

## **THE PROSECUTION SERVICE AS A PROJECT COORDINATOR: WATER QUALITY PROJECT AND WATER CONNECTION PROJECT**

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**Summary:** This article describes the experience developed by the Water Quality Project, designed in the first quarter of 2013 and executed in January 2015 by the Federal Prosecution Service (MPF) (PGR/MPF Ordinance No. 40 of January, 19<sup>th</sup> 2015). By June 2017, this project was developed and implemented by the MPF (the 4th Chamber of Coordination and Review of the MPF, specializing in the Environmental and Cultural Heritage, coordinated by the Office of Federal Prosecution of the 3rd region together with representatives from the Prosecution Service of São Paulo, Bahia and other Brazilian states.

Some of the key premisses of the Water Connection Project were the scenario of degradation of water quality and deterioration of its uses and the Water Crisis in Brazil (apex 2013-2015), the need for greater institutional articulation and implementation of the instruments for policy water resources, sanitation, environment and health. As well as the need for greater transparency in water management, sanitation and public health issues related to management of these correlated aspects, to act proactively with business and public institutions on the improvement and effective integration of data monitoring of water quality in several official organs of control and management, and others.

The authors also describe the series of actions and activities planned and already in place regarding the Water Connection Project - "Communication Management and Digital Network for Governance and Sustainability Project" (which is an extension of the Water Quality Project, with the inclusion of new objectives). These include constant communication and coordination between managers, health and sanitation services providers, business sector

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and civil society, the Prosecution Service, water resources and environmental assessments, and regular monitoring for the sustainability and improvement of water quality management. Ensuring public health and water safety guarantees through effective transparency and encouragement of investments, improves the quality of drinking water and other associated with health risks. Promoting the integration of databases monitoring qualitative and quantitative administration of water, sanitation and health data management in a single platform and improving decision support systems in water resource management, as well as other objectives already being implemented.

This article aims to share experiences of the Water Quality Project and the Water Connection Project - "Project Communication Management and Digital Network for Governance and Sustainability." This project is the continuance of the Water Quality Project, with its sights set on the new strategies of the Prosecution Service. These strategies focus on preventive actions and integrated planning and coordination with the interested parties (stakeholders), especially on the theme of water resources, sanitation and protected areas, considering the effective participation of the Prosecution Service and the CNMP in the management of related projects.

In this context, the article sought to briefly disclose what is being developed and implemented in the actions, activities and products fulfilled and yet to be accomplished by the Water Quality Project, now called Water Connection Project "Project Communication Management and Digital Network for Governance and Sustainability."

The article also discusses the new role of the Prosecution Service as a project coordinator, under the guidance of the National Council of the Prosecution Service, in other areas and places in Brazil, sharing successful experiences with the society.

**Keywords:** water resources management, water basins, sanitation, health, shared databases, public policies, prosecution service coordination measures, health and sanitation services providers, civil society

**Contents:** 1. Introduction. 2. Work Groups of the Environment Committee from CNMP (water resources and protected areas) and the administration models of projects used by the MPF. Water Quality and Water Connection Project. 3. Water Connection Project – "Project Communication Management and Digital Network for Governance and Sustainability." 4. Prosecution Service coordination. Coordinating advances in the revitalization of conservation units, biomes and protected areas in the water basin. 4.1. Anti-corruption Law and Compliance. 5. Conclusions. 7. References

## 1. INTRODUCTION

Vigorous prosecution action combined with legal compensation for damages, has proven to be insufficient to tackle the complex interests regarding environmental issues, especially in a country of continental dimensions like Brazil. Therefore there is a need today for the Brazilian Prosecution Service to rethink its role of institutional performer.

Taking into consideration preventive action enabled by the legal framework, the normative structure and the institutional arrangements have prioritized, up to this date, the excessive judicialization and accountability after the occurrence of the damage.

What the National Council of the Prosecution Service has proposed is a real transformation in the operational methods concerning in environmental matters.

In the wake of the modernization of legal institutions inaugurated by Constitutional Amendment No. 45, the National Council of the Prosecution Service has sought alternative manners for a proactive performance by its members, aiming at greater effectiveness in the solution of societies' burning issues.

