

1 - Introduction

2 – Number of actions

3 – Analyses by type and by theme

4 - Analysis

5 - Trends

6 - Terms of usage contact information

## **1 - Introduction**

This is the Monthly Outlook Report of the federal government's signals relevant to climate and environmental policies detected in APRIL 2021 by our Government Actions Tracker. We analyze *Federal Official Gazette* publications daily and classify relevant content using an actions typology we have developed which allows us to understand trends in the government's agenda. This current edition brings an outlook on the number of relevant actions, their types and a sector by sector analysis, followed by an assessment of the current political state in Brazil, and a discussion of the main trends for the coming month.

## **2 - Number of actions**

In April, our Government Actions Tracker identified **72 actions** relevant to environmental policy, agriculture and climate change from the Federal Executive Branch published in the *Federal Official Gazette*. The monitoring of actions from the Congress identified **30 new proposals** including Bills of Law (PL) and Draft Legislative Decrees (PDL) and Constitutional Amendment Proposals (PEC).

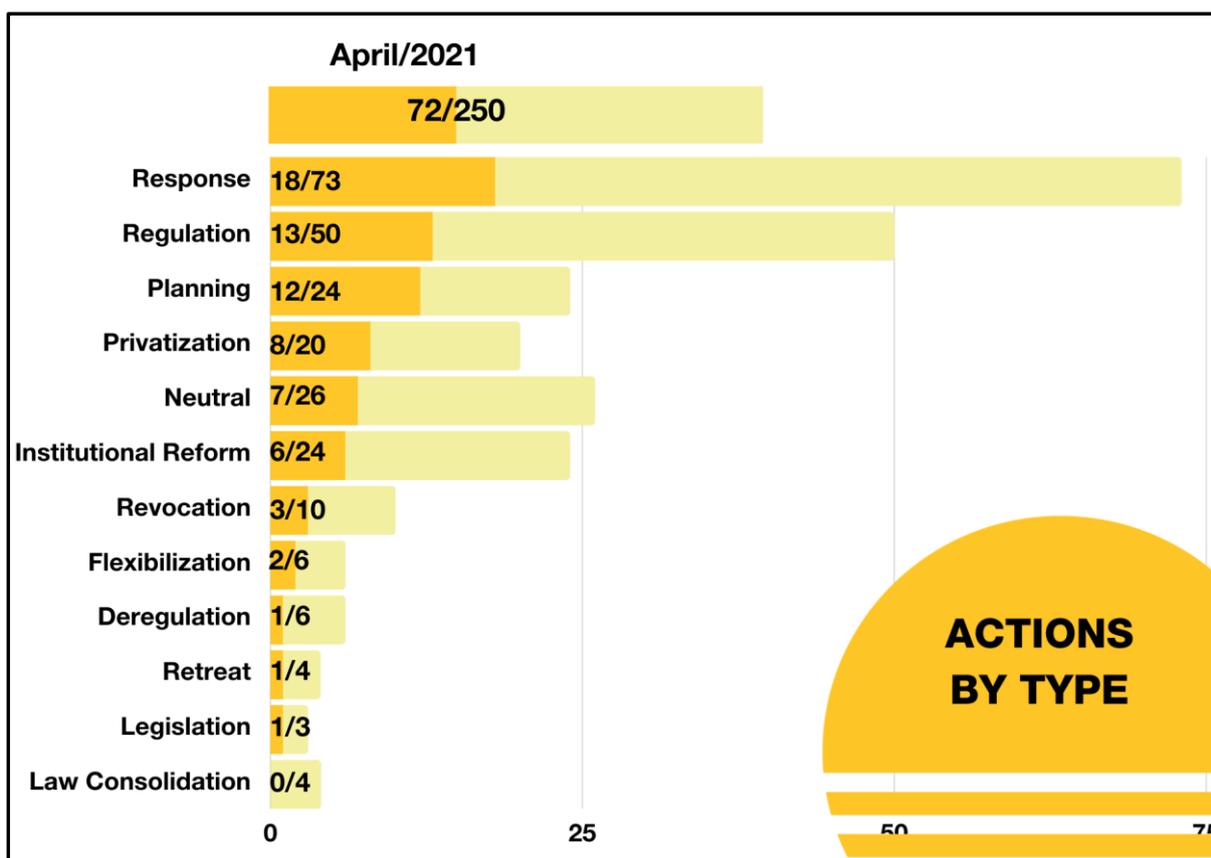
### **2.1 – Classification of Executive branch actions**

Regarding classification, among the **72** actions identified in April, the most common was **Response**, including actions from the *National Secretariat for Protection and Civil Defense* related to disasters caused by meteorological events in various states and municipalities. In April, most emergency declarations were due to **intense rain and floods**. Other Response actions were related to the use of the National Public Security Force for supporting the Amazonas State Government, supporting *ICMBio* (Chico Mendes Institute for Biodiversity Conservation) at the Amazon biome Conservation Units (extension), and supporting *IBAMA* (*Brazilian Institute for the Environment and Renewable Natural Resources*) and *ICMBio* at the Legal Amazon.

Still under Response, we identified the term extension for the *Provisional Measure* that establishes sanitary barriers protecting indigenous areas. **Regulation**, ranked second, with 13 actions identified in April, including Brazilian Central Bank's (BCB) launch of a public consultation related to the impact of climate change on the financial sector, the approval of the Non-Monetary Benefit-Sharing Agreement (ARB-NM) and the creation of the Steering Committee of Programa *Titula Brasil* (Brazil Land Title Program). Among the 12 norms were listed under **Planning**, we highlight the approvals of the 2021/2022 *Amazon Plan* and of the *National Council for the Legal Amazon's Strategic Map*, and the creation of the *Agribusiness Sustainable Development Committee - CDSA*, within MAPA (Ministry of Agriculture, Livestock and Food Supply). There were 8 **Privatization** actions, among which we highlight the inclusion of Centrais Elétricas Brasileiras S.A. - Eletrobrás in the *National Privatization Plan (PND)* and in the *Partnership for Investments Program (PPI)*, as well as the extension of *Provisional Measure No. 1,031* regulating this process. Twelve Conservation Units (forests and National Parks) were included in privatization programs in April. There were 7 actions listed as **Neutral** - which do not represent a signal of immediate relevance but remain on the radar for monitoring and future reference. There were 6 actions listed under **Institutional Reform** and, among them, a *Joint Normative Instruction* by IBAMA/ICMbio that regulates the federal administrative process of investigation of administrative infractions harmful to the environment, as well as a norm regulating the management of cooperation programs and projects within the Ministry for the Environment (MMA). Three **Revocation** actions were identified from FUNAI (*National Indian Foundation*), ANP (*National Agency for Petroleum, Natural Gas and Biofuels*) and the *Ministry of Finance*. The two norms listed under **Flexibilization** in April were the approval of the *Trawling Fishing Sustainable Resumption Plan along the Coast of Rio Grande do Sul State (RS)* and the change in the *Management Plan for Fernando de Noronha APA (Environmental Protection Area)*. The single **Deregulation** action in April was a decree changing definitions concerning family agriculture. We identified one **Retreat** action: a *Joint Normative Instruction* amending the most recent regulation of the federal administrative process for investigating administrative infractions harmful to the environments. The single action listed under **Legislation** was the sanction of Law No. 14,134, the *Gas Regulatory Framework*.

