

### Summary

After considerable changes at the beginning of this century, Brazil has made limited improvements to forest governance since the 2013 Chatham House assessment. Between 2013 and 2018, high-level commitment to forest conservation was reduced but new public procurement regulations have embraced sustainability and transparency measures and controlling systems have been improved.

In comparison to the other producer countries assessed in this study, Brazil continues to stand out due to its legal framework and remote monitoring technology which have served as examples for other countries. The recently launched instruments – National System for the Control of the Origin of Forestry Products (SINAFLO) and the real-time deforestation detection system DETER-B – and the Brazilian Institute of Environment and Renewable Natural Resources' (IBAMA's) federal plan on open data promise improvements in the transparency of tracking illegal logging activity although these initiatives have yet to be fully implemented.

Forest governance in Brazil is complex with multiple and overlapping governance levels, diffuse responsibilities, a plethora of regulations and an often contentious relationship between the central government, subnational governments and civil society. Since the election of President Jair Bolsonaro in October 2018, environmental and pro-poor development organizations have expressed concern about the impact of the government's policies on the country's forests and forest-dependent peoples.

### Key Forest Policies and Resources

Federal Constitution 1988 provides the main framework and provisions for environmental protection in Brazil (Article 225).

Federal Law No. 6,938/1981 established the National Environmental Policy.

Federal Law No. 9,605/1998 (Environmental Crimes Act) addresses criminal and administrative breaches.

Federal Law No. 9,985/2000 established the National System for Conservation Units.

Federal Decree No. 6,514/2008 contains the implementing regulations for the Environmental Crimes Act, and specifically administrative penalties.

Federal Law No. 12,168/2009 established the National Policy on Climate Change.

Federal Complementary Law No. 140/2011 co-ordinates the constitutional jurisdiction for protecting the environment and natural resources.

Federal Law No. 12,651/2012 established the new Forest Code.

Federal Law No. 13,123/2015 established the regulatory framework on biodiversity.

Figure 1: Summary of Brazil's forest policy assessment

	2008	2013	2018*
<b>Overall policy score</b>			
<b>1. Legal &amp; Institutional Framework</b>			
1.1 High-level policy			
1.2 Legal & institutional framework			
1.3 International engagement			
<b>2. Tenure &amp; Resource Allocation</b>			
2.1 Tenure & use rights			
2.2 Resource allocation procedures			
<b>3. Regulating Demand</b>			
3.1 Legislation & regulations on illegally sourced timber			
3.2 Policies & measures concerning demand for legal timber			
<b>4. Transparency</b>			
4.1 Institutional & legal transparency			
4.2 Resource allocation, management & enforcement			
4.3 Information & data management			
4.4 Financial management			
<b>5. Rule of Law</b>			
5.1 Checks & balances			
5.2 Timber tracking & chain of custody			
5.3 Law enforcement			



\* A number of questions were added to the assessment in 2018 (noted in the list of questions below). Consequently, the overall scores for 2018 are not directly comparable with those of the previous assessments.

## About

Chatham House is monitoring forest governance and legality to assess the effectiveness of government and private sector efforts to tackle illegal logging and trade. An assessment was undertaken of Brazil's forest policy framework to evaluate the government's response to illegal logging and the related trade. A standard list of questions was used in the policy assessment and answers were scored against three criteria: if the policy exists (0-2), how well designed it is (0-5) and how well implemented it is (0-5). (See tables below).

## Timeframe for the research

This assessment is based on the situation at the end of 2018 and the scores refer to this date. However, where there have been significant developments in 2019, these have been noted in the text. The research was undertaken in 2018-19 and finalized in June 2019.

## Acknowledgements

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### Acronyms and Abbreviations

AUMPF	Authorization for Use of Forest Raw Material
CADMADEIRA	Online timber registry
CAR	Rural Environmental Registry
CEPROF	Registry of Forest Product Users
CERFLOR	Brazilian Forest Certification Program
CGFLOP	Council for the Administration of Public Forests
CGU	Comptroller General of the Union
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CONAFLOP	National Council on Forests
CONAMA	National Environmental Council
CTF	Federal Technical Registry
DETER	Real-time deforestation detection system
DOF	Forestry Origin Document
CONAREDD+	National REDD+ Committee
EITI	Extractive Industries Transparency Initiative
ENREDD+	National REDD+ Strategy
FLEGT	EU Forest Law Enforcement, Governance and Trade
FSC	Forest Stewardship Council, global forest certification system
FUNAI	The National Indian Foundation
GPTI	Inter-ministerial group

IBAMA	Brazilian Institute of Environment and Renewable Natural Resources
ICMBio	Chico Mendes Institute for Biodiversity
INPE	National Institute for Space Research
MMA	Ministry of the Environment
NDC	Nationally Determined Contributions to reduce greenhouse gas emissions under the United Nations Framework Convention on Climate Change
NGO	Non-governmental organization
PEFC	Programme for the Endorsement of Forest Certification
MFS	Sustainable Forest Management Plan
PPCerrado	Action Plan for the Cerrado
PPCDAM	Action Plan for the Prevention and Control of Deforestation in the Amazon
PRODES	Amazon forest satellite monitoring programme
REDD+	Reducing Emissions from Deforestation and Degradation
REDESIM	National Network for the Simplification of Registration and Legalization of Companies
SCC	Supply Chain System
SINAFLOP	National System for the Control of Forestry Products
SMEs	Small and medium-sized enterprises
SNIF	National Forest Information System
TCU	General Federal Court of Accounts
VPA	Voluntary Partnership Agreement

## Table 1: Brazil's Forest Policy Assessment

### Legal and Institutional Framework

High-level policy	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>1. Does the country have high-level political and governmental mechanisms in place to tackle illegal logging?</b>				
<i>a. Has a review of the causes and severity of illegal logging been conducted by the government?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 3 2013: 2 2018: 2	<p>While there has been no dedicated review of the causes and severity of illegal logging in Brazil, it has been one of the issues tackled under the Action Plan for the Prevention and Control of Deforestation in the Amazon (PPCDAM), an inter-ministerial programme established in 2004 and in the Action Plan for the Cerrado (PPCerrado) which began in 2010. These action plans entered into their fourth and third phases respectively in 2016 and will run until 2020.<sup>1</sup></p> <p>Detailed deforestation data from PRODES, the Amazon forest satellite monitoring programme, is used to support decision-making for implementation of these plans. Data include deforestation rates in conservation units, indigenous territories, settlements, states, municipalities and on private land. The quality of the assessments has improved since 2016 with the expansion of the PRODES system to the Cerrado biome.</p>
<i>b. Is there a national action plan in place for tackling illegal logging?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 3 2018: 3	2009: 3 2013: 2 2018: 2	<p>The action plans on deforestation, PPCDAM and PPCerrado, both encompass illegal logging. These ceased to be under the coordination of the Civil Cabinet of the Presidency in 2013 and were allocated to the Ministry of the Environment, which reflected a reduction in the political profile and importance given to these plans.</p> <p>The fourth phase (2016-20) of the PPCDAM includes a new focus to develop normative, economic, fiscal and tax instruments including increased access to credit to prevent and/or control deforestation. It also prioritizes monitoring and control actions in particular through the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity (ICMbio).</p> <p>Although not directly related to the issue of illegal logging, Brazil has also done a lot of work on strengthening the requirements for the management of vulnerable timber species (species likely to become endangered because of high demand) listed under CITES.</p>
<i>c. Does a formal process exist for high-level coordination of action on illegal logging across departments and sectors e.g. a parliamentary committee or inter-ministerial task force</i>	2009: 2 2013: 2 2018: 2	2009: 3 2013: 3 2018: 3	2009: 3 2013: 2 2018: 2	<p>There are a number of departments and specialized units working in coordination with the Ministry of Environment in Brazil. However the ministry lacks the resources and political influence to achieve effective coordination.</p> <p>Between 2016 and 2020, an inter-ministerial group, GPTI provides the highest-level coordination for the Action Plans for the Prevention and Control of Deforestation both for the Amazon and the Cerrado. The GPTI is responsible for oversight of strategies and implementation.<sup>2</sup></p>

<sup>1</sup> PPCDAM (undated), 'Plano Operativo 2016-20', undated, [http://www.mma.gov.br/images/arquivo/80120/Anexo%20II%20-%20PLANO%20OPERATIVO%20DO%20PPCDAM%20-%20GPTI%20\\_%20p%20site.pdf](http://www.mma.gov.br/images/arquivo/80120/Anexo%20II%20-%20PLANO%20OPERATIVO%20DO%20PPCDAM%20-%20GPTI%20_%20p%20site.pdf) (accessed 19 Feb. 2020); PPCerrado (undated), 'Plano Operativo 2016-2020', undated, <http://extwprlegs1.fao.org/docs/pdf/bra167192.pdf> (accessed 19 Feb. 2020).

<sup>2</sup> PPCDAM & PPCerrado (2016), Planos de Ação para a Prevenção e o Controle do Desmatamento. Documento base: Contexto e análises, [http://combateadodesmatamento.mma.gov.br/images/conteudo/Planos\\_ultima\\_fase.pdf](http://combateadodesmatamento.mma.gov.br/images/conteudo/Planos_ultima_fase.pdf)

High-level policy	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<i>d. Are there formal consultation processes in place for multi-stakeholder involvement in developing policy and legislation to tackle illegal logging? These processes should ensure that viewpoints of stakeholders affected by legislation are taken into consideration. (Such processes should take place at central and regional levels of policy development and implementation.)</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 4 2013: 3 2018: 2	<p>Multi-stakeholder engagement on forest policies has previously been undertaken by three bodies: the National Environmental Council (CONAMA), the National Council on Forests (CONAFLOP) and the Council for the Administration of Public Forests (CGFLOP). However, CONAFLOP has been inactive since 2011<sup>d</sup> while CONAMA had its capacity reduced in 2019 with the number of seats cut from 96 to 23.<sup>4</sup> This was introduced as an efficiency measure but it has been contested by NGOs.<sup>5</sup> CGFLOP has continued to meet with its latest meeting in May 2019.<sup>6</sup></p> <p>Since 2013, multi-stakeholder involvement in policy development has been reduced at the executive level within government although at the legislative level consultations on climate change and deforestation have been maintained. Overall, the access of vulnerable stakeholders to the state has been reduced since 2013.</p> <p>The following forums hold regular multi-stakeholder consultations on topics linked to deforestation and climate change:</p> <ol style="list-style-type: none"> <li>1. The National REDD+ Committee (CONAREDD+), established in 2015 with Decree No. 8,576, coordinates the implementation of the National REDD+ Strategy and is composed of multiple ministries, representatives of state governments, municipalities and civil society. The committee can establish ad hoc thematic advisory panels formed of stakeholders and experts from civil society, public and private entities. This broad engagement is seen as a key element of the REDD+ implementation strategy.</li> <li>2. Public consultations and audiences are held under the Permanent Joint Commission on Climate Change of the National Congress of Brazil. This parliamentary commission serves as a platform for discussing and monitoring climate change issues and to scrutinise the executive.<sup>7</sup></li> </ol>
<i>e. Are there formal processes or policies in place aimed at ensuring a balanced participation of men and women in the development and implementation of forest policies? (Question added in 2018)</i>	2009: - 2013: - 2018: 1	2009: - 2013: - 2018: 1	2009: - 2013: - 2018: 2	<p>While there are no formal processes or policies in place that aim to ensure balanced participation of men and women in the development and implementation of forest policies specifically, Brazil has developed some policies to encourage women's participation in policy making more generally, for example:</p> <ul style="list-style-type: none"> <li>• The Ministry of Environment's Internal Committee on Gender is mandated to integrate gender perspectives in environmental policymaking although it does not make reference to improving women's participation per se.</li> <li>• The National Plan of Policies for Women aims to increase the participation of women in policymaking. One of its principles is that women must participate in the formulation and implementation of public policies.<sup>8</sup></li> <li>• The Ministry of Foreign Affairs released a National Action Plan on Women, Peace and Security in 2017 for the period 2017-18. It outlines goals to mainstream women's participation in the development of policies.</li> <li>• The National Biodiversity Strategy and Action Plan, which was developed in 2016, includes 37 recommendations to enhance gender inclusion and equality in forest governance.<sup>9</sup> In practice, however, participation of women in the implementation of its policies is limited and gender has not been included in the monitoring system.</li> </ul>

<sup>3</sup> Ministry of the Environment (undated), 'Comissão Nacional de Florestas' <https://mma.gov.br/florestas/comissao-nacional-de-florestas>

<sup>4</sup> Ministry of the Environment (undated), 'CONAMA', <http://www2.mma.gov.br/port/conama/>

<sup>5</sup> Bragança, B. (2019), 'Governo cumpre plano e esvazia Conama', ((o)Jeco, 29 May. 2019, <https://www.oeco.org.br/reportagens/governo-cumpra-plano-e-esvazia-conama/> (accessed 4 February 2020). Página22 (2019), 'Conama adota sistema de sorteio; organizações veem insulto ao regime democrático', Página22 blog <https://pagina22.com.br/2019/07/17/conama-adota-sistema-de-sorteio-organizacoes-veem-insulto-ao-regime-democratico/> (accessed 4 February 2020).

