

Environmental Management

Water Law in Pará State, Brazil: advances, barriers and reflections

Lei das águas no Estado do Pará, Brasil: avanços, entraves e reflexões

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ABSTRACT

In Brazil, Law No. 9,433/2007 was responsible for establishing the National Water Resources Policy and the National Water Resources Management System, with the aim of maintaining the quality and quantity of water resources, reducing conflicts due to multiple water uses and increasing the participation of civil society in decision-making on issues related to this resource. In 2001, it was the turn of Pará State to institute its own water resources legislation through State Law No. 6,381/2001, in consonance with federal legislation. The main purpose of this study was to analyze the institution of the Water Law in the State of Pará and to investigate how far the State has managed to implement the entities that make up its State Water Resources Management System and its management instruments. For this reason, a documental research was carried out in the record and resolutions of the State Council of Water Resources of Pará, a advisory, normative and deliberative body and occupant of the highest position within the state system, on the SEMAS website that contains in the Management Body of the state's water resources policy and in academic papers related to this subject. The results reveal that, even after almost two decades of this legislation, not all entities in the system are instituted, as well as some management instruments were not elaborated, particularly the State Water Resources Plan given its degree of importance.

Keywords: Water Management; National Water Resources Policy; Water Resources

RESUMO

No Brasil, a Lei nº 9.433/2007 foi a responsável por instituir a Política Nacional de Recursos Hídricos e o Sistema Nacional de Gerenciamento de Recursos Hídricos visando, com isto, a manutenção da qualidade e quantidade dos recursos hídricos, a redução dos conflitos pelos múltiplos usos das águas e o aumento da participação da sociedade civil nas tomadas de decisão em questões referentes à este recurso. Em 2001, foi a vez do Estado

do Pará instituir sua própria legislação de recursos hídricos através da Lei Estadual nº 6.381/2001, em consonância com a legislação federal. O objetivo deste estudo foi analisar a instituição da Lei das Águas no Estado do Pará e averiguar até onde o Estado conseguiu implantar as entidades que compõe o seu Sistema Estadual de Gerenciamento de Recursos Hídricos e seus instrumentos de gestão. Para isto, foi realizada uma investigação documental nas atas e resoluções do Conselho Estadual de Recursos Hídricos do Pará, órgão consultivo, normativo e deliberativo e ocupante da maior posição dentro do sistema estadual, na página eletrônica da SEMAS que contém em o Órgão Gestor da política de recursos hídricos do Estado e em trabalhos acadêmicos relacionados a este tema. Os resultados revelam que, mesmo após quase duas décadas dessa legislação, nem todas as entidades do sistema encontram-se instituídas, bem como alguns instrumentos de gestão não foram elaborados, destacando-se o Plano Estadual de Recursos Hídricos pelo seu grau de importância.

Palavras-chave: Gestão das Águas; Política Nacional de Recursos Hídricos; Recursos Hídricos

1 INTRODUCTION

The year 1997 was marked in Brazil by the promulgation of Federal Law No. 9,433, known as the Brazilian Water Law, which established the National Water Resources Policy (PNRH) and the National Water Resources Management System (SINGREH). In addition to bringing significant changes in water management, it inserted the participation of civil society in decision-making related to the country's water resources (FERREIRA et al., 2017).

The elaboration of the Water Law has become important due to difficulties in the water resources management, generated by problems such as increased floods, supply crises and increasing interference in the inadequate dumping of effluents in the springs, which has generated increasing impacts on the health of ecosystems and population in the current Brazilian urban scenario (CEREZINI; HANAI, 2017). Moreover, the National Water Agency (ANA, in portuguese) reports that the degradation of river water quality is also due to the intensification of industrial, agricultural and mining activities, in addition to the unfeasibility use of water for noble purposes in places where there were no quantitative restrictions on water use (ANA, 2019). Such situations contribute to the existence of conflicts over water use in the country.

In Brazil, the Water Law is based on the premise that water is a finite natural resource and indispensable to human survival, fauna and flora. The effectiveness of a serious decentralized and participatory management, involving all social actors in the commitment to sustainable governance is a necessary condition for its preservation (DE CARLI, 2018).

