

ARTICLE19

The Cantareira System and the Water Crisis in São Paulo

Lack of Transparency: A Persistent Problem

EXECUTION

ARTICLE 19

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ARTICLE 19 would appreciate receiving a copy of any materials in which information from this report is used.

INTRODUCTION

This report is an update of the study entitled “The Cantareira System and the water crisis in São Paulo: lack of transparency in the access to information”, performed in 2014.

Its objective is to verify the levels of transparency in the information published by those agencies responsible for water management in the Cantareira System in 2016.

In 2014 and 2015, the southeast region of Brazil suffered its worst ever drought. Hundreds of thousands of people were forced to endure frequent cuts to their water supply that, in some cases, lasted months. The Cantareira System, responsible for providing water to nearly 50% of the São Paulo metropolitan region (approximately 10 million people) almost collapsed.

The crisis was caused by both the lack of rainfall during the period and by the model used to manage the hydro-resources. This was the target of a great deal of criticism from civil society, which addressed, amongst other issues, the lack of transparency in the way in which the information related to the crisis was managed.

METHODOLOGY

The methodology employed in this report is the same as that used in the 2014 study, and is divided into three parts.

In **Part One**, the report analyses the principal actors involved in the management of the hydro-crisis, as well as the official information and statements published in the press. The study also provides a chronological review of the most important developments related to the crisis, with the aim of understanding whether there have been any contradictions in the official statements and/or information. It also seeks to examine whether there has been any change in the way in which the public organs dealt with the issue between the dates of October 2014 and March 2016, a period during which the crisis intensified significantly.

In **Part Two**, the report provides analysis of both active transparency and passive transparency in management of the crisis. To examine active transparency, the report evaluated the information already made available on the sites of fourteen public agencies based upon three criteria: accessibility, quality and comprehensibility. To examine passive transparency, responses to requests for information from eleven agencies were analysed. A total of 24 requests were sent.

Finally, in **Part Three**, the report identifies the main factors that hindered the access to information, and how this situation negatively affected the basic human rights associated with the right to information and access to water.

ANALYSIS OF TRANSPARENCY

Active Transparency

Of a total of fourteen sites analysed, four were classed as having a high level of transparency: the sites of the Public Prosecutor of the State of São Paulo, the Federal Public Prosecutor, the Committee of the PCJ (Piracicaba, Capivari, Jundiaí) Hydrographic Basin, and ‘Cetesb’ (State Environmental Company of the State of São Paulo). In 2014, no site was considered highly transparent.

Three sites were classed as having a medium-level degree of transparency: those of the National Waters Agency, the Committee of the Alto Tietê Hydrographic Basin, and the Integrated System of Hydro Resources Management.

The sites of 'Sabesp' (Basic Sanitation Company of the State of São Paulo), 'DAEE' (Department of Waters and Electrical Energy), 'Arseps' (Sanitation and Energy Regulatory Agency of the State of São Paulo), and the São Paulo Municipal Council (four in total) were classed as having a low level of transparency.

Classed as having no transparency whatsoever were the sites of the São Paulo State Government, the Centre for Sanitary Surveillance and the Department of Sanitation and Hydro-Resources.

Compared to the study performed in 2014, there were improvements in transparency amongst certain agencies. One of these was Sabesp, which has started to inform the public of reservoir levels, which allows for a better understanding of the status of the system.

However, there are still contradictions within the official information that was published by different public agencies, as well as within that published by the media. Furthermore, a great deal of the information investigated was presented in an extremely technical manner, thus making it difficult for the general public to understand.

Passive Transparency

In order to evaluate passive transparency, 24 requests for information were sent to eleven public agencies between January and February 2016. The requests were made by e-mail and via the 'Citizen's Online Information System' (known as SIC).

Of all the requests sent in, 63% received replies. The majority of the responses were considered to be unsatisfactory.

There were recurrent claims that requests should have been made to another agency. However, making the same access to information requests to multiple public agencies is not the same as making a duplicate or redundant request. Each is a legitimate, separate request for information, since each public agency is responsible for a specific function in relation to the same process, and thus each may be able to provide different information.

Another issue investigated was the reluctance of the Department of Sanitation and Hydro-Resources, Arseps and DAEE to provide requested information. The information requested of them was only obtained following multiple appeals and the filing of renewed requests.

CONCLUSIONS

In general, it was possible to note an improved level of transparency since the 2014 study, in both active and passive transparencies. It would appear that the improvement took place due to efforts made by the Federal and State Public Prosecutors.

Even so, various different problems were noted in accessing information on the water crisis in the Cantareira System that still need to be resolved. Amongst these are the contradictions within the official information published by the public agencies and the excessively technical language employed in the texts.

Amongst the negative points noted, DAEE and Arseps, two regulatory agencies, showed low levels of transparency, even though they play a central role in the regulation of Sabesp and in the control of water collection through concessions.

As was also observed in the 2014 study, the São Paulo Government has continued to try to minimise the seriousness of the issue, while frequently adopting contradictory measures with environmental effects. These practices, together with the lack of transparency found in the report, create the possibility of another water crisis in São Paulo in the future, as the model of water management remains the same.



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