<sup>6</sup> Brazilian Forest Service (last updated 2019), Minutes and documents of CGFLOP meetings, <http://www.florestal.gov.br/cgflop/70-participacao-social/191-atas-e-documentos-das-reunioes-da-cgflop> (accessed 4 February 2020)

<sup>7</sup> The National REDD+ Committee, (last updated 2019), 'The National REDD+ Committee', <http://redd.mma.gov.br/en/the-national-redd-committee/>; The National REDD+ Committee, (last updated 2018), 'Thematic Advisory Board on the Safeguards', <http://redd.mma.gov.br/en/thematic-advisory-cameras/thematic-advisory-board-on-the-safeguards>

<sup>8</sup> Presidency of the Republic, Special Secretariat for Policies for Women (2004), Plano Nacional de Políticas para as Mulheres, <http://www.observatoriodegenero.gov.br/eixo/politicas-publicas/pnpm/i-pnpm/i-%20PNPM.pdf>

High-level policy	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<p><i>f. Is illegal logging considered in the country's climate change strategy e.g. INDC, REDD strategy or other climate change national policy? (Question added in 2018)</i></p>	<p>2009: - 2013: - 2018: 2</p>	<p>2009: - 2013: - 2018: 3</p>	<p>2009: - 2013: - 2018: 3</p>	<p>Illegal logging is considered in Brazil's climate change strategy and the country's Nationally Determined Contribution (NDC) to reduce greenhouse gas emissions under the United Nations Framework Convention on Climate Change states that the country intends to strengthen policies and measures to achieve zero illegal deforestation in the Amazon by 2030.<sup>10</sup></p> <p>The National REDD+ Strategy (ENREDD+) was established in 2015 through Ordinance No. 370 by the Ministry of Environment. The National REDD+ Committee is responsible for coordinating, overseeing and monitoring implementation of the strategy. The strategy's objectives are to contribute to climate change mitigation through elimination of illegal deforestation and promotion of forest conservation and restoration.<sup>11</sup> A Safeguards Information System (SISREDD+) is planned to support risk management, promote transparency and centralize information from different monitoring systems.<sup>12</sup></p>

<sup>9</sup> Ministry of the Environment (2017), National Biodiversity Strategy and Action Plan, <https://www.cbd.int/doc/world/br/br-nbsap-v3-en.pdf>

<sup>10</sup> Federative Republic of Brazil (undated), Intended Nationally Determined Contributions towards Achieving the Objective of the United Nations Framework Convention on Climate Change, <https://www4.unfccc.int/sites/submissions/INDC/Published%20Documents/Brazil/1/BRAZIL%20iNDC%20english%20FINAL.pdf>

<sup>11</sup> The National REDD+ Committee (last updated 2019), 'The National REDD+ Strategy', <http://redd.mma.gov.br/en/the-national-redd-strategy>; The National REDD+ Committee, (last updated 2019), 'The National REDD+ Committee', <http://redd.mma.gov.br/en/the-national-redd-committee> Ministry of the Environment (2016), ENREDD+ National REDD+ Strategy, [http://redd.mma.gov.br/images/publicacoes/enredd\\_english\\_web.pdf](http://redd.mma.gov.br/images/publicacoes/enredd_english_web.pdf)

Legal and Institutional Framework	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<p><b>2. Is forest legislation and regulation coherent and unambiguous?</b> <i>(Question added in 2018)</i></p>		<p>2009: 3 2013: 3 2018: 4</p>		<p>The implementation of the 2012 review of the Brazilian Forestry Code has been contentious and uncertain. Key concerns are the constitutionality of certain changes in the amount of land required to be reserved for preservation and conservation (new provisions altered the size of permanent preservation areas and legal reserves) and the creation of a de facto amnesty for those who illegally deforested prior to July 2008.<sup>13</sup></p> <p>There was some uncertainty over the law between 2012-18 but this was resolved in 2018 when the Brazilian Supreme Court upheld most of the legislative amendments made to the Forestry Code. However civil society perceived the court's decision as having negative implications for the environment as it effectively waived the application of penalties for certain land owners and reduced the area demarcated to be restored.</p>
<p><b>3. Is the legislation and regulation for artisanal and micro-scale enterprises coherent and unambiguous, or example, considering all relevant areas of law such as fiscal, rights of association, SMEs, forestry etc.</b> <i>(Question added in 2018)</i></p> <p><i>(Artisanal and micro-scale enterprises are defined respectively as those with 1-3 and 4-10 employees.)</i></p>		<p>2009: - 2013: - 2018: 3</p>		<p>The broader legal framework for small-scale enterprises is clear and coherent, however, for rural producers such as community-based enterprises, it is too complex, because of their limited capacity and resources.</p> <p>The General Law of Micro and Small Enterprises of 2006 (Lei Complementar 123/2006) sets out specific rules to 'formalize' such enterprises although this is not specific to the forest sector.<sup>14</sup> The law established the Forum of Micro and Small Enterprises, which aims to inform policymaking, provide a platform for debate and support micro and small enterprises.<sup>15</sup> As of 2018, 60 meetings have taken place in the forum, with more than six thousand participants across multiple thematic working groups dedicated to specific issues. Yearly high-level plenary sessions began in 2017, with a second session in 2018.<sup>16</sup></p> <p>Subsequent regulations and laws have also sought to improve the legal system for small enterprises – also cross-sectoral. Law 11.598/2007 established the National Network for the Simplification of Registration and Legalization of Companies (REDESIM) which aims to reduce the level of bureaucracy for small enterprises. Moreover, Complementary Law 147/2007 aims to formalize micro-entrepreneurs by reducing costs for them to register and open their businesses.</p>
<p><b>4. Is there legislative and/or institutional coherence across sectors?</b></p>				
<p><i>a. Are formalized forest laws and regulations consistent and harmonized with other laws and regulations affecting forests e.g. for land-use planning, agriculture, mining etc.</i> <i>(Question added in 2018)</i></p> <p><i>(Formalized here is used to distinguish between laws designed and enacted by national government and customary practices/norms of indigenous peoples and local communities).</i></p>		<p>2009: 3 2013: 3 2018: 3</p>		<p>The forest legislation is not well harmonized with that on land tenure although progress has been made with the implementation of the Legal Land Programme which has sought to regularize land-titles on federal lands.<sup>17</sup> Furthermore, the 2012 Forest Code established the requirement for all rural properties in Brazil to be registered in the Rural Environmental Registry (CAR).</p> <p>More broadly, although there are extensive environmental regulations for economic activities in forest areas, such as agriculture, mining and hydropower, these are often poorly implemented thereby reflecting a common view of forests as being a hindrance to economic development.</p>

<sup>12</sup> The National REDD+ Committee (2015), 'Visão sobre o desenvolvimento do SISREDD+' <http://redd.mma.gov.br/pl/pub-noticias-principais/item/388-visao-sisredd>

<sup>13</sup> Rede Brasil Atual (2018), 'Meio ambiente perde com efetivação do novo Código Florestal, diz especialista', 1 Mar. 2013, <http://www.redebrasilatual.com.br/ambiente/2018/03/meio-ambiente-sai-perdendo-com-o-novo-codigo-florestal-diz-especialista>

<sup>14</sup> Presidency of the Republic (2006), Complementary law no. 123 of 14 December 2006, [http://www.planalto.gov.br/ccivil\\_03/leis/lcp/lcp123.htm](http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp123.htm) Schwanz Dias, F. (undated), 'A Lei Geral das MPE', Brazilian Service of Support for Micro and Small Enterprises (SEBRAE), <http://www.sebrae.com.br/sites/PortalSebrae/ufs/ro/artigos/a-lei-geral-das-mpe.07597640b34b6510VgnVCM1000004c00210aRCRD>

<sup>15</sup> Presidency of the Republic (2006), Complementary law no. 123 of 14 December 2006, [http://www.planalto.gov.br/ccivil\\_03/leis/lcp/lcp123.htm](http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp123.htm); Ministry of Economics – Permanent Forum of Micro and Small Enterprises, web page [www.forumpermanente.gov.br](http://www.forumpermanente.gov.br)

<sup>16</sup> Ministry of the Economy, Industry, Foreign Trade and Services (2019), '2ª Reunião do Fórum Permanente das Micro e Pequenas Empresas discute políticas para o setor', 28 Nov. 2019, <http://www.mdic.gov.br/index.php/ultimas-noticias/3714-2-reuniao-do-forum-permanente-das-micro-e-pequenas-empresas-discute-politicas-para-o-setor>

Legal and Institutional Framework	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<p><i>b. Is there a legal framework for selling or licensing of any timber resulting from forest clearance driven by activities in other sectors? (Question added in 2018)</i></p>	<p>2009: - 2013: - 2018: 2</p>	<p>2009: - 2013: - 2018: 4</p>	<p>2009: - 2013: - 2018: 2</p>	<p>The felling and sale of timber from forest clearance requires a two-step process. Firstly, the landowner or leaseholder must obtain authorization to clear forests for an alternative use (e.g. agriculture, infrastructure, energy projects, mining).<sup>18</sup> Secondly, permission to use and sell the resulting timber must be obtained through an AUMPF (Authorization for Use of Forest Raw Material).<sup>19</sup> Normative Instructions no. 6/2009<sup>20</sup> and no. 21/2014 of IBAMA set out the procedural rules for obtaining authorisation and the mandates of relevant institutions.<sup>21</sup></p> <p>AUMPFs are linked to the National System for the Control of the Origin of Forest Products (SINAFLOR). Registered users can check the SINAFLOR portal to see how many authorizations have been issued, to whom and for what activities. The SINAFLOR portal can be accessed through the websites of state agencies although access is not yet widespread.</p>
<p><i>c. Is there a legal framework for selling or licensing of timber produced by informal enterprises? (Question added in 2018)</i></p> <p><i>(Informal enterprises are defined as those that are owned and controlled by member(s) of a household(s), are unincorporated, are unregistered, their size falls below a certain threshold, do not have a complete set of accounts, produce goods that are meant for sale or barter etc.)</i></p>	<p>2009: - 2013: - 2018: 0</p>	<p>2009: - 2013: - 2018: n/a</p>	<p>2009: - 2013: - 2018: n/a</p>	<p>Legal frameworks for selling or licensing timber only exist for formal enterprises i.e. a Brazilian-based community association, cooperative or company that pays taxes. Forest producers need to be registered at the federal level (CTF – Federal Technical Registry). In some states, they also need to register with the local agency (CEPROF - Registry of Forest Product Users).<sup>22</sup> For example, any enterprise looking to use or sell timber in the state of Minas Gerais must be registered at the State Institute for Forestry.<sup>23</sup></p>

<sup>17</sup> Fernando Alves Ribeiro, A., Gilson da Costa Silva, R. and de Lisboa Santos, J. (2016), 'Política de regularização fundiária em Rondônia: limitações do programa terra legal e expectativas socioterritoriais', *Confinns* 29, <https://journals.openedition.org/confinns/11541?lang=pt>

<sup>18</sup> BAMA (last updated 2017), 'Autorização de Supressão da Vegetação (ASV)', <http://www.ibama.gov.br/autorizacoes/licenciamento-ambiental/asv>

<sup>19</sup> IBAMA (last updated 2017), 'Autorização de utilização de matéria-prima florestal (AUMPF)' <http://www.ibama.gov.br/autorizacoes/flora/aumpf>

<sup>20</sup> Official Diary of the Union, 8 April 2009 <http://pesquisa.in.gov.br/imprensa/jsp/visualiza/index.jsp?jornal=1&pagina=82&data=08/04/2009>

<sup>21</sup> Forest Legality Initiative (last updated 2014), Risk Tool Brazil, <https://forestlegality.org/risk-tool/country/brazil>



<p><i>d. Are there systems in place for cross-sectoral coordination between ministries and agencies responsible for planning and land-use allocation?</i> (Question added in 2018)</p>	<p>2009: - 2013: - 2018: 1</p>	<p>2009: - 2013: - 2018: 2</p>	<p>2009: - 2013: - 2018: 2</p>	<p>There are several initiatives aimed at improving coordination between different government institutions although not many are specifically focused on planning and land allocation. The Permanent Inter-ministerial Working Group – Legal Amazon established in 2003 is composed of 13 ministries including Agriculture, Agricultural Development, Justice, Energy, Transport and Planning – it recommends measures and coordinates action to reduce illegal deforestation.<sup>24</sup> From 2003-11, the working group published reports on its progress and developed action plans. Most notably, it developed the Action Plan to Preserve and Control Deforestation in the Legal Amazon which is said to have contributed to a reduction in deforestation. The Ministry of Environment has coordinated the working group since 2013, but its continuity was unassured by the end of 2018.<sup>25</sup></p> <p>The Inter-Ministerial Committee on Climate Change, established by Decree 6.263//2007 implements, monitors and evaluates the National Plan on Climate Change.<sup>26</sup> The National Commission for REDD+, established in 2015, also coordinates and monitors the implementation of the National Strategy for REDD+.<sup>27</sup> While the coordination platforms are composed of several ministries (such as the Ministry of Agricultural Development and Ministry of Planning) that are involved in planning and land allocation, the working groups have a broad mandate and do not specifically address these issues.</p> <p>Ecological-economic zoning has also been implemented in most of the Amazon states at various times. These processes entailed multi-stakeholder discussions and the resulting zoning maps have provided a basis for cross-sectoral discussions on land use.</p>
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**5. Is gender considered within policy-making and implementation?**

