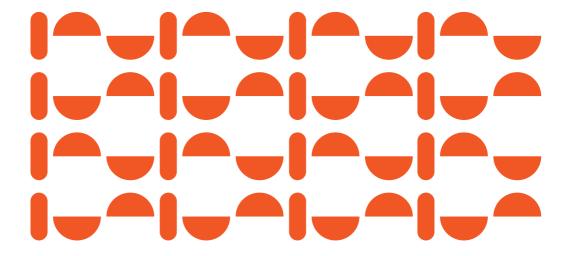


### AMAZON CONCERTATION

# The first 100 days of government:

proposals for an integrated agenda for the Amazônias



C394

The first 100 days of government: proposals for an integrated agenda for the Amazônias / organized by Amazon Concertation. – São Paulo: Instituto Arapyau, 2022. 236 p.; il.

ISBN: 978-65-999021-1-6

1. Amazon. 2. Environment. 3. Biodiversity. 4. Sustainable Development. 5. Environmental Conservation. 6. Environmental Protection. 7. Climate Change. 8. Public Policy. 9. Climate Justice. I. Title. II. Amazon Concertation.

CDU 502.13

Librarian: Tatiane de Oliveira Dias - CRB1/2230

How to cite:

AMAZON CONCERTATION (Org.). The first 100 days of government: proposals for an integrated agenda for the Amazônias. São Paulo: Instituto Arapyau, 2022

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### AMAZON

# The first 100 days of government:

proposals for an integrated agenda for the Amazônias



# Amazon: an opportunity at hand

The document 100 first days of government: proposals for an integrated agenda for the Amazônias comes into the hands of Brazilian society at a crucial moment for the country. In the present election year, a pressing need to reaffirm our hard-won democracy and safeguard the rights established in our 1988 Citizen Constitution arises. This moment opens up an opportunity for the country to review the development model that brought us all here, correct the course in the present and sow the seeds of the future.

Defending a democratic and sovereign Brazil should begin with caring for and protecting its own resources. This includes its people, its forests, its biodiversity, its rich ethnic and racial legacy, and its social and cultural wealth. More than a matter for pride, harbouring the largest tropical forest in the world implies assuming responsibilities and promoting a strategic vision to manage this immense heritage, which, above all, needs to be converted to prosperity and well-being for the population.

Covering almost 60% of the country's surface area, the Legal Amazon provides Brazil with the opportunity to propose and implement an innovative development model sought after by the entire world. That is, one that could create wealth and generate income while promoting environmental conservation, social inclusion, civil rights expansion, and low carbon emissions. The path is not easy, as it must embrace the particularities and interdependencies of a multifaceted region. But it is possible.

The first prerequisite for this future to materialise is overcoming the predatory economic model that condemns Brazil to backwardness, thus compromising investments and the creation of business and jobs of the future, in line with the most progressive visions of global society. In addition to destroying biodiversity assets, deforestation deepens inequalities, increases violence and insecurity, prevents productive capital from flourishing in the region, and also alters the rainfall regime, on which Brazilian agribusiness and energy generation heavily rely. This situation results in a



worsening in the lives of the local population, damage to the economy and the growing isolation of Brazil in the international scenario. If the current pace of destruction continues, the Amazon will soon reach a point of no return. This turns the adoption of effective measures into a matter of the utmost urgency. Difficulties in providing sources of income and promoting well-being, especially in that region, leads to a scenario that favours wrongdoing and crime, and hence one of deepened vulnerability.

We here put forward a flight plan for the Amazon, resulting from an intense process of listening to specialists from the most diverse areas of expertise and with direct and strong representation of local stakeholders. This forum of purposeful discussions was led by the Amazon Concertation, a nonpartisan network established in 2020 and currently comprising more than 500 members and eight working groups (WGs).

After several meetings and 12 thematic rounds of debate that involved 130 people, priority was

given to viable, legally supported proposals that are executable by the newly elected governments in the first 100 days of their mandates. Our document also includes guidelines for medium- and long-term developments.

If these proposals are accepted by government officials and congresspeople, the Amazon may no longer be seen as a problem and will become a solution for the country. The Amazonians, Brazilians, and all life on Earth - which so much depends on climate balance

- stand to gain.

### Enjoy your reading!

### Renata Piazzon

Executive Director of the Arapyaú Institute and Executive Secretary of Amazon Concertation

### Roberto Waack

Chair of the board of the Arapyaú Institute and co-founder of Amazon Concertation

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# **Executive** summary

The result of an intensive consultation process among specialists with significant representation of local stakeholder, the document The first 100 days of government: proposals for an integrated agenda for the Amazônias presents a set of viable proposals for the sustainable development of the Brazilian Amazon. It is dedicated especially to the transition governments in the federal and state spheres and to members of parliament. But it is also of interest to organised civil society, the Amazonian population, the communication media and the international community. With legal sanction, many of the proposals are apt for implementation by the newly elected governments at federal and state level in the first 100 days of their term of office.

Also containing guidelines for the medium and long-terms, the document proposes a new development model for the Amazon, capable of generating wealth and income with environmental conservation, social inclusion, expansion of civil rights and low carbon emissions. In its essence, this document proposes that the Amazon should no longer be seen as a problem but rather as a solution for Brazil. The people of the Amazon, Brazilians and the

whole of mankind, who depend so urgently on combating climate change, all stand to gain.

But, for this to happen, deforestation must end. Deforestation not only fells trees, it destroys biodiversity, it disrupts rainfall patterns, it unbalances the local micro-climate and the global climate, it deepens social inequalities, exacerbates violence and does not generate prosperity, as may be seen in the region's socio-economic indicators, lower than those of the rest of Brazil. Moreover, the change in rainfall patterns generates economic risks on a national scale and isolates Brazil on the international scene.

Given the exhaustion of current anti-deforestation policies, new development models for the region are more necessary than ever to create economic alternatives. To do this, it is necessary to consider the peculiarities that exist in the multiple faces of the Amazon. There are at least four of these faces – the conserved forest, the forest under pressure of deforestation, the area converted to agriculture and mining, and the urban Amazon –, showing that there is no single solution for such a plural region. To encounter the paths



for the Amazon, it is necessary to recognise and embrace this complexity, identifying the interdependence between the themes, the proactive stance of its inhabitants, in particular youth and the original peoples, and the wealth of the social, cultural and biological diversity that makes the Brazilian Amazon such a singular place.

The pursuit of new paths for the development of the region, guaranteeing the well-being of the local populations, has been the goal of **Amazon Concertation**, a non-partisan network launched in 2020 and today comprising more than 500 members and eight Working Groups. Given its capacity for multi-sector dialogue, the Concertation assumed the role of conducting the debates in pursuit of innovative actions, with a high degree of viability and positive impact.