Resolution 145/16, June 2016, created the Temporary Committee for the Improvement and Advance of the Prosecution Service's work in the area of environmental protection and supervision of environmental public policies<sup>6</sup>. Environmental challenges, such as the licensing without compliance of constraints in significant high impact constructions and great mining tailings dam leak in Rio Doce in 2015 in Mariana (MG), led the CNMP to take this measure. Its purpose is to study the themes and specific activities regarding environmental tasks. The Committee is composed by 29 staff members, in addition to its president and an auxiliary member, and divided into five work groups. They are GT1-water resources, environmental sanitation and solid waste; GT2-Pesticides and dangerous products; GT3-Environmental Licensing, mining and large enterprises; GT4-Biomes, protected areas and Natural Heritage; Gt5-Urban Order and Cultural heritage.

Subsequently, the National Council of the Prosecution Service also edited Recommendation No. 54, of 28 March 2017, which establishes the National Policy for the advancement of the Brazilian Prosecution Service's coordinated measures. With Recommendation 54, the CNMP aims to foster an institutional culture of acting with focus on socially relevant results. To this end, the recommendation will work to raise awareness for ways to compose interests in extrajudicial sphere, the systemic planning and management, the

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<sup>6</sup> Available at: <<http://www.cnmp.mp.br/portal/institucional/comissoes/comissao-de-meio-ambiente/apresentacao>>

promotion of convergence, which will contribute to harmonious and sustainable development.

It also strives to highlight partnerships and cooperative networks with society, the induction of public policies, projects related to the strategic priorities of the Prosecution Service, the preparation of manuals and courses that guide coordinated measures and holding hearings, meetings and research.

This article aims to share experiences examining these new Prosecution action strategies, focusing on preventive and integrated planning measures and linkage with stakeholders, especially on the theme of water resources, basic sanitation and protected areas, considering our participation in respective GTs of the CNMP and the management experience in similar projects in the Federal Prosecution Service. We will address these themes.

## **2. THE WORK GROUPS OF THE COMMITTEE FOR THE ENVIRONMENT OF CNMP (WATER RESOURCES AND PROTECTED AREAS) AND THE MODEL OF PROJECT MANAGEMENT USED BY THE MPF. WATER QUALITY AND WATER CONNECTION PROJECT.**

The Work Group n° 1 from the CNMP's Environment Committee aims to develop mechanisms of national policy on water resources and, in particular, water basins plans. To achieve these goals, the work group sought to carry out a diagnosis of National Water Resources Policy and the current situation of the Water Basin Committees and integrate their monitoring with by georeferencings. It will also had the objective to discuss with the legitimate institutions for solving the diagnosed problems and develop social awareness projects in partnership with the social actors involved as well as establishing communications with all spheres of Government, promoting the pursuit of funds, which can finance the proposed solutions.

Still within the framework of the Environment Committee of the CNMP, the GT4 (Biomes, protected areas and cultural heritage) highlights priority performance suggestions, such as promoting the mechanisms of identification of conservation units and identification of endangered Brazilian biomes in critical areas of deforestation. They also list the support for sustainable activities, through the allocation of economic resources resulting from fines and compensatory measures and encouragement of the participation of vulnerable populations.

CNMP's initiative falls into line with the modernization of the Federal Prosecution

Service, which began with the Institutional Strategic Planning 2011-2020, whose goal is to confer greater agility in decision-making under the MPF, seeking to improve the services provided to Brazilian society.<sup>7</sup> Amid the modernization process and strategic management, the MPF adopted the model of project management, for which there is performance and transparency monitoring and support for the governance system of the MPF.

With this modernization and previous experiences of the work groups' activities, the 4th Board of Coordination and Review of the MPF, specialized Environment and Cultural Heritage, developed the Water Quality Project. Designed in the first quarter of 2013 and structured in the first quarter of 2014, the Water Quality Project was launched in January 2015 (PGR/MPF Ordinance No. 40 of 19 January 2015<sup>8</sup>).

What contributed to the birth of the project, especially in the Southeast, was the water crisis scenario whose climax took place between the years 2013 to 2015. It became clear at that time, that in order to effectively dispatch all policy instruments for water resources, environmental sanitation and health, there had to be better communications between institutions, as well as the need for easier access to information on water and quality<sup>9</sup> monitoring in integrated systems for social control.

