

The new Forest Code is failing the Amazon

A briefing by Greenpeace

For decades, the Forest Code has been part of the system of laws and regulations that has helped to protect the Amazon. Yet a new Forest Code, passed last year after years of lobbying from the agri-business lobby, has opened the Amazon up for further destruction. Government projections suggest an increase in deforestation for the first time in five years.

The new Forest Code has opened the Amazon up for destruction

On May 25th, 2012, President Dilma signed the new Forest Code. This was deeply unpopular: at the time up to 80% of Brazilians opposed the proposed changes, and the new Forest Code has been denounced by civil society groups, including environmental organisations, scientists and indigenous peoples' representatives. Over 800,000 Brazilians have signed up to a Citizen's Initiative for a Zero Deforestation law. Such a law would allow for continued community use of forests and small-scale, low intensity subsistence farming. Hundreds of thousands of forest peoples rely on the forests for their livelihoods.

The new code has effectively granted amnesty to anyone fined for clearing areas before July 2008. Those responsible for environmental crimes in the Amazon no longer need to pay their fines. Worse, they are no longer expected to reforest the land they have destroyed. A recent study by the Federal University of Minas Gerais in Brazil estimates 37 million hectares of forest, an area the size of Germany was illegally deforested and will remain unrestored because of amnesty granted in the new Forest Code.

The new Forest Code has also removed protections for hillsides and riverbeds, allowing farmers and ranchers to deforest and convert some of these areas. This increases the risk of landslides and pollution, and fuels conflict with communities living on river banks. In the Cerrado region alone, up to 40 million hectares of forest that was protected under the old Forest Code can now be legally cleared.

Government projections show deforestation is increasing with the new Forest Code

Deforestation has been in decline for the past five years. Yet initial projections show that deforestation has increased since the new Forest Code was passed. Between August 2012 and February 2013, 1,650 km² – an area the size of London – is estimated to have been cleared: an increase of over 25% compared to the same period the year before.

The government is dismantling the federal agency that protects the Amazon

The changes to the Forest Code are part of the systematic dismantling of the laws and regulations protecting the Amazon. The government has taken power away from federal agencies and devolved enforcement and monitoring powers to local and regional government, despite clear evidence that state and local governments are more reluctant or ill equipped to crack down on illegal logging and forest conversion.

The Federal Environmental Agency (IBAMA) has played a critical role in monitoring deforestation and violations to the law. However, in December 2011, the government weakened IBAMA's powers and removed its ability to issue and enforce environmental permits. The responsibility for issuing permits now lies solely with individual states and local government, which have proved susceptible to pressure from agri-business and timber barons.

The Rural Environmental Registration (CAR) was a centralised programme for mapping and recording rural properties to clarify land ownership. Yet under the new Forest Code, responsibility for registering properties has been devolved to states and municipalities. Not only does this reduce transparency, but local governments have not been provided with the means, funding or infrastructure to carry this out. As a result, progress has stalled. In order to meet the deadlines set by the new Forest Code, 12,000 farms would need to be registered every day until May 2014.

Land conflicts and violence are on the rise in the Amazon

Illegal logging and ranching continues to encroach on indigenous lands and conflict and violence is prevalent in the Amazon region. According to the Pastoral Land Commission, the murder of rural workers increased 24 percent in 2012 compared to 2011. The Amazon region has the highest concentration of conflict, with 489 out of a total of 1,067 land conflicts.

According to a survey by CIMI (Indigenous Missionary Council), there are no fewer than 452 government projects currently underway in Brazil, of which 201 directly impact on indigenous lands. According to CIMI, an average of 50 murders of indigenous people occur annually in Brazil. From 2003 to 2012, 315 indigenous leaders were murdered in connection to forest destruction. In the state of Mato Grosso, a leading deforestation state, there is an average of four deaths per month, in connection to forest destruction.

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