Twelve rounds of thematic discussions on strategic subjects for the Amazon were held, involving 130 people, as well as diverse meetings between members of the network, guests and partners. The process was backed by legal support from the law office XVV Advogados, responsible for the normative mapping of the

topics discussed in the rounds and the normative instrumentalization of the core proposals presented in this document.

Aimed at the first 100 days of the new elected governments, this material provides a more concrete base for the propositions already being developed by Concertation and that, in 2021, originated in the document An Agenda for the Development of the Amazon. This new report, therefore, represents the evolution of previous debates, matured by the successive approximation of the members, guests and partners of the network and oriented by the assertiveness necessary for the implementation of solutions.

The period of the first 100 days is strategic because it represents a time of renewal in which the newly elected representatives enjoy the full confidence of society to implant the necessary policies and changes. Therefore, this represents an opportunity to establish good governance and to adopt unpostponable measures.

This document presents specific normative propositions for the following themes: gov-

ernance, education, health care, food security and nutrition, economy, public security, land use planning and land tenure, mining, infrastructure and cities. Each one of the themes is discussed in a corresponding section, with a diagnosis and suggestions of priority actions and programme guidelines. These Thematic Sections are accompanied by Information Sheets that illustrate the 14 core propositions in this material. The sheets present the problem to be resolved, the goals of the proposition, the administrative sphere of competency, the key stakeholders and the

suggested stages to achieve a future vision of the theme in the Amazon. They also indicate the basic legislation applicable and bills of interest, as well as recommendations and studies by other partners of the Concertation network

In the themes science, technology and innovation (ST&I), climate change and combating deforestation, there are no specific normative propositions, but rather diagnoses and suggested priority actions, as well as the indication of references and proposals from partners.

### Information Sheets





In the attachments section of this document, as well as in the links and QR Code in each of the sheets (as per the figure), it is possible to access the **normative acts**. These are the minutes of executive orders, bills of law, provisional presidential decrees and resolutions that provide legal backing and enable decision makers to adopt the proposals highlighted immediately.

You can access the Portuguese version of the document here:



concertacao.com/100dias

Theme	Proposals	Type of document
Governance	Create the State Secretariat for Climate Emergency, directly under the President's Office.	Provisional Presidential Decree
Education	Prioritise the allocation of resources from the Fund for Universalisation of Telecommunications Services (FUST) to projects that serve traditional communities and smallholder farmers, in particular to public education and health care facilities	Resolution
Health Care	Create a Working Group focused on health in the Brazilian Legal Amazon.	Executive Order
	Integrate data from the Health Information System for Indigenous Peoples (SIASI) to the Health Information System for Primary Care (SISAB) and to other Unified Healthcare System (SUS) information systems at a national level.	Executive Order
Food Security and Nutrition	Reinstate the National Council for Food Security and Nutrition (CONSEA) within the scope of the government bodies under the President's office and its Ministries.	Provisional Presidential Decree
	Restore spaces of social participation and control within the scope of the Federal Government for monitoring and evaluating food security and nutrition policies	Executive Order
Economy	Reinstate the Bolsa Verde cash transfer Programme, prioritising families living in extreme poverty in forest areas of the Brazilian Legal Amazon.	Executive Order
Public Security	Prioritise a tactical and operational programme in Public Security within the scope of the Interstate Consortium for Sustainable Development of the Legal Amazon.	Resolution
Land Use Planning and Land Tenure	Create an Interministerial Working Group to formulate a National Land Governance Policy and a National Land Development Plan.	Executive Order
	Form a committee to carry out technical, legal and operational feasibility studies to integrate real estate and land registries.	Executive Order
Mining	Establish new parameters for purchasing, selling and transporting gold within the country.	Provisional Presidential Decree
	Revoke the Support Programme for the Development of Artisanal and Small-Scale Mining.	Executive Order
Infrastructure	Qualify infrastructure projects in the Brazilian Legal Amazon for the Investment Partnerships Programme (PPI), bringing forward in the decision-making timeline the assessment of socio-environmental impacts.	Executive Order
Cities	Develop technological alternatives for decentralised sewarage solutions in special, rural and peri-urban areas.	Bill

### **Bills of interest**

This document presents a set of bills of law of interest. However, the Amazon Concertation network does not necessarily endorse, recommend or agree without reservations with the legislative proposals mentioned. Neither has it any political or institutional links with their authors. The purpose of the legislative mapping exercise was to present the measures being processed that directly or indirectly address or influence the proposals and the subjects discussed in this document. Accordingly, decision makers may act preventively in conjunction with the other strategic political leaders. Furthermore, the proposals presented herein may indicate courses of action for the incoming legislature.

Theme	Bills of interest
Climate Change	PEC (Proposed Constitutional Amendment) 37/21 – This incorporates the climate question into the text of the constitution as a fundamental right.
	<b>Bill No. 3.961/20</b> – Decrees a state of climate emergency, establishes a greenhouse gas emissions neutralisation target by 2050 for Brazil, as well as provisions for the creation of policies for sustainable transition.
	<b>Bill No. 6.539/19</b> - Amends Law No. 12,187, of December 29, 2009, which establishes the National Policy on Climate Change - PNMC, to update it in the context of the Paris Agreement and of the new challenges related to climate change.
Health Care	Bill No. 4.223/2021 - Provides for telehealth initiatives and services.
	<b>Bill No. 1.998/2020</b> - Amends Law No. 8080, of September 19, 1990, to authorise and regulate the practice of telehealth throughout the country; and revokes Law No. 13,989 of April 15, 2020
	<b>Bill No. 3.814/2020</b> – Amends Law No. 8.080/1990 ('Organic Health Law'), and Law No. 13.787/2018, prescribing that the Unified Healthcare System should keep a single digital platform with patient health information.
	<b>Bill No. 3.514/2019</b> – Regulates the profession of Indigenous Health Agent (AIS) and Indigenous Sanitation Agent (AISan).
Food Security and Nutrition	<b>Bill No. 2.413/2022</b> - Creates the National Programme for Sustainable Agriculture, among other measures; appended to Bill of Law 348/2021, which creates a special line of credit for investments by small and medium-sized rural producers, with resources from constitutional financing funds and from the federal budget.