Once the shortcomings in water management within a scenario of crisis were attested, the Water Quality Project, sought to integrate the managers, the providers of health and sanitation services, the civil society and Public Ministries. The imminent possibility of a complete shutdown of the water supply in the Southeast, with procedures, actions and recommendations by the MPF and the MP/SP, created the perfect setting for the construction of important dialogue between institutions, which included the participation of the administrative bodies.

Therefore, some of the key assumptions of the Water Quality Project were:

- Scenario of degradation of water quality and compromising of its uses and the water crisis in Brazil (Apex 2013-2015);
- Need for greater institutional communications and implementation of policy instruments for water resources, sanitation, environment and health;

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7 Available at: <<http://www.mpf.mp.br/conheca-o-mpf/gestao-estrategica-e-modernizacao-do-mpf>>.

8 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/apresentacao-do-projeto-qualidade-da-agua-e-do-boletim-das-aguas>>

9 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/documentos-do-projeto-qualidade-da-agua/portaria-de-autorizacao-de-realizacao-do-projeto-qualidade-da-agua/portaria-pgr-mpf-no-40-de-19-de-janeiro-de-2015/view>>

- Need for greater transparency in water management, sanitation and public health issues regarding management of these correlated aspects;
- Short, medium and long term attention to water-borne diseases, related to the quality of water, which can cause disease because due to consumption (cancer, hormonal disorders, and epidemiological disease outbreaks);
- Need for facilitating access to information on water quality monitoring and integrated systems for a social control;
- Shortcomings in transparency of information on water quality; and
- Proactive actions with business and public institutions for the improvement and effective integration of water quality data monitoring in several official organs of control and management.

Some of the main products and activities Water Quality Project conducted between January 7, 2015 until June 1, 2017 were:

1. Drawing up and online publishing of the Strategic Performance Manual for Improving Water Quality (22/03/16)<sup>10</sup>;
2. Deployment and implementation of the “Water News”<sup>11</sup> (with an Editorial Board<sup>12</sup> for choosing technical and scientific articles for publication on the MPF’s website);
3. Holding numerous meetings<sup>13</sup> and debating Proposals of interest to the MP and the community, as summarized below:
  - 120 meetings held to date (12 bids);
  - 20 meetings related to binomial x water public health; and
  - Meetings regarding joint anti-crisis water management, partnerships, experience exchanges in academic and institutional level, following meetings in committees and councils to review plans and discussion of strategies, organizing public hearings and seminars.

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10 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/manual-de-atuacao-em-enquadramento-e-qualidade-da-agua/manual-de-atuacao-em-enquadramento-e-qualidade-da-agua/view>>

11 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/boletim-das-aguas>>

12 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/editores-conselho-editorial-e-normas-de-publicacao/editores-conselho-editorial-e-normas-de-publicacao/view>>

13 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/eventos>>

4. Joint implementation of six public hearings on various dates, as described below:
  - 13/11/2014 – public hearing of the Committee for Economic Development, Industry and Trade held at the House of Representatives;
  - 20 and 21/08/2015-public hearing on Water Crisis, held at the Queiroz Filho Auditorium in the MP/SP;
  - 08/03/2016-public hearing on Threatened Environmental Licensing, held at RRP of 3rd region;
  - 26/08/2016-public hearing on the cleansing of the Guanabara Bay, held at the Office of the Federal Prosecution Service in Rio de Janeiro/RJ;
  - 9 and 30/08/2016-public hearing on exposure to pesticides and health liens and the environment held at the Public Health College of the University of São Paulo.
  
5. Conducting four seminars and workshops as described below:
  - International seminar-Rebecca Purdom: “Water, Information, Participation, Social Control and the Crisis: solutions and alternatives ”, held on November 06, 2014 at the 3rd Region PRR;
  - Seminar "Water Crisis: alternatives and solutions", held at the 3<sup>rd</sup> Region PRR, on February 25 and 26, 2015;
  - Seminar on "Public Policies, Human Rights and Sustainable Financing", held at the 3<sup>rd</sup> Region PRR on May 21 and 22, 2015;
  - Seminar "COP 21: climate, water and peace without borders. Preparatory event for the COP 21. " Held at 3<sup>rd</sup> Region PRR on October 27, 2015;
  - Water Quality Project at Schools, at all levels, public and private, through institutional video at the link below: <http://www.tvmpf.mpf.mp.br/videos/1554>