**Methodology Update:** Following our observations from monitoring Executive branch actions during 2019 and 2020, Política Por Inteiro's team deemed it necessary to reassess some of the norms listed as **Regulation**. A few measures listed as Regulation are not regulatory processes *per se*, rather being documents and guiding strategies like management plans, the creation of committees and working groups, the approval of programs and policies still without defined regulation, among others. Thus, a new classification type was included to address this group: **Planning**. Starting on 1st April 2021, this new type will be included in the [Government Actions Tracker](#), now with 12 classification types. The team has retroactively reassessed actions tracked from January to

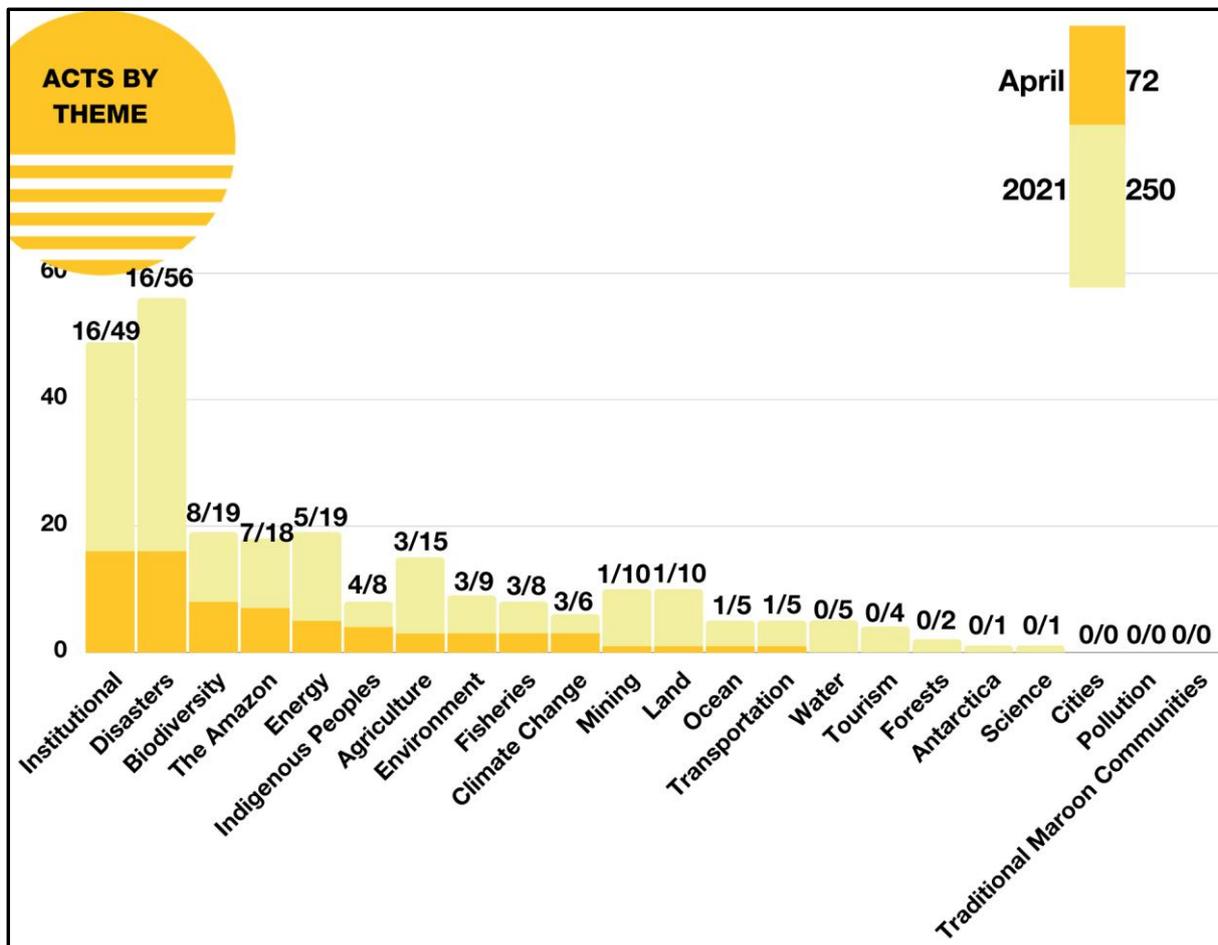
March 2021. Data from 2019 to 2020, however, will not be changed. To assist in comparisons, we published [a table on our website](#) apart from the Government Actions Tracker, listing the 41 actions that fit – or will fit, in the case of those published in the first quarter of 2021 – under Planning. To learn more about **Política Por Inteiro's Methodology**, visit: [politicaporinteiro.org/metodologia](http://politicaporinteiro.org/metodologia)



## 2.2 - Themes

The two themes with the highest number of measures in April were **Disasters** and **Institutional**, each accounting for 16 actions. Disasters are still frequent and, in addition to the declarations of emergency, a Disaster Support Group was created this month within the Ministry of Regional Development. Among the Institutional actions we highlight the *Provisional Measure* that simplifies the management of commissioned positions and positions of trust, considered to be a sign of Administrative Reform. **Biodiversity** accounted for 8 norms, most of which related to Conservation Unit concession processes. **The Amazon** accounted for 7 actions, mostly decisions of the *National Council for the Legal Amazon*. There were 5 actions under **Energy**, including the approval of the resolution governing the second bidding round for oil production at Sépia and Atapu areas. There were 4 actions under **Indigenous Peoples**, including the republishing of the *Normative*

*Instruction* addressing procedures to be adopted during the environmental licensing process for enterprises or activities located at or developed inside Indigenous Lands, developed by indigenous organizations. **Agriculture, Environment, Fisheries and Climate Change** accounted for 3 norms each. Among these, we highlight under Agriculture, the approval of 33 pesticides, including technical products and pre-mixtures. **Mining, Land, Oceans and Transportation** accounted for only one action each. The privatization tendency continues for Mining, with the inclusion of developments linked to the availability of areas for research or mining of mineral resources as part of the *Partnership for Investments Program of the Presidency (PPI)*. There are no highlights for the remaining themes.



No actions were tracked in April for: Forests, Tourism, Water, Antarctica, Cities, Pollution and Traditional Maroon Communities.

All actions, their classification and implications may be checked on [our website](#), as well as the [methodology](#) developed by POLÍTICA POR INTEIRO. Access to the website is free. Check the [Terms of usage](#).

### 3 – Analyses by type and by theme

#### Disasters

Under Disasters, 14 emergency situations were acknowledged by the National Secretariat for Protection and Civil Defense of the Ministry of Regional Development (MDR). All these were listed as Response by POLÍTICA POR INTEIRO's team, and may be checked on the [Government Actions Tracker](#). Besides these actions, we highlight:

#### **ORDINANCE No. 773, of 26 APRIL 2021 - Planning**

The Ministry of Regional Development (MDR) approved the Civil Defense Norm (Normadec), regulating procedures and technical criteria for prioritizing prevention action proposals for disaster risk reduction. It will be published on the MDR's website.