Decentralized because previously to this law, each sector (sanitation, energy, agriculture, etc.) elaborated its own plans and measures. Participatory because the political definitions did not count on the municipalities participation, civil societies and water users, but only with federal and state governments (ABERS; JORGE, 2005). This decentralization began with the increase of the processes of water degradation resources mentioned above. In areas of greater urban-industrial-agricultural concentration, discussions involving spheres of public power, professional associations related to water resources issues and organized sectors of civil society were held (MESQUITA, 2018).

To put into practice the PNRH, the SINGREH was created. It is a system composed of several institutions with different legal natures and different functions, capable of including the entire complexity of water issue, through shared actions between water users, civil society and governments of the federal, state and municipal levels (ANA, 2017). The entities that are part of SINGREH are: (1) the National Council of Water Resources (CNRH, in portuguese); (2) ANA; (3) The Council of Water Resources of the States and the Federal District; (4) Hydrographic Basin Committees (CBH, in portuguese); (5) Federal, state, Federal and municipal public agencies whose competencies relate to the management of water resources; and (6) Water Agencies (ANA, 2019).

Within SINGREH, the CNRH occupies the highest position in the hierarchy, being an advisory, normative and deliberative collegiate, responsible for the preparation of the PNRH and the resolution, in final instance, of all matters related to water resources in the country. The CNRH plenary works in studies of governance processes and the effects of social capital, bringing together several actors, at multiple levels, for the discussion and elaboration of water resources problems, through collaborative participation (COSTA; MERTENS, 2015). While Brazil has the CNRH at federal level, the States and the Federal District each have, at state level, its council of water resources which has the same competencies.

On the other hand, the CBH's are considered as political decision-making forums within each watershed as water parliaments. They represent the key forum for the success of the PNRH, since the hydrographic basin is the territorial unit for the implementation of the policy and action of SINGREH (ANA, 2019). In addition, they materialize the

decentralization of management, have the participation of governments, users and civil society and are the opponents of public policies (TRINDADE; SCHEIBE, 2019).

The law also provided five instruments for SINGREH to achieve water management, which are: (1) water resource plans (PRH); (2) the framing of water bodies in classes, according to their preponderant uses; (3) granting the rights to use water resources; (4) levy for the use of water resources; and (5) information system on water resources (AMÉRICO-PINHEIRO et al., 2019). Due to the wide scope of the law, several of its instruments of action were sent to the regulation through specific laws (PHILIPPI JÚNIOR; SILVEIRA, 2005).

Among all the instruments, the PRH's can be considered the most important, as they are master plans that aim to support and guide the implementation of PNRH and the management of water resources in the hydrographic basin (CEREZINI; BARBOSA; HANAI, 2017). The authors also report that according to Art. 8, Law No. 9,433/1997, the PRH's will be elaborated by watershed, by State and for the country", considering the specificities existing in each sphere, based on a diagnosis related to the quality and quantity of water, its management form and the problems arising from its use.

Within this context, the present study aims to analyze the institution of the Water Law in the Pará State and to investigate how far the State has managed to implement the entities that make up its water resource management system and its management instruments. Such analysis starts with the enactment of State Law No. 6,381/2001 that instituted its State Policy of Water Resources (PERH-PA), as well as its State Water Resources Management System (SEGRH-PA), through the State Council of Water Resources of Pará (CERH-PA). This council is relevant because it occupies the highest position in SEGREH-PA and is responsible for formulating and deliberating on this policy in its almost two decades of existence in the state.

1.1. Brief history of the Water Law in Pará

The participatory management of waters in Pará began in consonance with the Federal Constitution of 1988 and the Water Law of 1997. In 2001, four years after the federal law enforcement, the State Law No. 6,381 was created, which had the State's Water Resources Policy and the SEGRH-PA foundation (PARÁ, 2001). Water management

instruments in the state and the creation of CERH-PA were also foreseen. Before Law No. 6,381/2001, the management of water resources was carried out indirectly by the former Secretary of Science State, Technology and Environment (SECTAM, in the portuguese), through the Hydrometeorology Center (SEMAS, 2020).