Theme	Bills of interest
Economy	<b>Bill No. 2.402/22</b> – This governs the use and protection of native vegetation in the Amazon biome, and the use of economic incentive mechanisms for the Amazon bioeconomy and correlated measures.
	Bill No. 2.413/2022 - Creates the National Programme for Sustainable Agriculture, among other measures; appended to Bill of Law 348/2021, which creates a special line of credit for investments by small and medium-sized rural producers, with resources from constitutional financing funds and from the federal budget.
	<b>Bill No. 5.518/20</b> – This alters law n.º 11.284, dated March 2, 2006, to speed up the tender process, to increase contract flexibility and the attractiveness of the forest concession business model.
	<b>Bill No. 4.347/21</b> – Institutes the PNGATI (National Indigenous Land Territorial and Environmental Management Policy).
	<b>Bill No. 528/21</b> – This regulates the MBRE (Brazilian Emissions Reduction Market), determined by the National Climate Change Law – Law no 12.187, dated December 29, 2009.
Public Security	<b>Bill No. 486/2022</b> - Amends Laws No. 8.629/1993, No. 9.605/1998, No. 11.284/2006 and No. 12.651/2012; provides for measures to inhibit land grabbing and discourage the invasion of public lands and concomitant deforestation, by making it impossible for illegal occupations to be regularised in the future.
Land Use Planning and Land Tenure	<b>Bill No. 486/22</b> – Which addresses the destination of public forests; penal and administrative sanctions related to conducts and activities harmful to the environment, characterises the crime of fraudulent entry in the Rural Environmental Registry, among others.
	<b>Bill No. 510/22</b> – Which addresses land title regularisation, establishing the date of May 25, 2012 as the time frame for occupation and increasing the area eligible for regularisation to 2,500 hectares, among others.
	<b>Bill No. 2.633/20</b> – This alters the Laws no 11.952, dated June 25, 2009, no 14.133, dated April 1, 2021 (Law of Tenders and Administrative Contracts), and no 6.015, dated December 31, 1973, with a view to expanding the reach of land title regularisation.
	<b>Bill No. 4.718/2020</b> - Prescribes that land tenure regularisation of rural land occupations in areas that belong to the Federal Government within the Legal Amazon may be carried out through legal proceedings initiated by the occupant of the land.
	<b>Bill No. 5.518/20</b> – This increases the activities eligible for forestry concessions, such as environmental services and reclamation.
Mining	Bill No. 2.159/22 – This establishes rules to trace the commercialisation and transportation of gold in the country.
	<b>Bill No. 5.490/20</b> – This institutes the National Mercury Contamination Eradication Plan, with preventive and repressive measures and social assistance for people contaminated by mercury.
	<b>Bill No. 836/21</b> – This regulates the commercialisation of gold in Brazil, conditioning it to proof of mining and environmental regularization.

Theme	Bills of interest
Mining	Bill No. 191/20 – This proposes mining in indigenous lands.  Bill No. 5.131/2019 - provides for the required documentation for the transport of gold and changes the penalties for illegal transport of gold.
Infrastructure	Bill No. 2.159/21 – (New Legal Framework for Environmental Licensing) – Provides for environmental licensing
	<b>Bill No. 624/21</b> - Provides for the implementation of the National Policy of Incentive to Clean and Renewable Sources of Power Generation, amends related legislation, and makes other provisions. Attached to Bill of Law 3924/12, which establishes incentives for the production of energy from renewable sources and other provisions.
Cities	<b>Bill No. 1.922/2022</b> – Amends Law No. 11.445, of January 5, 2007 (Basic Sanitation Law), to guarantee access to drinking water and sanitation as a basic right.





## Aniba rosaeodora (Brazilian rosewood or Pau-rosa)

Distributed throughout the states of Amapá, Amazonas and Pará, the pau-rosa has great economic value. This is because it produces linalool, an essence widely used as a fixing agent in the perfume industry, both in Brazil and overseas. In the Amazon forest, the trees may reach up to 30 meters in height, with a trunk of two meters in diameter. The seeds need to be harvested while still on the tree or just after having fallen to the ground. Their colour is a good indication of the degree of maturity which benefits germination. The seeds that are dark violet in colour have higher germination rates and percentages. The plant is pollinated by insects, and the seeds are dispersed by animals, mainly birds. The essential oil is produced after the tree has been felled, which has led to a reduction in natural subpopulations of the plant. Since the beginning of the last century, the pau-rosa essential oil has been produced on a large scale in an unsustainable manner, resulting in a drastic decrease in the number of processing plants. Today, scientists are studying economically viable production solutions in conjunction with traditional populations. There are some legendary stories involving this product... The actress Marilyn Monroe, for example, said that she wore "five drops of Chanel No. 5 and nothing else in bed". This sophisticated French perfume has a decidedly Brazilian touch to it. The main ingredient in the perfume launched by Coco Chanel's company in 1921 is the essential oil extracted from the wood of the pau-rosa in the Amazon. And the riverside dwellers who produce the oil are well aware of this.

# Amazon Concertation



### About the Amazon Concertation

The Amazon Concertation is a network of over 500 leaders formed under the perspective of qualifying the debate around solutions for the conservation and sustainable development of the region, with profound reflexes on the country's socio-economic agenda and on planetary well-being. It is also a democratic and plural space in which dozens of people and initiatives meet up with the purpose of defragmenting the debate and actions for the territory.

We believe that engaging in a network enables the expansion of the individual capacity for articulation of resources and knowledge. This enables scale, innovative cooperation and the generation of proposals and actions for the region's development.

The initiative is based on five fundamental pillars: (i) development (comprehension of the development models to propose an agenda

capable of containing environmental degradation, reconciling natural capital and social justice), (ii) businesses (as a type of fundamental organisation for regional development), (iii) institutional (strengthening of the institutional capacities of public state and non-state organisations), (iv) governance (mechanisms, arenas, leaders and the rules of the governability game in the region), and (v) culture (as a transversal and essential element for the connection between the technical and the sensitive).

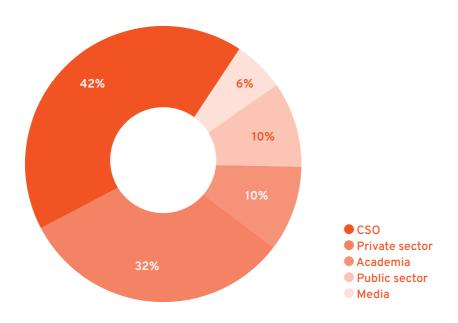
In the certainty that it is not possible to talk about development without addressing the elimination of deforestation and vice-versa, there is a growing demand for economic alternatives that are not only competitive compared with the predatory activities, but also remain attractive in a scenario with no environmental destruction and that promotes the standing forest.

How to evolve in the debate and vision for the planet's largest tropical forest beyond the mere opposition to deforestation? Which paths exist to incorporate the region and its natural resources into the country's economy within new paradigms based on sustainability? And in so doing promote development allied with environmental conservation and social inclusion?



