



## FROM RESTORATION TO RESPONSIVE GOVERNANCE

### RIO DOCE AFTER THE FUNDÃO DAM FAILURE

The disaster that occurred in 2015 when the Fundão dam collapsed demanded immediate response and a coordinated effort involving many stakeholders due to its magnitude and the complexity of the region. Given the need to achieve tangible short-term results, the public authorities and the companies responsible for the disaster agreed on a transitional system comprising 42 reparation programmes.

The initial agreement (Termo de Transação e Ajustamento de Conduta - TTAC) created the Renova Foundation and the Inter-Federative Committee (CIF) to respectively, implement and supervise the restoration agenda. Another agreement signed in 2018, the Termo de Ajustamento de Conduta – Governança (TAC-GOV), was predicated on the implementation of a series of mechanisms to facilitate stakeholder participation, especially of those

affected by the disaster. The governance arrangement continues to face difficulties in implementation, impeding the achievement of its goals, thus representing a major gap for the restoration process.

The studies, data, information systems and especially the capacity developed under the TTAC programmes are at risk of being lost if not integrated into the region's permanent structures of governance that can guarantee their continuity.

In this Technical Report, the Rio Doce Panel offers an overview of the current system of governance and recommends ways to ensure that the investments made in the reparation process can enhance the long-term and multi-stakeholder governance of the region taking a source-to-sea perspective.

## THREE STRUCTURAL AXES FOR GOOD GOVERNANCE

**Social participation and capacity for collaboration among different stakeholders**

**Transparency and effective communication**

**Sufficient resources for the implementation of plans and programmes**

## WHAT SHOULD BE DONE

The improvement of governance in the region is fundamental to mitigating the impacts caused by the disaster and promoting the sustainable economic and social development of the communities in the affected landscapes. In line with the three structural axes of good governance, their knowledge of the Rio Doce watershed situation and gaps in its current governance structure, stakeholders must consider:

- The ‘baseline’\* or a surrogate which indicates the level needed for the restoration of Rio Doce, should be grounded on a scientific analysis of the situation and developed through engagement with the affected communities and other key stakeholders.
- Improvement in the disclosure of information and communication related to the actions and outcomes of the restoration programmes in order to guarantee social participation and ensure long-term community empowerment.
- Measures to ensure the effective participation of the people most directly affected by the disaster and to strengthen the permanent institutions in the region.
- Planning the transition to a post-Renova era with the participation of the stakeholders throughout the source-to-sea system. This shall permit to plan a legacy of Renova Foundation work together with indications of the major improvements achieved along the restoration process.

\* The baseline is a key component in impact assessment, the concept consists of the initial state before the action was taken, in this case the Fundão dam failure.





## Recommendations

Based on the report conclusions and aligned with its vision, the Panel recommends:



### 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.



### 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.



### 3• Create a repository of data, information and documents:

The Renova Foundation, with the support from the CIF, should identify and develop one or more mechanisms to maintain and update data, information and documents generated by TTAC's programmes and all the related studies.



### 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.

## RIO DOCE FACTS

1. IUCN defines ecosystem governance as an inclusive approach that better connects the social system with the ecological system to improve conservation of biodiversity and ecosystem health for human well-being.
2. Renova Foundation, a private, non-profit organisation, has several decision-making instances involving multiple stakeholders and a rigorous system of internal and external controls.
3. The Inter-Federative Committee (CIF) created 11 Technical Chambers (Câmaras Técnicas) with independent regulations, comprising representatives of the Federal, State and Municipal Governments to oversee implementation of the TTAC.
4. TAC-GOV introduces significant modifications to the institutional arrangements set out in the TTAC, including the direct involvement of the Federal and State Public Prosecutors' and Public Defence Offices in the CIF, and defines contracts with technical experts to advise the federal prosecutors as well as organise independent public hearings with the affected people.
5. On 19 December 2019, the public prosecutors filed a legal action in the 12th Federal Court against Samarco, Vale, BHP and Renova Foundation in response to the slow pace of the implementation of the 42 TTAC programmes.
6. The Rio Doce Watershed Committee (CBH-Doce) is one of the first watershed committees to be established in Brazil and represents one of the permanent institutions operating in the region with the most coherent role in watershed governance.
7. Renova is already transferring resources to implement some programmes to permanent institutions, such as the programme for solid waste management and the collection and treatment of sewage and the Integrated Agenda.

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