In accordance with Federal Law No. 9,433/1997, State Law No. 6,381/2001 is based on the following principles, set out in its Article 1st: (1) water as a public domain good; (2) water as a finite natural resource, endowed with economic value; (3) human consumption and animal desendation as priority use; (4) watershed as territorial unit for implementation of PERH-PA and SEGRH-PA; and (5) planning and management carried out in order to ensure sustainable development, multiple use of water, decentralized management, the hydrological cycle and consider the economic, social and environmental aspects in water use. In addition, PERH-PA aims to ensure the availability of water resources to future generations, rational use of water, protection of watersheds, control of the use of water resources and prevention and defense against critical hydrological events of natural origin or due to the misuse of water resources.

In 2004, SECTAM held an event during a week entitled "Navigating in Pará Waters", whose objective was the discussion on the problems in water management of the state, with the participation of the government, municipalities and organized civil society (SEMA, 2012). The product of these discussions was the draft decree that would regulate CERH-PA, which was implemented in 2007 as Decree No. 2,070. Also, in 2007, SECTAM became the State Department of the Environment (SEMA, in the portuguese), through Decree No. 746, which approved the secretariat's internal rules and recognized the Water Resources Policy and CERH-PA.

Further, the CERH-PA became one of the major responsible for the implementation of the Water Resources Policy and its instruments in Pará. The competencies of this collegiate are set out in Art. 44 of State Law No. 6,381/2001, where it has an important role over the criteria and standards related to the guidelines of the RH Policy to be observed by the state PRH and river basin plans, as well as establishing the criteria and standards for management

instruments and the approval of the institution committees of basins rivers of Pará domain (SEMAS, 2020).

2 METHODOLOGY

The present study is a documental research in the bibliographic collections of the government agencies that make up the SEGRH-PA, specifically CERH-PA and the Directorate of Planning and Management of Water Resources (DIREH, in the portuguese) of the State Secretariat for Environment and Sustainability (SEMAS, in the portuguese), and discussed with other works already developed related to this theme. The documents consulted were: CERH-PA meeting records, whose function is to transcribe all the matters discussed in plenary by the advisers and invited members; Resolutions, which have the purpose of legislating the water resource use activities of the State of Pará, as an example the instrument for granting the rights to use water resources; Related documents contained in the SEMAS-PA website, such as the council's internal regulations, appointment decrees, materials prepared for training, among others.

Through the data obtained in the documental research, the results were divided into two parts: the first sought to identify what has already been concluded in relation to the structure of SEGRH-PA, as well as what remains to be instituted. The second focused on how the implementation of water management instruments in the state, provided for in State Law No. 6,381/2001, opened a special topic to portray the current state of the PRH-PA elaboration process, also seeking to identify what has been and what remains to be achieved and programmed.

3 RESULTS AND DISCUSSION

3.1. The water structure resource management system in Pará and the performance of CERH-PA from the first to the third office term

Article 42 of State Law No. 6,381/2001 predicted that SEGRH-PA would be composed of: State Council of Water Resources; Water Resources Management Body, established by

law enforcement; Hydrographic Basin Committees; Basin Agencies; and State and municipal public authorities, whose competencies are related to water management. CERH-PA was created by Decree No. 746 of 2007 and, its Internal Rules, the collegiate is a part of SEGRH-PA as an advisory and deliberative body, similar to the CNRH, but with a state jurisdiction. To facilitate the understanding of this system, Figure 1 illustrates the institutional matrix of the management system at national, state and watershed levels and the main competencies of each agency.

Table 1 – SINGREH Institutional Matrix

		Formulation and deliberation on water resources policies	Government Policy Formulation	Collegiates Support	Technical Support (T) and Regulation (R)
Scale	National	National Council	Environment Ministry	SRHU and ANA	ANA (T and R)
	State	State Council	State Secretaries	State Managers Organ	State Managers Organ (T and R)
	Basin	Hydrographic Basin Committees		Executive Secretaries or Water Agencies	Water Agencies (T)

Source: The authors, with informations from ANA (2019)

The Art. 2nd of the Internal Rules of CERH-PA states that the council would function through a plenary, technical chambers (CTs, in portuguese) and working groups (GTs, in portuguese) (the latter, if necessary, created by the CTs). In addition, CERH-PA must be chaired by the State Secretary for the Environment and have an Executive Secretary from the Governing Body of the state's water resources policy. This Governing Body in the state system is the Directorate of Planning and Management in Water Resources (DIREH, in portuguese), belonging to SEMAS, with the Executive Secretary of CERH-PA being the

Director of Water Resources. DIREH is responsible for coordinating and executing PERH-PA, articulating actions with other government departments, public and federal and municipal institutions alike, public companies, private companies and to national and international financing and cooperation agencies, in order to regulate the various uses of water, guaranteeing adequate quality standards for the maintenance of life (SEMAS, 2020).