<p><i>a. Is there a designated agency/focal point with the mandate to ensure gender perspectives are mainstreamed in forest policies?</i> (Question added in 2018)</p>	<p>2009: - 2013: - 2018: 1</p>	<p>2009: - 2013: - 2018: 2</p>	<p>2009: - 2013: - 2018: 2</p>	<p>There is no dedicated agency or focal point aimed at mainstreaming gender perspectives into forest policies nor is there a gender focal point in the Ministry of the Environment (MMA) or the Forestry Service. However, MMA Administrative Ruling no. 287/2012 created the Internal Committee of Gender that is composed of representatives of the MMA, the Secretary of Biodiversity and Forestry and the Secretary of Sustainable Rural Development among other representatives. The committee's mandate is to include gender components in environmental policies as well as to coordinate gender-related projects and programmes, coordinate with public bodies and monitor and evaluate the implementation of its actions.</p> <p>The Secretariat of Policies for Women is responsible for developing public policies for the empowerment of women. While it addresses gender perspectives to some extent and recognizes the role of forest communities in the management of natural resources, it is not formally involved in mainstreaming gender into forest policy.</p> <p>The Ministry of Foreign Affairs released a National Action Plan on Women, Peace and Security in 2017 for the period 2017-18 outlining goals to mainstream women's participation in the development of policies but the action plan does not explicitly relate to the forestry sector.<sup>28</sup></p>
<p><i>b. Are there processes or policies in place to assess gender impacts in the development and implementation of forest policies?</i> (Question added in 2018)</p>	<p>2009: - 2013: - 2018: 1</p>	<p>2009: - 2013: - 2018: 1</p>	<p>2009: - 2013: - 2018: 3</p>	<p>While there are no specific policies on the assessment of gender impact in the development and implementation of forest policies, the Ministry of Environment Administrative Ruling 287/2012 promotes the integration of gender perspectives in environmental policies. This ruling created the Internal Committee of Gender which among other things is tasked with monitoring and evaluating the implementation of gender-components in environmental policymaking.<sup>29</sup></p> <p>There are also a number of strategic documents such as the National Action Plan on Women, as mentioned above, and the National Biodiversity Strategy and Action Plan which makes 37 specific gender considerations and actions to enhance gender inclusion and equality in forest governance.<sup>30</sup> It was developed alongside the International Union for Conservation of Nature and Natural Resources with an aim to integrate gender perspectives.</p>

<sup>22</sup> Brazilian Forest Service (undated), 'Perguntas frequentes sobre Concessões Florestais: Quem pode participar da licitação?', <http://www.florestal.gov.br/perguntas-frequentes/63-concessoes-florestais/88-perguntas-frequentes-sobre-concessoes-florestais#an3>

<sup>23</sup> Minas Gerais State Institute for Forestry (undated), 'Uso de produtos e subprodutos florestais', <http://www.ief.mg.gov.br/produtos-florestais>

<sup>24</sup> Presidency of the Republic Decree of the 3rd of July of 2003, [http://www.planalto.gov.br/ccivil\\_03/DNN/2003/Dnn9922.htm](http://www.planalto.gov.br/ccivil_03/DNN/2003/Dnn9922.htm)

<sup>25</sup> Indeed, this working group was dissolved in November of 2019, by Decree no. 10142. Presidency of the Republic (2019), Decree no. 10142 of 28 November 2019, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2019-2022/2019/Decreto/D10142.htm#art11](http://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Decreto/D10142.htm#art11)

<sup>26</sup> Ministry of the Environment (undated), 'Comitê Interministerial sobre Mudança do Clima (CIM)', <https://www.mma.gov.br/clima/grupo-executivo-sobre-mudanca-do-clima/comite-interministerial-sobre-mudancas-climaticas.html>

<sup>27</sup> The National Commission for REDD+, (last updated 2019), 'A Comissão Nacional para REDD+', <http://redd.mma.gov.br/pt/comissao-nacional-para-redd>

<sup>28</sup> Alexandre de Gusmão Foundation (2017), National Action Plan on Women, Peace and Security, [http://funag.gov.br/loja/download/1220-PNA\\_ingles\\_final.pdf](http://funag.gov.br/loja/download/1220-PNA_ingles_final.pdf)

International engagement	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>6. What level of international cooperation has been shown by the country?</b>				
<i>a. Does the country have formalized trade or customs arrangements with major trading partners e.g. FLEGT VPAs or free trade agreements which include specific provisions on illegal logging?</i>	2009: 0 2013: 0 2018: 0	2009: n/a 2013: n/a 2018: n/a	2009: n/a 2013: n/a 2018: n/a	<p>Brazil is signatory to numerous international agreements such as the Paris Agreement, CITES and the Convention on Biodiversity. In addition, Brazil abides by the rules of the International Labour Organization and International Tropical Timber Organization. While none of these agreements has a specific provision on illegal logging, they do promote sustainability.</p> <p>Brazil is a member of Mercosur, the Southern Common Market. Mercosur acknowledges the need for sustainable practices but does not have specific measures on timber trade. Mercosur and the EU have been negotiating a trade agreement and this was concluded in June 2019. The agreement includes a sustainability chapter which covers the conservation and sustainable management of forests. Under this chapter responsible business conduct is promoted and the partners have agreed to implement the Paris Agreement.<sup>31</sup></p> <p>The Brazilian government has not demonstrated interest in negotiating a Voluntary Partnership Agreement with the EU. However, it has had longstanding cooperation agreements with Norway and Germany, on REDD+ and forest management in the Amazon and these have included components on illegal logging. Norway pledged funding for the Amazon Fund in 2008 dependent on deforestation being reduced and a new agreement was made in 2015.<sup>32</sup> Germany has also been supporting the fund since 2010.<sup>33</sup> However, both countries suspended payments in 2019 due to changes made by the Brazilian government in the fund's governance structure and because of increased rates of deforestation.<sup>34</sup></p>
<i>b. Does the country have a system in place for sending and receiving enforcement alerts regarding illegal shipments in transit to destination countries?</i>	2009: 0 2013: 0 2018: 0	2009: n/a 2013: n/a 2018: n/a	2009: n/a 2013: n/a 2018: n/a	<p>Brazil does not have a system for sending and receiving enforcement alerts for illegal timber shipments. Brazil's Federal Prosecution Office is seeking further collaboration with the US and the EU – Brazil's main consumer markets – in order to track and stop illegal shipments but nothing concrete has been announced so far.</p> <p>Interpol launched Operation Amazonas in 2014, together with the World Customs Union, to target illegal logging and trade in Brazil, the Dominican Republic, Mexico, Peru and China. This led to the development of a second phase of this initiative in 2015-16 which sought to tackle the illegal timber trade across South and Central America. This work has helped to establish and strengthen enforcement networks at both the national and international levels and resulted in the detection and seizure of significant quantities of illegal timber.<sup>35</sup></p>

<sup>29</sup> Ministry of the Environment (2012), MMA Ordinance No. 287 of 17 August 2012 [http://www.icmbio.gov.br/cepsul/images/stories/legislacao/Portaria/2012/p\\_mma\\_287\\_2012\\_comiteinternodegenero.pdf](http://www.icmbio.gov.br/cepsul/images/stories/legislacao/Portaria/2012/p_mma_287_2012_comiteinternodegenero.pdf)

<sup>30</sup> Ministry of the Environment (2017), National Biodiversity Strategy and Action Plan, <https://www.cbd.int/doc/world/br/br-nbsap-v3-en.pdf>

<sup>31</sup> European Commission (2019), 'EU and Mercosur reach agreement on trade', 28 June 2019 <https://trade.ec.europa.eu/doclib/press/index.cfm?id=2039>

<sup>32</sup> Government of Norway (last updated 2018), 'Brazil', <https://www.regjeringen.no/en/topics/climate-and-environment/climate/climate-and-forest-initiative/kos-innsikt/brazil-and-the-amazon-fund/id734166/> accessed 5 February 2020

<sup>33</sup> German development agency (undated), 'Amazon Fund for Forest Conservation and Climate' <https://www.giz.de/en/worldwide/12550.html>

<sup>34</sup> Lopes, M. (2019), 'Bolsonaro's Amazon-sized spat with Germany and Norway threatens Europe-South America trade deal', The Washington Post, 20 August 2019, [https://www.washingtonpost.com/world/the\\_americas/bolsonaros-amazon-sized-spat-with-germany-norway-threatens-europe-south-america-trade-deal/2019/08/20/cc60ee3c-c2b8-11e9-8bf7-cde2d9e09055\\_story.html](https://www.washingtonpost.com/world/the_americas/bolsonaros-amazon-sized-spat-with-germany-norway-threatens-europe-south-america-trade-deal/2019/08/20/cc60ee3c-c2b8-11e9-8bf7-cde2d9e09055_story.html)

## Tenure and Resource Allocation

Tenure and use rights	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>7. Are property, use rights and tenure arrangements clearly defined, documented and secure including those of indigenous and local communities?</b>				
<i>a. Does the law require that property, use rights and tenure arrangements are set out on publicly accessible maps and/or Geographical Information Systems (GIS) and demarcated at ground-level?</i>	2009: 0 2013: 2 2018: 2	2009: n/a 2013: 4 2018: 4	2009: n/a 2013: 2 2018: 2	<p>While Brazil has a clear and well-defined legal property regime for land and forests overall, land tenure in the Brazilian Amazon is still plagued by uncertainty due to the lack of proper documentation of land titles. However, the Terra Legal Programme, set up in 2009, has sought to address this problem by working to improve the process for allocating land use rights to local and traditional communities and smallholders and settlers living in federal public land (see also Q.7b).</p> <p>The 2012 Forest Code requires rural properties to be registered and publicly accessible under the Rural Environmental Registry. This registry is publicly available and includes digital maps and information about properties.<sup>36</sup> There remain significant challenges in achieving this, with a lack of awareness of the requirements among many rural communities, as well as limited capacity and resources to meet these. Indigenous communities in particular face difficulties in registering their land also because their land is often used collectively by different groups.<sup>37</sup></p>
<i>b. Are there formalized mechanisms in place for resolving conflicting or overlapping property rights?</i>	2009: 2 2013: 2 2018: 2	2009: 2 2013: 3 2018: 3	2009: 1 2013: 2 2018: 2	<p>The Terra Legal Programme, introduced in 2009 (Law no. 11952), was implemented to clarify and solve land occupation disputes in the Brazilian Amazon.<sup>38</sup> The programme aimed to enable indigenous communities and small-scale farmers to secure their land titles by legalizing their individual use of up to 1,500 hectares of state-owned land within the Amazon region.<sup>39</sup> In 2017, this was increased to 2,500 hectares through Medida Provisoria 759 of 2016 which was converted into Law 13465 of 2017. However, this move was criticized for potentially allowing privatization of land by larger farmers and weakening the protection of indigenous communities.<sup>40</sup> The attorney general's office has also questioned the constitutionality of this law for several reasons including that it contradicts the government's principle of equality as it establishes stricter criteria for the regularization of land for low-income populations.<sup>41</sup></p> <p>Implementation of the programme has been slow and it has also been associated with an increase in deforestation.<sup>42</sup></p>
<i>c. Are there formalized mechanisms in place for accommodating customary rights in law and regulations?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 2 2013: 3 2018: 3	<p>The 1988 Constitution ensures land rights to indigenous tribes and quilombola populations. Indigenous tribes in Brazil are under the legal guardianship of the National Indian Foundation (FUNAI) and indigenous territories are designated for their occupation and use of resources. Non-timber forest products can be sold commercially but timber and minerals cannot. Quilombola populations have communal ownership of the land and are free to sell all resources within their lands in accordance with the law for private lands.</p> <p>Land occupation rights of other traditional communities living in public forest areas, such as river dwellers, rubber tappers and babaçu nut collectors, are recognized in the Law of Forest Administration (Law no. 11.284/2006).</p>

<sup>36</sup> Interpol (2019), 'Global Forestry Enforcement: Strengthening Law Enforcement Cooperation Against Forestry Crime', April 2019, <https://www.interpol.int/content/download/5149/file/Global%20Forestry%20Enforcement%20Prospectus%202019-web.pdf> (accessed 19 Feb. 2020).

<sup>37</sup> Brazilian Forest Service (last updated 2019), 'Rural Environmental Registry', <http://www.car.gov.br/publico/imoveis/index>

<sup>38</sup> Pires, V. (2017), 'CAR não leva em conta a realidade dos povos e comunidades tradicionais', Socioenvironmental Institute, 25 July 2017, <https://www.socioambiental.org/pt-br/noticias-socioambientais/car-nao-leva-em-conta-a-realidade-dos-povos-e-comunidades-tradicionais> (accessed 10 Feb. 2020).

<sup>39</sup> General Federal Court of Accounts (2015), Auditoria de Conformidade no Programa Terra Legal, <https://portal.tcu.gov.br/biblioteca-digital/auditoria-de-conformidade-no-programa-terra-legal.htm>

<sup>40</sup> Ibid.

<sup>41</sup> Delfino, M. A. (2017), 'Brasil à venda: mortes à vista', Socioenvironmental Institute, 1 June 2017, <https://www.socioambiental.org/pt-br/blog/blog-do-ppds/brasil-a-venda-mortes-a-vista>

<sup>42</sup> Dodge, R.E.F. (2018), 'Ação Direta de Inconstitucionalidade 5883/DF', Attorney General of the Republic, 6 Jun. 2018, <http://www.mpf.mp.br/pgr/documentos/ADI005883lei13465regularizacaofundiariaurbana.pdf> (accessed 10 Feb. 2020).

