



# BRAZILIAN FOREST LAW

## VETO IT ALL, DILMA!

UNFCCC, SBSTA 36, Bonn 14 - 25 May 2012

### **The Brazilian Forest Law (Código Florestal)**

The Brazilian Forest Law (Código Florestal) of 1934 protected one quarter of the vegetation in each type of property. In 1965, as a result of an amendment, it became one of the most advanced forest protection laws world-wide. It established areas within each property that could not be deforested (Legal Reserve), accounting for a total of 50 % of the Amazon region and 20 % of the rest of the country, and granted river embankments, river sources, mountain peaks and slopes a status of permanent protection (Areas of Permanent Protection). The former percentages were increased in 1996 to 80 % for the Amazon, 35 % for the Cerrado area (the tropical savannah in central Brazil) within the Amazon federal states and 20 % for the rest of the country.

### **Amendment of the Law – Current State and Legal Procedure**

Since 1999, the agricultural lobby has pursued several parliamentary initiatives with the aim of weakening the Brazilian Forest Law. On 24 May 2011, the Chamber of Deputies, or lower chamber of the Brazilian Parliament, passed a new draft of the forest law in spite of the scientific evidence provided against the content of the bill. Four commissions of the federal Senate finalized their analysis of the proposed bill without meaningful improvements and the Senate passed the altered draft on 6 December 2011. Partly thanks to the political and civic pressure both in Brazil and abroad, the Chamber of Deputies postponed three times the session in which it would be decided whether either of the drafted bills should replace the Brazilian Forest Law of 1996 or not. However, despite the protests in Brazil and abroad, the Chamber of Deputies passed the bill drafted by the Senate with several additional negative amendments on 25 April 2012.

The draft law was forwarded to the President, Dilma Rousseff, on 7 May for signing. Although she cannot change the drafted law, she has 15 working days to veto the full text or parts of it. The Parliament in turn can override the presidential veto with a simple majority in both chambers within 30 working days.

### **Some negative impacts of the proposed amendment to the Forest Law**

1. The draft amendment notably complicates Brazil's forest legislation, making it nearly impossible to implement and enforce.
2. Millions of hectares illegally cleared prior July 2008 would be legalized through amnesty.
3. In the Amazon region, landowners could be allowed to reduce the obligatory required forest cover from 80% to 50% under certain conditions.
4. Up to 90 % of the private properties in the entire country could be pardoned from the standing obligation of restoring illegally cleared areas.
5. Large areas of floodplains and other sensitive areas (e.g. hilltops and slopes) will be opened to cattle-raising and farming, resulting in increased soil erosion and thus landslides and floods.
6. Massive loss of biodiversity in all regions of Brazil would be expected.
7. Efforts to reduce deforestation in developing nations and for the establishment of a mechanism on REDD+ to support those efforts, could be seriously undermined.

### Forecasted consequences

1. According to a report published by IPEA (Institute for Applied Economic Research), a federal government-led research organization, based on proposed amendment to the Forest Law approved by Federal Senate would lead to the loss of up to 76.5 million hectares of forest, which translates to 28 billion t CO<sub>2</sub> equivalent. The amendments approved by the Lower Chamber, under analysis by President Dilma, would hugely extend potential impacts over native forests.
2. Brazil committed itself to reducing the growth curve of greenhouse gas emissions by somewhere between 36.1% and 38.9% by the year 2020 (a reduction of around 1.1 billion t CO<sub>2</sub>e in comparison to a Business as Usual scenario), and reducing deforestation by 80% in the Amazon and by 40% in Cerrado by 2020. Such targets are included in the law which established a National Policy on Climate Change, approved in 2009 by former President Lula. Brazil will likely fail to meet its own national and international commitments.
3. The Brazilian economy, and especially its agribusiness, may find their competitiveness actually reducing, due to marketing problems abroad thanks to the damaged reputation, and higher production costs as a consequence of increasing erosion as well as the need for fertilizers and/or pesticides.

### Some available alternatives

1. Landuse-planning for up to 61 million hectares of underproductive pastures, which are readily available for cultivation without additional deforestation.
2. Increase in the efficiency of the livestock sector.
3. Introduction of a strategy for sustainable production in Brazil's farming and livestock sectors.
4. Implementation and increase of national and international mechanisms for compensation to landowners for environmental services.

### Our demand

WWF and Comit  Brasil, including over 160 Brazilian organizations and institutions that represent the interests of millions of Brazilian scientists, small farmers, clergy, students, lawyers, trade unionists and environmentalists, demand that President Dilma Rousseff vetoes the bill in full and complements the standing Forest Law with presidential decrees and public policies addressing the contentious topics without compromising the content of the law.

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"Forest Law - Veto it all, Dilma! - Brazil should not legalize deforestation. Help to change the game!"

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