

From restoration to responsive governance

Integrating Rio Doce after the Fundão Dam failure

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Plant nursery workers extracting seeds to replant the native vegetation through a partnership with Instituto Terra, who signed an agreement to replant trees and recover springs along the Rio Doce. Photo: Gustavo Baxter/NITRO

The Rio Doce watershed and its adjacent coastal and marine areas have been affected by centuries of extractive activities and unsustainable agricultural practices (May et al., 2019). When the Fundão dam collapsed on 5 November 2015, a wave of mud swept down the river to the sea, causing 19 deaths, destroying villages, riparian vegetation, scraping off river sediments and disrupting the lives of thousands of people (Sánchez et al., 2018). The response to a disaster of this magnitude is an extraordinary challenge for which the public authorities and existing structures of governance were not prepared (Lavalle et al., 2019). It requires major long-term commitments and coordination on the part of state governments, local authorities, the Rio Doce Watershed Committee (Comitê da Bacia Hidrográfica do Rio Doce, or CBH-Doce), the judiciary, public prosecutors, private sector, universities and research institutions and, most of all, community organisations, along with Samarco and its shareholder companies.

In March 2016, a temporary governance structure for the restoration was set up under an out-of-court agreement between Samarco and its parent companies (Vale and BHP), and the federal and state government agencies responsible for environment, health, social welfare and economic development. This out-of-court agreement, called the Terms of Transaction and Conduct Adjustment (Termo de Transação e Ajustamento de Conduta, or TTAC) includes 42 programmes designed to compensate for the impacts of the disaster and restore the environmental and socio-economic conditions.¹ Since TTAC will remain in effect as long as necessary for the full recovery of the affected areas and communities, a timeframe or detailed procedures for the completion of these programmes was not defined.

The central institutions of the TTAC are the Inter-Federative Committee (Comitê Interfederativo,² or CIF) and the Renova Foundation, a private entity fully funded by Samarco and its parent companies, which was established to implement the 42 programmes. In the five years since the disaster, these institutions have been working on the restoration of the affected area, through the environmental programmes set out in the TTAC. The Renova Foundation has also paid indemnities to many of the affected people.

The current structure of governance has also generated a wealth of information, making the Rio Doce one of the most monitored rivers in Brazil. Moreover, the CIF-Renova arrangement has facilitated coordination between federal and state government agencies and technicians that historically had little interaction, including agencies responsible for health, environment and economic

1 For further information, please see: <https://www.fundacaorenova.org/wp-content/uploads/2016/07/ttac-final-assinado-para-encaminhamento-e-uso-geral.pdf>.

2 Idem.



Rural producers receive training in partnership between Renova Foundation and WWF. Governador Valadares and Periquito, Minas Gerais (2019).
Photo: Leonardo Vieira Morais/WWF-Brasil

development. In spite of this, the CIF-Renova arrangement has not been able to effectively engage communities in a way that allows the development of the long-term, participatory relationships with the affected people and other key stakeholders. The ability to resolve problems in an efficient, equitable and democratic manner should merit as much importance as the delivery of outputs and outcomes. (Young, 2013).

In order to resolve this issue, another agreement was signed in June 2018, the TAC-GOV, which considers the implementation of a series of structures to facilitate stakeholder participation. TAC-GOV implementation is very incipient and the governance arrangement is still facing difficulties in achieving the restoration goals and objectives related to health and social-economic areas, not only because of the complexity of the task, but also because of the adversarial nature of the relations between the stakeholders and the difficulty of ensuring the effective participation of the people most directly affected by the disaster.

Furthermore, the process of restoration has to take into consideration the long-term governance of the Rio Doce watershed, since the programmes of the permanent institutions and the restoration are overlapping and complementary. The studies, data, information systems and especially the capacity developed under the restoration programmes, are at risk of being lost if they are not integrated into the permanent structures of governance that can guarantee their continuity. The long-term system of governance should take a source-to-sea (S2S) approach that encompasses not only the spatial

dimension (terrestrial and/or coastal areas), but also key flows – water, biota, sediment, pollutants, materials and ecosystem services (Granit et al., 2017).