Between January 2015 and June 2017, the Water Quality Project promoted and/or joined the organization of public hearings described above. The four seminars listed with participation of specialists, managers and civil society and had the opportunity to meet with

the GT of the MPF for the revitalization of the São Francisco basin and with the Attorneys from Altamira/PA concerning the case of the Belo Monte hydroelectric power plant were held by the Project. Water Quality also took part in public hearings in Congress about the water crisis and in interdisciplinary meetings that took place with Academy representatives from USP, UNICAMP, ESALQ, UNICAMP, UERJ and UFMG. It held meetings and participated in events with the Industries Federation of the State of São Paulo and the National Confederation of Industry. It took part in round tables and seminars at the Legislative Assembly of São Paulo and the Judiciary and Public Defender's Office in São Paulo.

As the goals defined per the initial planning, the Water Quality Project delivered products as the dialogues with stakeholders progressed, having culminated in the preparation of the Manual of Strategic Actions to Improve Water Quality and The Water Bulletin, both available today to the entire MPF network.<sup>14</sup>

In addition to the publications, the Water Project Quality rendered the creation of a multidisciplinary support group composed by approximately 70 collaborators (representatives of academia, water managers, regulatory agencies, experts, the public and business sectors, NGOs) and about 50 members of the MPF and the state MPs. It established a network of dialogues between all sections among participants to exchange experiences and technical and legal contributions.

The positive results of this exchange between the Prosecution Service with other sectors of society, in a fruitful union of efforts of external collaborators and partners, without any financial burden to the MPF have already been seen. Such as the example of the fruits already harvested in the revision of the Potability Ordinance from the Ministry of Health that will define, in 2018, the mandatory parameters by which water is considered safe. Another the opening of raw data and information from the Water Quality monitoring information system for monitoring the quality of water intended for human consumption (SISAGUA). Added to all this, the contribution of diagnostics, alternatives and solutions to a national policy of water Reuse in interinstitutional articulation program of the Ministry of cities.

The Water Quality Project was officially finalized in June 2017 and all this affluence of information and the network of collaborators are available as work tool for the Prosecution Service, based on the guidelines proposed by the CNMP and, especially, the work groups of

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14 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/manual-de-atuacao-em-enquadramento-e-qualidade-da-agua/manual-de-atuacao-em-enquadramento-e-qualidade-da-agua/view>>



the Committee of Environment of the CNMP.

In order for the network of contacts and the collective efforts of the Water Quality Project keep fruiting, the need to develop, implement and operate communication and information technology tools to connect all stakeholders in the management and improvement of water quality and health, provide subsidies to decision-making, promote the transparency of information and mobilize civil society was envisioned.

For that end Project Water Connection "Communication Management and Digital Network for Governance and Sustainability Project,"<sup>15</sup> which is the continuity of the Water Quality Project, was proposed. It includes the addition of new objectives, which are the following:

- Carry on the relationship between managers, health and sanitation services providers, business and civil society, the Prosecution Service, the water resources and environmental instruments, and sustainability to improve water quality management;
- Improving water quality and management fine-tuning;
- Ensuring public health and water safety guarantees through effective transparency and encouragement of investments in improving the quality of drinking water , within legal standards and any new parameters associated with health risks;
- Expand and enhance the information consolidated on water quality;
- Pursue the approximation of multidisciplinary expertise and legal to reduce conflicts in performance with water quality;
- Identify alternatives and solutions to legal and technical challenges for the improvement of water quality;
- Promote the integration of databases monitoring qualitative and quantitative administration of water, sanitation and health data management in a single platform; and
- Improvement of the decision support systems in water resource management.

In regards to that, in order to preserve that legacy, a project for the establishment of a digital communication and management network is being proposed and analyzed by the project management office of the MPF and the 4th Chamber of Coordination and Review. The follow-up of the Water Quality Project, now called the Water Connection Project -

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15 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua>>

"Communication Management and Digital Network for Governance and Sustainability Project,"<sup>16</sup> is also linked to Strategic and Thematic Planning of the MPF, in order to provide an effective, fast and transparent institutional performance, for communication management and administration of the digital network for the governance of water and sustainability. The Water Connection Project aims to strengthen extrajudicial performance in a regionalized and integrated manner, with the intent to promote a greater role of the Institution before the civil society on relevant topics, through the development of knowledge and skills that motivate proactive attitudes, focused on results, in members and employees. The strategy is adopted is to provide solutions for information and communication technology which offer access to society as well.