### **Amazon Concertation in numbers**

500 leaders 20% from Amazon 250 organizations



# The power of working in networks

Comprising the diversity of members who work directly or indirectly in the Amazon, Concertation has as a basic pillar the differential of plural, democratic dialogue. The networked strategy is aimed at combining diverse visions, sharing knowledge, heightening the level of debate and mobilising for action by interconnecting the socio-environmental and economic agendas. And building understanding about the role Brazil plays in global sustainability and the importance of the Amazon in the climate issue.

Against this backdrop, the networked dialogue promoted by Concertation is evolving in its role of generating knowledge, mobilising stakeholders and proposing paths to support policies, planning and investments by governments, companies and civil society organizations. This consolidates a large web of interactions and references capable of orientating the region's future democratically and inclusively.

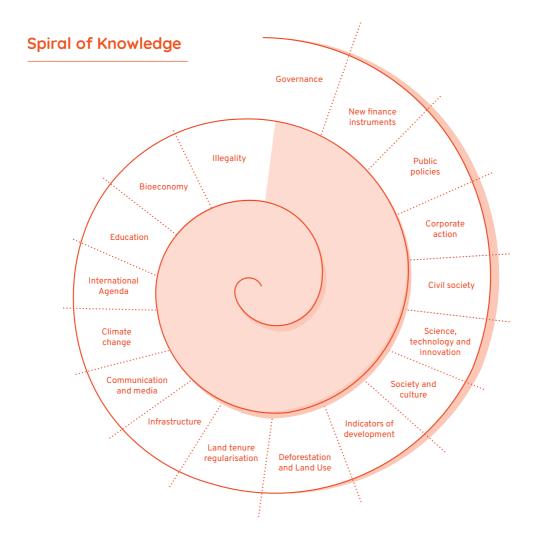
Concertation produces diagnoses, analyses, scenarios, trends, data, information, and scientific proposals and recommendations on topics associated with the sustainable development of the Amazon, taking into account environmental, social, economic and cultural aspects.

This dialogue involves participants based both inside and outside the region. The objective is a broad-based, constructive debate that incorporates the complexities of the Amazonian context. The activities encompass plenary meetings, live transmissions of dialogues and other forms of networking, both virtual and face to face, with contributions to understanding the possible paths in view of global, national and local needs related to the Amazon.

The pillars are eight working groups (WGs) on Amazonian themes oriented to action, ranging from education to land use planning and culture. The goal is to mobilize and expand synergies between people and institutions to ensure concrete deliveries. To do this this, Concertation holds periodic meetings for sharing information and promoting articulation that guide the production of each group.

A significant part of this source of reflections and references contributes to the Knowledge Spiral. This is a permanently updated online content tool providing systematised knowledge, infographics and other records. The diverse themes covered include land use planning and land tenure, bioeconomy, climate change and the international agenda. These, together with 13 other content fronts, enable a multiple vision of the Amazonian conjuncture.

Recognition of the role and importance of all forms of knowledge about the Amazon is at the core of the initiative. The objective was to identify opportunities to expand this archive and make it available to support concrete proposals and actions for the region, The construction and later development of the Knowledge Spiral were fundamental for systematising the document *An Agenda for the Development of the Amazon*, published in 2021.



### **Working Groups**

### **Bioeconomy** | Facilitators: Inaiê Santos and Carolina Genin (WRI)

Amazon Investor Coalition • Amazônia Meu Amor • Banco Nacional de Desenvolvimento Econômico e Social (BNDES) • Bradesco • Brazbio • CBKK S/A • Centro de Economia Energética e Ambiental (Cenergia/COPPE/UFRJ) • Centro de Estudos em Sustentabilidade da Fundação Getulio Vargas (FGVces) • Centro de Gestão e Estudos Estratégicos (CGEE) • Climate and Land Use Alliance (CLUA) • Climate Ventures • Conexus • Fundação Amazônia Sustentável (FAS) • Fundação CERTI • Fundação Vitória Amazônica (FVA) • Fundo Brasileiro para a Biodiversidade (FUNBIO) • Fundo JBS pela Amazônia • Fundo Vale • Governors' Climate & Forests Task Force (GCF Task Force) • Grupo Centroflora • Grupo de Estudos em Bioeconomia (GEBio/UFRJ) • Hub de Bioeconomia Amazônica • Impact Hub Manaus • Instituto de Conservação e Desenvolvimento Sustentável do Amazonas (Idesam) • Instituto de Desenvolvimento Sustentável Mamirauá (IDSM) • Instituto de Engenharia • Instituto de Pesquisas Ecológicas (IPÊ) • Instituto Escolhas • Instituto Gesto • Instituto humanize • Instituto Physis • Institutos SENAI de Inovação • Instituto Tecnológico Vale (ITV) • Latimpacto • Manioca • MOV Investimentos • Natura • NESST • Plataforma Parceiros pela Amazônia (PPA) • Precious Woods • Santander Brasil • Secretaria de Estado de Desenvolvimento Econômico, Ciência, Tecnologia e Inovação do Amazonas (SEDECTI-AM) • Secretaria de Estado de Meio Ambiente e Sustentabilidade do Pará (SEMAS-PA) • Sitawi • Synergia Socioambiental • Systemig • The Nature Conservancy (TNC) • World Resources Institute (WRI) • World-Transforming Technologies (WTT) • World Wildlife Fund (WWF)

### Culture | Facilitator: Fernanda Rennó

BNDES • C de Cultura • Caxiri • Condô Cultural • Corpo de Dança do Amazonas (CDA) • Cristina Saraiva • ECOA uol • Ecoarts Amazônia • Em movimento • Expedição Katerre • Fundação Tide Setubal • Guaraná Conteúdo • House Criativa - Rakel Caminha • Instituto Arapyaú • Instituto Clima e Sociedade (iCS) • Instituto Cultural Vale • Instituto humanize • Instituto Interelos • Instituto iungo • Instituto Terra • Itaú Cultural • Kupfer • Labverde • Manart Galeria • Natura • Natura Musical • Organização das Nações Unidas para a Educação, a Ciência e a Cultura (Unesco) • Pimp my Carroça • Rede Igapó • SP-Arte • WRI

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Mendes (IRM) • Instituto Unibanco • Itaú Social • Movimento pela Base • Porvir • Rede Meli Bees • Todos pela Educação • Unesco • WRI

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**Social Infrastructure** | Facilitators: Daniela Gomes, Graziela Azevedo and Letícia Artuso (FGVces) e Alexandre Gross (WWF Brasil)