<sup>43</sup> Branford, S. and Torres, M. (2017), 'If Brazil okays Terra Legal changes, land grabbers win, Amazon loses, say environmentalists', Mongabay, 16 June 2017 <https://news.mongabay.com/2017/06/if-brazil-okays-terra-legal-changes-land-grabbers-win-amazon-loses-say-environmentalists/>

<sup>44</sup> Chiavari, J. and Leme Lopes, C. (2016), Panorama dos Direitos de Propriedade no Brasil Rural: Legislação, Fundiária e Código Florestal, Climate Policy Initiative, [https://climatepolicyinitiative.org/wp-content/uploads/2016/11/Panorama\\_dos\\_direitos\\_de\\_propriedade\\_no\\_Brasil\\_rural\\_CPI.pdf](https://climatepolicyinitiative.org/wp-content/uploads/2016/11/Panorama_dos_direitos_de_propriedade_no_Brasil_rural_CPI.pdf)

Tenure and use rights	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<p><i>d. Does the legal and policy framework provide for gender-equal use rights and tenure?</i></p> <p><i>(Question added in 2018)</i></p>	<p>2009: - 2013: - 2018: 2</p>	<p>2009: - 2013: - 2018: 3</p>	<p>2009: - 2013: - 2018: 3</p>	<p>The legal and policy framework gives some consideration to gender with respect to use rights and tenure. For instance, rights to rural land must be jointly titled in the names of both spouses or partners. The legal and policy framework formally recognizes equal inheritance rights of different categories of women in comparison to men (daughters, widows, women in relationships). Moreover, divorced women who have custody of children have priority over entitlement (Portaria No. 981, de 02/10/2003). However, only 28 per cent of the applicants to the Terra Legal programme up to May 2016 were female.<sup>43</sup></p> <p>There is a certain 'gender-blindness' with respect to membership rights for community forests which are allocated at the household level. Research by the Rights and Resource Initiative shows that not explicitly defining equal membership rights of women in the context of 'households', 'families' and 'household heads' can lead to discrimination.<sup>44</sup></p>

<sup>43</sup> Andrade, L. C. G. de, Nascimento, M. V. B. do, Júnior, O. M. do, and Pires, M. O. P. (undated), Programa Terra Legal – quem são os beneficiários da regularização fundiária na Amazônia Legal?, <http://governancadetererras.com.br/2017/wp-content/uploads/2017/10/ARTIGO.AndradeLucia.pdf> (accessed 1 Nov. 2019).

<sup>44</sup> Rights and Resources Initiative (2017), Power and Potential: A comparative analysis of national laws and regulations concerning women's right to community forests, [http://rightsandresources.org/wp-content/uploads/2017/07/Power-and-Potential-A-Comparative-Analysis-of-National-Laws-and-Regulations-Concerning-Womens-Rights-to-Community-Forests\\_May-2017\\_RRI-1.pdf](http://rightsandresources.org/wp-content/uploads/2017/07/Power-and-Potential-A-Comparative-Analysis-of-National-Laws-and-Regulations-Concerning-Womens-Rights-to-Community-Forests_May-2017_RRI-1.pdf)

Resource allocation procedures	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>8. Do resource allocation regulations and procedures include measures consistent with good forest governance?</b>				
<i>a. Is there a prequalification process which is designed to exclude inappropriate bidders from resource allocation awards?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 4 2013: 4 2018: 4	Law 11.284/2006 and Law 8.666/1993 stipulate that bidders who wish to win a forest concession must provide evidence of lawful incorporation of the company along with compliance with tax, labour and social security obligations as well as the absence of environmental crimes. <sup>45</sup>
<i>b. Is there a competitive award process which is designed to be open to all eligible bidders?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 4 2013: 4 2018: 4	The process is open to all eligible bidders. Bonus points are rewarded for proposals that go beyond the minimum social and environmental requirements.
<i>c. Does the law require prior informed consent procedures or stakeholder consultations for local communities with respect to logging interests and rights to be carried out?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 4 2013: 4 2018: 4	Law no. 11.284/2006 (Chapter III, Article 6) details the legal guidelines for assuring the allocation of areas occupied by traditional communities prior to the process of public bidding for concessions.  Furthermore, the Environmental Ministry Decree no. 419/11 stipulates that applicants for an environmental license for activities in the vicinity of indigenous or quilombola land must inform IBAMA so that they can consult with the entities involved. <sup>46</sup>
<i>d. Are measures to protect and develop forest-based livelihood opportunities for local communities within concession areas built into concession contracts?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 4 2013: 4 2018: 4	Law 11.284/2006 stipulates that those holding forestry concessions cannot use genetic resources, water resources, mineral resources, fisheries or wildlife nor commercialize carbon credits. Further, it establishes that within concessions, resources that are part of the traditional use and/or subsistence of communities are excluded from use by concessionaires and that those communities can continue to use them. <sup>47</sup>

<sup>45</sup> Brazilian Forest Service (last updated 2019), 'Processo de concessão', <http://www.florestal.gov.br/processo-de-concessao>

<sup>46</sup> NEPCON (2017), Timber Legality Risk Assessment Brazil, <https://www.nepcon.org/sites/default/files/library/2017-06/NEPCON-TIMBER-Brazil-Risk-Assessment-EN-V1.pdf>

<sup>47</sup> Brazilian Forest Service (last updated 2019), 'Concessões Florestais', <http://www.florestal.gov.br/o-que-e-concessao-florestal>

## Regulating Demand

Legislation & regulations on illegally sourced timber	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>9. Does the country have adequate legislation and regulations in place to prevent illegally sourced timber from being imported or sold?</b>				
<i>a. Has the country analysed its existing legislation and regulations on preventing imports and sales of illegally sourced timber? (Question added in 2018)</i>	2009: - 2013: - 2018: 0	2009: - 2013: - 2018: n/a		There has been no analysis by the government on the impact of its policies and laws on preventing the import and sale of illegal timber.  It seems reasonable to assume that an analysis of the legal framework would have been undertaken to support the development of the SINAFLOR system, but if this is the case, it is not publicly available. <sup>48</sup>
<i>b. Has additional legislation been enacted and regulations put in place to prevent illegally sourced timber from being imported or sold?</i>	2009: 0 2013: 0 2018: 0	2009: n/a 2013: n/a 2018: n/a	2009: n/a 2013: n/a 2018: n/a	There is no such legislation in place.
<i>c. If there is legislation in place to prevent the import of illegal timber, how broad is the product scope of this legislation? (Question added in 2018)</i>		2009: - 2013: - 2018: n/a		
<i>d. If there is legislation in place to prevent the import of illegal timber, does it apply only to importers &amp; those that are first place on the market or to all those along the supply chain? (Question added in 2018)</i>		2009: - 2013: - 2018: n/a		
<i>e. If there is legislation in place to prevent the import of illegal timber, does it include a requirement on businesses to implement due diligence? (Question added in 2018)</i>		2009: - 2013: - 2018: n/a		
<i>f. Is implementation of the policy systematically monitored and assessed? (Question added in 2018)</i>		2009: - 2013: - 2018: n/a		

<sup>48</sup> IBAMA (2019), 'Sinaflor é aprimorado com novas ferramentas', 2 Jan. 2019, <https://www.ibama.gov.br/noticias/730-2019/1841-sinaflor-e-aprimorado-com-novas-ferramentas>

Policies & measures to promote demand for legal timber	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<p><b>10. Is there a public procurement policy in place excluding illegal and/or unsustainable timber products from government purchasing?</b> (Question added in 2018)</p>	<p>2009: - 2013: - 2018: 2</p>		<p>2009: - 2013: - 2018: 1</p>	<p>Brazil's main public procurement law (Law 8666/93) was amended in 2010 to promote 'sustainable national development' (Law 12349/2010).</p> <p>There are two main instruments for the implementation of this law: one is regulatory and the other sets standards for best practice. The regulation was set in 2010 by the Ministry of Planning, Budget, and Management through Normative Instruction no. 1/2010.<sup>49</sup> Although it does not require certification of origin, it suggests federal public bodies should verify the origin of timber used in construction projects and other services procured by the state in order to minimize environmental impacts. The standards for best practice were set through two decrees. Under Decree 7746/2012, every public organization is expected to embed sustainability in their procurement plans. Timber and forests did not feature in the 2012 decree, however, a 2017 amendment (Decree 9178/2017) included utilization of timber from reforestation or sustainably managed forests in the list of 'sustainable practices' to be observed by public bodies in their procurement plans. However, this 'soft' regulation only requires checking timber origin and so does not exclude the possibility of procuring illegal timber. Furthermore, implementation of sustainable public procurement has been poor with only a handful of isolated initiatives implemented.</p> <p>At the subnational level, São Paulo state has a public procurement policy in place which requires the purchase of legal timber from managed forests for government purchasing.<sup>50</sup> State Decree No. 49,674/05 establishes mandatory requirements for tenders and public contracts to prove the legal origin of native timber products. Furthermore, the State has an online timber registry (CADMADEIRA) aimed at controlling the legal use of native forest products and through the publication of a list of legal persons trading in them.<sup>51</sup> (See Q 8c)</p>
<p><i>a. What level of adherence does the policy require?</i> (Question added in 2018)</p>		<p>2009: - 2013: - 2018: 3</p>		<p>Under the federal public procurement law, adhering to sustainable public procurement policies is voluntary for central government departments and there are no penalties or sanctions for non-compliant organizations.</p> <p>In the case of São Paulo's procurement policy, the requirements are mandatory for public contracts.<sup>52</sup> In 2011, it was reported that out of 635 municipalities in São Paulo, 337 had adopted the legal requirement in their procurement policy – two years after the requirement was introduced by the state.<sup>53</sup></p>
<p><i>b. Does the policy cover all timber products including paper?</i> (Question added in 2018)</p>		<p>2009: - 2013: - 2018: 5</p>		<p>The federal policy covers all timber products including paper. Normative Instruction 1/2010 does not specify types of timber other than 'timber used in construction work and other services', while Decree no. 9178/2017 encompasses all forest products (art. 4, VIII).</p> <p>The same is true of the policy of the state of São Paulo. CADMADEIRA covers roundwood and processed wood such as planks, poles and sawnwood.<sup>54</sup> Paper and paperboard are not listed in the timber registry but these are part of the overarching state programme of sustainable procurement established by Decree no. 53336 of 2008. This programme recommends public bodies buy paper certified by the Forest Stewardship Council (FSC) or Cerflor – the Brazilian Forest Certification Programme.<sup>55</sup></p>

<sup>49</sup> Ministry of Planning, Budget and Management (2010), Normative Instruction 1/2010, <http://www.comprasnet.gov.br/legislacao/legislacaoDetalhe.asp?ctdCod=295>

<sup>50</sup> UN Environment (2017), Factsheets on Sustainable Public Procurement in National Governments, [https://wedocs.unep.org/bitstream/handle/20.500.11822/20919/GlobalReview\\_Sust\\_Procurement\\_factsheet.pdf?sequence=3&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/20919/GlobalReview_Sust_Procurement_factsheet.pdf?sequence=3&isAllowed=y)

<sup>51</sup> São Paulo State, Infraestrutura e Meio Ambiente, (undated), 'Madeira legal – O que é Cadmadeira' <https://www.infraestruturameioambiente.sp.gov.br/madeirallegal/cadmadeira/o-que-e/> (accessed 10 Feb. 2020) Brauch, M. D. (2012), Sustainable Public Procurement in the São Paulo State Government: An in-depth case study, [http://www.iisd.org/pdf/2012/spp\\_sao\\_paulo.pdf](http://www.iisd.org/pdf/2012/spp_sao_paulo.pdf)

<sup>52</sup> Ibid.

<sup>53</sup> José Serra, Decree N° 53.047, of 2 June 2008, Governor of the State of São Paulo (2008), [http://arquivo.ambiente.sp.gov.br/legislacao/2017/01/2008\\_dec\\_est\\_53047\\_cadmadeira.pdf](http://arquivo.ambiente.sp.gov.br/legislacao/2017/01/2008_dec_est_53047_cadmadeira.pdf)

<sup>54</sup> Ministry of Planning, Budget and Management (2010), Normative Instruction 1/2010, <http://www.comprasnet.gov.br/legislacao/legislacaoDetalhe.asp?ctdCod=295>; Decree No. 53.047, 2 Jun. 2008, [http://arquivo.ambiente.sp.gov.br/legislacao/2017/01/2008\\_dec\\_est\\_53047\\_cadmadeira.pdf](http://arquivo.ambiente.sp.gov.br/legislacao/2017/01/2008_dec_est_53047_cadmadeira.pdf)

<sup>55</sup> São Paulo State Government, 'Bolsa Eletronica de compras SP', [https://www.bec.sp.gov.br/BEC\\_Catalogo\\_ui/CatalogoPesquisaMateriais.aspx?chave=&selo=1](https://www.bec.sp.gov.br/BEC_Catalogo_ui/CatalogoPesquisaMateriais.aspx?chave=&selo=1) (accessed 10 Feb. 2020). PEFC (undated), Brazilian Forest Certification Programme (Cerflor), <https://www.pefc.org/discover-pefc/our-pefc-members/national-members/brazilian-forest-certification-programme-cerflor> (accessed 10 Feb. 2020).

