

Brazil gets new forest law

The country has adopted a law designed to promote responsible timber harvesting in national forests

THE BRAZILIAN federal parliament recently passed a law on the management of public forests that will have a significant impact on sustainable forest management (SFM) in the Amazon.

The law on the management of public forests for sustainable production (*Lei de gestão das florestas públicas para a produção sustentável*) was first put before parliament in February 2005 after a national process of debate and consultation (see *TFU* 13/3) and was approved by the Chamber of Deputies in July 2005. It was signed by Brazil's president, Luiz Inácio Lula Da Silva, in February this year.

The law sets out the approach to be taken in the allocation of timber concessions in public forests—those forests located on federal lands—for sustainable production involving the private sector, communities and other potential stakeholders. It also creates the *Serviço Florestal Brasileiro* (Brazilian Forest Service—BFS), which will be responsible for the implementation of the law, and a National Forest Development Fund (*Fundo Nacional de Desenvolvimento Florestal*).

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Under the law, forest concessions will be allocated through a bidding process conducted in accordance with a separate law (promulgated in 1993) on the procurement of goods and services (Law 8.666/93). Communities and non-governmental organisations (NGOs) might be favoured by this process above private-sector companies, because Law 8.666/93 exempts non-profit organisations from normal bidding procedures and other requirements. In accordance with Article 26 of the new forest law, concession fees will be set on a case-by-case basis and will take into consideration the characteristics of the forest, its location and other aspects. Under the new law, 20% of all revenue from land-use will go to the BFS and the Brazilian Institute of Environment and Renewable Resources (IBAMA).

Transparency

Transparency in the process will be provided under Law 8.666/93 and also by the new law. Bidding documents will be available to interested parties, and all other documents of the process will be posted on the internet.

The new law addresses the safeguarding of environmental, social and economic values in some detail. Under Article 26, bids will be judged on price, but only after they demonstrate that operations will cause the least environmental impact and the largest generation of direct social benefits, will be efficient, and will add most value to products and environmental services in the concession area. The bidding document will outline all the required criteria for environmental, financial, economic and social evaluations.

Will the system encourage SFM?

The enactment of the new law has been hailed by many commentators, including from within the environmental NGO community, as an important step in addressing illegal logging and deforestation in the Amazon. Suspicion remains among some about concession systems in general, but the transparency and comprehensiveness of the Brazilian model—addressing legal, environmental and social issues—should counter many of the problems experienced by such systems in the past.

More than 80% of the forested land in the Amazon belongs to government—including Indian reserves, national parks, national forests (FLONAs), extractivist reserves, biological reserves and other categories of protected areas—but to date there has been little attempt to implement SFM on these lands (see page 8 for a rare example). Although the total area of land that will be affected by the law in the short to medium term is likely to be quite small (in the order of 1–3 million hectares), observers say that legalising the economic use of federal forest lands for the production of timber and non-timber products will facilitate the development of forest industry, increase employment and revenues, and generally improve conditions for local communities. At the moment, most illegal occupation is on federal land. Forests under concessions will be better protected from invasion and clearance for agriculture—the main cause of deforestation in the Amazon.

The success of the new law will depend very much on the capacity of the BFS and IBAMA to enforce it. It will take time and investment to develop the necessary expertise within the BFS; its efficiency, and its independence from political influence, will be key factors in the widespread adoption of SFM on Brazil's federal lands.

This article was compiled by Ivan Tomaselli and Alastair Sarre.

Model forest certified in the Amazon

A forest administered by the government of Acre, a small Brazilian state in the western Amazon, was certified recently by SmartWood, a program of the Rainforest Alliance accredited by the Forest Stewardship Council. The 65 000-hectare Antimary State Forest (*Floresta Estadual do Antimary*), which is administered by the Technical Foundation of Acre State (*Fundação de Tecnologia do Estado do Acre*), has been the subject of a long-running ITTO project (PD 94/90 Rev.3 (I)). In 2003, about 17 000 m³ were harvested from an area of about 2200 hectares; annual production is expected to increase to about 52 000 m³ in the longer term. According to the certificate, the forest is “a well-managed source of wood products whose forest management practices adhere to strict environmental and socioeconomic standards in accordance with the principles and criteria of the Forest Stewardship Council”. The Antimary State Forest is the first public forest certified in the Amazon.