#### **DECREE No. 10,689, of 27 APRIL 2021 - Planning**

With Decree No. 10,689, the Presidency established the disaster support group within the Ministry of Regional Development to act domestically on the various stages of disaster. The group shall consist of protection and civil defense agents from the National Protection and Civil Defense System, and professionals from scientific fields of knowledge relevant to the management of each kind of risk and disaster. The group is open to inviting voluntary professionals with at least two-year experience in specific fields of knowledge, preferably connected to disaster and risk management.

#### Agriculture

#### **ACT No. 20, of 8 APRIL 2021 – Regulation**

The General-Coordination for Pesticides and Similar Products (CGAA) of Mapa (Ministry of Agriculture, Livestock and Food Supply) communicated the summary of the approval of 33 pesticides including technical products and pre-mixtures of two levels of toxicological and environmental hazard classification, including 19 products considered Highly Hazardous to the Environment and 14 Products that are Moderately Hazardous to the Environment.

#### **DECREE No. 10,688, of 26 APRIL 2021 - Deregulation**

With Decree No. 10,688, the Presidency altered the definition of family enterprise. It no longer is "associative or individual form of family agriculture". Now it is defined as "enterprise linked to the Family Agrarian Production Unit - UFPA". The prior definition of "rural family company" was removed and it now reads "rural family enterprise". It establishes that the UFPA and the family rural enterprise must meet the following requirement: using, predominantly, family workforce in the economic activities of the venue or enterprise. Formerly it was established that it should "use at least half of the family workforce in the production and income generation process".

The concept change aims at expanding the participation of family agriculture in governmental programs like *PRONAF (National Program for Strengthening Family Agriculture)*. Some sectors consider this measure as unfavorable. According to a [note](#) by **Contag**, the new guideline includes major cooperatives in the concept of family enterprise, which would increase their opportunities for competing with smaller cooperatives regarding access to institutional markets.

### **ORDINANCE MAPA No. 90, of 19 APRIL 2021 -Planning**

Ordinance No. 90 established the Agribusiness Sustainable Development Committee – CDSA within the Ministry of Agriculture, Livestock and Food Supply (Mapa), aiming at the establishment of a permanent discussion forum on topics and actions related to agribusiness sustainability. The Committee shall have 5 sub-committees for the following topics: 2030 Sustainable Development Agenda - SDGs; Biological Diversity; Climate; Organization for Economic Co-operation and Development - OECD; and Food and Agriculture Organization of the United Nations - FAO. The committee had been created in 2019 and Ordinance No. 90 revokes its former creation, recreating the committee, including specific topics for the 5 sub-committees and expanding its composition.

## **Environment**

### **JOINT NORMATIVE INSTRUCTION MMA/IBAMA/ICMBIO No. 1, of 12 APRIL 2021 – Institutional Reform**

The Ministry for the Environment (MMA), the Brazilian Institute for the Environment and Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity Conservation (ICMBio) set forth new regulations for the federal administrative process of investigation of administrative infractions through conduct and activities harmful to the environment, significantly changing what was established by previous Joint Normative Instruction 2/2020, especially concerning established deadlines, now shorter for public agents' proceedings. There is also higher concentration of power on what is called a “hierarchically superior authority”. Formerly, inspecting agents used to have more freedom. Another noteworthy aspect is an inversion of actions that may make it more difficult for administrative processes of inspection. The new Normative Instruction (IN) establishes that the notice of infraction is subsequent to the preparation of the inspection report. The revoked IN stated that the infraction notice was prior to the report. Read the full comparison at [POLÍTICA POR INTEIRO's blog](#).

### **JOINT NORMATIVE INSTRUCTION MMA/IBAMA/ICMBIO No. 2, of 26 APRIL 2021 - Retreat**

Joint Normative Instruction MMA/IBAMA/ICMBio No. 2 amends Joint Normative Instruction MMA/IBAMA/ICMBio No. 1, of 12 April 2021 relative to the

investigation of environmental administrative infractions, at a point that blocked the IBAMA system, thus addressing one of many claims made by the agency's public servants. The change concerns the inversion between the issuance of the report and the drawing up of the notice of infraction. Now, the drawing up of the notice of infraction precedes the preparation of the Report, which must be prepared within 10 (ten) days from the drawing up of the notice of infraction. Joint Normative Instruction No. 2 also withdrew the 5-day period for the hierarchically superior authority to request corrections and necessary additions from the inspecting agent. Other controversial aspects were maintained. To learn more, check [our specific analysis](#) on the topic.

## **Biodiversity**

### **DECREE No. 10,673, of 13 APRIL 2021 – Privatization**

The Presidency listed the following Conservation Units - Brasília National Forest; Serra dos Órgãos National Park; Chapada dos Guimarães National Park; Ubajara National Park; Serra da Bocaina National Park; Serra da Capivara National Park; Serra da Bodoquena National Park; Jaú National Park and Anavilhanas National Park - for the Partnership for Investments Program of the Presidency (PPI) and included them in the National Privatization Program (PND), for concession purposes for the provision of public services of visitation support, with provision for funding conservation, protection and management supporting actions.

### **DECREE No. 10,676, of 16 APRIL 2021 – Privatization**

Within the Partnership for Investments Program of the Presidency (PPI), the following National Forests (Flonas) located in the State of Amazonas were listed for forest concession purposes: I – Balata-Tufari National Forest; II – Pau Rosa National Forest; and III – Jatuarana National Forest.

### **RESOLUTION CPPI No. 170, of 19 APRIL 2021 – Privatization**

The Investment Partnerships Program Council approved in an *ad referendum* character the privatization, in the modality of common concession, of the following National Forests (Flonas): I – Canela, located in the municipality of Canelas/RS; and II – São Francisco de Paula, located in the municipality of São Francisco de Paula/RS. The aim of the concession is to support revitalization, modernization, operation, maintenance and management of areas for public use.

### **ORDINANCE MMA No. 144, of 22 APRIL 2021 – Regulation**

The Ministry for the Environment approved the Non-Monetary Benefit-Sharing Agreement (ARB-NM), the Identification form for finished product (or products) or reproductive material (or materials) subject to benefit-sharing, and the Non-Monetary Benefit-Sharing Agreement Proposal Submission Form (FRBNM). The deadline for the execution of the benefit-sharing proposal shall be included in the physical-financial schedule described in the ARB-NM Annex(es); and shall observe the following deadlines: I – up to one year, for benefit-sharing values up to

R\$1,000,000.00 (one million Brazilian reais); II – up to two years, for benefit-sharing values between R\$1,000,000.01 (one million Brazilian reais and one cent) and R\$3,000,000.00 (three million Brazilian reais); III – up to three years, for benefit-sharing values above R\$3,000,000.01 (three million Brazilian reais and one cent). Non-monetary benefit-sharing proposals shall highlight how the achievement of its objectives and results contribute to the conservation and sustainable use of biodiversity, taking into account the socioeconomic development of the region/biome. The benefits arising from non-monetary benefit-sharing must be fully allocated to the biome in which access to the genetic heritage occurred.