The creation of CERH-PA took approximately six years after the institution of PERH-PA, thus creating an initial delay for the institution of two of the main objectives of PERH, which are the preparation of the Pará Water Resources Plan (PRH- PA, in portuguese) and the creation of CBHs, since the responsibility for this instrument and these forums belongs to CERH-PA. As they depend on the existence of CBHs, the Water Agencies of the Hydrographic Basins, consequently, did not exist either. As for government agencies that relate to the management of water resources, as SILVA (2016) reports, they do not normally belong to the state environment department, making the management of water resources officially occur only through CERH-PA and the Governing Body.

The first term of CERH-PA started on March 26, 2007, after a qualification process to compose the team of advisers that would represent the public power, users of water resources and civil society organizations. For each term, new qualification processes were carried out. During this research, in 2020, CERH-PA was in the last year of its third administration and it was only in this year that the first CBH of the Pará State was created, on September 3, 2019 through the Decree State nº 288, which instituted the creation of the CBH of Marapanim River, 12 years after the beginning of CERH-PA and 18 years after the launch of PERH-PA. Its area of operation of this comprises the limits of the Marapanim River, whose area is 906.3 km², in a territory occupied by more than 526 thousand inhabitants, covering 12 municipalities in the microregion of Salgado (PARÁ, 2019). The 12 municipalities that have territories within this basin are: Castanhal, Curuçá, Igarapé-Açu, Magalhães Barata, Maracanã, Marapanim, Santa Isabel do Pará, Santo Antônio do Tauá, São Caetano de Odivelas, São Francisco do Pará, Terra Alta and Vigia (SANTOS et al., 2019).

The analysis carried out through the record of CERH-PA meetings revealed that the first term was expected to finish in March 2009. However, due to several obstacles that the

council suffered during this period, the first term ended, definitively, in 2011. Among these obstacles, we can mention: infrastructure problems in the SEMA building and its intense agenda, which prevented meetings of the council and technical chambers; obtaining a quorum in monthly technical chamber meetings (record of the 4th Ordinary Meeting); interruption of the plenary meeting resulting in rescheduling to another date, although the reason has not been specified (Record of the 5th Ordinary Meeting); due to ANA's presentations to CERH-PA and referrals to the Board's Internal Regulations, the work plans began, effectively, in 2008 (record of the 7th Ordinary Meeting).

In 2009, the plenary started to think about its restructuring for the second term. This restructuring would take place as follows: for the representatives representing the public power, it would be enough to forward the maintenance of their representations while, for the users sector, teaching and research institutions, civil society organizations, professional associations and consortia, new notices would be issued, thus awaiting the candidacy of the new directors of these sectors. This restructuring period lasted until 2011, when in fact CERH-PA's second term began. One of the factors for the second mandate to start only in 2011 was the elections that took place in 2010 at the state level, which could affect the replacement of members representing the government. Even so, the collegiate plenary session continued to hold meetings during this period, with some changes in the board of directors and the launching of resolutions no. 10 to 13. In the record of the 10th ordinary meeting, of April 23, 2010, it is reported that SEMA suffered a strike by civil servants, a fact lamented by the Executive Secretary, in addition to other obstacles to the board, such as internal reforms that SEMA was undergoing at the time that they caused in plenary meetings that were cleared from the agenda. In the same period, DIREH also underwent a physical restructuring and hiring.

Although the identification of several obstacles in the first mandate of CERH-PA, it can be considered the most active of the three mandates, both for the number of meetings held and for the products produced in this management (at this point, the number of resolutions launched was used as a basis) by the council). During the period of preparation of this research, the SEMAS website illustrated the launch of 18 resolutions by CERH-PA. Of

this amount, 13 resolutions were prepared and published for the first term. Table 1 describes all 18 resolutions and their release dates.

