

## PUBLIC INFORMATION ACCESS AND WATER ISSUES

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Water plays a fundamental role in human life. This is not only because it is indispensable for the survival of all living beings, but because it is necessary for social and economic development for the whole community. Having access to information related to water problems and management is crucial for society, because it is a resource whose access should be considered a right, and which is starting to become restricted.

However, in most cases, the information that citizens have about water issues turns out to be incomplete and/or unclear, which limits their capacity to participate in decisions regarding a fundamental public good.

Today, there is little knowledge about water policies and their implementation, decisions that in many cases affect entire communities as well as the general population. This is why there is a real demand for decision-makers in this sector to have one of the best mechanisms for transparency and access to information.

Examples of the information that is sometimes difficult to obtain include: criteria used by policymakers to grant concessions to private companies for water use; the quality of residential water supplies; and budget and investment information about the country's water infrastructure.

Even though publication of the Federal Law for Transparency and Access to Information (LFTAIPG) meant a significant advance in matters of access to information in Mexico, in the case of the National Water Commission (CNA), the institution responsible for large-scale water works, as well as the regulation of irrigation districts administered by user councils and drinking water systems managed by states and municipalities, attempts to gain access to important information have encountered deficiencies.

This happens even though the National Water Law mandates the CNA to analyze assessments of water quantity and quality at the level of regions and river basins, as well as to regularly improve and publicize information related to water management, with the support of other federal agencies, state and municipal governments, as well as water users, civil society organizations and individuals.<sup>1</sup>

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<sup>1</sup> Article 9, Clause XLVI of the Ley de Aguas Nacionales (National Water Law).

The CNA, through its webpage, fulfills its obligation to provide information about the water situation in the country, complying with the legal ordinance that allows citizens to gain access to information, except that which is restricted because it is confidential or reserved.

There is easily accessible information, such as results from audits of agency spending, information about concessions and permits, as well as information on hiring for public works. However, information related to water quality for human use is incomplete, because it only presents the data on water chlorine content, but not on all of the other indicators used to measure quality. Even those in charge of information compilation projects admit that it is still not possible to organize and analyze this data.

It is worth noting that there is an excessive centralization of the CNA's registries, data, diagnoses and studies, which prevents most of the general population at large from learning about the problems involved in water resources management. Although the institution issues an annual publication on water statistics, the data is generated exclusively by its own staff.

The agency has a National Information System on Water Quantity, Quality, Uses and Conservation, which is considered a basic instrument of the country's water policy.<sup>2</sup> The CNA is responsible for this water information network, and it is also obliged to support the creation and development of Regional Information Systems, with the participation of River Basin Management Organizations and in coordination with state and Federal District governments and River Basin Councils, in compliance with the LFTAIPG.

Although it could be said that there is a whole system for data collection within the water management agency, there is no budget allocated to carry out broad dissemination of this information, and it is not easily available. The authorities themselves have concluded that it is not necessary to broaden dissemination, for example, of the assessments of water quality—because they could be misinterpreted or provoke false alarms in the population.

This affects not only the quality of information that is provided to information requestors, but also demonstrates the lack of political will to reveal information that should be public.

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<sup>2</sup> Article 14 BIS 6, fraction VIII, of the Ley de Aguas Nacionales (National Water Law).

In this sense, the fact that the agency in charge provides citizens with unclear information does not imply a total failure to comply with transparency requirements, but it does imply providing incomplete data. At the same time, it is particularly worrisome that an agency has, at its own total discretion, been implicitly granted the power to classify information that should be accessible to the public, based on the claim that it affects “national security”.

In terms of the way in which information on water issues is provided to requestors, in most cases it turns out to be highly technical and difficult to understand, and does not take into account the profile of people who need the information. More and better information about water issues should be made public, because even though anyone can use simple tools to request it, in practice requestors often do not receive what they need.

This means that only a small percentage of the population has access to the information, and makes effective use of the right to be informed. As a consequence, citizen interest to know and learn about such important issues as water problems has diminished.

It is also clear that reaching high legislative standards for access to information is insufficient. What is required is an in-depth reform, which promotes the spread of institutions to encourage citizen participation, in order to provide society with incentives to contribute to the water policy process and to exercise their basic rights to demand accountability from the authorities responsible for resource management.

Thus, it becomes indispensable to promote coordination between the CNA and other government agencies and institutions, as well as with civil society organizations. The goal should be to bring together information, generated by diverse sources that presents more reliable documentation of the reality of Mexico's water problems and provides citizens with detailed information about the issue.

Another important aspect to consider is that the longstanding distance between authorities and citizens has not been reduced. Today, lack of trust towards institutions and governmental authorities persists, including their mechanisms for providing information, which has produced indifference and disinterest in information and, as a result, in citizen participation.

The government should encourage increased public awareness about the LFTAIPG and its scope as a mechanism to involve society in issues that affect daily life, such as water issues. Similarly, the government should recognize the importance of civil society's role

as a bridge between citizens that have not managed to feel ownership over the right to be informed, and government agencies that are responsible for providing the information.

It is necessary that the citizenry understand and make use of the legal tools that entitle them to access information, and stimulate their interest in researching and learning about the country's water resource situation. It is also important to translate this interest into active participation in projects and decision-making in the matter.

Having legal instruments for access to information is important in democratic processes of transparency and accountability, but also becomes necessary in order to increase institutional capacity, political will and the number of citizen demands to improve the flow of information between the population and state agencies. This would lead to a true political culture where information flows regarding water management could be transparent, straightforward and regularly updated.

Existence of a culture of this kind would, without a doubt, commit state agencies to keeping the population informed, and would also strengthen the various spaces where actors such as civil society organizations, media, and citizens in general could act in order to complement the government's outreach actions.

Democratizing water management in Mexico is hugely important. Citizen participation is indispensable. Access to information about availability, accessibility and water quality is a mandatory pre-requisite for social participation around this issue.