The Water Connection Project aims to establish the consolidation of an integrated and interactive virtual database on the management of water quality, sanitation, public health and sustainability. The Water Connection Project will have a website to allow the continuity of the Water Bulletin, through a better-catalogued keyword search, association with articles, other websites and stakeholders. The design of the Water Connection News Portal of the MPF was the outcome of the meetings for Water Quality Project, which counted with the participation of external collaborators volunteers ("pro bono") of the project and IT specialists.

The project aims to develop a digital tool to connect water and environmental resource managers, technicians, educational institutions, universities, Public Ministries (Federal and State) and society, which allows, through the analysis of risks and opportunities and information transparency, to contribute effectively for the improvement of water quality. The intention behind this is to contribute to the improvement of institutional structure in accordance with Recommendation 54 of the CNMP, targeted at the concept of coordinated measures.

The use of digital and communication tools through the Water Connection Project will provide a "smart" integrated water management database with several important indicators, which is prone to fill the current lack of transparency and effective risk control. In addition, the information apportion brings society closer to the sustainable development goals, a good governance that promotes compliance in Public Administration and encourages the development of local strategies of participatory governance.

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16 All slides, presentations and technical studies are available at: <http://www.tvmpf.mpf.mp.br/videos/2154>

The Water Connection Project has as its main goal to enhance the proper use of information, making it available in an appropriate and facilitated manner to society. In addition to that, it aims to encourage the development of Strategic Action Plans for Water Basin areas, by means of risk analysis and opportunities with support and participation from representative sectors of civil society, with the establishment of an Advisory Board representative of those sectors. The scope of this Advisory Board is to form a communication channel with the parts involved in the theme and create a forum or innovative space to facilitate integrity measures and good governance of water, in the integration of projects on public policies for sustainability.

The first recipients of the project are the: members and civil servants of Federal Prosecution Service with expertise in environmental matters (the 4th CCR/MPF); organs and civil servants from State Public Ministries; public managers; NGOs; civil entities of interest public; Academia; business and industrial sector; the health sector; monitoring and treatment technologies of water quality sector; and professionals from various interface fields of social and environmental risk management, environmental and water management and water resources.

In order to improve governance and management processes of the Water Connection Project, new management instruments were introduced, such as the creation of a Consultative Committee with responsibilities, objectives and functions set out, as described below:

- The Water Connection Project will have a Consultative Committee composed of representatives of the Prosecution Service(70%) and also of members of renowned knowledge, representatives of academia, judiciary and civil society (30%).
- The Consultative Commission has the responsibility of assisting and advising the Water Connection Project management in technical, legal, institutional and scientific affairs, seeking adherence to the principles and values set forth by Federal Prosecution Service.
- Assist and advise the Water Connection Project management in the establishment of specific rules, regulations and procedures for the better administration of projects and activities; review and approve the proposed works in conjunction with the integrated projects to the Water Connection website, in accordance with standards and procedures defined by the same Advisory Commission and Water Connection Project management;

- Participate in periodic meetings (in person or by video conference) on the development of integrated projects approved by the Committee, monitoring the implementation of such activities and projects.

Among some of the main objectives and functions of the Advisory Commission of the Water Connection Project are the following:

- Encourage the facilitation of the synergy of methodologies and the sharing of positive results of the projects integrated under the extent of the Water Connection Project;
- Assist in methodologies and synergies for the development of the results and products of the Water Connection Project;
- Collaborate on methodological aspects of projects integrated to the Water Connection Project website for the effectiveness in results and value added such integration and its thematic synergies;
- Facilitate the integration of the results and positive actions of the Connecting Water Project website spin-off projects.

These new management mechanisms are being implemented in the Water Connection Project, such as the establishment of a Consultative Commission, establishment of its IT and communication crews, aiming to promote the improvement of governance and management of this project, aligned with the guidelines of the propositions by the CNMP and, especially, the work groups of the Committee for the Environment of the CNMP.