The ‘baseline’ from which the restoration of Rio Doce is being developed should be grounded on a scientific analysis of the situation in the region and developed through engagement with the affected communities and other key stakeholders.

In terms of communication, which goes beyond disseminating information, it should be a process to ensure that the affected people and other relevant parties are made fully aware of the various aspects of the critical issues they face, avoiding the trap of bringing mostly good news or offering a one-sided vision of the reality in the region.

A review of governance studies (Young, 2013; Nielsen, 2016; Campese et al., 2016; Flotemersch et al., 2016; FBDS, 2017; GIZ, 2019; Lavalle et al., 2020; Puga et al., 2020) identified three structural axes for establishing an efficient and responsive approach: (i) social participation and capacity for collaboration among different stakeholders; (ii) transparency and effective communication; and (iii) sufficient financial resources for the implementation of plans and programmes.

In line with the three structural axes described above, and taking in consideration the Panel’s knowledge of the current situation in the Rio Doce watershed as well as the governance frameworks described in existing literature, the Panel concludes that:

- i) a number of the TTAC programmes overlap with the programmes of permanent institutions that work in the region;
- ii) CBH-Doce is a key institution that could play a greater role in restoring the source-to-sea system over time;
- iii) there is a need to improve the disclosure of information and communications related to the actions and outcomes of restoration in order to guarantee social participation and monitoring of the restoration efforts to ensure long-term community empowerment;
- iv) the TTAC was developed in response to the immediate crisis caused by the disaster, with insufficient time given to discussion or participation of the people most directly affected; and
- v) a strategy for a transition to a post-Renova era has not yet been discussed with the stakeholders throughout the source-to-sea system.

Based on these conclusions, the Panel proposes four recommendations:

Recommendation 1 – Build a common vision for the Rio Doce source-to-sea system

There is a need to agree on a common vision for the sustainable future of the Rio Doce source-to-sea system. This should be built through a participatory process involving local communities and other stakeholders in the restoration process. An important step would be for the institutions involved in the restoration to work together to leverage greater stakeholder participation as envisaged in the TAC-GOV. Once that is achieved, it could offer an opportunity for Renova Foundation and CIF to engage more effectively with community organisations, NGOs, Local Governments, universities and other relevant stakeholders to discuss and agree on a long-term vision for the restoration of the region affected by the disaster and the wider source-to-sea system.

Recommendation 2 – Prepare for the transition to the post-Renova era

As the Renova Foundation is not responsible for the long-term development of the region, the foundation, State Governments and the CIF should agree on the process and arrangements needed to achieve the eventual transition to a post-Renova era. This should be part of the renegotiation of the TTAC and include the following steps: (i) definition of the priority programmes to ensure their continuity; (ii) engage with stakeholders to ensure continuity

during the transition and post-Renova era; (iii) undertake a study of the long-term alternatives to ensure adequate financial resources are available once Renova has completed the restoration programmes and activities envisaged in the TTAC and its renegotiations; and (iv) carry out a process to engage communities in the monitoring of the outcomes of the restoration.

Recommendation 3 – Create a repository of data, information and documents

The Renova Foundation, with support from the CIF, should identify and develop one or more mechanisms to maintain and update the data, information and documents generated by TTAC's programmes and all the related studies. This repository should include simplified documents, videos and podcasts, to inform the general public about the data and studies developed in Renova's programmes and other studies related to the restoration.

Recommendation 4 – Further engage the Rio Doce Watershed Committee in the restoration efforts

Renova Foundation and CIF are encouraged to support the Rio Doce Watershed Committee (CBH-Doce) to play a stronger role in the restoration process. Since CBH-Doce is the multi-stakeholder organisation charged with promoting and improving water governance in the Rio Doce watershed, its effective participation in the restoration process will help ensure the sustainability of the long-term programmes.

As a starting point, the following short-term measures can be implemented:

- i) Engage with CBH-Doce to align the Integrated Water Resources Plan for the Rio Doce watershed with the restoration efforts. The plan is currently under review and expected to be completed in 2021.
- ii) Support the resumption of the CBH-Doce water quality bulletins to provide clear and accessible information that can be easily understood by the population at large.
- iii) Support the integration of coastal area management into the activities of CBH-Doce to incorporate the source-to-sea system in plans for the region's development.

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