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*Briefing Paper*

**OFFICIAL FIGURES CONFIRM THAT BRAZILIAN AMAZON  
DEFORESTATION INCREASED 33% OVER 1991-94. REAL CONTENT  
OF GOVERNMENT MEASURES IS STILL SUBJECT TO DIFFERENT  
INTERPRETATIONS.**

São Paulo, August 3rd, 1996

One week after the release, by the Brazilian government, of new figures on Amazon deforestation and new measures aimed at combatting such phenomenon, interpretation of the real content of the "Amazon Package" is still uncertain. What follows is a provisional summary evaluation of both figures and measures, mainly for use by Friends of the Earth groups.

**OFFICIAL DATA CONFIRM INCREASED DEFORESTATION**

Figures released by the Ministry of Science and Technology, based on satellite findings from the National Space Research Institute, compare gross deforestation in the Amazon region in 1991 (last officially released figures) with gross deforestation over the years 1992-93-94. Unfortunately, figures are not available for each individual year, but are instead presented as annual average of two- or three-year periods. Figures related to 1991 showed a deforestation rate of 11,130 square kilometers, those about 1991-92 an average of 13,786 per year, and those related to 1992-93-94 an average per year of 14,896. The official document does not explain why information is presented in such form.

As far as local trends are concerned, the document alleges that deforestation in Para, Mato Grosso, Rondonia and Acre would have substantially increased, while in Amazonas, Roraima, Amapa, Tocantins and Maranhao would have diminished. This is partly consistent with empirical evidence about the flows of colonization along the

Eastern and Southern Amazon frontiers. However, a number of unclear aspects should be analyzed, such as the allegation that in the State of Amapá no deforestation would have occurred over 1992-94, an information which seems to result from lack of data rather than reflect a credible phenomenon.

Figures show an increase in deforestation of about 33%, by comparing 1991 figures with the average of 1992-94. It seems therefore that the actual increase would be probably even higher, if specific figures from 1994 were made available.

It should also be noted that satellite findings are not sufficient to identify the effects on forest cover of selective logging, such as extraction of mahogany and virola, species which (see below) seem to be considered particularly vulnerable by the Brazilian government, based on the analysis of its regulatory response.

Eventually, it must be taken into consideration that figures do not include deforestation from 1995, which is the year, according both to empirical findings by Friends of the Earth and preliminary satellite data related to the number of forest fires, when most massive deforestation occurred over the past decade. In this respect, it is paradoxical that the document from the Brazilian government states how "it is fully recognized (...) the absolute transparency of the Brazilian government in releasing systematically data related to monitoring of deforestation...". In July, 1996, figures are released for the first time which are related to the period after 1991.

#### THE CONTENT OF THE "AMAZON PACKAGE"

In response to aforementioned figures, Brazilian government has announced a package of measures to combat and prevent deforestation. The package is composed of a "Provisional Law" (legislation issued by government, which enters into force for only 30 days, after which Congress must endorse it or modify it, or government can re-issue it with modifications) and a Presidential Decree.

The Provisional Law modifies Art. 44 of the Forestry Code (which dates from 1965) by increasing the area of each private property where forest clearcutting is allowed from 50% to 80%, when the property is characterized by "forest phytosionomy". A number of aspects related to the interpretation of this norm are unclear. Various experts and even government representatives gave quite different explanations about its actual meaning. For instance, previous legislation was referred to the actual property, while the new one to its forest phytosionomy. Also, it is unclear which measures includes the State of Maranhão and which not.

The Presidential Decree states that "logging authorizations and concessions related to mahogany and virola are suspended for two years". While the federal environmental agency (Ibama) circulated a release explaining that "mahogany and virola extraction is

now prohibited", other government sources (which definitely prevail) announced on TV that suspension only refers to "new" authorizations. This interpretation is confirmed by the Ibama announcement that it will start in the coming days an "operation" to detect irregularities in concessions (it is not clear if any concession is involved or only those which include mahogany and virola).