Policies & measures to promote demand for legal timber	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<i>c. Does the policy rest on independent certification or verification schemes or equivalent for identifying legal products? (Question added in 2018)</i>		2009: - 2013: - 2018: 5		At the federal level, public procurement rests on independent certification for identifying legal products. Independent certification (such as FSC or Cerflor/PEFC) can be used to identify legal forest products which must be sourced from sustainable forest management or reforestation (Art 4, VIII, Decree 7746 modified by Decree 9178 of 2017).  In São Paulo state, companies supplying timber for public contracts must first be registered in CADMADEIRA. If they fulfil the requirements they receive a 'Legal Timber Label' that is valid for one year. Renewing this label is only possible if annual technical reports are submitted and documentation is in order. <sup>56</sup>
<i>d. Is assistance offered to government purchasers e.g. advice, guidance, training etc? (Question added in 2018)</i>		2009: - 2013: - 2018: 3		The government set up a website on 'sustainable public procurement' in 2010 <sup>57</sup> which includes benchmarks, good practices and progress reports. This was last updated in 2018 and includes examples of sustainable procurement of timber for construction and a catalogue of sustainable logistics plans for several public bodies.  The MMA ran several training workshops on procurement between 2011 to 2014, <sup>58</sup> and since 2015, the National School of Public Administration has organized over 20 workshops on sustainable public procurement for civil servants. <sup>59</sup>  While São Paulo's state-level policy does not stipulate a requirement for training, public officials from diverse sectors have participated in training by the Coordination of Biodiversity and Natural Resources of the State. <sup>60</sup>
<i>e. Is implementation of the policy systematically monitored and assessed? (Question added in 2018)</i>		2009: - 2013: - 2018: 1		There is no evidence to indicate systematic monitoring or assessment of implementation at the national level. The Ministry of Economy has compiled sustainable logistics plans and reports by federal organizations. <sup>61</sup>  In São Paulo state, the law establishing the CADMADEIRA (Decreto 53.047/2008) mandates the Technical Chamber of Forestry Issues within the Environmental Secretariat to monitor implementation of the registry and the Legal Timber Label. However, there is no evidence of whether this is carried out in practice. <sup>62</sup>
<i>f. Does the procurement policy apply to sub-national (provincial, regional, local) government? (Question added in 2018)</i>		2009: - 2013: - 2018: 3		The Public Procurement Law (8666 /1993) applies to sub-national governments. However, it is not clear if all subnational governments regulated the 2010 amendment (Law 12349/2010) that included 'sustainable national development' as a principle of public procurement. There is evidence that a few states and municipalities have public procurement policies covering timber products but there is no assessment comprising the 28 federation units and 5,570 municipalities.  In São Paulo state, Decree 53.047/2008 requires the mandatory participation of municipalities as these are required to procure only timber products that are registered in the CADMADEIRA registry and have the Legal Timber Label.

**11. Do forest-related policies encourage legal timber production and discourage illegal timber production by ensuring that the level of demand does not exceed legal supply?**

<i>a. Does the permitting system for primary wood processing facilities require evidence of sufficient legal sources of raw material?</i>	2009: 0 2013: 1 2018: 1	2009: n/a 2013: 1 2018: 1	2009: n/a 2013: 1 2018: 1	Only in the State of Amazonas have there been efforts to link the existence of authorized forest management plans or of other legal sources of wood to the issuing of permits to sawmills to operate.
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<sup>56</sup> Brauch, M. D. (2012), Sustainable Public Procurement in the São Paulo State Government: An in-depth case study, [https://www.iisd.org/pdf/2012/spp\\_sao\\_paulo.pdf](https://www.iisd.org/pdf/2012/spp_sao_paulo.pdf)

<sup>57</sup> Ministry of Planning (undated), 'Portal Contratações Públicas Sustentáveis', <http://cpsustentaveis.planejamento.gov.br/>

<sup>58</sup> Ministry of the Environment (last updated 2014), 'MMA promove quatro cursos de sustentabilidade para servidores', 25 Mar. 2014, <https://www.mma.gov.br/informma/item/10017-mma-promove-quatro-cursos-de-sustentabilidade-para-servidores> (accessed 10 Feb. 2020). Ministry of the Environment (2014), 'Plano de ação para produção e consumo sustentáveis – PPCS: Relatório do primeiro ciclo de implementação', <https://www.mma.gov.br/responsabilidade-socioambiental/producao-e-consumo-sustentavel/plano-nacional.html> (accessed 10 Feb. 2020).

<sup>59</sup> National School of Public Administration (undated), 'Contratações Públicas Sustentáveis' <https://suap.ena.gov.br/portal/curso/342/>

<sup>60</sup> Rio Preto City Hall (2010), 'Fiscais recebem treinamento sobre uso de madeira legal', 24 Jun. 2010, <https://www.riopreto.sp.gov.br/2503/>

<sup>61</sup> Ministry of Planning (undated), 'Portal Contratações Públicas Sustentáveis', <http://cpsustentaveis.planejamento.gov.br/>

<sup>62</sup> SIGAM (undated), 'CADMADEIRA Cadastro de Comerciantes de Madeira no Estado de São Paulo', <https://www.sigam.ambiente.sp.gov.br/sigam3/Default.aspx?idPagina=13852>



## Transparency

Institutional & legal transparency	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>12. Is there a unified document which describes the roles, responsibilities and controls for all agencies involved in regulating forest utilization and trade from harvest rights allocation to point of sale or export and is it accessible to the public?</b>	2009: 0 2013: 1 2018: 1	2009: n/a 2013: 2 2018: 2	2009: n/a 2013: 2 2018: 2	The Federal Constitution sets out the competences of all the agencies within the National Environmental System (Sisnama). Complementary to this, Law no. 140/2011 sets out the mandates of the various legislative and administrative environmental authorities but it does not go into detail on their different roles and responsibilities.
<b>13. Is there a legal requirement to make forest legislation and regulations readily accessible to the public?</b> <i>(Question added in 2018)</i>	2009: - 2013: - 2018: 2	2009: - 2013: - 2018: 3	2009: - 2013: - 2018: 3	<p>Law 12.527/2011, which governs access to information, sets out requirements regarding public access to data and information across government – so is not specific to the forest sector. A portal has been established to implement this.<sup>63</sup></p> <p>For the forest sector, Law no. 11284/2006 sets out the general requirement that individuals must have access to information regarding the governance of public forests.<sup>64</sup> Resolution no. 379 of /2006 of CONAMA establishes the regulatory requirement for the national portal of forest management. This portal was made available to the public in April 2007 but has been 'under maintenance' since early 2018<sup>65</sup>. It contained information on state organizations, procedures related to forest management, assessment of technical audits, rules on administrative sanctions,= as well as forest-related legislation and regulations. The portal used to be managed in a decentralized manner,- meaning that different states input their data. However, while the portal calls for public control and participation, it is unclear to what extent the government supported the use of the portal in practice.</p> <p>Nonetheless, it is important to note that internet access is still limited in Brazil with access varying significantly between different parts of the country and between rural and urban areas.<sup>66</sup></p>

<sup>63</sup> Government of Brazil, BrazilianOpen Data Portal, [www.dados.gov.br](http://www.dados.gov.br)

<sup>64</sup> Presidency of the Republic (2006), Law no. 11284/2006, [http://www.planalto.gov.br/ccivil\\_03/\\_Ato2004-2006/2006/Lei/L.11284.htm](http://www.planalto.gov.br/ccivil_03/_Ato2004-2006/2006/Lei/L.11284.htm)

<sup>65</sup> Brazilian Forest Service (last updated 2018), 'Portal Nacional da Gestão Florestal – PNGF', <http://snif.florestal.gov.br/pt-br/portal-nacional-de-gestao-florestal> (accessed 10 Feb. 2020).

<sup>66</sup> Freedom on the Net (2018), 'Brazil', <https://freedomhouse.org/report/freedom-net/2018/brazil>

Transparency in resource allocation, management & enforcement	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>14. Do policies, laws or regulations contain provisions designed to ensure that resource allocation and management is carried out transparently?</b>				
<i>a. Do policies, laws or regulations stipulate that rules for resource allocation processes e.g. concession allocation and competitions are made publicly available?</i>	2009: 2 2013: 2 2018: 2		2009: 4 2013: 4 2018: 4	Forest concessions in public areas (federal or state level) are subject to the rules of Law 11.284/2006. This requires publication online of all documentation and convening of public hearings. This law also established the Brazilian Forest Service. In 2018, the agency was ranked second in the federal ministry's assessment of environmental transparency. <sup>67</sup> The Forest Service publishes documents and contracts related to forestry concessions (which are also available in the central government transparency portal <sup>68</sup> ) and a monthly bulletin on forestry concessions and maintains the National Registry of Public Forests and National Portal on Forest Information. <sup>69</sup>
<i>b. Do policies, laws or regulations stipulate that dates for when resource allocation processes are to be held are made publicly available?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 4 2018: 4	Yes this is required under Law 11.284/2006.
<i>c. Do policies, laws or regulations stipulate that the results of resource allocation processes are made publicly available e.g. bids and awards for concession allocation and competitions?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 4 2018: 4	Yes, this is required under Law 11.284/2006. The Forest Service publishes a monthly bulletin with details of the forestry concessions that have been awarded.
<i>d. Do policies, laws or regulations stipulate that up to date summary data is published on harvesting, processing and international trade?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 4 2018: 4	Brazil's Open Data Policy derives from the following laws: Law on Access to Information, Decree 7.724/2012, Normative Instruction SLTI/MP n4/2012 and Decree 8.777/2016.  In 2014, all ministries were recommended to prepare an Open Data Plan. In 2017, IBAMA published its Open Data Plan for the years 2018-19 which included the establishment of an open data platform. <sup>70</sup> Among the content to be made available on IBAMA's open data platform <sup>71</sup> is data on the export of CITES listed timber species, the Document of Forest Origin as well as data from SINAFLO. Not all this data has been uploaded yet but there is already a significant amount of information available including data on authorizations to clear forests, the harvesting of single trees and the use of unprocessed forest products. <sup>72</sup>  The Ministry of Industry and Commerce also publishes monthly data on exports and imports of timber products.
<b>15. Do policies, laws or regulations contain provisions designed to ensure transparency in concession use?</b>				
<i>a. Do policies, laws or regulations stipulate that information on location of concessions, ownership and contact details is publicly available?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 4 2018: 4	Information on public forests allocated as forestry concessions, including ownership and contact details, is made available by the Forestry Service (see Q14a).  For private forests, this information is available from the CAR. <sup>73</sup> This covers most of the private land: as of January 2020, over 99 per cent of this land had been registered (543 million ha). <sup>74</sup> However, the information contained in the CAR still requires validation. This is being carried out by the states and requires geo-referencing of the boundaries of all properties. <sup>75</sup>

<sup>68</sup> Government of Brazil (undated), 'Portal da Transparência', [www.transparencia.gov.br](http://www.transparencia.gov.br)

<sup>70</sup> IBAMA (2017), Plano de Dados Abertos, Vigência – 2018 a 2019, [http://www.ibama.gov.br/phocadownload/dados-abertos/2018-2019-ibama-Plano-de-Dados-Abertos\\_.pdf](http://www.ibama.gov.br/phocadownload/dados-abertos/2018-2019-ibama-Plano-de-Dados-Abertos_.pdf)

<sup>71</sup> IBAMA, 'Dados abertos', undated, <http://dadosabertos.ibama.gov.br/organization/instituto-brasileiro-do-meio-ambiente-e-dos-recursos-naturais-renovaveis> (accessed 19 Feb. 2020)

<sup>72</sup> Ibid.

<sup>73</sup> Rural Environmental Registry (undated), CAR: Cadastro Ambiental Rural: Orientações básicas, <http://www.florestal.gov.br/documentos/publicacoes/1678-cadastro-ambiental-rural-car-orientacoes-basicas/file>

<sup>74</sup> Brazil Forestry Service (last updated 2020), 'Números do Cadastro Ambiental Rural' <http://www.florestal.gov.br/numeros-do-car>

<sup>75</sup> World Wide Fund for Nature (2017), 'Validação do CAR: realidade e desafios', 29 September 2017' <https://www.wwf.org.br/761082/Validao-do-CAR-realidade-e-desafios%20os>

Transparency in resource allocation, management & enforcement	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<i>b. Do policies, laws or regulations stipulate that information on concession contracts, inventories and plans are publicly available i.e. long term and annual forest management and harvest plans?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 4 2018: 4	For public forest concessions, management plans are published online by the Forest Service but not inventories or annual harvest plans.
<i>c. Do policies, laws or regulations stipulate that results of environmental and social impact assessments and mitigation measures are publicly available?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 4 2018: 4	There is a legal requirement to make the results of environmental impact assessments publicly available. This is set out in Law no. 6938/1981 and most recently Law no. 12527/2011 <sup>76</sup>
<b>16. Do policies, laws or regulations contain provisions designed to ensure that information on enforcement activities is publicly available?</b>				
<i>a. Do policies, laws or regulations stipulate that data is published on forest crimes including success rates on detection, interdiction, prosecution and conviction including fines levied and fines paid and volumes seized?</i>	2009: 2 2013: 2 2018: 2	2009: 1 2013: 1 2018: 3	2009: 1 2013: 1 2018: 2	<p>CONAMA Resolution no. 379/2006 establishes the requirement for transparency on forest-related information, although operationalization of this rule remains slow.</p> <p>There are a number of other laws and regulations that include provisions related to the transparency of data on forest crimes and enforcement. These include:</p> <ul style="list-style-type: none"> <li>• Law no. 12.527/2011 regulating access to public information.</li> <li>• Presidential Decree no. 6.666/2008 regulating National Spatial Data Infrastructure.</li> <li>• Decree no. 8.777/2016 Policy on Open Data of the Executive Branch.</li> <li>• Portaria n.3/2017 model of accessibility for electronic governance.</li> </ul> <p>IBAMA's Open Data Plan 2018-19 lists the data that will be made available online. Those related to forest crimes and enforcement include: Annual Report of Polluting Activities, notices of environmental infractions, collection of environmental fines, list of embargoed properties and the number of judgements dealing with infractions. However, as of August 2018, these documents have not been made public.<sup>77</sup></p>
<i>b. Do policies, laws and regulations stipulate that information on disposals of confiscated wood or results of public auctions of confiscated wood or other kinds of public bidding are publicly available?</i>	2009: 2 2013: 2 2018: 2	2009: 1 2013: 1 2018: 1	2009: 1 2013: 1 2018: 1	The state environmental agencies and IBAMA make some of this information available online. However, an evaluation of IBAMA's monitoring activities for the period 2012-15 by the Comptroller General of the Union found that it did not have information system on seized assets and highlighted challenges with the effective monitoring and management of assets. <sup>78</sup>

<sup>76</sup> Presidency of the Republic (2011), Law no. 12527/2011, [http://www.planalto.gov.br/ccivil\\_03/\\_ato2011-2014/2011/lei/12527.htm](http://www.planalto.gov.br/ccivil_03/_ato2011-2014/2011/lei/12527.htm)

<sup>77</sup> IBAMA (2017), 'Plano de Dados Abertos, Vigência – 2018 a 2019', 2017, [http://www.ibama.gov.br/phocadownload/dados-abertos/2018-2019-Ibama-Plano-de-Dados-Abertos\\_.pdf](http://www.ibama.gov.br/phocadownload/dados-abertos/2018-2019-Ibama-Plano-de-Dados-Abertos_.pdf) (accessed 19 Feb. 2020).