### Political Intelligence | Facilitators: Mônica Rezende and Mônica Sodré (RAPS)

Clima de Eleição • CLUA • Coalizão Brasil, Clima, Florestas e Agricultura • Instituto Ethos • Fundação Grupo Boticário • ICS • Instituto Arapyaú • Instituto de Pesquisa Ambiental da Amazônia (IPAM) • Instituto do Homem e Meio Ambiente da Amazônia (Imazon) • Instituto Galo da Manhã • Instituto humanize • Instituto Igarapé • Instituto Ipê • Instituto Socioambiental (ISA) • Maraé • Natura • NOSSAS • Observatório do Código Florestal • Open Society Foundations • Purpose • Rede de Ação Política pela Sustentabilidade (RAPS) • Rede Pró UC • re.green • The Nature Conservancy (TNC) • WWF

### **Youths** | Facilitators: Mariana Resegue (Em Movimento) and Marcella Santos

Ashoka Brasil • Coletivo Miri • Comitê Chico Mendes • Departamento de Adolescentes e Jovens Indígenas do Rio Negro (Dajirn-Foirn) • Em Movimento • Engajamundo • Fridays For Future • Instituto Elos • Instituto iungo • Instituto Mapinguari • Juventude Indígena de Rondônia • Laboratório da Cidade (LdC) • Mídia Índia • Movimento Mebengokrê Nyre • Parque das Tribos • Rede de Jovens Líderes em Áreas Protegidas e Conservadas da América Latina e do Caribe • Rede de Sementes do Xingu • Rede Jandyras • Tapajós de Fato • Txai Consultoria e Educação • Youth Climate Leaders

### Land use Planning and Land Tenure | Facilitator: Gabriel Siqueira (IGT)

Bayer Brasil • BMA Law • BNDES • Chatham House • Climate Policy Initiative (CPI) • CLUA • Fundo JBS pela Amazônia • iCS • Instituto de Terras do Pará (Iterpa) • Instituto Escolhas • Instituto Governança de Terras (IGT) • Instituto humanize • IPAM • Itaú Unibanco • Kadaster International • Pontifícia Universidade Católica do Rio de Janeiro (PUC-Rio) • RHI Magnesita • R. Torsiano - Consultoria Agrária, Ambiental • Fundiária • SEDECTI – AM • Synergia Socioambiental • Universidade Federal de Minas Gerais (UFMG) • Universidade Federal do Pará (UFPA)

# The following are examples of deliveries of the working groups that clearly demonstrate the benefits and potential of networking:

- **1. Educational itineraries with essentially Amazonian contents,** to be applied in the new secondary education curriculum nationwide, starting with the states in the Brazilian Amazon.
- 2. Technical guidance and a public-private arrangement to accelerate land title regularisation in the Amazon, based on integration, digitalisation and harmonisation of the data base on land and land use.
- **3. Generation of knowledge,** mobilisation of diverse organisations and expansion of the visibility for viable, transformational businesses in operation in the sociobioeconomy in the Brazilian Amazon.
- **4. Periodic monitoring and a warning system** capable of foreseeing regressions in the Amazon-related socio-environmental agendas under discussion in the National Congress.
- **5.** Launch of a gallery of artists, an art map, support for festivals and an exhibition in SP-Arte, actively and transversally valuing Amazonian culture and artists.
- **6. An instrument adjusted to guide investments and public policies** for infrastructure in and for the Brazilian Amazon.
- **7.** Active inclusion of Amazonian youth in spaces, debates and events, broadening the reach of their voices and incorporating their needs into the current context and prospects for the future of the region.
- **8. Mobilisation of the private sector** to provide express support for questions linked with the Amazonian development agenda, such as the Amazônia em Pé (Standing Amazon) bill of law on the destination of public forests.

# The perspective of Four Amazons



The Brazilian Legal Amazon is not an immense, homogeneous, uninhabited mass of forest. The Amazon biome covers 49.5% of Brazilian territory, encompassing two thirds of the country's natural forests. While the Brazilian Legal Amazon, comprising nine states, corresponds to 60% of Brazilian territory and occupies an area of 5 million square kilometres.

The region contains the largest global stocks of biodiversity and vital ecosystem services, such as climate regulation. In parallel, the region is home to 28 million inhabitants, different biomes and vegetable physiognomies: forests in dry lands, flood plains and wetlands, as well as cultivated areas and savannas, among others. There are conserved forest areas and deforested areas, as well as areas of transition between the two. These are complemented by cities that face challenges like those of the urban centers in the rest of the country. Accordingly, reflection on the paths to the sustaina-

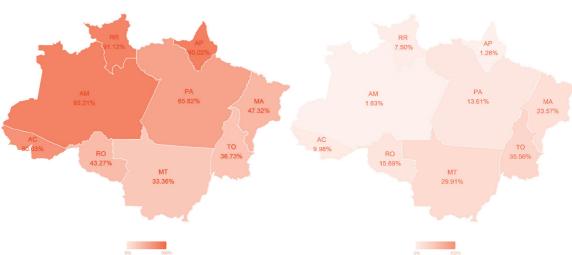
ble development of the Amazon requires prior recognition of this heterogeneity.

The region represents a diverse mix of cultures, traditional knowledge and means of producing and handling natural resources, together with a broad range of challenges. The Amazon has been the largest native vegetation suppression front in Brazil for the last three years, concentrating 59% of the deforested area, with growing rates of destruction. In addition to regional differences related to human occupation throughout history, the varied typologies of landscapes are reflected in the region's peoples, cultures, soils, flora and fauna: so-called "Amazonian sociobiogeodiversity". This complex conjuncture contains unique elements to provide mankind with a better life. And it involves a mosaic of factors, such as healthcare, food, climate regulation, distribution of wealth and promotion of social well-being.

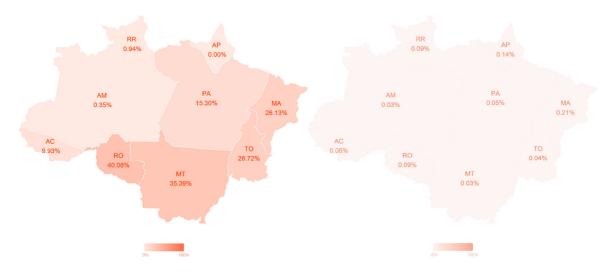
### Percentage area of the states in the Four Amazons - 2019

Source: Amazônia Legal em Dados plataform

### Conserved Region Arc of Deforestation







From the urban reality in towns and state capitals in the region to the isolation of the "deep Amazon", the territory presents different challenges for public policies and company investments aimed at promoting sustainable development. Given this, the knowledge network mobilized under the Amazon Concertation has advanced in the formulation of new concepts based on a wide-ranging and extensive perspective. Having as a premise environmental, social, cultural and land use differences, it is possible to identify the existence of Four Amazons.

