain  
 Federal Domain

# 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)

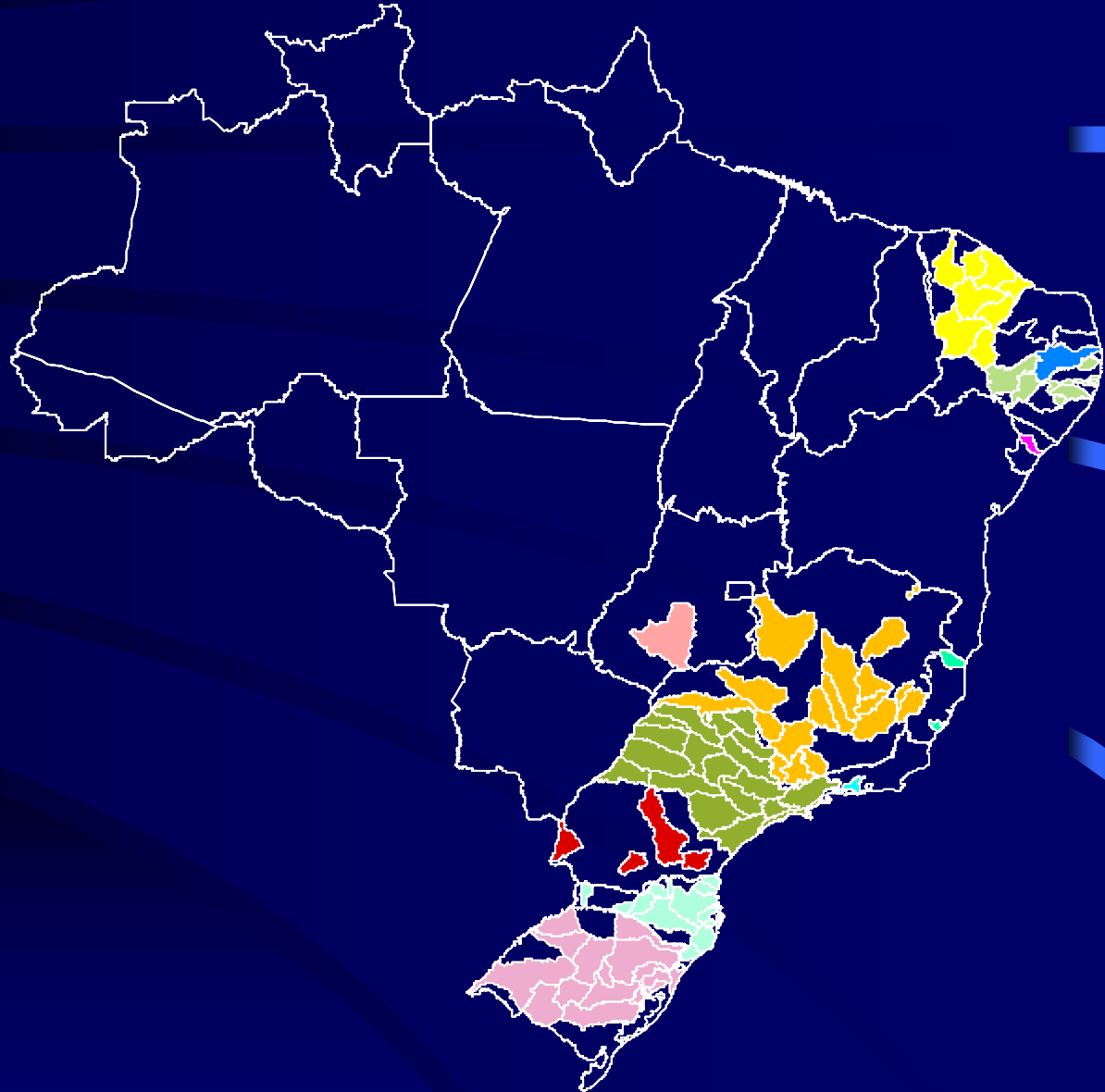
created a set of management instruments consisting of: the national and state plans of water resources; framing of bodies of water in classes; concession of water use rights (as an instrument of public regulation of use); charging for the right to use water resources, and water resources information systems.

# National River Basin Committees Implemented



# State River Basin Committees Implemented

State	Committees
SP	21
MG	18
RS	16
SC	15
CE	8
PE	8
PR	4
ES	3
SE	1
GO	1
PB	1
RJ	1
<b>Total</b>	<b>97</b>



# 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.

# ANA - DUTIES

**Regulation**

**CONCEDE  
INSPECT**

**WATER USES**

**MEDIATE**

**CONFLICT BETWEEN WATER  
USES**


**Management**

**INFORM  
IMPLEMENT  
FOMENT  
MONITOR**

**WATER RESOURCES  
NATIONAL POLICY**

# 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.

A wide-angle photograph of a sunset over a large body of water, likely the Amazon River. The sky is filled with dramatic, colorful clouds in shades of orange, red, and purple, reflecting on the water's surface. A faint rainbow is visible in the water in the foreground. The overall mood is serene and beautiful.

**Thank you!**  
**Muito obrigado!**

[oscar@ana.gov.br](mailto:oscar@ana.gov.br)

**Amazon River**