### **ORDINANCE No. 242, of 20 APRIL 2021 - Flexibilization**

Withdraws the need for authorization from ICMBio (Chico Mendes Institute for Biodiversity Conservation) for enterprises or activities conducted entirely within the Urban Zone of the Environmental Protection Area (APA) according to the zoning presented in the management plan, including construction or renovation activities of properties of more than 450m<sup>2</sup> which, in the original Management Plan, required previous authorization from ICMBio.

## **Land**

### **ORDINANCE No. 440, of 30 MARCH 2021 – Regulation**

With Ordinance No. 440, the National Institute of Colonization and Agrarian Reform (Incra) established the Steering Committee of Programa Titula Brasil (Brazil Land Title Program) aiming at collecting information on the program and forwarding it to adhering municipalities and to Incra Regional Superintendencies. It also aims at nationally assisting Regional Superintendencies in making the program operational and facilitating the dialogue between interested Municipalities, Regional Superintendencies, Incra's headquarters and SEAF/MAPA.

## **Indigenous peoples**

### **JOINT NORMATIVE INSTRUCTION No. 1, of 22 FEBRUARY 2021 (\*) – Regulation**

Joint Normative Instruction No. 1 (originally published in February/2021) was republished with a few amendments. The main change is the inclusion of Law No. 13,874 (the Economic Freedom Act), in Article 2 of the Normative Instruction, now reading: “Ibama may waive the requirement for environmental licensing, taking into account the specifics, environmental risks, dimension and other characteristics of the enterprise or activity, according to Ibama Normative Instruction No. 15, of 18 May 2018 and the Economic Freedom Act”.

### **ACT OF THE LEADER OF THE SENATE AT THE NATIONAL CONGRESS No. 19, of 2021 – Response**

The leader of the Senate at the National Congress extended for 60 more days the enforcement of Provisional Measure (MP) No. 1,027, of 1 February 2021, establishing protective sanitary barriers for indigenous areas. This is its last extension since the original publication date of MP 1,027 was 22 February 2021.

## Energy

### **DECREE No. 10,670, of 8 APRIL 2021 – Privatization**

Decree No. 10,670 listed and included Centrais Elétricas Brasileiras S.A. (Eletrobrás) in the Partnership for Investments Program of the Presidency (PPI) and in the National Privatization Program (PND), according to guidelines from Provisional Measure No. 1,031, of 23 February 2021. In case the Provisional Measure is not passed and becomes a law, the qualification of Eletrobras for the PPI and its inclusion in the PND will lose its effects.

### **RESOLUTION No. 4, of 9 APRIL 2021 – Regulation**

The National Energy Policy Council (CNPE) approved, at the 79<sup>th</sup> Biodiesel Auction, a reduction from 13% to 10% in the proportion of biodiesel in the mandatory blending of biodiesel in fossil diesel oil. The government claimed the reason behind it was the increase in the price of soybean oil, the main raw material for Biodiesel. Juan Diego Ferrés, president of Ubrabio (Biodiesel Sector Association), criticized the decision. In an interview to EPBR, Ferrés emphasized that the role of biodiesel is guaranteeing a sustainability pathway, and not offsetting prices.

### **LAW No. 14,134, of 8 APRIL 2021 - Legislation**

Law No. 14,134, considered the Gas Regulatory Framework, establishes standards for the exploitation of economic activities of natural gas transportation through pipelines and for the import and export of natural gas, as well as for the exploitation of activities related to the commercialization of natural gas. It originated from the enactment of Bill of Law PL 4.476/2020 and it revokes LAW No. 11,909, of 4 MARCH 2009 (the previous norm). It's goal is to prevent concentration in the gas market, ensuring independence between distribution, transportation and production companies.

## Mining

### **DECREE No. 10,687, of 26 APRIL 2021 - Privatization**

With Decree No. 10,687, the Presidency qualifies, within the Partnership for Investments Program of the Presidency (PPI), the projects and enterprises linked to procedures of availability of areas for research or mining of mineral resources, including previous public offers by the National Mining Agency for 2021 and 2022.

## Fisheries

### **ORDINANCE SAP/MAPA No. 115, of 19 APRIL 2021 – Flexibilization**

The Aquaculture and Fisheries Secretariat of the Ministry of Agriculture, Livestock and Food Supply (SAP/MAPA) approved the *Trawling Fishing Sustainable Resumption Plan along the Coast of Rio Grande do Sul State (RS)* and defined that specific measures will be regulated by a normative act from the Aquaculture and Fisheries Secretariat of the Ministry of Agriculture, Livestock and Food Supply (SAP/MAPA). In January, ORDINANCE SAP/MAPA No. 9, of 14 JANUARY 2021 suspended the use of all trawls pulled by motorized vessels within the 12 nautical miles of the maritime strip of the coastal zone of Rio Grande do Sul State until the beginning of the implementation of the Plan. Read a more in-depth [analysis on this norm](#) at POLÍTICA POR INTEIRO's Blog.

## Institutional

### **JOINT ORDINANCE No. 145, of 1 APRIL 2021 – Institutional Reform**

Joint Ordinance No. 145, signed by the Ministry for the Environment, IBAMA, ICMBio and the Rio de Janeiro Botanic Garden Research Institute, revoked: Ordinance MMA No. 322, of 16 August 2017; Ordinance MMA No. 238, of 20 December 2018; and Joint Ordinance No. 93, of 04 April 2018. It centers in a single norm all regulations for the management of cooperation programs and projects, agreements and similar instruments, financed with external resources or funding from the Ministry for the Environment and associated bodies. The changes focus competencies in the hands of the Minister for the Environment, in the change of structure, formerly comprised of External Resources Bodies (OCRE, OSRE) which, seemingly, are no longer present. It creates a new information system (together with a Directory) and leaves the process less transparent, since it restricts the communication of public information at the MMA's website. Read the full-length analysis [here](#).

### **DECREE No. 10,667, of 5 APRIL 2021 – Institutional Reform**

Amends Decree No. 9,764/2019, that addresses how direct and autonomous federal administration entities, bodies and foundations receive donations of movable assets and services from private individuals or private companies. The norm decentralizes competencies formerly residing with the Ministry of Finance and with the Management Secretariat of the Special Management, Red-tape reduction and Digital Government Secretariat of the Ministry of Finance, transferring it to the body or entity responsible for the public call. It also establishes that procedural deadlines set

forth by the Decree may be justifiably halved in case of urgency in making the donation.

### **NORMATIVE ORDINANCE No. 6, of 8 APRIL 2021 – Planning**

Addresses procedures related to treatment, security and classification of information within the Ministry of Mines and Energy. An action or an omission leading to compromising or to the risk of compromising classified information of any clearance level is considered as a security breach.

### **PROVISIONAL MEASURE No. 1,042, of 14 APRIL 2021 – Institutional Reform**

It was established that the Executive Branch may alter, through conversion, the amount and distribution of commissioned positions, positions of trust and bonuses, subject to their respective remuneration amounts, and provided that it does not lead to increased expenditures. It establishes, for direct and autonomous federal administration entities and foundations, the Executive Commissioned Positions (CCE) and the Executive Commissioned Functions (FCE). It extinguishes commissioned positions, positions of trust and bonuses that are not converted into CCEs or FCEs before the established deadlines. An act by the federal Executive Branch will define the criteria, professional profiles and general procedures to be observed for holding CCEs and FCEs.