<sup>78</sup> Comptroller General of the Union (2017), Relatório de Avaliação da Execução de Programas de Governo No. 69 Ações Relativas à Fiscalização Ambiental sob Responsabilidade do Ibama <https://auditoria.cgu.gov.br/download/9752.pdf>

Information & data management	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<p><b>17. Is there an up-to-date, accurate information management system in place through which relevant government agencies can access data related to forest enforcement and management?</b></p> <p><i>This information management system could include elements such as forest inventories, remote sensing imagery and harvest permits and licenses, forest management plans, centralized repository of maps, transportation documents and processing licenses and records.</i></p>	<p>2009: 1 2013: 1 2018: 2</p>	<p>2009: n/a 2013: n/a 2018: 3</p>	<p>2009: n/a 2013: n/a 2018: n/a</p>	<p>The SINAFLOR system (see Q.12) is used by IBAMA and other agencies to control and monitor activities in the forest sector. The current version is not capable of tracing the entire chain of custody but it is expected that future versions will be able to do so. As SINAFLOR only launched in 2017, it is too soon to assess the implementation of the programme.</p> <p>There are a number of non-governmental initiatives that consolidate and interpret relevant forest information and make it public:</p> <ul style="list-style-type: none"> <li>• Timber Flow is an interactive platform that aims to increase the transparency of information on production and movement of native timber in Brazil. The long-term objective is to reduce illegality in the sector. The platform was created by Imaflora and the University of São Paulo and it contributes to implementation of the Open Government principles that aim to promote best practices in transparency, participation and accountability.<sup>79</sup></li> <li>• MapBiomias is a multi-institutional initiative involving universities, NGOs and technology companies. The initiative contributes to the understanding of the transformation of the Brazilian landscape through annual mapping of land cover and land use.<sup>80</sup></li> </ul> <p>Atlas Agropecuário (Atlas of Brazilian Agriculture) generates and disseminates knowledge on Brazilian agriculture. The platform provides original and secondary data on the agricultural sector by gathering information on land use, land tenure, agricultural suitability, distribution, production and productivity of crops in time series as well as other environmental and social information relevant to rural development and conservation of natural resources.<sup>81</sup></p>
<p><b>18. Is there an up-to-date, accurate information system in place to gather data on employment in the forest sector?</b> <i>(Question added in 2018)</i></p>	<p>2009: - 2013: - 2018: 2</p>	<p>2009: - 2013: - 2018: 3</p>	<p>2009: - 2013: - 2018: 3</p>	<p>The National Forest Information System (SNIF) provides data on formal employment in the forest sector on an annual basis. The last update was conducted in March 2018 although the most recent figures are from 2016. This system is based on data provided by the Ministry of Labour through its annual analysis of its administrative registry – RAIS (an obligatory registration of public and private sector workers).</p> <p>While the information available through SNIF is comprehensive, it only indicates formal employment and the information is not broken down by size of enterprise or by gender. It does however break down its data by category of work (i.e. paper production, infrastructure, logging, furniture) as well as forest type (native or plantation).<sup>82</sup></p> <p>By the end of 2018, only 60 per cent of private sector workers<sup>83</sup> in the northern regions of Brazil had formal employment. Therefore, data on formal employment does not provide a complete picture of the situation.<sup>84</sup></p>

<sup>79</sup> See <http://timberflow.org.br/>

<sup>80</sup> See: <http://mapbiomas.org>

<sup>81</sup> See: <http://www.imaflora.org/atlasagropecuario/>

<sup>82</sup> Brazil Forest Service (last updated 2020), 'Número de empregos formais por segmento do setor florestal' <http://snif.florestal.gov.br/pt-br/emprego>

<sup>83</sup> Excluding domestic workers.

<sup>84</sup> Laporta, T. & Cavallini (2018), 'Desemprego cai, mas aumento do trabalho informal dificulta retomada da economia' globo.com, 31 Aug. 2018, <https://g1.globo.com/economia/noticia/2018/08/31/desemprego-cai-mas-aumento-do-trabalho-informal-dificulta-retomada-da-economia.ghtml>, Brazilian Institute of Geography and Statistics (IBGE) (2019), Pesquisa Nacional por Amostra de Domicílios contínua, Terceiro trimestre de 2018 [https://biblioteca.ibge.gov.br/visualizacao/periodicos/2421/pnact\\_2018\\_4tri.pdf](https://biblioteca.ibge.gov.br/visualizacao/periodicos/2421/pnact_2018_4tri.pdf) (accessed 8 Nov. 2019).

Financial management	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>19. Is there an effective financial management system in place for the forest sector?</b>				
<i>a. Does the forest administration have a system for monitoring revenue collected from utilization of forest resources against revenue owed as well as a procedure for investigating discrepancies?</i>	2009: 1 2013: 1 2018: 1	2009: n/a 2013: n/a 2018: 2	2009: n/a 2013: n/a 2018: 3	<p>For forest concessions, the Brazilian Forest Service has a system for monitoring revenue collected from the utilization of forest resources against revenue owed as well as procedures for investigating discrepancies. The Forest Service released the 2017 assessment in 2018. This lists the discrepancies that were prosecuted.<sup>85</sup> The system is not automated but provides enough information for inspections.</p> <p>In 2017, it was reported that SINAFLO's integration with the Federal Revenue Service would boost monitoring of taxation and therefore reducing the risk of tax evasion and non-compliance. However, there is no information available on whether this has taken place.</p>
<i>b. Is there an audit of the forest administration whose findings are publicly available?</i>	2009: 0 2013: 2 2018: 2	2009: n/a 2013: 3 2018: 3	2009: n/a 2013: 2 2018: 2	<p>The National Accounting Office (TCU) conducts audits of government agencies, including the forest administration, and its findings are publicly available.<sup>86</sup></p> <p>The TCU also includes a department responsible for undertaking periodic assessments to check whether its recommendations have been implemented and these assessments are also available online (a log-in is needed but anyone can register and have access to the online platform).<sup>87</sup> In 2013, the TCU audited environmental bodies and concluded that only 4 per cent of forest conservation units had a 'high level' of implementation and management. Together with ICMBio, a plan of action was developed to address the problem.<sup>88</sup> In 2014, the Ministry of Environment was given 180 days to take action against this problem.<sup>89</sup></p>
<b>20. Does the country report on its forest sector to the EITI? (Question added in 2018)</b>	2009: - 2013: - 2018: 0		2009: - 2013: - 2018: n/a	Brazil is not a member of the Extractive Industries Transparency Initiative.

<sup>85</sup> Brazilian Forest Service (2018), Monitoramento dos Contratos de Consessão Florestal Relatório anual – 2017, <http://www.florestal.gov.br/documentos/concessoes-florestais/monitoramento/relatorios-de-monitoramento/3979-relatorio-anual-de-monitoramento-das-concessoes-florestais-2017/file>

<sup>86</sup> General Federal Court of Accounts (2019), 'Fiscalizações de Meio Ambiente', <https://portal.tcu.gov.br/biblioteca-digital/fiscalizacoes-de-meio-ambiente.htm>

<sup>87</sup> <https://portal.tcu.gov.br/comunidades/avaliacao-de-programas-de-governo/fiscalizacoes-realizadas/gestao-ambiental/>

<sup>88</sup> Globo.com (2013), 'TCU aponta que só 4% das florestas protegidas tem alto grau de gestão', 20 Nov. 2013, <http://g1.globo.com/natureza/noticia/2013/11/tcu-aponta-que-so-4-das-florestas-protegidas-tem-alto-grau-de-gestao.html>

<sup>89</sup> Santini, D. (2014), 'TCU aponta abandono de Unidades de Conservação da Amazônia', (o)eco, 31 Jan. 2014 <https://www.oeco.org.br/blogs/oeco-data/27974-tcu-aponta-abandono-de-unidades-de-conservacao-da-amazonia/>

## Rule of Law

Checks and balances	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>21. Are mechanisms (checks and balances) in place to ensure government fully applies forest law and regulations?</b>				
<i>a. Does the law make provisions for protecting the rights of the public to mount legal challenges against forest management decisions/practices and failure by the government to apply forest law?</i>	2009: 2 2013: 2 2018: 2		2009: 3 2013: 3 2018: 3	There is a clear separation of powers in Brazil and the legal system creates a robust set of checks and balances for protecting the environment through the country's Constitution, the National Environmental Policy and other specific environmental laws. The Public Prosecution Office is mandated to protect collective interests and an individual or a group of citizens can petition against environmental crimes through Popular Actions or Public Civil Actions. However, access to the legal system and pursuit of such claims is difficult. <sup>90</sup>
<i>b. Does the law stipulate penalties for staff for corruption?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 2 2013: 2 2018: 3	<p>The law stipulates the following penalties for corruption of public officials:</p> <ol style="list-style-type: none"> <li>Under Brazil's Penal Code, passive (Art 317) corruption is a punishable offence, this being where public officials request or accept any undue advantage because of their position. Penalties can include 2-12 years imprisonment and a fine.</li> <li>The Administrative Improbability Act deals with undue enrichment of public officials. Penalties include confiscation of assets that were unduly obtained, suspension of political rights or a fine.</li> <li>Under the Civil Public Actions (Law n. 7,347/85) and Class Action Lawsuits (Law n. 4,717/65), damages can be claimed against public officials who have benefited from corruption.</li> </ol> <p>An anti-corruption operation undertaken in 2014, 'Operacao Lava Jata', uncovered the involvement of a number of high-profile actors from the public and private sector – including former presidents and executives of Petrobras – in a multi-million dollar corruption scheme. Those involved were punished with prison terms or heavy fines. The case was seen as a turning point for corruption enforcement in Brazil.<sup>91</sup></p>
<i>c. Does the law include clear limits to the power of forest ministers or equivalent or other senior government officials to override forest-related laws, regulations and procedures e.g. concession allocation procedures? Does the law limit discretionary powers?</i>	2009: 2 2013: 2 2018: 2		2009: 4 2013: 4 2018: 4	Limits to the powers of government ministers are established by the executive branch and legislators. Ministers can be called to a public hearing or a special commission to investigate suspected misconduct, if required, by a member of the Senate or House of Representatives. For instance, the constitutionality of opening up large areas of public forests for concessions has been debated in public hearings of the Congress which the director of the Brazilian Forest Service and other authorities have been called to attend.