Table 2 – Description of the resolutions approved by CERH-PA

Resolution	Description	Approval Date
Nº 001	It establishes the Technical Chambers of Legal and Institutional Affairs, of the State Plan of Water Resources and Environmental Training and Education of Water Resources.	March 26th, 2007
Nº 002	Establishes the composition of the Technical Chambers of Legal and Institutional Affairs, the State Plan of Water Resources and Environmental Training and Education of Water Resources.	February 14th, 2008
Nº 003	It provides for the granting of the right to use water resources and provides other measures.	September 3rd, 2008
Nº 004	It provides for the division of the state into hydrographic regions and provides other measures.	September 3rd, 2008
Nº 005	It provides for the state water resources plan and provides other measures.	September 3rd, 2008
Nº 006	It provides for the Register of Users of Water Resources and provides other measures (REPEALED BY CERH RESOLUTION No. 11, OF SEPTEMBER 3, 2010, PUBLISHED IN DOE No. 31,770 OF OCTOBER 11, 2010).	September 3rd, 2008
Nº 007	It provides to the Training, Technological Development and Environmental Education in water resources and provides other measures.	September 3rd, 2008
Nº 008	It provides for the Declaration of Waiver of Grant and provides other measures. (REPUBLISHED BY INCORRECTIONS IN DOE No. 31,393, FROM APRIL 6, 2009).	November 17th, 2008
Nº 009	It provides for the uses that are independent of granting (COMPLETELY AMENDED BY CERH RESOLUTION No. 09, PUBLISHED IN DOE No. 31,774, OF OCTOBER 18, 2010).	September 3rd, 2010

Nº 010	It provides for the criteria for analysis of Preventive Grant and Right of Use of Water Resources and provides other measures.	September 3rd, 2010
Nº 011	It provides for the state register of users of water resources and provides other measures.	September 3rd, 2010
Nº 012	Regulates the State Water Resources Information System.	May 27th, 2010
Nº 013	It establishes the guidelines to be adopted in the procedures for requesting the granting of the right to use water resources related to activities subject to environmental licensing.	May 4th, 2010
Nº 014	Establishes the composition of the Technical Chamber of Legal and Institutional Affairs (CTIL), Technical Chamber of the State Plan of Water Resources (CTPERH) and Technical Chamber of Training and Environmental Education of Water Resources (CTCEAR), for the period from October 1, 2012 to September 30, 2014.	September 10th, 2014
Nº 015	Establishes the composition of the Technical Chambers of the State Council of Water Resources of Pará - CERH, and provides other measures.	February 22th, 2017
Nº 016	It establishes guidelines for the elaboration and functioning of the Hydrographic Basin Committees, within the Pará State.	November 23th, 2018
Nº 017	Approves the Internal Regulations of the State Council of Water Resources of Pará – CERH-PA.	December 13th, 2018
Nº 018	It provides for the guidelines for the elaboration of the State Plan for Training in Water Resources.	December 27th, 2018

Source: SEMAS (2020) with table elaborated by the authors.

In the 14th ordinary meeting, Decree No. 276/2011 was launched, which replaced Decree No. 2,070/2006 and began to regulate CERH-PA in its second term, due to some changes in the structure of CERH-PA, such as the change in the presidency and the fact that secretariats with members representing the plenary ceased to exist while others had changes in their names, due to the change in the Government of the Pará State.

The second term of CERH-PA began on April 19th, 2012 with the 16th ordinary meeting, where the plenary has already met its first challenge: to make up the team of