## **Climate Change**

### **PUBLIC CONSULTATION NOTICE No. 85, of 7 APRIL 2021 – Regulation**

The Central Bank launched a public consultation on three norms related to the impact of climate change on the financial sector. Interested parties may contribute with suggestions and comments until 5 June 2021. The norms are related to social and environmental responsibility, the incorporation of international discussions, and the inclusion of climate change in the Brazilian regulatory framework. The proposals are: (I) Revoking Resolution No. 4,327, (II) Amending Resolutions No. 4,557 & No. 4,606 and (III) New Resolution CMN (National Monetary Council). It is proposed to deepen the concepts of social, environmental and climate risk (transition risk and physical risk) and changes in the management structure. Greater integration of these risks with traditional risks (interest rate variation, market, credit, operations, foreign exchange, liquidity, among others) is expected through the establishment and improvement of the Social, Environmental and Climate Responsibility Policy (PRSAC) for financial institutions.

## **The Amazon**

### **RESOLUTION No. 13, of 2021 – Planning**

The Parliamentary Group for the Amazon Cooperation Treaty Organization was created by Resolution No. 13 “with the purpose of encouraging and developing relations between the National Congress and said international organization, as well as contributing to the analysis, understanding, forwarding and solution of problems”. We emphasize an excerpt from the norm stating that one of the group's objectives is “to encourage and develop relations between the National Congress and said international organization”, that may be related to the Amazon Cooperation Treaty (TCA), which was signed in Brasilia, on 3 July 1978 by eight Amazon region countries: Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname and Venezuela. The Working Group (GT) aims at making the Amazonian Parliament official, by the means it deems appropriate, with the ability to establish, for that purpose, on behalf of the National Congress, a dialogue with the parliaments of other member countries.

### **ORDINANCE No. 157, of 12 APRIL 2021 – Response**

The Ministry of Justice and Public Security (MJSP) extended the presence of the National Public Security Force (FNSP) in the Amazon Conservation Units (UCs) to support ICMBio in fighting deforestation, illegal mining and logging, and grabbing of federal lands. FNSP’s support to ICMBio in the Amazon started in October 2018 and has been repeatedly extended for six more months ever since.

### **RESOLUTION No. 3, of 9 APRIL 2021 – Planning**

The president of the National Council for the Legal Amazon approved the 2021/2022 Amazon Plan, that focuses on inspection and institutional missions by the involved bodies. It also sets forth a structure for replacing the Operations for Guaranteeing Law and Order (GLO) until 30 April 2021 with a transition plan focused on 11 priority municipalities, and it highlights the competency of each Ministry regarding the planned actions. Without identifying neither figures nor the reference period, it proposes to meet the 2016-2020 PRODES (Program for Satellite Monitoring of the Brazilian Amazon Forest) average as a deforestation reduction goal for the Amazon by the end of 2022. You may read POLÍTICA POR INTEIRO’s complete analysis of Resolution No. 3 [here](#).

### **RESOLUTION No. 2, of 9 APRIL 2021 – Planning**

The Strategic Map of the National Council for the Legal Amazon. We emphasize the non-meeting of national goals. The Map also fails to include commitments as dictated by Law, such as the National Policy on Climate Change (PNMC), that, so far, have not been met.

### **ORDINANCE MJSP Nº 197, of 27 APRIL 2021 - Response**

The Ministry of Justice and Public Security (MJSP) authorized the use of the National Public Security Force (FNSP) to support Ibama (Brazilian Institute for the Environment and Renewable Natural Resources) in actions of inspection, fighting illegal deforestation and other environmental crimes, and fighting forest fires and

intentional fires in the area of the Legal Amazon for two hundred and sixty days, counting from the publication date of Ordinance MJSP No. 197, with the possibility of extension.

#### 4 - Analysis

##### Political articulation

**Proposals approved in Congress:** The Senate’s Plenary approved Bill of Law (PL) 4348/2019, by Representative Silas Câmara (Republicanos/AM), amending Article 40-A of Law No. 11,952, of 25 June 2009, on land tenure regularization for squatter invasions outside the Legal Amazon in the urban and rural areas of Inera (National Institute of Colonization and Agrarian Reform), and the Water Constitutional Amendment Proposal (PEC 4/2018) which includes access to drinking water among the fundamental rights and guarantees in the Federal Constitution, and it now goes to the Chamber of Deputies for analysis.

**Closing of the Oil Spill Parliamentary Commission of Inquiry (CPI):** due to non-observance of the renewal deadline, the Parliamentary Commission of Inquiry (CPI) that investigated the oil spills that spread over the Northeastern shore in 2019 and looked into the accountability for the spill was closed. The request for another extension of the CPI after the expiry of its deadline on 6 April was untimely put on the agenda for voting at the Plenary of the Chamber of Deputies by its president, Arthur Lira (PP-AL), on the 7<sup>th</sup> and, despite a few opposing votes, it was removed from the agenda, closing the matter. Many members of Congress, especially those aligned with the government, who aimed at avoiding having a report listing the government’s omissions in the response to the incident, voted for its removal from the agenda, claiming that voting at the Plenary should focus on fighting the pandemic.

##### Ongoing

**Adopt A Park Program:** In April three “protocols of intentions” were signed between interested parties and the MMA (Ministry for the Environment) to adopt one of the 132 Conservation Units listed for the program.

Interested Party	Conservation Unit	Date of signature of the protocol of intentions
Coca-Cola Brasil	ARIE Javari Buriti	28/April
MRV Engenharia	Cuinarana Marine Extractive Reserve	14/April

Grupo Heineken	Quilombo do Flexal Extractive Reserve (MA)	05/April
Genial Investimentos	ARIE Projeto Dinâmica Biológica de Fragmentos Florestais (AM)	02/March
Coopecredi Guariba	São João da Ponta Extractive Reserve (PA)	17/March
Geoflorestas	Chocoaré-Mato Grosso Extractive Reserve (PA)	25/March
Cooperativa Agroindustrial (Coplana)	ARIE Seringal Nova Esperança (AC)	29/March
Carrefour	Lago do Cuniã Extractive Reserve (RO)	09/February

In April, public reading sessions of proposals for the “adoption” of Conservation Units were held, specifically those of Grupo Heineken (related to the Quilombo do Flexal Extractive Reserve) and of MRV Engenharia (Cuinarana Marine Extractive Reserve). A protocol of intentions was signed between the MMA and Coca-Cola do Brasil, related to the Javari Buriti ARIE (Area of Relevant Ecological Interest). However, until the closing of this Monthly Outlook Report, no public session has been held.

It is noteworthy that, in spite of the name of the Program, so far there has been no sign of “adoption” of Parks, but only adoptions of Areas of Relevant Ecological Interest (ARIE) and Extractive Reserves (RESEX). Another important aspect is the lack of consultation to local Extractive Reserve communities, according to a [letter](#) from the National Council of Extractivist Populations (CNS).

For access to the Notice and documents related to the public sessions, visit this [link](#) at ICMBio’s website.

Regarding the “protocols of intentions”, we prepared [exclusive material](#) in March/2021, with comments on the fragility of this kind of document, especially concerning the methodology set forth by Federal Decree 10,623/2021 that established the Program.

