

# USP Strategic Workshops

## *Legislation and environmental governance: progress and setbacks*

5/10/2016 (9:30-18:30h)

Sala do antigo Conselho Universitário  
Praça do Relógio, 169 Cidade Universitária  
São Paulo, SP

### Executive Summary

#### **Abstract:**

Brazilian environmental legislation, considered an international model in the 1980s and 1990s, shows some signs of regression from the beginning of the twenty-first century. In this century, the contrast between Brazil's vanguard positions in international forums, such as the Convention on Biological Diversity and the Framework Convention on Climate Change, and the changes that national environmental legislation undergoes. The event discussed these aspects, assessing the progress and setbacks of the last 30 years. The event was divided into three sections: International scenario, national scenario, and multifunctional agricultural landscapes.

#### **Main conclusions:**

This meeting evaluated the progress and setbacks of the last 30 years in Brazilian environmental legislation. At the international level, Brazil has set up its position at the Paris Agreement based on low carbon economy, resilience and risk reduction. In addition, Brazil has also a significant role at the Intergovernmental Platform on Biodiversity and Ecosystem Services (IPBES), since its creation in 2012, with the following missions: knowledge generation, assessment, policy support tools and capacity building. However, 80% of the global energy matrix is still fossil in the world. Even if emissions were interrupted today, global average temperature would still increase 1.3°C.

Land use change crucially affects climate change mitigation, as well as food, energy and environmental security. Brazil has approximately 65% of its territory covered by native vegetation (554 MHa), 23% by pasture (198 MHa), 7% by crops (60MHa) and 1% by sugarcane plantations (9 MHa). However, in terms of native vegetation, Cerrado is still underprotected in relation to the Atlantic Forest.

The Brazilian Forest Code has anticipated the land sharing vs land sparing debates in many decades, as Areas of Permanent Protection (APP) insert conservation areas inside agricultural landscapes (i.e., land sharing), whereas Legal Reserves (LR) create

conservation areas apart (i.e., land sparing). The recent changes on the Brazilian Forest Code brought losses and gains. However, the environmental law in Brazil still operates predominantly at the federal level, whereas the improvement of legislation at the state level might be more effective to the protection of biomes and local ecosystems. For instance, the environmental compensation in the state of Sao Paulo has raised more than R\$ 400 M with the following mission: land regularization and land demarcation; elaboration, revision or implementation of management plans; acquisition of goods and services necessary for the implementation, management, monitoring and protection of conservation units, including its area of cushioning; development of studies necessary for the creation of new conservation units; and development of research needed to manage the already existing conservation units and their buffer areas.

A significant part of biodiversity lives in agricultural landscapes. In fact, it would be impossible to promote the integral conservation of biodiversity only in protected areas (e.g., national parks and biological reserves), even if they functioned perfectly, which they usually do not. Wild breeds of domesticated plants and animals are among the most endangered taxonomic categories on the planet. However, they are key to genetic selection for resistance/tolerance to environmental changes (e.g., climate change, introduction of pathogens etc.) in domestic breeds. The conservation of wild species depends on agricultural landscapes to be effective as agriculture depends on wilderness to be sustainable. Therefore, a presumptive conflict between agriculture and biological conservation should be recognized as interdependence. Such approach is only possible with the concept of multifunctional agricultural landscapes.

**Perspectives:**

- a) Brazil should keep its role as an international key-player in environmental issues;
- b) Agricultural landscapes should be multifunctional to promote sustainable agriculture and resilient biodiversity conservation;
- c) Long-term cross-scale monitoring programs should be prioritized to continuously evaluate agriculture sustainability, biodiversity conservation and ecosystem services in conservation units as well as in agricultural landscapes;
- b) The Brazilian Forest Code should be nationally recognized as a good example of environmental law.