directors that was incomplete, due to two vacancies of the civil society category (2 holders and 2 alternates) and three vacancies of the category of user of water resources (3 holders and 3 alternates) have not been filled. This would have an impact on CERH-PA decision-making that could no longer be considered democratic because it is based on the principle of participatory management with the participation of civil society, water users and public authorities. Concomitantly with this issue, a discussion began on the creation of a Pará Water and Climate Institute (IACP, in portuguese), in which DIREH was working on a draft to create the institute. The idea of the IACP was exalted because it is a tool for strengthening the management of water resources in the Pará State, being an initiative that most Brazilian states adopted, being an authority that would have administrative and financial autonomy that would become the Managing Body of SEGRH-PA. Therewith, SEMA would undergo an administrative restructuring that would create the State Environment System (SISEMA, in portuguese), which would have the municipalities, in addition to the IACP: Institute of Biodiversity and Protected Areas (IBAP, in portuguese), Institute of Environmental Management and Regularization (IGRAM, in portuguese) and Institute of Forest Development of the Amazon (IDEFLOR, in portuguese). This new structuring would bring changes in the competencies of CERH-PA and the State Council of environment (COEMA, in portuguese) as described in the record of the 17th ordinary meeting but the IACP was not implemented so far.

At the 18th regular meeting, it is reported that most of the new councillors appointed to the plenary could not prove their performance in the area of water resources, a mandatory item in the Internal Rules of CERH-PA. The record of the 20th and 21st regular meetings report problems with the frequency of counselors, and evasions during meetings, events that even hindered the release of Resolution No. 14 that had to be postponed due to lack and quorum. On this occasion, DIREH, as the Managing Body, assumes part of the responsibility for these events for having failed in its motivating role. This problem led to the discussion of amendments in the Internal Rules of the CERH-PA with the addition of proposals for penalties in relation to the absence of the counselors in plenary meetings for unmotivated reasons, where it was decided that if a councillor is absent for 3 meetings in a

row or alternate 6 within a biennium, the institution represented would receive a notification for the replacement of his representation on the board within 30 days, or lose your job at CERH-PA.

In summary, compared to the first term of the CERH-PA, the second term almost did not produce, since most of its meetings took place for discussions in the restructuring of the plenary, which was commented at the 19th ordinary meeting, which illustrates that exceptionally in 2012, the efforts of CERH-PA were practically for this, in addition to the qualification and renewal of the members of the council. However, this mandate obtained a great achievement by being able to join the Pará State in the Program for The Consolidation of the National Pact for Water Management (PROGESTÃO, in portuguese) through Decree No. 886 of October 31, 2013. According to ANA (2020), PROGESTÃO is a financial incentive program, with the principle of payment by achieving goals defined between ANA and state entities, based on legal regulations. The participation is voluntary and takes place by means of a specific official decree. SEMAS was defined in this decree as the coordinating entity of the program in Pará.

The program provides for the disbursement of up to 5 installments of R\$ 750,000 for each State complying with pre-established institutional documents, based on the complexity of the typology of the management chosen by the State (ANA, 2017). Pará selected typology B of management, approved the Goal Framework with the State Council of Water Resources and signed the PROGESTÃO contract with ANA on August 19, 2014, defining for certification the period from 2014 to 2018 (ANA, 2019).

On June 28, 2016, the notice of no. 33,157 was published on the SEMAS website, which opened the enabling process for the selection of new CERH-PA directors for the third term. Thus, the period of the habilitatory process took place from the day of publication of this notice until October 19, 2016, when the decree of appointment of the directors of the third term was published (corresponding to the period 2016 to 2020, having started with the inauguration meeting held on October 19, 2020). Decree No. 1,556, of June 9, 2016, repealed Decree No. 276/2011 and began to regulate CERH-PA in its third term.

In the e-mail address of CERH-PA, located on the official website of SEMAS, the record of 4 meetings of the third term were included in the period of this research. These meetings were the 25th regular meeting, the 6th extraordinary meeting and two calls to the 26th ordinary meeting, which ended up not taking place due to lack of quorum on the two occasions when the counselors were attempted to meet. In the first two meetings mentioned, the plenary discussed the approval of draft Resolution No. 15, the approval of the reports of the PROGESTÃO Goal Plan in Pará for the years 2015 and 2016 and on the creation of the Marapanim River CBH. It is understood, however, that the plenary continued to meet, because only in this way the Resolutions of Paragraph 16 (of November 23, 2018), 17 (of December 13, 2018) and 18 (of December 27, 2018) could have been adopted, in addition to the creation of the Marapanim River CBH itself on September 3, 2019, as previously reported, requiring only that the information of the discussions of these meetings contained in their respective record become available for public access on the SEMAS website.