The Decree also states that "official credit and incentives for productive concerns should be preferably directed to areas already converted for agriculture and ranching". Eventually, it establishes that, within 60 days, the Ministry of Environment and Ibama should elaborate technical studies for the establishment of National Forests (according to Brazilian legislation, these are areas subject to forestry management).

#### MEASURES SHOW GOOD WILL, BUT ARE CONFUSED AND CONTRADICTIONARY.

It is clear that Brazilian government made a political decision to react vigorously and promptly to figures pointing at increased deforestation. In this respect, the sense of urgency and concern shown by government is laudable and encouraging. However, the content of the adopted measures is rather confused and confusing, and could lead to a number of undesired effects. Early remarks on the "package" include:

\* As far as the Provisional Law is concerned, the new rule is unclear, especially because it is not clearly stated to which areas it is referred. In addition, it should be noted that, if government was never able to enforce the previous 50% rule, it is difficult to imagine how it would suddenly be able to manage the 80% rule. However, if change actually reflects such an increase in the area to be preserved, it would open the way to some controversial impacts. By avoiding any distinction between small property (mainly for subsistence agriculture by poor farmers, up to 50 hectares) and large property (up to several million hectares), the rule could eventually stimulate land abandonment and farmer mobility in the colonization frontier, which are historically among the main causes for deforestation. If the 80% rule (and possibly more than this) should be defended in large properties and in remote regions far from main roads, in the case of small settlers or areas already subject to intense colonization different criteria should be adopted. In fact, peasant's mobility can cause much more deforestation than allowing them to use a larger portion of their few hectares. Also, concentrating agricultural production in the surroundings of existing infrastructure (for instance, along BR 346 Highway, etc.) can alleviate pressure on more valuable ecosystems, Indigenous and Extractive reserves. In conclusion, it seems impossible to implement this rule without an effective zoning system.

\* The Presidential Decree was initially presented as a "mahogany moratorium", which, in fact, is not true. It is hard to see any reason for not issuing any new authorization or concession (even if theoretically well formulated), when existing ones are not suspended. Ibama is also announcing an operation to supervise and monitor existing concessions, with the stated objective of canceling "about 80%" of them. This seems to reveal that

Ibama would know the extent of the illegal activities. If so, why these concessions were not canceled so far, despite the ample evidence shown by FOEI Amazonia Program in 1994 and 1995 on widespread irregularities? As opposed to a temporary moratorium, which would clearly mark as illegal any mahogany until a more reliable system for concessions is established, such "reduction" in authorizations might have the effect of increasing the "value" of those few concessions left, which can still be used for "legalizing" timber extracted in Indigenous areas or conservation units. A system such as the one envisaged by the Brazilian government could possibly work under conditions extremely different from those of the Brazilian Amazon. For instance, a reliable and effective certification scheme should be in place, to guarantee the origin of timber.

\* The decree also establishes that credit and incentives for "productive" activities should be preferentially directed to those areas already converted to pasture. This seems contradictory with the aim of stimulating sustainable management of forests, which is the objective of the another provision commented below. It is possible that the intention was to provide a disincentive for opening up new areas for pasture (this should be appreciated), but it ends up penalizing non-wood extractive communities and even those who are willing to invest in sustainable forestry management.

\* Eventually, the provision aimed at preparing new proposals for National Forests within 60 days, despite positive in its intentions, seems to ignore the difficulties in previous negotiations with local populations for defining areas subject to forestry management. In the recent case of the Tapajos National Forest (successfully negotiated within the framework of the Pilot Program for Brazilian Rainforests, with significant community participation) this process took more than one year. It is unlikely to see new viable technical proposal adopted in such a limited time.

In conclusion, FOEI Amazonia Program hopes that it will be possible to correct and modify measures which were adopted, through an open process of consultation, along the lines described above, so as to make them more effective and viable. For this purpose, meetings with the Minister of Environment and relevant members of Congress should be held in the coming days.