

## PUBLIC LETTER - DILMA GOVERNMENT BACKSLIDING ON SOCIO-ENVIRONMENTAL ISSUES

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The first year of President Dilma Rousseff's government was marked by the most intense backtracking on socio-environmental issues since the end of the military dictatorship, totally reversing the former tendency to an ever improving sustainable development agenda that governments had been implementing since 1988 and that had its high point when the Lula government succeeded in curbing the rate of deforestation in the Amazon.

The progress achieved over the last two decades has enabled Brazil to become the first developing country to formalise carbon emission reduction targets and that has strongly contributed to establishing Brazil's position as an international leader in the socioenvironmental sphere.

Flying in the face of the historical tendency, various specific cases illustrate the current moves to reverse it and dismantle all the hard-won gains. Attempts to emasculate the current legislation, like the negotiations to rush through Congress a Forest Law reform bill utterly unworthy of the name, and the recently approved Complementary Law 140 regulating Article 23 of the Federal Constitution are the most serious examples. The list is long and includes the interruption of the process for creating protected areas, which occurred as soon as the present administration took office and actually reached the point of reducing the areas of several existing protected areas by means of a Presidential Decree, defying the legislation in force and infringing on Brazil's international commitments. Another significant area of government neglect is the freezing of processes for the formal recognition of indigenous and quilombola lands while at the same time environmental licensing for huge public works with obvious social and environmental problems are issued at top speed.

Those processes contrast strongly with the promises made by the President herself during the presidential election campaign in 2010, to block any part of the new Forest Law that would lead to reductions in Areas of Permanent Protection or Legal Reserve areas or any proposals for granting amnesty to those that carried out illegal deforestation. The proposal that is before the Congress for final voting in the next few days includes all those points and it has the support of the parliamentary block of the government's political allies.

The frontal attacks on socio-environmental achievements have created a favourable climate for other proposals to alter legislation in force, such as the draft Constitutional Amendment proposal designed to make the creation of new protected areas and the recognition of indigenous lands more difficult; the draft bill that proposes to weaken the effects of the Atlantic Forest legislation currently in force; innumerable individual projects to diminish the

size of already established protected areas; a proposal for a Legislative Decree that would permit sugar cane plantations in the Amazon and the Pantanal; and the discussion on the possibilities of mining operations in indigenous areas.

For all those reasons, the signatories to this document, social organisations in favour of non destructive development and anxious to maintain the country's socio-environmental equilibrium, wish to warn public opinion that Brazil is now living through an unprecedented reactionary process in the socio-environmental sphere that will make it impossible for the country to make any further progress towards development with sustainability and will seriously jeopardise the quality of life of present and future generations.

**FOREST LAW** – The paradigmatic point of this erosion and degradation of the socioenvironmental agenda in Brazil is the voting about to take place on the Forest Law Reform Bill, which entirely disfigures the existing legislation protecting forests and concedes a broad amnesty for all acts of illegal deforestation carried out prior to July 2008 thereby institutionalising impunity and consequently stimulating new waves of deforestation. It also provides for reductions in the areas of Areas under Permanent Protection throughout the country. The version that will come up for voting in the next few days affronts the conclusions of the relevant technical studies conducted by Brazil's top scientists who have expressed their shock at the total disregard for the warnings they issued about gross errors and obvious improprieties of the proposals embedded in the versions of the bill prepared by the Federal Senate and the House of Representatives.

There have been similar efforts to reduce the protection afforded to forests and the environment as a whole on previous occasions, during the Fernando Henrique Cardoso administration and the two terms of office of Luís Inácio Lula da Silva, but most of them were eventually blocked by the executive branch in response to a strong reaction against them from society at large. Today, however, the Executive branch is inert and insensitive to public opinion, starting with the Ministry of the Environment, which has not only interrupted the cycle of National Conferences on the Environment but shown passivity and connivance with the ongoing process of dismantling the legislation governing its own area of activity and authority. The current administration has let its parliamentary support group do just as it wished and only intervened in the process when it was too late and even then in a haphazard manner. Sectors of the government have intervened sometimes, discretely sometimes more overtly, to support proposals that seek to reduce the forests, contrary to the worldwide tendency to endeavour to increase forest coverage to face up to oncoming climate change.

**REDUCTION OF PROTECTED AREAS** – During its first year the Dilma government has failed to create one single new protected area and in unprecedented gesture has issued Presidential Provisional Act nº 558 which excludes 86 thousand hectares from seven different federal protected areas in the Amazon region in order to accommodate the site installations and reservoirs of four great dams being constructed on the Tapajos and Madeira rivers. In addition to the fact that the obligatory technical studies and public debates have not been carried out

in the case of the Tapajos hydroelectric dams, the Federal Constitution stipulates that alteration or suppression of Protected Areas can only be done under the terms of a regular law and that has led the Office of the Prosecutor General of the Republic to impetrate an action of unconstitutionality against the Provisional Measure issued by the presidency.

**REDUCTION OF IBAMA'S SURVEILLANCE AND INSPECTION POWERS** – This Federal Government was voted in with the biggest political support base of all time in the Congress so that it should be easy for it to move ahead with the necessary reforms to enhance democracy and political governance, and to make the economy agile and sustainable but, in fact, it seems to be at the mercy of highly reactionary groups entrenched in the National Congress. What could have induced it to sanction Complementary Act 140, which effectively stripped Ibama and Conama of their powers thereby emasculating bodies that played such an important role in curbing Amazon deforestation and constructing environmental policy over recent years.