### **3. WATER CONNECTION PROJECT – "COMMUNICATION MANAGEMENT AND DIGITAL NETWORK FOR GOVERNANCE AND SUSTAINABILITY PROJECT".**

Meetings held for the Water Quality Project demonstrated the need to develop, implement and operate efficient communication and IT tools to support the productive association of different stakeholders of society, who are dedicated to the improvement of water quality and public health, the depollution of watercourses and water sources and transparency and efficiency in water quality monitoring and provide technical and scientific methodologies and backing in decision-making. Also, to facilitate access to information and to mobilize civil society for an effective social control of environmental risks involved in

water governance, by intersection of data and information on water quality on the Water Connection Project website.

Therefore, the development of the Water Connection Project, based on the meetings held for the Water Quality Project, observed the need to develop, implement and operate communication and IT more advanced tools. Such tools would allow better integration between the different stakeholders to promote the improvement of the management and quality of water and health, provide backing to decision-making, promote information transparency, mobilize civil society and offer support to Prosecution Service members.

In this sense, specific human resources were allocated with the creation of IT staff and Communications staff of the Water Connection Project:

- The IT staff was formed by experts of the MPF, responsible for the development and implementation of new IT tools for the Water Connection Project. This staff was coordinated by the PRR3.
- The communications staff was composed by experts from MPF SECOM areas/PGR and ASCOM/PRR3, which are responsible for the preparation of media and articles, as well as the processes of dissemination and publicizing of information produced by the Water Connection Project exchanges. In addition to the MPF members, volunteers (pro bono) with remarkable knowledge of academia and the business sector will be invited to participate in the Communication Staff.

The participation of volunteer experts (pro bono) with renowned expertise from the public and private sector and civil society, relating to management, water quality, health, sanitation, technology, risk management, water treatment processes, anti-corruption and other related issues, allows the real connection of the Water Connection Project of the MPF with society, based on the guidelines of the propositions of the CNMP and, especially, of the work groups of the Committee for the Environment of the CNMP.

The actions required for any effective changes in this scenario aimed at the prevention or remediation are still disjointed and insufficient, lacking transparency and planning and integrated management strategies. The “water Law” (Federal Law No. 9,433/1997) provides that the water management system is participatory and integrated, but the reality is that the vast majority of Basins Committees, are devoid of Basin Plans which set out their progressive objectives and goals of water quality, with proactive integrity measures and integrated management.

This is largely due to a detachment and lack of integration of sectors of civil society around the theme resulting from a deficiency in strategic planning, transparency and good governance.

The access to information on water is a legal obligation (Federal Law No. 12,527/2011 and specific laws on water, sanitation and environment), and this goes for users, sanitation service providers and managers. Without transparency there is no real capacity to participate and support effective decision-making. Currently, access to information is one of the biggest challenges in water management. When there is any information, many times it is scattered and disconnected.

One must take into account that the legal system requires the necessary integration between the managements of environment and water resources, as expressed in articles 2, 3, 15, V, 30, IV, of Law 9433/97. The integration of water resource and environmental managements comes from the Helsinki Convention or Water Convention of 1992, which though not ratified by Brazil, is a subject repeated expressively in our legislation. The Helsinki Convention gives birth internationally to the necessity of integration between water management and environmental management.

Therefore, the integrated environmental management involving the implementation of sanitation, pollution battling and monitoring, are necessarily associated with the management of water resources. The UN through its Resolution n° 64/292, of 28.8.2010 explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. Sanitation isn't just about water supply, sanitation and solid waste, but also a whole set of factors that explain the lack of sanitation, involving social, economic, and dimensions of participation and social control, which affect all levels of inequality, exclusion and social injustice.

Furthermore, arising from the necessary integration between water and environmental management that public or private user to make use of water resources contributes financially to the protection and implementation of the conservation unit (as referred to in article 47 of law No. 9985/ 2000, on the National System of conservation units), requiring feasibility studies of ecological water use in granting rights of use requirements.

Definitely, without the necessary integration of water and environmental management, there is no qualitative and quantitative water management, an extremely significant goal prescribed by Law 9433/97.

For its part, society, through its various sectors, produces information and fruitful activities, following the example of several studies and good practice initiatives, presented at meetings and events of the Water Quality Project for risk control to health and the environment, which many times remain within the realm of each of these sectors, in an isolated and counterproductive manner.

From the contributions of the partners volunteer (pro bono) project water quality presented in numerous technical meetings (described earlier) carried out throughout the project, realized the need to use tools of good management and communication digital network, which is suitable to provide supply of ideas and methodologies to society to implement and strengthen measures of integrity proactively giving March the demands of compliance not only in the private area, but especially in the public sector, in continuous coordination and transparency, with the facilitation of access to data, from sound management of information and communication technology.