**Concession of Conservation Units:** Until the end of April, 24 Conservation Units in various regions in the country were qualified for the Partnership for Investments Program (PPI). The single advanced concession process is that of the Aparados da Serra and Serra Geral National Parks, on its final tender stage, granted to Grupo [Construcap](#). The norm published in April marks the beginning of the second process, approving the *common concession* modality for the Canela National

Forest, located in the municipality of Canelas (RS) and the São Francisco de Paula National Forest, located in the municipality of São Francisco de Paula (RS). This modality is the same as the one approved for Aparados da Serra and Serra Geral. The common concession is applicable for revitalization, modernization, operation, maintenance and management of areas. Besides these processes, in December 2020 the beginning of the concession process for the Humaitá National Forest (Flona Humaitá/AM) was authorized, recommending the publication of the call for tenders. The Brazilian Forest Service launched a [public consultation](#) for the concession notice. The consultation was closed on 21 February 2020 and the notice has not been published yet. Humaitá Flona's concession modality allows for the practice of sustainable forest management for 40 years in 3 units totaling approximately 201,000 hectares. Still in April, the public hearing on the concession project regarding the concession of services to support visitation, ecological tourism, environmental interpretation and recreation in contact with nature at the Iguaçu National Park was [communicated](#). The hearing will be held on 20 and 21 May 2021, with virtual and in person modalities, in the cities of Céu Azul and Foz do Iguaçu.

**National Public Security Force:** The National Public Security Force (FNSP) has been constantly employed in supporting environmental actions in Brazil, in spite of its use being considered for episodic purposes in a planned fashion. Besides the recent authorization for operating in the Legal Amazon together with IBAMA and ICMBio, replacing Green Brazil II Operation (concluded on 30 April), the FNSP is also present in Amazon Conservation Units supporting ICMBio in fighting deforestation, illegal mining and logging, and grabbing of federal lands. This action started in October 2018 and has been repeatedly extended for six more months ever since. The FNSP is also involved in agrarian conflict mediation on land tenure issues in the State of Mato Grosso do Sul, in the municipalities of Caarapó/MS and Dourados (MS), currently under the second consecutive extension; as well as Operation Harpoon I (Medium Solimões River), focusing on fighting organized crime and environmental crimes along Negro and Solimões rivers in the State of Amazonas. The FNSP will support this Operation until 10 August 2021. FUNAI (National Indian Foundation) has also received support from the FNSP in the Apyterewa Indigenous Land, affected by Belo Monte Hydroelectric Power Plant in the State of Pará. The operation has been in place for 8 months and was extended until August 2021. The FNSP also provided support, until the end of April, in the implementation of barriers from the "Sanitary Barriers for Isolated and Recent Contact Indigenous Peoples Plan", related to Petition of Non-compliance with Fundamental Precept No. 709/DF, in the Enawenê-Nawê Indigenous Land located in the Municipality of Juína (MT).

**Land tenure regularization in Congress:** In the last week of April there was an attempt to approve, during a Senate Plenary Session, Bill of Law (PL) 510/2021 on land tenure regularization, by Senator Irajá (PSD/TO), placed in the agenda without any discussion with society. The approval of the Bill is one of the president's

priorities and is supported by the agribusiness parliamentary group. The project is a copy of Provisional Measure 910, edited in 2019 by the president. After environmentalist organizations, claiming that the project provides amnesty for the crime of grabbing public land, put pressure in the social media, the president of the Senate yielded to requests to remove the matter from the agenda so there is more time for discussing the Bill. The proposal was postponed to the first week of May at the Senate's Agriculture and Agrarian Reform Committee (CRA).

**Reforms in Congress:** The Administrative Reform, PEC 32/2020 (Constitutional Amendment Proposal) is being analyzed at the Committee on the Constitution, Justice and Citizenship (CCJ) of the Chamber of Deputies and may have a series of impacts on environmental management – as discussed during a [Frente Parlamentar Ambientalista's \(Environmentalist Parliamentary Front\) live debate](#). A schedule of hearings was defined - from 26 April to 14 May – for discussing PEC 32/2020, after which Congressman Darci de Matos (PSD-SC), the rapporteur, will issue an opinion on the acceptability of the text. The CCJ has approved requests for inviting representatives from various entities, including public servants, and Paulo Guedes, the minister of Finance, to the public hearings. It is important to mention that the possible merger of Ibama and ICMBio may be considered in the scope of the Administrative Reform. According to Arthur Lira, the president of the Chamber of Deputies, the Tax Reform will be voted in stages still in 2021.

**Carbon Market:** Bill of Law (PL) 528/21, regulating the Brazilian Emissions Reduction Market (MBRE), by Congressman Marcelo Ramos (PL-AM), had Congressman Bosco Saraiva (SOLIDARI-AM) appointed as rapporteur and was sent to the following Committees: Committee on Economic Development, Industry, Commerce and Services; Committee on the Environment and Sustainable Development; Committee on Finances and Taxation; Committee on the Constitution and Justice and Citizenship. Intense progress in the agenda may be expected for the coming month.

**ABC +2020-2030 Plan:** The Ministry of Agriculture, Livestock and Food Supply (MAPA) launched on 20 April the second stage of the ABC Plan, called [ABC+ 2020-2030](#), for promoting low carbon emission agriculture for the next decade. The concept of Landscape Integrated Approach (AIP) was incorporated as the plan's conceptual base together with climate change adaptation and mitigation strategies, as well as incentive to sustainable systems, practices, products and production processes. The ABC+ Operative Plan will be launched in the beginning of the second semester of 2021 after public consultation to the civil society, also on 2030 goals. In January, a [decree](#) had established the Technical Committee and also the Integrated Information System of the Sector Plan for the Consolidation of a Low-Carbon Economy which, among other competencies, aim to promote transparency and public access to data generated under the program, and the strengthening of institutional governance. [IMAFLOA's technical analysis](#) (Institute of Agriculture

and Forest Management and Certification), published by the Observatório do Clima (Climate Observatory), indicated that although it is praiseworthy, the program still has only a marginal participation on rural financing, corresponding to only 1% of the total for Plano Safra (Harvest Plan).

## **Rehearsal**

**Fisheries:** An agreement was announced in April between the [Global Fishing Watch and the Ministry for Agriculture, Livestock and Food Supply](#), represented by the Aquaculture and Fisheries Secretariat - SAP. However, no formal action has been identified related to the publication of this agreement. According to what was communicated, "soon close to 2,000 vessels will be visible on the *Global Fishing Watch* platform through the integration of data from Brazil's vessel monitoring system (VMS) for all the domestic fleet." It is not clear how this agreement will impact the Satellite Tracking Program (PREPS), analyzed by the publication [Pesca por Inteiro](#) due to its service of domestic monitoring and inspection of Brazilian fishing vessels.

**Environmental licensing:** Bill of Law (PL) 3,729/2004, with Congressman Neri Geller (PP-MT) as rapporteur, was discussed in a meeting of the Frente Parlamentar da Agropecuária (Agriculture and Livestock Parliamentary Front), where Neri stated he intends to place the project in the agenda for voting at the Plenary of the Chamber of Deputies in the first week of May.