These constitute distinct realities. The first is the Amazon with well-conserved forest, in particular the western part of the biome. There is no direct access by highways and there is a greater extension of protected areas, such as conservation units and indigenous lands. The second is the Amazon of the Arc of Deforestation, in the eastern-central region, where the forest is threatened by change in land use due to agriculture and livestock production. Then there is the Amazon already converted by the production of agricultural commodities and minerals; and lastly, the Amazon of the cities.

Far from trying to simplify a complex situation, the analyses and debates promoted by Concertation have sought to select the predominant activities for each of these realities, as well as establishing priorities for targeted actions.

The exercise has also permitted the establishment of measures to make up a transversal working agenda. Command and control policies, combating illegality, land use planning and incentives for research and enterprise are some of many action fronts necessary for the entire region. Furthermore, socio-spatial inequalities are common to the diverse "Am-

azons". These should be considered central to any sustainable economic development proposal aimed at keeping the forest standing.

A broad perspective of the multiple Amazonian dimensions has inspired the development of a framework for diverse actions fronts in the Amazon. The possibilities take into account the different approaches, production systems and potential impacts, having as a backdrop the concept of an "(agro)forestry continuum". This is a model in which the production fronts are articulated in the territories. These are: the "socio-bioeconomy", based on social biodiversity; the "forest bioeconomy", characterised by forest stewardship; and the "commodity bioeconomy", based on large-scale intensive production with low diversity.

After three years, the knowledge accumulated from this valuable work has enabled the construction of proposals for the Amazon, detailed as follows. Among the innovative contributions of this multisector effort is the development of a wide-ranging landscape vision – an approach in which an element of strategic transversal bias is highlighted: culture.

The construction of visions for the sustainable development of the region involves reconnecting the Amazon as part of the identity of Brazilians and citizens of the world, based on knowledge of the region and listening carefully to the many voices of the Amazon and about the Amazon. To concert this diversity of visions means engaging in dialogue, sharing and creating new political spaces. It means expanding the collective capacity to speak and to listen, harbouring the many sensitivities and continually renegotiating the region's paths to development. This is the ambition of this network, whose work is just beginning.

### A landscape approach to the Amazon

### Fernanda Rennó<sup>1</sup>

The landscape is a way of seeing the world. A world vision sustained by a balance between a rational and a sensitive (emotional) perspective. The landscape approach considers that a determined space (such as the Brazilian Amazon, for example) is perceived in diverse ways by the people from or in it. In other words, in accordance with the relationship that exists between these different people and this space, it is perceived, learned, dreamed and planned in different manners.

Such an approach is based on three dimensions: time, space and people. More precisely, the manner in which a space is modified over time, and how people perceive the results of this dynamic. Three sources of information are used to establish this: 1) science and technique, which analyze what is visible, material, what is in data; 2) the local community, which is invited to share its visions, knowledge and feelings about life in the place in which they live; 3) art, which represents this landscape in different forms, with collective emotions and feelings overflowing into the works.

This is not a form of management, but rather an instrument that integrates existing data with desires and perceptions. It seeks to align expectations and possibilities through a balance between science, technique and rational data and the feelings and the emotions of a community that lives in a determined territory.

By looking at the world through its landscapes, we dialogue with colours, sounds, reliefs and traditions. We dialogue with a past history and with the desired future. Both say a lot about how and who a territory is and say much about who and how a determined territory wants to be. In addition to permitting this wealth of perspectives, the approach enables us to see not only determined elements that make up the landscape, but the whole. That is, the wealth of relationships and connections that would permit us to attain the much sought-after systemic vision that is so difficult to achieve in practice.

The Amazon Concertation sees this territory as a landscape, positioning culture at the centre of its discussions and actions. Culture expresses the sensitivity, contemplates the ways of living, ways of doing and ways of representing (art) this space. Co-existence with art has generated results and heightened Concertation in its connection with the Amazon territory. Art is more than an illustration; it is a source of sensitive information about the territory.

<sup>1.</sup> Fernanda Rennó holds a doctorate in Territorial Planning - Environment and Landscape and is the facilitator of the Amazon Concertation Culture and Education working groups.

# The first 100 days of government: proposals for an integrated agenda for the Amazônias



# The time to sow

The Amazon is even bigger than its immense territory: the idea surrounding it projects the region beyond its physical limits. The Amazon evokes a desirable new and possible model of development. This is because it offers opportunities for Brazil to show itself and the world how to reconcile environmental conservation, wealth generation, cultural diversity, social inclusion, respect for civil rights and climate balance. The Amazon is the place where Brazilian society may exercise full citizenship, in alignment with contemporary values and, in parallel, reinsert the country in the international scene.

The essential proposal of the document The first 100 days of government: proposals for an integrated agenda for the Amazônias is that the Amazon should no longer be seen as a problem but rather as a solution for Brazil. With this, Amazonians will gain, as will all Brazilians and all of mankind, given our urgent dependence on the control of carbon emissions.

But, for this to happen, deforestation must end. Deforestation not only fells trees, it condemns Brazil to backwardness. It destroys biodiversity, it disrupts rainfall patterns, it unbalances the local micro-climate and the global climate, it deepens social inequalities, exacerbates violence and does not generate prosperity.

Accordingly, the Amazon Concertation network sees the end of deforestation as a basic, transversal condition for any development policy to be adopted in the region. It is a backbone that permeates the set of proposals in this document.

Combating deforestation, however, must be accompanied by actions that permit a new economy to flourish. An economic arrangement capable of taking into account the characteristics, opportunities and needs of each one of the diverse Amazons, bearing in mind the well-being of its population. Given the exhaustion of anti-deforestation policies, new development models for the region are more than ever necessary.

There is no silver bullet for the sustainable development of the Amazon. This depends on an integrative vision that takes into account its complexity and values the interdependence between the most diverse factors, such as the economy, healthcare, education, security, cities, human rights, science and technology. Putting this systemic agenda into practice depends on intense articulation between local, national and international instances of governance.

The connection between themes, stakeholders and decision-making instances guided the formulation of the proposals for the first 100 days of the next elected governments. This innovative initiative is a response to a demand from the network itself, which recognized Amazon Concertation's role in proposing an integrated development agenda. An agenda based on the exchange and convergence of the ideas of its participants, partners and guest specialists and, in particular, local voices. This set of proposals encompasses both concrete actions and indications of guidelines for the new term of office and the necessary corrections in course.