The management of communication and “smart” digital information network and proposals described above in Water Connection Project, beyond connecting good environmental practices and initiatives and give applicability to academic studies, also proposes to act as an umbrella project, a facilitating vessel for sharing of ideas and results of projects related to it. Thus, effectively contributing to integrated risk control and skilled participation of the Prosecution Service in environmental public policies and management of water resources, in the light of important indicators such as health, sustainable development, better applicable technology and effective risk control.

#### **4. PROSECUTION ACTION INTEGRATED IN PROJECTS**

Integration for advances in revitalization of Conservation Units, biomes and protected areas in water basins.

According to studies conducted by academic institutions, besides the lack of planning, disorderly urban occupation, deficiency of investment in urban facilities that remain inefficient, among others, among the results being presented at the Water Quality Project, deforestation presents an inseparable relationship with water and cannot be unlinked to the serious hydric collapses the country is experiencing.

In territorial spaces being limited and regulated as to the possibility anthropogenic

interventions, the conservation of remaining forest in aquifers replenishing areas, as well as around urban centers, the creation and consolidation of Conservation Units, would contribute significantly to climate stabilization and balance of groundwater.

If the rainfall rates can be influenced by conservation – or not – of territorial spaces especially protected, it is essential that the allocation of compensatory values be considered in the deliberations of the Federal Environmental Compensation Committee (CCAF). Also, to be taken into consideration, are landscaping and stabilization of precipitation aspects, in order to create protected areas in major areas responsible for supplying large urban centers, while integrating, as much as possible, the remaining forests in biodiversity corridors that enable gene flow of species that preserve the areas.

The main position of our doctrine<sup>17</sup>, currently supported by the avant-garde decisions of the Federal Court of Audits (TCU)<sup>18</sup> and that guides the ICMBIO today, sees environmental compensation as being a private obligation, imposed by the results of activities susceptible to cause actual or potential significant impact on the environment and, therefore, demands the EIA-RIMA. This will be calculated according to the parameters outlined by article 36 of Law 9,985/00, which establishes the National System of conservation units, and its related regulations.<sup>19</sup>

The attention given to Reference Work Plans and Terms presented by the Federal Environmental Compensation Committee (CCAF) to entrepreneurs<sup>20</sup>, is as important as the destination of resources to the creation and maintenance of protected areas in major areas that supply large cities. These resources ensure maximum efficiency and success in the conservation of these residual forests as the main goal is the conservation of biodiversity itself.<sup>21</sup> That way, a proposal for joint action could integrate advances in the revitalization of Conservation Units, biomes and protected areas in water basins.<sup>22</sup>

Water Connection Project also aims to guarantee stability and water safety by the

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17 Available at: <<http://www.mpf.mp.br/atuacao-tematica/ccr4/dados-da-atuacao/projetos/qualidade-da-agua/documentos-do-projeto-qualidade-da-agua/apresentacao-do-projeto-conexao-agua/view>>

18 CAPOBIANCO, J. P.; JACOBI, P. R. O dia em que faltou água na torneira. Folha de S.Paulo, 28.11.2014. Disponível em: <<http://www1.folha.uol.com.br/opiniaio/2014/11/1554281-joao-paulo-capobianco-e-pedro-roberto-jacobi-o-dia-em-que-faltou-agua-na-torneira.shtml>>.

19 THE NATURE CONSERVANCY (TNC). Estado da Arte da compensação nos estados brasileiros. Sumário executivo: Brasília, TNC, 2013

20 TRIBUNAL DE CONTAS DA UNIÃO (TCU), Relatório de Auditoria Operacional TC [021.971/2007-0](#). Brasília: TCU, 2007, Relatório de Auditoria Operacional TC 014.293/2012-9-. Brasília: TCU, 2009. TRIBUNAL DE CONTAS DA UNIÃO (TCU), Relatório de Auditoria Operacional TC [AC-1004-14/16-P](#). Brasília: TCU, 2016.

21 MACHADO, Paulo Affonso Leme. Direito Ambiental Brasileiro, 18ª ed., São Paulo: Malheiros, 2010

22 Brasília: TCU, 2007, Relatório de Auditoria Operacional TC 014.293/2012-9-. Brasília: TCU, 2009



identification of priority areas for conservation and to follow the destination and execution of compensatory measures and obligations towards protected areas, as another factor in water quality management.

