



COP17 and the Brazil Forest Code BRIEFING DOCUMENT

WHY CHANGES TO THE FOREST CODE MATTER AT COP17:

Changes to Brazil's landmark Forest Code legislation, currently under final consideration by policymakers in that country, will lead to a major increase in deforestation. This represents a huge risk as forests are critical for people and wildlife, and also crucial to helping prevent runaway climate change.

Deforestation currently contributes up to 20 percent of global carbon emissions and any massive increase in deforestation will have devastating consequences for the climate.

But changes to the law will also have an impact on what happens at COP17 United Nations climate change negotiations as they could jeopardize the REDD+ mechanism and global emission reduction efforts.

If Brazil moves forward with the proposed changes to its forest law, the resulting increase in deforestation also will prevent them from meeting the ambitious emission reduction targets Brazil registered in the annexes of the Copenhagen Accord at COP15 two years ago.

The impacts:

- **The proposed changes to the law would have serious consequences for Brazil's climate commitments and to global emission reduction efforts**
 - In Cancun at COP16, governments - including Brazil - agreed that countries should aim to slow, halt and reverse forest cover and carbon loss.
 - If changes to the law are adopted, an area of about 79 million hectares (about the size of France and the UK combined) would be left unprotected, according to the Government of Brazil's Institute for Applied Economy Research
 - The potential for increased deforestation would come from loopholes in the proposed new Forest Code that would allow areas of pristine forests to be deforested and allow areas which have previously been illegally deforested to not be restored under the new law.
 - Up to 29 gigatonnes of CO₂ could potentially be emitted and not sequestered as a result of amendments to the Forest Code, according to the institute's data. This would result from a mix of new emissions from deforestation, and already deforested areas that could no longer be restored under the new law.
- **The changes significantly compromise the framework for reducing emissions from deforestation and forest degradation (REDD+)**
 - If Brazil backs down on its forest conservation commitments, it will lose the opportunity to be compensated for keeping its forests standing under a scheme called REDD+.
 - Until now, Brazil has been a global leader on REDD+, agreement on which was achieved at COP16 in Cancun. For REDD+ to work, countries must set clear, ambitious and measurable global targets for reducing emissions from deforestation and forest degradation which set the benchmark for associated global targets for financing. This will ensure that adequate resources are available to implement REDD+ at a scale that

avoids dangerous climate change, reverses the alarming trend of biodiversity loss, and ensures benefits for the more than 1.2 billion people on Earth who depend upon forests for their livelihoods.

The political debate around this issue endangers Brazil's environmental leadership - Brazil could go from being a global leader in reducing deforestation to potentially shooting up the list of the world's top greenhouse gas emitters. While countries struggle to find ways to move the climate negotiations agenda forward, Brazil's contribution to global efforts to reduce emissions are at huge risk.

The Reform Bill has been already been approved by the Lower House of the National Congress and by several committees in the Brazilian Senate. The Bill is expected to be voted on – and approved by –all Senators in the coming days.

The Bill will then go before Brazilian President Dilma Roussef for final consideration.

STATEMENT FROM WWF ON CHANGES TO THE FOREST CODE:

"The world is counting on Brazil to not back down from its climate and forest conservation commitments. If proposed changes to the Forest Code are adopted, they seriously jeopardize efforts to reduce emissions from deforestation and forest degradation – one of the key pieces of agreement in these UN climate talks. Brazil could go from being a global leader in reducing deforestation to potentially shooting up the list of the world's top greenhouse gas emitters", says Carlos Rittl, Climate Change and Energy Program Coordinator at WWF-Brazil

When President Roussef was running for President of Brazil, she said in a letter to former candidate and ex-Minister of Environment Marina Silva "On the Forest Code, I here express that I agree with a veto on proposals which could reduce areas of legal reserve and permanent protected areas." When she took the presidency, President Roussef also said she would keep her word on Brazil's emission reduction commitments.

"We expect President Roussef to keep her word on these crucial commitments," Rittl said.

Additional potential impacts:

- **Forest destruction would be rewarded.**
 - Changes to Brazil's Forest Code would provide amnesty to those responsible for illegal deforestation which happened before July 2008.
 - Deforested areas will not be fully restored.
 - However, those who have protected their forests according to the present legislation will have to keep their forests as they were in July 2008.
- **Illegally deforested lands would not be fully restored.**
 - Besides the amnesty, land owners who have illegally deforested their lands would have to restore only 50% of what has been destroyed.
 - Exotic tree species could be used for forest restoration.
 - The timeline for restoration of illegally deforested lands would be 20 years.
 - Forests restored with exotic species could be harvested.
- **Further deforestation is not prevented.**
 - More amnesty and more deforestation could happen, keeping forest destroyers pretty happy as States will be allowed to further soften the proposed legislation.

- Depending on State level decisions, new illegally deforested lands could be legalized along time.
- Amazonian states with at least 65% of their territory under some kind protection (protected areas and/or indigenous lands) could reduce the present requirement of 'legal reserve' (area which should be not deforested, but where land owners can manage forest resources) from 80% to 50% within private properties.
- **Forests in sensitive areas ('Permanent Protected Areas') which were illegally destroyed will not be fully restored.**
 - Gallery forest lands protect forests, soil and watersheds and should be preserved, according to the present legislation, fulfilling scientific and technical principles.
 - Changes in the forest law exempt those who have illegally destroyed such forests from full restoration. In some cases, restoration would be limited to 20%.
 - There would be a continuous impact on forests, biodiversity, soils and water quality.
 - Risk of erosion and land sliding due extreme weather events would impact people living in those areas or economic activities carried on there.

BACKGROUND – FACTS & FIGURES ON BRAZIL'S FOREST LAW:

- **Brazil has been a global leader in conserving forests and reducing emissions.** From 2006 to 2010, Brazil cut the rate of deforestation in the Amazon by half compared to the previous five years. This means that 5.9 million hectares of forests were saved and the emission of about 2.2 billion tons of CO₂ was prevented.
- **Brazil has demonstrated that saving forests does not mean sacrificing food security or development.** This was achieved while increasing agricultural production and reducing poverty, which proves that Brazil does not need more deforestation to grow.
- **Brazil has ambitious targets for tackling climate change that depend upon conserving forests.** Brazil approved a National Policy on Climate Change that includes an emission reduction target of around 36-38% by 2020. This reduction represents 1.1 billion tons of CO₂e per year.
- Brazilian society has been mobilized through the campaign Forest Makes Difference carried out by Comitê Brazil, a coalition of up to 60 social and environmental NGO. On November 29, the Comitê Brazil handed over a petition asking forest protection to Congress and the President Dilma Rousseff.

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Carlos Rittl has Master's and Doctorate in Ecology from the National Amazonian Research Institute. He worked as an advisor on Climate Change to the British Embassy in Brasilia from May 2008 to May 2009 and has also been consultant to the Environment and Sustainable Development Department of the Government of the State of Amazonas where, from November 2007 to April 2008, he helped to establish the State Climate Change Centre.

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