**RAMMING LICENSING PROCESSES THROUGH** – Government has not merely been negligent in failing to resist the attacks on the forests, it has actually been rough riding over the environmental licensing legislation, which is designed to regulate and organise the expansion of big infrastructure projects in Brazil. Unlike the way the licensing for the BR 163 Federal Highway was done, when government involved society in the elaboration of a sustainable Development Plan for the region affected by the work, the licensing process for the Belo Monte Hydroelectric project has become notorious for the total disregard for: the legal regulations; the environmental conditioning factors; and the obligation to consult the indigenous populations affected by the works. This new modus operandi is becoming an increasingly common practice and constitutes a threat to the Amazon region insofar as the government intends to install 60 large-scale hydroelectric plants and 170 smaller ones there. That huge set of large and medium-sized hydroelectric dams will not only lead to deforestation stemming from migration to the regions of the works and real estate and land speculation; but will also alter the hydrological regime in the region's rivers and have irreversible impacts on the lives of indigenous peoples and local communities.

**CLIMATE CHANGE AGENDA AT A HALT** – In the period from 2005 to 2010 Brazil took decisive steps towards pushing forward the agenda for addressing climate change in the national and international spheres. In 2009, those efforts culminated in the praiseworthy definition of greenhouse gas emission reduction targets that were incorporated to National Climate Change Policy Law and led the turnaround in the positions adopted by the emerging economies. The subsequent regulation of the Law in 2010 to make it operational determined that Plans for emission reductions should be constructed sector by sector in 2011. What actually happened, however, was that in 2011 there was a strong retraction of the climate change agenda and not one single sector plan was constructed during the first year of office of the Dilma administration and neither were any of the respective public consultations made.

**MOBILITY PROGRAMME ON GO SLOW** – Even in those areas that the government considers top priority, like the public works involving the implantation of infrastructure, the socio-environmental agenda is unfolding very slowly. The Growth Acceleration Programme (PAC) launched in 2009 associated to the upcoming Football World Cup foresees expenditure of 11.8 billion reais on improving urban mobility but up to now a mere 10% has been actually carried out and it is already common knowledge that the metro systems will not be operational in time for the Cup. At the beginning of this government the Mobility PAC was launched but, up to now, no single project has been selected and not one contract has been signed to make use of the allocated funds.

**SANITATION ON GO SLOW** – Investments in sanitation are also unfolding much slower than the intense election campaign advertising would have us believe. Of an initially budgeted 3.5 billion reais, the government has only effectively invested 1.9 billion, 21% less than in 2010. The liberation of funds on the part of the Federal Savings Bank has also been highly unsatisfactory (R\$ 2.3 billion up until November, only 25% of the contracted amount). Basic sanitation is a fundamental factor in the strategy to reduce pollution of our water resources but the figures in Brazil are actually shameful: only 44.5% of the Brazilian population is connected to a sewage collecting network and of all the sewage collected in that way, only 38% is treated (which means that 80% of all sewage produced in Brazil is discharged into the natural environment untreated).

**LAND TENURE REGULARISATION ON GO SLOW AND INCREASE IN RURAL VIOLENCE** – It is not just in the creation of new protected areas, and indigenous and quilombola lands that the hegemony of the most backward reactionary sectors makes its presence felt. The first year of the Dilma administration has been marked by the worst performance in the creation of new agrarian reform settlements since 1995. The disbursement of funds to finance actions for the re-structuring of production in existing settlements was also the lowest for the last decade; 65.6 million reais. The processes for granting definitive tenure titles for indigenous and quilombola lands are also dragging out; in 2011 only one quilombola area was granted definitive tenure and three indigenous areas were ratified. Those backsliding tendencies coincide with a notable increase in violence in the rural areas. According to a survey made by the Missionary Indigenist Council (Cimi), 38 Indians were assassinated in the first nine months of last year; 27 in Mato Grosso do Sul, the scene of tense disputes for territorial rights. Added to those figures are the eight deaths of family agriculture smallholders and extractive agriculturalists in disputes for land with 'grileiros' illegally occupying lands and obtaining false tenure registration, especially in Brazil's northern region.

**INERTIA OF THE ENVIRONMENT MINISTER** – In the midst of all these multiple attacks on the authority and structure of her portfolio, the Minister of the Environment, in a way that is entirely unprecedented, has remained unacceptably subservient in acceding to the damage being done to the authority and functions of her institution, such as the emasculation of the

Environment Council –CONAMA and reduction of Ibama’s powers to control environmental licensing, inspection and surveillance. The Minister gave her blessing to all the affronts to good sense and scientific arguments embedded in the texts of the Forest Law Reform Bill by accepting the argument that the texts did not contain clauses granting amnesty, when in fact they make clear provision for a general, and unrestricted pardon for the great majority of those that undertook illegal deforestation.

Faced with these serious negative processes the social organizations that are signatories to this document call on the President to keep her election campaign promises by taking up, once more, the implementation of a sustainability agenda in Brazil. Only a firm action of that kind can avoid the harm that will result for Brazilian society if it finds itself in the embarrassing position of being both host and villain on the occasion of the up coming Rio + 20 event in June this year.

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