<sup>90</sup> Paz, S. M. de A. (2014), 'Legitimidade do Ibama para ajuizamento de ação civil pública em caso desmatamento na Amazônia Legal', Âmbito Jurídico, 1 Apr. 2014, <https://ambitojuridico.com.br/cadernos/direito-ambiental/legitimidade-do-ibama-para-ajuizamento-de-acao-civil-publica-em-caso-desmatamento-na-amazonia-legal/>

<sup>91</sup> Global Legal Insights (undated), 'Bribery & Corruption 2020, Brazil' <https://www.globallegalinsights.com/practice-areas/bribery-and-corruption-laws-and-regulations/brazil>

Checks and balances	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<i>d. Does a parliamentary committee, or equivalent, have formal oversight over the national government forest service and associated agencies?</i>	2009: 2 2013: 2 2018: 2	2009: 5 2013: 5 2018: 5	2009: 4 2013: 3 2018: 3	<p>The Brazilian parliament has three permanent commissions on climate and the environment which have formal oversight of the national forest service and associated agencies. The Senate has had a commission on the environment since 2009 and the Lower House has had a commission on the environment and development since 2014.</p> <p>Congress established a permanent joint commission on climate change in 2008 with the mandate of discussing, overseeing and monitoring climate change and deforestation issues. This joint commission is comprised of members of both the Senate and the Lower House. It meets several times a year to discuss changes to, and the implementation of, legislation and to prepare inputs into multilateral processes such as the Paris Agreement. Illegal deforestation is a topic frequently discussed in the commission. For instance, in June 2018, the Commission organized a public hearing to discuss illegal deforestation in the Amazon and Cerrado and the achievement of Brazil's Nationally Determined Contribution under the Paris Agreement.</p> <p>The various commissions are well attended and have the authority to call on and report to relevant government bodies of the executive branch. However, national scholars have indicated that an 'anti-environmental' coalition has increased participation in, and influence over, these.<sup>92</sup></p>
<i>e. Is there a system in place through which relevant government departments and agencies carry out self-monitoring of their performance and internal corruption investigation. (This could be carried out by an internal or external inspectorate which includes making the findings public.)</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 3 2013: 2 2018: 2	<p>Brazil's executive branch has an internal control system and is also audited by an arm of the legislative branch.</p> <p>The internal control system is performed by the Comptroller General of the Union (CGU). CGU carries out public audits, fraud deterrence procedures and other types of corruption prevention and control and ombudsman activities. The arm of the legislative branch is the Brazilian General Federal Court of Accounts (TCU). The TCU assists the Congress in exercising external audits over the executive branch. It conducts regular audits of all government agencies regarding the fulfilment of their obligations and duties. These audits result in a report, in which, recommendations are made including a timetable for compliance. These reports are available on the internet. However, the heavy workload of the TCU does not allow it to effectively monitor whether their recommendations are subsequently complied with.</p> <p>IBAMA – the Brazilian Institute of Environment and Natural Resources – has an internal audit unit which reports to its presidency. IBAMA's auditing unit has reported that 21 per cent of its recommendations were implemented in 2018 – up from 2 per cent in 2016.<sup>93</sup></p> <p>The performance of governmental agencies is also evaluated through annual reports which describe the actions completed as set out in their respective annual operational plans and this influences their budget for the following year.</p>

<sup>92</sup> Accioly, I. and Sanchez, C. (2012), 'Antiecológismo no Congresso Nacional: o meio ambiente representado na Câmara dos Deputados e no Senado Federal', *Meio Ambiente e Desenvolvimento*, 25, pp.97-108. <http://dx.doi.org/10.5380/dma.v25i0.23389>

<sup>93</sup> IBAMA (undated), Internal Audit, <http://www.ibama.gov.br/auditorias/auditoria-interna> (accessed 5 Feb. 2020)

Checks and balances	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<i>f. Is there an independent national forest monitoring system in place?</i>	2009: 1 2013: 1 2018: 1	2009: 3 2013: 3 2018: 3	2009: 4 2013: 4 2018: 4	<p>There are a number of national forest monitoring systems in Brazil although most are publicly funded and therefore not entirely independent.</p> <p>Brazil's National Institute for Space Research (INPE) sits within the Ministry of Science, Technology and Innovation and operates the following monitoring systems:<sup>94</sup></p> <ol style="list-style-type: none"> <li>PRODES – Monitors deforestation and has been in place since 1988. Previously only covering the Legal Amazon, it was extended to also cover the Cerrado biome in 2015.</li> <li>DETER – Detects large areas of deforestation in near real-time.</li> <li>DETER-B – Detects small plots of forest degradation in near real-time.</li> <li>DETEX – Detects selective logging practices.</li> <li>DEGRAD – Monitors forest degradation.</li> <li>Terra Class – Monitors changes in secondary forest and other land uses.</li> </ol> <p>While the transparency in the publication of deforestation data is high compared to other countries, political interference has at times threatened the independence of these bodies.<sup>95</sup> For example, during the presidential election in 2014, the government delayed the release of DETER data which showed an increase in deforestation rates.<sup>96</sup></p> <p>The closest to an independent body is the NGO IMAZON which provides independent monitoring of the Amazon. In recent years, the quality of its monitoring has improved with incorporation of satellite images from the European Space Agency's Sentinel-1 into its system.<sup>97</sup> There is, however, no formally recognized role for civil society to monitor forest governance.</p>
<b>22. Is customs specifically mandated to check that timber consignments meet the country's forestry-specific legal export requirements?</b>	2009: 2 2013: 2 2018: 2		2009: 3 2013: 3 2018: 3	<p>All consignments of forest products must be accompanied by a Forestry Origin Document (DOF) – from their place of origin to the customs terminal – a requirement set out in Portaria MMA n° 253/2006 and IBAMA 21/2013. During customs inspections, the competent environmental agency checks whether the information given in the document matches that of the DOF system.</p> <p>The SISCOMEX system (the Integrated System for Foreign Trade) is used to determine whether companies have legal status allowing them to export.</p>

<sup>94</sup> National Institute for Space Research (INPE) (2016), 'INPE aprimora sistema de alerta de desmatamento na Amazônia', 5 May 2016, [http://www.inpe.br/noticias/noticia.php?Cod\\_Noticia=4172](http://www.inpe.br/noticias/noticia.php?Cod_Noticia=4172)

<sup>95</sup> Rajão, R., Moutinho, P. and Soares, L. (2017), 'The Rights and Wrongs of Brazil's Forest Monitoring Systems' Conservation Letters, 6 Feb. 2017 <https://onlinelibrary.wiley.com/doi/full/10.1111/conl.12350>

<sup>96</sup> Evans, K. (2013), 'Seeing the forest and the trees: Brazil's transparency in deforestation data' Forests News, 6 Nov. 2013, <https://forestsnews.cifor.org/17312/seeing-the-forest-and-the-trees-brazils-transparency-in-deforestation-data?fnl=en>

<sup>97</sup> Calixto, B. D. (2018), 'Satélite mostra que desmatamento na Amazônia é maior do que o imaginado', PROCLIMA – Programa Estadual de Mudanças Climáticas do Estado de São Paulo, 18 Jan. 2018, <https://cetesb.sp.gov.br/proclima/2018/01/18/novo-satelite-mostra-que-desmatamento-na-amazonia-e-maior-do-que-o-imaginado/>



Timber tracking & chain of custody	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<b>23. Are there effective mechanisms in place to detect instances of illegal timber entering the supply chain?</b>				
<i>a. Is there a system in place designed to verify the origin of timber i.e. forest management unit in transport, transfer and delivery?</i>	2009: 2 2013: 2 2018: 2	2009: 2 2013: 2 2018: 3	2009: 4 2013: 2 2018: 2	<p>The SINAFLOR system was launched in 2017, designed to track timber from source to sale. It is comprised of a centralized database based on a system of electronic tags and enabling registration and tracking of all forestry activities and movement of timber resources. Under this system, operators first need an authorization to harvest (Autex). Once the timber is harvested, the developer must make a declaration of the trees actually logged including the number and size of trees and the real volume harvested (as opposed to the volume indicated in the forestry inventory). The credits for harvest (the volume of trees logged) are then entered into the Document of Forest Origin (DOF) and the operator is then allowed to transport a certain quantity of timber.<sup>98</sup> The current version of SINAFLOR is not yet capable of tracing the entire chain of custody. It is expected that version 2.0 will be able to do so but it is not clear when this version will be operational.<sup>99</sup></p> <p>SINAFLOR integrates existing tracking systems including the DOF system. By the end of 2018, all states will have had to adhere to – or integrate their own systems with – SINAFLOR. Furthermore, the DOF system will only be accessible via SINAFLOR – this is the system established in 2006 by the Ministry of Environment to regulate the transportation and storage of forest products.<sup>100</sup></p> <p>In addition, the Supply Chain System (SCC), a database system implemented by the Brazilian Forest Service, aims to monitor the origin – and guarantee the traceability – of timber products from source to sale.<sup>101</sup> The SCC applies to timber that (a) requires a Sustainable Forest Management Plan (PMFS) and (b) originates from a federal public forest. Forest concessioners who have obtained the PMFS must insert information in the SCC system concerning their activities (e.g. harvesting, transport). The SCC then generates a QR-code for each forest product that leaves the concession – be this in form of wood logs or sawn timber. In 2015, an application for phones and tablets containing the SCC information was launched so that the general public can trace the origin of timber products and verify their legality.<sup>102</sup> There is little to no information from third parties online on the implementation and adherence to the SCC.</p> <p>Discussions on how to integrate the Supply Chain System with SINAFLOR are on-going between the Brazilian Forest Service and IBAMA.<sup>103</sup></p>
<i>b. Does the system design include the following components?</i>				
<i>i. Independent monitoring procedures by independent government body or third party?</i>	2009: 1 2013: 1 2018: 1	2009: 3 2013: 3 2018: 3	2009: 2 2013: 2 2018: 2	<p>Although individual DOF transportation documents can be checked on the internet, public access to other records is not possible. The TCU can conduct audits of the system and the legislation determines that public forest concessions are subject to independent audits every three years. There is no formal system for independent monitoring by civil society.</p>

<sup>98</sup> IBAMA (undated), SINAFLOR Manual <http://www.ibama.gov.br/phocadownload/sinaflor/2018/ibama-manual-sinaflor-12-declaracao-corte-subst-arvores-ajuste-cronog-exploraca.pdf>

<sup>99</sup> Coalizão Brasil Clima, Florestas e Agricultura (2017), 'Entrevista: Jeanicolau de Lacerda explica por que transparência é importante para combater o desmatamento ilegal', 16 Mar. 2017, <http://www.coalizaobr.com.br/home/index.php/boletim-n-20/404-entrevista-jeanicolau-de-lacerda-explica-por-que-transparencia-e-importante-para-combater-o-desmatamento-ilegal>; Portal Resíduos Sólidos (2014), 'SISNAMA - Sistema Nacional do Meio Ambiente no Brasil', 28 Jun. 2014, <https://portalresiduossolidos.com/sisnama-sistema-nacional-meio-ambiente-brasil/>; Greenpeace Brazil (2018), 'IBAMA torna públicos dados sobre movimentação de madeira', 26 Sep. 2018' <https://www.greenpeace.org/brasil/blog/ibama-torna-publicos-dados-sobre-movimentacao-de-madeira/>

<sup>100</sup> IBAMA, (last updated 2019), 'Documento de Origem Florestal (DOF)', <https://www.ibama.gov.br/sistemas/dof/sobre-o-dof>

<sup>101</sup> Brazilian Forest Service (2019), 'Monitoramento das concessões florestais', 16 Dec. 2019, <http://www.florestal.gov.br/monitoramento>; Forest Service Brazil (undated), 'Sistema de Cadeia de Custódia das Concessões Federais – SCC', PowerPoint presentation, <http://www.florestal.gov.br/documentos/acesso-informacao/institucional/cgflp/423-apresentacao-tema-de-pauta-3-apresentacao-sistema-cadeias-custodia/file>

<sup>102</sup> Brazilian Forest Service (undated), 'Cadeia de Custódia', application, [https://play.google.com/store/apps/details?id=br.gov.florestal.scc.mobile&hl=pt\\_BR](https://play.google.com/store/apps/details?id=br.gov.florestal.scc.mobile&hl=pt_BR)

<sup>103</sup> Ministry of Agriculture, Livestock and Food Supply (2019), 'Agenda de Paulo Henrique Morostegan e Carneiro para 13/05/2019', <http://www.agricultura.gov.br/acesso-a-informacao/institucional/agendas/servico-florestal-brasileiro/agenda-do-diretor-de-concessao-florestal-monitoramento/2019-05-13?month:int=5&year:int=2019>

<i>ii. Reconciliation systems</i>	2009: 2 2013: 2 2018: 2	2009: 3 2013: 3 2018: 4	2009: 3 2013: 2 2018: 2	SINAFLOR functions as a single platform for all relevant information on the production, storage, processing and movement of timber and centralizes data from existing systems such as the CAR and the DOF among others. As such it will enable cross-checking of information. Managerial reports will be produced which will allow the relevant authorities to evaluate the accuracy of the information provided. <sup>104</sup> However, as it has not been fully implemented yet, it remains to be seen how effective it will be.
<i>iii. Tamper-resistant documentation procedures</i>	2009: 2 2013: 2 2018: 2	2009: 3 2013: 3 2018: 3	2009: 2 2013: 2 2018: 2	SINAFLOR implements procedures to reduce instances of tampering and fraud. For instance, in order to become a user of the SINAFLOR platform, 'digital certifications' that prove the identity of the user are required in order to guarantee that electronic transactions are made securely and to minimize the risk of stolen passwords and fraudulent activity. <sup>105</sup> Moreover, electronic tags guarantee the integrity of documents within the platform as every new document added requires a new tag. <sup>106</sup> Although there is little information available and progress is slow, SINAFLOR continues to be updated and strengthened periodically. These updates include additional security measures for integration with state systems. <sup>107</sup>
<i>iv. Computerized systems</i>	2009: 2 2013: 2 2018: 2	2009: 3 2013: 3 2018: 4	2009: 3 2013: 2 2018: 2	SINAFLOR is computerized, and, once fully implemented will provide one central system. <sup>108</sup>
<i>c. Does the system also cover timber for the domestic market as compared to systems explicitly targeting exports? (Question added in 2018)</i>	2009: - 2013: - 2018: 2	2009: - 2013: - 2018: 4	2009: - 2013: - 2018: 4	The SINAFLOR system tracks the movement of timber across the entire country and that intended for both the international and domestic markets.