#### **4.1. ANTI-CORRUPTION LAW AND COMPLIANCE.**

In a proactive and integrated manner, the Prosecution actions for projects must also develop an important role in the fight against corruption, through the implementation of transparency mechanisms and the promotion of a good practices culture. It is necessary to take into account the need of compliance on behalf of entrepreneurs, private fund managers and public sector managers.

Despite the legislation already existent on liability for environmental damages, the anti-corruption law (Law No 12,846/14) comes to provide more objective accountability mechanisms, regardless of fault, which may be associated with criminal, civil and administrative liability for environmental damage. In fact, the anti-corruption law brought innovative legal guardianship to public assets, to the principles of public administration and international commitments undertaken by Brazil, not limited to the protection of the Treasury, but embracing the fact that environmental assets also integrate the concept of public assets. So, it is mandatory to improve further the proactive measures of compliance with integrated sectoral strategies, considering the various negotiations involving use of natural resources.

Also the Government, apart from its Councils, can and should form multidisciplinary, independent internal commissions for the implementation of compliance (full regimen), to meet the social and environmental guidelines of proportionality measures to be adopted according to risks. Senior officials and leaderships should assume control and have strong contractual terms against, not only business and typical activities related, acts of corruption, risk analysis and evaluation at hand, but also environmental risks, internal training, communication, transparency, monitoring and readjusting for better results. Furthermore, it requires control by Ombudsmen. Reality shows that the Government needs to advance in regards to these steps.

It is worth remembering that the Brazil joined the Convention On the Fight Against Corruption of Foreign Public Officials in International Business Transactions of the

Organization for Economic Cooperation and Development (OECD) with the promulgation of decree No. 3,678, November 30, 2000. Since then, the country has undergone three OECD inspections, in 2004, 2007 and 2014. The conclusive inspection report of December 7, 2007 by OECD's Work Group on Combating Bribery in International Business Transactions, pointed out vulnerabilities in the Brazilian State that led, among other results, to the creation of centers to fight corruption within the Prosecution Service and the submission, by the Federal Executive branch, of Bill nº 6,826/2010, which became the Anti-corruption Law (Law No. 12,846, August 1, 2013). The law became effective in January 2014, introducing the first objective accountability regimen of legal persons on harmful acts committed against the Public Administration in Brazil.

Because of this, considering the international commitments undertaken by Brazil, the OECD Principles for water governance may be used as a guide for the Prosecution Service, along with Recommendation 54 of the CNMP. There is a correspondence of purposes of those Principles with the goals already proposed by the work groups of the Environment Committee of the CNMP, since the OECD Principles for Water Governance have the scope to catalyze efforts to allow visibility to better practices, enabling re-engineering processes at all government levels, to promote change when and where needed.

## **5. CONCLUSIONS**

The preamble of Recommendation 54, of March 28 2017, foretells that the status of access to justice and the legal paradigm of the 21<sup>st</sup> century are incompatible with a formal institutional, bureaucratic and slow performance.

It is known that the actions of the Prosecution Service still is notably marked by high rates of litigation. However, the National Council of the Prosecution Service sets the beacons for a more efficient performance. The use of extrajudicial means and, mainly, preventive Prosecution action coordinated with the various stakeholders tend to significantly contribute to the reversal of this litigation framework, having already begun to deliver socially relevant results.

Initiatives such as the establishment of work groups within CNMP's Environmental Commission and the enactment of modernization strategies by the MPF should be praised as instruments for building of a more resolute Prosecution Service in all areas of activity.

Accordingly, the authors of this article sought to disclose succinctly what is being developed and implemented towards this, such as the activities and products to be developed by the Water Quality Project that is now called Water Connection Project "Project Communication Management and Digital Network for Governance and Sustainability." Such activities and products are to be achieved by the combination method of various sectors, the effective integrated water resources management with the environment, associated with other important indicators such as public health, sanitation, biomes and conservation units in the basins and innovative technologies, among other factors.

The authors also seek to promote these new concepts of coordinated **measures** by the Prosecution Service, in the light of the strategic guidelines prioritized and designated by the National Council of the Prosecution Service, sharing successful experiences with society.

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