This document seeks more immediate responses for the challenges in the Amazon, focused on the first 100 days. In parallel, it offers a strategic medium and long-term vision, capable of keeping the integrated development of the region in sight.



# Goals of the integrated agenda

What we want to harvest

The goal of the integrated agenda is to explore synergies and to advance simultaneously on the social, economic and environmental fronts, recognizing also that there are dilemmas among them. The intention is also to pave the way for a new institutionality in the Brazilian Amazon. The environmental pillar takes into account the different dimensions of the chain of command and control; the social pillar is aimed at reducing inequalities, ensuring access to basic services and combating illegality; while the economic pillar encompasses from traditional sectors to innovations linked with valuing ecological and cultural assets, with a basis in decarbonization (see table).

The integrated agenda is beginning to materialize through this document. Primarily, because some proposals considered to be priorities are accompanied by normative acts to be adopted in the first 100 days of government by the state and federal executives and by the National Congress. Moreover, this document seeks to ensure the visibility of bills of law in process of interest to the development of the region and proposals that require longer to mature and be translated into concrete actions. These proposals are the result of the knowledge accumulated by the network and by listening closely to each one of its participants, partners and guests.

The period of the first 100 days of the newly elected governments is strategic for the implantation of this development agenda. It represents a time of renewal in which the newly elected representatives enjoy the full confidence of society to implant the necessary policies and changes. Therefore, this represents an opportunity to establish good governance and to adopt unpostponable measures. The beginning of the mandate is important for setting the tone for the policies that will follow in the coming years.

### Pillars of the integrated agenda

# Environmental Different dimensions of the command and control chain environmental control, public security, criminal justice and the defence of rule of law and legal compliance. A robust social agenda to reduce inequalities, ensuring basic services such as healthcare, education, connectivity and quality infrastructure for the inhabitants of the region, complementing command and control actions to combat illegal activities. Economic Economic opportunities associated with the increase in productivity in traditional sectors, in line with decarbonization and in new sectors based on valuing ecological and cultural assets.

The tone proposed for this document is that Brazilian society must no longer tolerate deforestation and the predatory exploitation of the Amazon. A depredation historically imposed "from the top down" and "from the outside in". In its place, activities that respect specificities of the Amazon, its communities, its territories, its cultures and its voices should flourish. The diagnoses of problems are well known to the residents of the Amazon, notably the peoples and communities that are currently more vulnerable. Therefore, they should be heard in the proposal of actions.

Amazonian youth also plays a fundamental and transversal role in this process of listening and developing solutions. They represent a major transformational force in the most diverse areas. At the same time, young people are the most affected by the lack of oppor-

tunities in education, work and income. They are exposed to the risk of violence and being groomed by the growing criminal elements associated with illegal activities, such as deforestation and mining, and the rising level of armament.

Security to study, work and do business is a basic condition for the development of the Amazon. And for the constitution of a powerful low carbon economy, including the forestry industry. Other necessary conditions for this are digital connectivity, combating informality, guaranteeing broad social participation and valuing socio-cultural aspects.

There is a broad range of people in the Amazonian spaces who are not always included in discussions for the diagnosis and solution of problems. In the healthcare area, for example,

it is necessary to throw more light on those who remain invisible, such as LGBTQIAP+ youth, women and young black people living in urban outskirts. Meanwhile, the Amazon is the worst place in the country to be a child, considering issues related to access to sanitation and education, as well as exposure to sexual violence.

Vulnerable populations such as those in the Amazon are the ones who contribute the least to environmental and climate issues but suffer most from their effects. Gender, race, ethnic origin, social class, sexual orientation, religion and geographic origin are areas that mark climate injustice. The more a person embodies these characteristics, the more marginalized they are. At the same time, environmental and climatic factors reinforce already existent inequalities and exacerbate marginalization.

In education, for example, formal education using references from other centers of the country does not strengthen local Amazonian communities. It is necessary to stimulate the feeling of belonging of local populations, as was the case in Acre 30 years ago. At that time, the state employed educational material oriented to the forest peoples. The material, for example, used alligators in teaching maths to young members of riverine communities, and rubber balls to reach the children of rubber tapper families, reinforcing the link between school and the students' daily life in their territory.

Investment in education requires recognition of the importance of specific knowledge in the region, connecting young people with their reality and incorporating the knowledge of traditional peoples as a complement to academic knowledge. In the universities, more effective instruments of inclusion should be sought. For example, the creation of a mechanism to integrate those who are not from the academic community into the process of defining studies in the area of science, technology and innovation (ST&I).

Instead of replicating exogenous models, it is necessary to embrace local peculiarities. The Amazon's needs range from new physical architectures for its schools to differentiated assessment metrics. It is necessary to recognize realities that go beyond the urban-rural dichotomy and incorporate the experience of *florestania* or forestry citizenship – a particular cultural identity that promotes unity without devaluing differences. Beyond environmental diversity, Brazil as a whole needs to consider the wealth of diversity in ethnic-racial, gender, sexual orientation and intergenerational factors. The Amazon is so singular precisely because it is so plural.

## Construction process

## Step by step

The starting point for the elaboration of this document was the publication *An Agenda for the Development of the Amazon*, launched in 2021. The Agenda, in turn, had consolidated discussions, learnings and actions proposed by the Concertation working groups. These groups were dedicated to the themes bioeconomy, culture, education, engagement of the private sector, socio-territorial infrastructure, political intelligence, youth and tenure responsive land use planning.

The document The First 100 days of government: proposals for an integrated agenda for the Amazônias is aimed specifically at the transition governments in the federal and state spheres and at members of parliament. But it is also of interest to organized civil society, local populations, communication media, the international community and the members of Amazon Concertation.

Having this public as a target for the preparation of the proposals, throughout 2021 Concertation promoted an intense consultation process in the following 11 themes: cities; science, technology & innovation; food security and nutrition; economy; education; infrastruc-

ture; youths; mining; land use planning and land tenure; healthcare; and public security. In addition to listening to acknowledged specialists in these subjects, there was local representation in all the debating spaces.

Between March and July 2022, 12 round tables were held, involving 130 people in 30 hours of discussion, resulting in 80 priority actions. Between June and September, Concertation was dedicated to organising the proposals. In other words, converting the suggestions into viable actions with great potential for implementation. To do this, ten meetings were held in this period, including the plenary sessions on health and economy in Manaus, on digital connectivity in Alter do Chão (PA) and on the Amazônia 2030 project proposals, conducted online

Having established the priority actions, the legal consultancy XVV, responsible for the development of the proposals and their instrumentalization in normative acts based on technical criteria, initiated its work. The normative mapping of the proposals and bills of law corresponding to the priority actions was conducted in weekly meetings.