**Other proposals moving forward in Congress:** Bill of Law (PL) 6,289/2019, a copy of a 2014 project by then Deputy Jair Bolsonaro, establishing that State Military Police forces become part of the National Environmental System (Sisnama), was put forward by the president of the Committee on the Environment, Carla Zambelli (PSL-SP), listed for voting at the Committee towards the end of April. The proposal was removed from the agenda by request of Congressman Nilto Tatto (PT/SP), but should be once again placed for voting. Still, Bill of Law (PL) 5,634/2019 by Congressman Otto Alencar Filho (PSD/BA), addressing planting native species for recovering or restoring ecologically sensitive areas in rural properties received the opinion of Rodrigo Agostinho (PSB/SP) recommending its approval as per a Clean Bill. Finally, Bill of Law (PL) 1,205/2019, at the Chamber of Deputies' Committee on the Environment, addressing the buffer zone of Conservation Units, was recommended by rapporteur Deputy Paulo Bengtson (PTB/PA) for approval as per a Clean Bill, with a request for holding a public hearing at the Chamber of Deputies' Committee on the Environment to discuss the proposal. The Bill also received technical notes from the National Network Pro-Conservation Units (Rede Pró UC) and the Pro-Conservation Units Coalition (Coalizão Pró-UC), arguing that the Bill of Law will make the irregular use of land surrounding protected areas easier.

**New proposals in Congress:** POLÍTICA POR INTEIRO's Legislative Initiatives Database, a monitoring tool for new Legislative proposals related to the environment and climate change identified 30 relevant projects in April, including 1 Constitutional Amendment Proposal (PEC 6/2021, which includes in the Constitution access to drinking water as a fundamental right) and 18 Bills of Law (PL), among which we highlight PL 1,091/2021, by Congressmen Patrus Ananias (PT/MG) and Camilo Capiberibe (PSB/AP), which establishes the National Plan for the Eradication of Mercury Contamination; PL 1,477/2021, by Congressman Nilto Tatto (PT/SP), for establishing punitive sanctions for those who facilitate the illegal trade of mining/panning products; both Bills of Law aim at establishing punitive sanctions to activities that degrade the environment. In addition, there are 4 Bills of Law aiming at fostering wind and solar sources of electric power (PL 1,554/2021, PL 1,550/2021, PL 1,482/2021 and PL 1,645/2021). On the other hand, on the Indigenous Peoples Day, proposals were presented like PL 1,443/2021, by Congresswoman Carla Zambelli (PSL/SP), aiming at allowing indigenous people to conduct economic activities within or outside their land, including planting GMOs, and PL 1,574/2021 by Congressman Darci de Matos (PSD/SC) aiming at waiving environmental licensing for open pit mining done by gravel excavation. We also identified 11 Draft Legislative Decrees (PDLs) aiming at stopping actions by the Federal Executive Branch, including Joind Normative Instruction MMA/IBAMA/ICMBIO No. 01/2021, of 12 April 2021, on environmental infractions.

**Climate Fund at the Federal Supreme Court (STF):** On 19 April, rapporteur judge Gilmar Mendes ruled on ADPF 814 (Petition of Non-compliance with Fundamental Precept), which questions actions that changed the composition of the Steering Committee National Fund on Climate Change (Fundo Clima) and its decision-making process. ADPF 814 was proposed by the Brazilian Association of Members of the Public Prosecutor's Office for the Environment (Abrampa). Judge Gilmar Mendes ruled that ABRAMPA *"failed to demonstrate that it represents the common and homogeneous interest of members of the Brazilian Public Prosecutor's Offices (...) and also failed to prove the structuring and performance of activities on a national level"*. Thus, he disallowed the initial claim for the Association's illegitimacy.

**Climate Litigation:** Regarding the Federal Justice, a citizen suit was filed in April in São Paulo signed by six young people and supported by eight former ministers for the Environment, against the current minister for the Environment, Ricardo Salles, and the former minister of Foreign Affairs, Ernesto Araújo. The group pleads for the annulment of the 2020 updated Brazilian climate goal (NDC) at the Paris Agreement. They claim an accounting trick was used, called "climate pedal thrust" (a delayed transfer for masking purposes), to allow Brazil to increase its emissions in relation to the previous commitment for 2030. At the time of the announcement of the new Brazilian NDC, POLÍTICA POR INTEIRO's coordinator, Natalie Unterstell, explained on her weekly column on Época magazine, in an unprecedented fashion,

the reference shift mechanism used that ended up relaxing the goal. Until the present date, the federal government has neither clarified nor justified the change.

### **Crises/Steps back/Controversy**

**Saraiva vs. Salles:** after the seizure of the largest timber load in December 2020, the minister for the Environment, Ricardo Salles, headlined the beginning of a great controversy. He went personally to the region, posed for pictures beside huge seized logs, affirming they were legal timber, directly contradicting Alexandre Saraiva, Amazonas State Federal Police Superintendent. Saraiva called on the Federal Supreme Court (STF) to investigate the minister for the Environment and was removed from his position on the following day. The controversy does not stop there, since the now former Federal Police Superintendent was called by the Chamber of Deputies for a joint public hearing of the [Committee on Participative Legislation and the Committee on Human Rights](#) on 26 April, when he made a statement indicating that the charges pressed at the STF "report on Salles' alleged actions for obstructing the investigation that led to illegal timber seizure as part of Handroanthus GLO (Guarantee of Law and Order) Operation. The minister has allegedly committed three crimes: obstructing environmental inspection actions by public servants; exerting administrative advocacy; and, being part of a criminal organization". The controversy around minister Ricardo Salles seems to be only beginning since, on 30 April [IstoÉ magazine's](#) cover features reports on the minister's possible collusion with illegal loggers.

**Budget:** On the day following the Leaders Summit on Climate, after major controversy and deadlocks between the Executive branch and the National Congress, president Jair Bolsonaro sanctioned the 2021 Annual Budget Law (LOA), with partial vetoes. Among these vetoes, R\$240 million were withdrawn from the budget for the Environment, contrary to what the president himself had stated at the Summit, when he affirmed having "instructed to double the budget" for inspection actions in the Amazon. The Ministry for the Environment sent a letter to the Ministry of Finance [requesting additional R\\$270 million](#) for the federal inspection bodies. The controversy goes on, including at CMADS (Committee on the Environment and Sustainable Development) hearings.

**Fighting Covid-19 for indigenous peoples and hetero-identification:** For ADPF 709 (Petition of Non-compliance with Fundamental Precept), on fighting the dissemination of Covid-19 among indigenous peoples, judge Luís Roberto Barroso allowed the extension until 26 April, as claimed by the Federal Government, for presenting the Execution and Monitoring Plan for fighting Covid-19 among indigenous peoples. Judge Luis Roberto Barroso emphasized that the approved plan is immediately applicable counting from the approval decision. In March 2021 the judge ruled for various actions to be conducted by the Federal Government, including the establishment of a 15-day deadline for the presentation of an Execution

and Monitoring Plan for the General Plan, and the suspension of FUNAI's Resolution No. 4/2020 (National Indian Foundation), that set hetero-identification criteria for indigenous peoples and individuals, as reported in our [weekly report](#) at the time.