#### 24. Do policies, laws, regulations and procedures facilitate and promote effective law enforcement?

##### *a. Are penalties and sanctions against illegal logging and forest-related crime proportionate and dissuasive?*

<i>i. For legislation on domestic production and trade</i>	2009: 4 2013: 4 2018: 3	2009: 2 2013: 1 2018: 1	Payment of environmental fines remains low. It has previously been reported that less than one per cent of fines imposed by IBAMA were actually paid and this situation is not thought to have improved. <sup>109</sup>  In February 2018, IBAMA established procedures that allow for the conversion of fines into services for the preservation, improvement or restoration of the environment (IBAMA Normative Instruction No. 6/2018 which regulates Decree no. 9179/2017) effectively making the penalties less dissuasive. <sup>110</sup>  There has also been considerable debate in relation to the application of the 2012 Forestry Code resulting in uncertainty as to its implementation. The main issues concerned the constitutionality of certain new provisions that altered the size of permanent preservation areas and legal reserves and created a de facto amnesty for those who had illegally deforested before July 2008. In 2018, however, the Brazilian Supreme Court upheld most of the legislative amendments to the Forestry Code (see Q2).
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<sup>104</sup> Fotos públicas (2018), 'Operação de combate a fraudes no sistema do Documento de Origem Florestal (DOF) realizada pelo Ibama em conjunto com a Polícia Federal (PF) resultou na apreensão de 1.818 metros cúbicos de madeira serrada em São Paulo', 2 Jun. 2018, <https://fotospublicas.com/operacao-de-combate-a-fraudes-no-sistema-do-documento-de-origem-florestal-dof-realizada-pelo-ibama-em-conjunto-com-a-policia-federal-pf-resultou-na-apreensao-de-1-818-metros-cubicos-de-madeira-ser/>

Sistema Nacional de Controle da Origem dos Produtos Florestais (Sinaflor), web page <http://www.ibama.gov.br/perguntas-frequentes/sinaflor> (accessed 5 Feb. 2020)

<sup>105</sup> IBAMA (undated), SINAFLOR manual, <https://central3.to.gov.br/arquivo/398869/>

<sup>106</sup> Ministry of the Environment (2017), 'Controle de origem para produtos florestais', 10 May 2017, <https://www.mma.gov.br/informma/item/14106-noticia-acom-2017-05-2321.html> (accessed 5 Feb. 2020).

<sup>107</sup> Media Press (2019), 'Sinaflor recebe melhorias para aperfeiçoar gestão florestal brasileira', 16 Jul. 2019, <https://www.mediapress.com.br/sinaflor-recebe-melhorias-para-aperfeicoar-gestao-florestal-brasileira/>

<sup>108</sup> IBAMA (last updated 2020), 'Sistema Nacional de Controle da Origem dos Produtos Florestais (Sinaflor)', <https://www.ibama.gov.br/flora-e-madeira/sinaflor/sobre-o-sinaflor>

<sup>109</sup> Borges, A. (2018), 'Ibama recebe fração mínima das multas aplicadas anualmente', Estadão, 5 Dec. 2018, <https://politica.estadao.com.br/noticias/geral/ibama-recebe-fracao-minima-das-multas-aplicadas-anualmente.70002633610> (accessed 10 Feb. 2020).

<sup>110</sup> Vital, A. (2017), 'Governo vai reduzir em até 60% valor das multas por crimes ambientais, diz ministro do Meio Ambiente', Chamber of Deputies, 16 Aug. 2017, <http://www2.camara.leg.br/camaranoticias/noticias/MEIO-AMBIENTE/539237-GOVERNO-VAI-REDUZIR-EM-ATE-60-VALOR-DAS-MULTAS-POR-CRIMES-AMBIENTAIS-DIZ-MINISTRO-DO-MEIO-AMBIENTE.html> IBAMA (last updated 2020), 'Conversão de multas do Ibama em serviços ambientais', <http://ibama.gov.br/conversaodemultas#o-que-mudou>

Law enforcement	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
<i>ii. For legislation to prevent the import of illegal timber if in place</i>		2009: - 2013: - 2018: n/a	2009: - 2013: - 2018: n/a	IBAMA's Normative Instruction 10/2012 sets out penalties for acts against the environment. This regulation does not provide specific sanctions in the case of illegally imported timber. <sup>111</sup>
<i>b. Are there systems in place to ensure coordination between relevant ministries and agencies on illegal logging cases?</i>	2009: 2 2013: 2 2018: 2	2009: 4 2013: 4 2018: 4	2009: 4 2013: 2 2018: 3	<p>There is evidence of improved coordination between relevant agencies and organizations on illegal logging cases. For example, a technical cooperation agreement was signed between IBAMA and the Federal Police in 2012<sup>112</sup> resulting in better coordination of their operations. In addition, FUNAI (the National Indian Foundation), the Environmental Police and the Federal Public Prosecutor's Office have joined forces with IBAMA and the Federal Police on some illegal logging cases.<sup>113</sup></p> <p>In 2017, the Federal Public Prosecution Office launched the programme 'Amazonia Protege' to coordinate the work of IBAMA, ICMBio and the Federal University of Lavras. Its aim is to use satellite data from the PRODES system and cross-reference with CAR, the Terra Legal programme, and others, to promote public actions against illegal logging.<sup>114</sup></p>
<b>25. Do government institutions and agencies have sufficient capacity and resources to monitor forest areas and detect and suppress forest crime?</b>				
<i>a. Are forest officials/law enforcement staff sufficiently resourced for monitoring and enforcement? (Relevant resources include budgets, numbers of staff, communications, transport, equipment, salaries as well as training in understanding of regulatory framework and knowledge of techniques for monitoring and enforcement.)</i>		2009: 2 2013: 2 2018: 2	2009: 3 2013: 3 2018: 2	<p>Forest law enforcement officials are not sufficiently resourced; in 2014, there were only 47 enforcement agents in the Amazon, while IBAMA has reported a lack of vehicles to carry out its enforcement operations.<sup>115</sup></p> <p>The situation has since worsened. In 2017, the Ministry of Environment's discretionary budget was cut by 43 per cent from EUR 173 million (BRL 782 million) to EUR 98 million (BRL 446 million).<sup>116</sup> As a result, IBAMA has entered into partnerships with other public bodies, such as the federal police, to carry out its missions. IBAMA also obtained a grant of EUR 12 million (BRL 56 million) from the Amazon Fund in 2017.<sup>117</sup></p>
<i>b. Are the following non-forest sector officials who are involved in forest enforcement, trained and kept up to date in relevant forest sector issues?</i>				
<i>i. Judges and prosecutors</i>			2009: 2 2013: 2 2018: 2	Federal judges and public prosecutors are generally more up-to-date with forest-related issues while state level judges tend to lack the knowledge and willingness to deal adequately with these issues. However, in those states that have environmental police forces, judges tend to act more strongly.

<sup>111</sup> LegisWeb (2012), IBAMA Normative Instruction 10/2012, <https://www.legisweb.com.br/legislacao/?id=277984>

<sup>112</sup> Federal Police (2013), 'Polícia Federal e Ibama oficializam acordo de cooperação técnica', 12 Dec. 2013, <http://www.pf.gov.br/agencia/noticias/2013/12/policia-federal-e-ibama-oficializam-acordo-de-cooperacao-tecnica>

<sup>113</sup> Pires, V. (2017), 'MPF lança projeto de combate ao desmatamento ilegal na Amazônia', Socioenvironmental Institute, 21 Nov. 2017, <https://www.socioambiental.org/pt-br/noticias-socioambientais/mpf-lanca-projeto-de-combate-ao-desmatamento-ilegal-na-amazonia> FUNAI (2015), 'Operação conjunta da Funai, Ibama, Polícia Militar e Polícia Federal desativa serraria no interior da Terra Indígena Roosevelt', 2 Oct. 2015, <http://www.funai.gov.br/index.php/comunicacao/noticias/3461-operacao-conjunta-da-funai-ibama-policia-militar-e-policia-federal-desativa-serraria-no-interior-da-terra-indigena-roosevelt-em-rondonia>

<sup>114</sup> Amazonia protegê (undated), 'How it works', <http://www.amazoniaprotege.mpf.mp.br/o-projeto/como-funciona>

<sup>115</sup> Severiano, A. (2014), 'Ibama tem apenas 47 servidores para fiscalizar crimes ambientais, no AM', globo.com, 27 Jul. 2014, <http://g1.globo.com/am/amazonas/noticia/2014/07/ibama-tem-apenas-47-servidores-para-fiscalizar-crimes-ambientais-no-am.html>

<sup>116</sup> Bragança, D. (2017), 'Governo corta 43% do orçamento do Ministério do Meio Ambiente', ((o)eco, 4 Apr. 2017, <http://www.oeco.org.br/reportagens/governo-corta-43-do-orcamento-do-ministerio-do-meio-ambiente/>

<sup>117</sup> IBAMA (last updated 2018), 'Nota sobre relatório da CGU', <http://www.ibama.gov.br/notas/1180-nota-sobre-relatorio-da-cgu> (accessed 5 Feb. 2020).

Law enforcement	Does policy exist? (0-2)	Quality of design (1-5)	Level of implementation (1-5)	Justification or additional qualitative explanation
ii. Customs officials			2009: 2 2013: 2 2018: 2	Some training of customs officials has been undertaken, for example, in 2014, the National Institute for Amazonian Research (INPA) trained members of the federal police working in customs in the identification of timber species. <sup>118</sup>  Interpol and the World Customs Organization have also provided training to customs officials in Brazil as part of their Operation Amazonas programmes. <sup>119</sup> (See Q 6b.)
<b>26. Do government agencies systematically use appropriate information gathering tools in order to identify illegal activities?</b>				
<i>a. Are remote sensing systems used for this purpose such as satellite imagery and/or aerial surveillance?</i>			2009: 5 2013: 5 2018: 5	Brazil has a number of satellite systems that are used to monitor illegal activities such as PRODES, DETER, DETEX and Terra Legal. (See question 21f for more details.) <sup>120</sup>
<i>b. Are in-the-field investigatory tools used for this purpose such as confidential diagnostic surveys, informants and NGOs?</i>			2009: 4 2013: 4 2018: 4	Qualitative analysis and data from the field are used to correlate INPE's satellite data. <sup>121</sup> Field inspections are also used to verify Documents of Forest Origin at the state level in particular for cross-checking the reported and existing volumes of timber and timber products. <sup>122</sup>
<i>c. Are material flow analyses used for this purpose such as wood input/output estimates and comparison of import/export data?</i>			2009: 2 2013: 2 2018: 2	SINAFLOR requires a sequence of authorizations for the harvest and transportation of timber. Once fully operational, this would allow for material flow analyses. (See Q.12.)
<i>d. Are log tracking and check point systems used for this purpose?</i>			2009: 2 2013: 2 2018: 2	The current version of SINAFLOR does not yet provide for a full chain of custody to track individual trees but this is being explored for version 2.0. <sup>123</sup>

<sup>118</sup> Brazilian Forestry Service (last updated 2018), 'Pesquisas do LPF visam facilitar a identificação de madeira comercial', <http://www.florestal.gov.br/ultimas-noticias/1279-pesquisas-do-lpf-visam-facilitar-a-identificacao-de-madeira-comercial> (accessed 5 February 2020).

<sup>119</sup> National Institute for Amazonian Research (last updated 2015), 'Inpa realiza treinamento de reconhecimento de madeira com agentes federais, militares e da Interpol', <http://portal.inpa.gov.br/index.php/ultimas-noticias/625-inpa-realiza-treinamento-de-reconhecimento-de-madeira-com-agentes-federais-militares-e-da-interpol>

<sup>120</sup> Diniz, C. G., Souza, A. A. de A., Santos, D. C., Dias, M. C., Luz, N. C. da, Moraes, D. R. V. de, Maia, J. S.'A., Gomes, A. R., Narvaes, I. da S., Valeriano, D. M., Maurano, L. E. P. and Adami, M., (2015), 'DETER-B: The New Amazon Near Real-Time Deforestation Detection System,' IEEE Journal of Selected Topics in Applied Earth Observations and Remote Sensing, Vol 8, 7 Jul. 2015, <https://ieeexplore.ieee.org/stamp/stamp.jsp?arnumber=7128317>

<sup>121</sup> INPE (undated), 'DETER', <http://www.obt.inpe.br/OBT/assuntos/programas/amazonia/deter> INPE (2008), 'Monitoramento da cobertura florestal da Amazônia por satélites', <http://www.obt.inpe.br/OBT/assuntos/programas/amazonia/deter/pdfs/relatoriomonitoramento.pdf>

<sup>122</sup> Júnior, A. D. de S. (2018), Documento de Origem Florestal - DOF: Análise da Comercialização de produtos florestais nativos legalizados no estado do Rio Grande do Norte, [https://repositorio.ufrn.br/jspui/bitstream/123456789/25198/1/DocumentoOrigemFlorestal\\_SousaJunior\\_2018.pdf](https://repositorio.ufrn.br/jspui/bitstream/123456789/25198/1/DocumentoOrigemFlorestal_SousaJunior_2018.pdf)

<sup>123</sup> Coalizão Brasil Clima, Florestas e Agricultura (2017), 'Entrevista: Jeanicolau de Lacerda explica por que transparência é importante para combater o desmatamento ilegal', 16 March 2017 <http://www.coalizaobr.com.br/home/index.php/boletim-n-20/404-entrevista-jeanicolau-de-lacerda-explica-por-que-transparencia-e-importante-para-combater-o-desmatamento-ilegal>; IBAMA (2006), 'Manual para Utilização do Sistema – DOF', [http://www.sindimasp.org.br/conteudo/download/Manual\\_WEB\\_DOF.pdf](http://www.sindimasp.org.br/conteudo/download/Manual_WEB_DOF.pdf)