Thus, with regards to the structure of SEGRH-PA, until the moment of this study, it is composed by: (i) CERH-PA as an advisory, normative and deliberative body of water resources in Pará state; (ii) DIREH as a Management Unit (since the IACP was not created) and; (iii) the first state CBH, the Marapanin River, which still did not create its Basin Agency.

3.2. The advancement of the implementation of water resource management instruments in Pará

Law No. 6,381/2001, in its 4th Article, provided seven management instruments for the Pará State, five of which are the same as those provided by the PNRH and added the instruments of training, technological development and environmental education and compensation to the municipalities. Table 2 describes the objectives of the other six water resource management instruments in Pará state.

(Continue...)

Table 3 – Water resources management instruments in Pará provided for in Law 6,381/2011

Instruments	Description
State Water Resources Plan	"The Water Resources Plans are Master Plans prepared by watershed and for the State, which aim to support and guide the implementation of the State Water Resources Policy and the management of water resources" (Art. 5th).
Framing of Water Bodies in Classes	"The state water bodies will be classified according to the predominant uses of water, aiming to: (1) ensure the waters quality compatible with the most demanding uses to which they are intended; (2) to reduce the costs of combating water pollution through permanent preventive actions" (Art. 9th).
Granting of Right to Use Water Resources	"The regime for granting criteria for the rights of the use of water resources aims to ensure the quantitative and qualitative control of water bodies and the effective exercise of the right of access to water" (Art. 11).
Levy for the Use of Water Resources	The levy for the use of water resources has several objectives, where some can be mentioned: (1) recognize water as an economic good and give the user an indication of its real value; (2) encourage the rationalization of water use; (3) obtain financial resources for the financing of programs and interventions included in the Water Resources Plans (Art. 24).
	"The state water resources information system aims at the collection, treatment, storage and dissemination of information on water resources and intervening factors in its management,

State Water Resources Information System	and should be compatible with the National Water Resources Information System, in accordance with federal law no. 9,433 of 1997" (Art. 30).
Training, Technological Development and Environmental Education	"Training, technological development and environmental education aim to create conditions for technical and scientific knowledge about the management of water resources" (Art. 33).

Source: PARÁ (2001).

Since the beginning of the first mandate of the CERH-PA (2007-2011) it was discussed that one of the main objectives that the Council should achieve was the preparation of the state PRH and the creation and regulation of the other instruments. In order to its effective implementation, the first initiative of the plenary was the creation of CERH-PA CTs. These were delegated to the drafting of the resolution of the water resources management instruments in Pará to be subsequently approved in plenary. According to CERH-PA Resolution No. 01, the three CTs created were: (1) the Technical Chamber of Legal and Institutional Affairs (CTIL, in portuguese); (2) the Technical Chamber of the State Water Resources Plan (CTPERH, in portuguese); and (3) the Technical Chamber of Training in Environmental Education of Water Resources (CTCEAR, in portuguese). The record of the 3rd ordinary meeting shows which TCs were responsible for elaborating draft resolutions that would regulate the creation of some of the instruments for managing water resources in Pará.

For CTIL, the responsibility was delegated to create the draft resolution that would deal with the granting of the right to use water resources (Resolution No. 003). For CTPERH, the responsibility of the draft resolutions that would deal with the division of the state into hydrographic regions was delegated (a key point for the elaboration of the PRH, since Pará has a huge territory composed of several hydrographic basins with socio-environmental characteristics that differed in some points between them), the PRH and, finally, the register of users of water resources (Resolutions No. 004, 005 and 006, respectively). Finally, for CTCEAR, the responsibility for the preparation of the draft resolution on the instrument of

training, technological development and environmental education in water resources was delegated (Resolution No. 007). As stated in the record, during the 5th ordinary meeting, all these draft resolutions were approved by the plenary, thus regulating the instruments of Training, Technological Development and Environmental Education in Water Resources and the Granting of the Right to Use of Water Resources. The latter would still be complemented by Resolutions No. 008, 009 (amended) and 010 still in the first term of CERH-PA, in addition to Normative Instruction No. 003/2014, in the second term.