**Intimidation of indigenous leaderships:** The Federal Police [subpoenaed indigenous leader Sonia Guajajara](#), from the Articulation of the Indigenous Peoples of Brazil (Apib), by request of the National Indian Foundation (Funai). Funai accused the indigenous leader of defaming the federal government with [webseries Maracá](#), that exposes violations to indigenous rights during the Covid-19 pandemic. Funai, the very entity that should protect indigenous peoples, used this same rationale of 'spreading lies about the government', to [also subpoena leader Almir Suruí](#).

### **On the radar (international agenda)**

**Earth Summit:** In 2021, the Earth Day was celebrated with a Leaders Summit called by Joe Biden, where 40 heads of state announced efforts towards the creation of quality jobs in zero carbon industries, energy transition and fair recovery after the pandemic. The summit attempted to alter mankind's current trajectory regarding climate change through strong commitments indicating the way for this new economy. Until then, the world was headed to a catastrophic average temperature increase of 3.6 degrees by 2100. Five countries sent their new or updated national climate plans (NDCs) – with highlight to the [USA](#) and Japan. Thus, the counter has started coming down, signaling a possibility of remaining within the safe limits according to science: an improvement of around 12-14%, according to [CAT's](#) preliminary assessment (Climate Action Tracker).

**Continuation of conversations between Brazil and the US on climate change:** During the weeks preceding the Earth Summit there was much talk about a possible bilateral agreement between Brazil and the United States involving the Amazon. Ricardo Salles started by asking for 10 billion dollars per year, later reducing his "offer" to 1 billion in an [interview](#) to Estadão newspaper. Concerns were raised by [American politicians](#), [Brazilian governors](#), the [civil society](#), [investors](#) and [others](#). Brazilian president Jair Bolsonaro sent a letter signed in his own hand to the White House. The alleged news in the letter was the resumption of zero illegal deforestation by 2030 – a goal removed by the Bolsonaro administration from the Brazilian Nationally Defined Contribution (NDC) last December. Secretary John Kerry tweeted mentioning the "re-commitment" and asked for real progress in the dialogue with civil society and indigenous peoples. After the Summit, Kerry resumed bilateral conversations. It coincidentally happened on the same day that indigenous leaderships were subpoenaed by the Federal Police to comment on Funai's (National Indian Foundation) accusation of defaming the government when they reported on

violations to the rights of their people – rights guaranteed by the Constitution and by international agreements to which Brazil is a signatory.

**LEAF Initiative:** Americans have joined many mega-companies like Amazon and Airbnb, as well as the United Kingdom and Norway to provide financial support to a broad set of tropical countries. Named "[LEAF](#)", the program, launched at the Earth Summit, conceptually has the logic of the Amazon Fund, however, with practical differences. In order to take part in the program, jurisdictions (nations or states, initially) shall prove deforestation reductions in the next 5 years. This means that results from 10 years ago are not eligible for rewards.

**Brazil at the Earth Summit:** Bolsonaro's speech was analyzed by POLÍTICA POR INTEIRO's team – read more [here](#). The single point considered noteworthy was the bringing forward of the emissions neutrality indicative goal to 2050. The government still has to make this change official in the international scenario. Domestically, this long term goal creates an important opportunity for Brazilian society to establish a dialog and to organize itself concerning investment decisions for the coming years.

**'Net zero' commitments:** Brazil joined over 100 countries committed to some sort of emissions neutralization by 2050. A global assessment on the subject may be [checked here](#). In April there was a rise in technical and political questions on the rigor of what has been promised by companies and governments so far. Rachel Kyte, former World Bank director, published an important [article on the Washington Post](#) signaling to the need of carefully evaluating long term promises, especially if there are no sound intermediate commitments. According to Kyte, even the most prominent climate diplomats are not immune to the undue use of the phrase. Many executives have understood the neutrality goal as compensation via offsetting, and not as a transition.

**Race toward Zero Emission:** The private sector has presented more and more decarbonization goals. JBS, a giant company in the beef industry, gained media attention after [announcing](#) that it will become Net Zero by 2040. Capgemini Brasil, a consultancy and technology services multinational company, [signed](#) a Net Zero commitment by 2030. Moreover, over 70 Brazilian companies, among them [Klabin](#) (the leading packaging paper producer and exporter in the country), adhered to [Race to Zero](#), an initiative from the United Kingdom to accelerate decarbonization by COP 26, in November this year. Finally, the financial sector has also shown progress in the agenda, like Santander Bank, a founding-member of the [Net-Zero Banking Alliance \(NZBA\)](#), with the commitment to neutralize emissions by 2050 or earlier. The BNP Paribas Bank, a financial institution with large operations in Brazil, has [adhered](#) to NZBA.

## 5 - Trends

The Federal Government aims at making progress in the international agenda. There was an increase in actions towards this goal in April, with direct talks with leaderships from other countries and organizations. The search for funding is seen with suspicion because of the Amazon Fund standstill, as well as because of the increasingly fragile state of the environmental infraction inspection system, especially due to Joint Normative Instruction MMA/IBAMA/ICMBio No. 01/2021 (*analyzed in section 3 above*).

The domestic agenda shall continue focused on building an image friendly to the preservation of biodiversity and to the mitigation of climate change, with emphasis on programs like *Adopt a Park* and *Forest+*. So far, these initiatives have not produced practical effects and have not drawn significant support. The [Financial Times](#) reported that international investors signaled they have no interest in programs with no market logic and with a philanthropic bias. On the other hand, they have expressed an interest for green bonds, that are on the radar of governmental entities like BNDES (Brazilian Development Bank) and the Ministry of Infrastructure.

Brazil shall continue negotiations with other countries to achieve some diplomatic victory at COP 26. The search shall involve something related to articles 5 and 6 of the Paris Agreement, aiming at the implementation of mechanisms for regulating the carbon market and, tentatively, to appease private investors.

In May, the international agenda will focus on preparations for the G20 meeting to take place the following month.

In the domestic agenda, the dry season starts at the Amazon. This critical time for fires approaches with no clear command and control actions plan, not to mention a low budget. With the end of Operations for Guaranteeing Law and Order (GLO), the political bill of eventual fires and forest losses may not fall on vice-president Hamilton Mourão's hands. Since the government is so openly passing the hat around abroad, it is natural that demands call for results rather than announcements just for show. The accusation against the minister for the Environment at the Federal Supreme Court (STF) was forwarded by judge Carmem Lúcia to the Office of the Prosecutor-General of the Republic (PGR) for an opinion, and it may increase the pressure on the minister and fuel political polarization on this agenda.

At the National Congress, progress and approvals are expected for legislative proposals related to agendas considered as priority for the Government in May: the Bill of Law on environmental licensing (PL 3,729/2004) and the Bills of Law on land tenure regularization (PL 510/2021, proceeding in the Senate) and PL 2,633/2020 (in the Chamber of Deputies). In addition, the administrative reform may progress, while the tax reform seems to be at a standstill. However, in Congress, the spotlights are on the Senate's Covid Parliamentary Commission of Inquiry (CPI).

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### Contact Information

[politicaporinteiro.org](http://politicaporinteiro.org)

[contato@politicaporinteiro.org](mailto:contato@politicaporinteiro.org)



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