The Resolution No. 005 did not regulate the state PRH, only established guidelines on how this plan should be drawn up. It is noteworthy that this resolution held the SEGRH-PA Managing Body responsible for the elaboration of this instrument of the Water Law in Pará, and CERH-PA is responsible for its approval. In addition, in the existence of CBHs and other forms of social organization of direct action on water resources, these will be invited to the debate during the process of preparation of the PRH.

The record of the 10th ordinary meeting, which occurred in 2020, reports that the Resolution No. 012 was approved, in the period of restructuring of CERH-PA that preceded the second term, regulating the instrument of the State System of Information on Water Resources. Until the time of this research, the only regulated instruments provided for in State Law No. 6,831/2001 were: Granting of Right to Use Water Resources, Training, Technological Development and Environmental Education and the State System of Information on Water Resources.

According to MARTINS et al. (2020), the levy for the use of water has no deadline for its implementation but has as main obstacle the lack of instruments such as PRH, which will subsequently give subsidy to the levy. The levy currently carried out refers to the fees for the use of water resources (TFRH), which does not have the same objectives as in State Law No. 6,381/2001. The same authors also report that the instruments of PRH and Framing of Water Bodies are still under preparation, and the main obstacle of this second instrument is its dependence on the elaboration of the PRH, which has not yet been finalized.

(Continue...)

3.2.1. The Water Resources Plan of the Pará State: Current Panorama

To show the main news related to PERH-PA, the Government of the Pará State created a government website whose electronic access takes place through the <https://www.perhpa.com/>. According to the available governmental page, the preparation of PERH-PA was scheduled to take place over 18 months, with an end scheduled for the year 2020. For this, it would be necessary to elaborate its three basic elements: Diagnosis, Prognosis, and finally Programs and Projects, all founded by public consultations (PARÁ, 2020). The Government of the Pará State predicted that these consultations would take place in three rounds, one for each base element. Table 3 describes the objectives of these elements.

Table 4 – Description of the objectives of each base element for the elaboration of PERH-PA

Base Element	Goals
Diagnosis	"In the Diagnostic phase, the objective is to raise general aspects such as social, economic, environmental, political, legal and institutional dynamics, among others, covering mainly water availability and water uses, in order to support the next stage, the Prognosis".
Prognosis	Phase in which "future conditions will be analyzed in prospective scenarios, enabling the best decision-making, which will be materialized in the Programs and Projects".
Programs and Projects	"It will organize the actions to be developed for the resolution, mitigation or prevention of existing or potential conflicts and adverse situations."

Source: PARÁ (2020)

The public consultations regarding the Phases of Diagnosis and Prognosis have already been carried out, leaving to be completed only those regarding the phase of Programs and Projects. However, the planning for this stage was eventually impaired due to the quarantine imposed on the Pará State given the Covid-19 pandemic. Until the period of this research, the process of preparation of PERH-PA had not been resumed.

4 FINAL CONSIDERATIONS

The documental and bibliographic analysis revealed that the Water Law in Pará was able to establish, in its almost 20 years of existence, its State Council of Water Resources, Management Body and the approval of its first Hydrographic Basin Committee on the Marapanim River. In addition, the management instruments already implemented were: Granting of Water Resources Law; Training, Technological Development and Environmental Education; and the State Water Resources Information System. The Water Resources Plan of the Pará State is currently in the process of being elaborated interrupted due to the quarantine in relation to Covid-19, and the instruments of Collection for the Use of Water and the Framing of Water Bodies in Classes need to be completed in advance by the state plan to be elaborated and implemented.

The meeting records of the State Council of Water Resources, in addition to describing the main events that occurred in the Plenary during all these years, showed that this body, to date, has managed to regulate 18 resolutions. However, much of its elaboration processes were hampered due to obstacles that the council had to face since its first term (2007-2011) such as infrastructure problems in SEMAS, lack of quorum in meetings, change of management in the State Government and, more markedly, the participation of civil society in the second term (2012-2014), which led the Council to have much of its time in its reconfiguration and changes in the Internal Rules.

Thus, the research allowed an overview of the various legislative processes of the Water Law in the Pará State, enabling each reader to understand the real scenario regarding its implementation in the State and opening possibilities for further investigative studies to be carried out on this subject.

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