Additionally, there were successive consultations with specialists and Concertation network members for the validation and appreciation of the proposals being instrumentalized. This process culminated in the publication of this document in October 2022.

The 2022 electoral year, a determinant moment for the reaffirmation of Brazilian democracy, demonstrated the need to ensure greater solidity for this agenda, transforming it into practical proposals that would be actionable, principally by public authorities. The Concertation network sees a close correlation between democracy and climate action. This involves the empowerment of people in the defence of the forest, recognition of the diverse voices concerned and widespread social participation in the construction of an inclusive, low carbon economy.

## Selection criteria

## Choosing the seeds

The prioritisation of the proposals was orientated by the following elements: the degree of civil society support for the intended change; its potential for success in terms of political implementation; the reach of the proposals in the medium and long-terms; and the clarity of the change proposed, assessing whether it is easily understood and communicated. It also took into account the effort necessary to adopt the

proposal within the period of 100 days and the existence of potential partners for advocacy measures – understanding advocacy as a set of strategic actions capable of influencing public policies. The degree of alignment of the proposal with the Concertation goals and mission was also assessed, as was the capacity of the organization's knowledge and experience in the area to add value to the proposal.

# Thematic Sections





## CLIMATE CHANGE







The guarana is a native Amazonian plant known worldwide for its stimulant properties. Of considerable social and economic importance for the dwellers of the Amazon, it is cultivated by large and small producers. The guarana is a climbing shrub or vine that may exceed the height of ten meters on the trees that support it. It has medicinal value proven in scientific experiments. It has chemo-preventive and antitumor properties and is also indicated for inflammatory and autoimmune diseases. Originally cultivated and consumed by the Sateré-Mawé tribe, over the years guarana has extended beyond its territory of origin. This in turn has stimulated the demand for the original product, valuing family-based, agro-ecological processing. The guarana seeds are recalcitrant and do not survive accentuated drying techniques or low temperatures. They lose their viability extremely rapidly when stored in bulk. A wonderful legend about the guarana is worth remembering. It goes like this: "once upon a time, the only son of a highly thought of indigenous couple, considered protectors because under their influence abundance, health and peace reigned, climbed a tree to pick a fruit. Juruparí, an envious evil spirit, turned into a snake and killed the boy. When the neighbours found him, the little lad seemed to be sleeping serenely, with his eyes open. Everyone grieved over the lifeless corpse. At that moment, a flash of lightning struck and spoke through the small child's mother. The voice said it was Tupãe, who had come to console the people. The voice told them to plant the child's eyes, from which a sacred plant would sprout that would ensure that the Mawé always had an abundance of food, justice and cures for diseases. So, they planted they eyes of the little boy and watered the grave with their tears. The elders remained on the spot to safeguard this precious seed, from which, a short while later, the guarana plant sprouted!".

## Climate Change

## **KEY MESSAGES**

Climate change can cause disruptive transformations, threatening not only ecosystems, but all spheres of social life.

The Brazilian Amazon plays a central role in regional climate regulation and has an important influence on the global climate sustem.

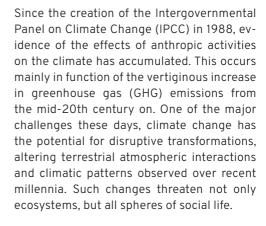
To avoid the collapse of the ecosystem, it is necessary to eliminate deforestation in the region immediately and to implement regeneration strategies.

Different action fronts, beyond combating deforestation, must be incorporated into a coordinated strategy to achieve better results.

Deforestation should not overshadow the climate action agenda, which encompasses challenges such as the energy and industrial transition, as well as adaptation.

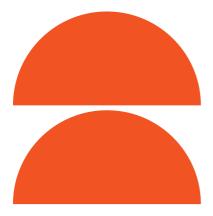
# The role of the Brazilian Amazon in global and regional climate regulation

This section is based on Retrato Setorial – Mudanças Climáticas, published by Amazon Concertation. The full text is available at: https:// concertacao.com/mk4e



The Amazon Forest, due to its size and rel-

evance for the regional hydrological cycle, exercises an important influence over the climate of South America, as well as interacting with climatic variables on a global level. In addition to its importance in regulating and providing water, the Amazon functions as an immense reserve of carbon, which will be a threat to the atmosphere if the degradation of the forest continues. The reduction in native vegetation affects processes essential to the regional hydrological cycle. It also affects the global atmospheric balance, as is the case of the transportation of water vapour known as the "flying rivers" which are responsible for rainfall in the River Plate basin (MARENGO AND SOUZA JR., 2018).



## Climate models, future climate scenarios and deforestation

In accordance with different data bases, an increase in temperature of between 0.6°C and 0.7°C was observed in the Amazon between 1949 and 2017. All the sources indicate higher increases in recent decades, with the most recent years being the hottest since the beginning of the 20th century. IPCC global climate models project an average increase in air temperature of above 4°C for the Amazon by the end of the 21st century, as well as a possible reduction of up to 40% in rainfall in the same period (MARENGO AND SOUZA JR., 2018).

In a scenario of more intense emissions, the temperature in the Amazon could increase by up to 6°C. In addition to the projections of changes in temperature and rainfall patterns, the Amazon faces a more immediate threat: deforestation. These two factors combined alter the region's climatic seasons, resulting in greater variability in the wet and dry seasons, which are altered in terms of duration, frequency and intensity. In the south of the Amazon, for example, there is evidence that the duration of the dry season has increased by approximately one month since the 1970s (MARENGO AND SOUZA JR., 2018).

The analysis by the Science Panel for the Amazon indicates more intense extreme events, with an increase in the interannual variability, such as a reduction in the intervals between floods from 20 to 4 years from the beginning of the 21st century. The

years 2015, 2016 and 2020 were the hottest on record in the last three decades. And the alteration in the behaviour of the dry season is one of the greatest risks for the region (MARENGO et al., 2021).

In conjunction with the change in climate, deforestation and environmental degradation by burning weaken the ecological functions of the biome, such as its capacity to absorb carbon from the atmosphere, while at the same time intensifying the occurrence of extreme events such as droughts and floods. Moreover, these processes culminate in the fragmentation of the forest, which in turn make it more vulnerable to edge effects, such as fires and strong winds (MARENGO AND SOUZA JR., 2018).

Between 1985 and 2021, the Amazon lost 12% of its forest area, a net loss of 44 million hectares. In this period, Pará suffered the most deforestation, with 35.2% of its forests converted to agriculture or pasture. In 2021 alone, the Amazon concentrated 59% of the deforested area and 66.8% of deforestation alerts. Once again Pará was the Brazilian Legal Amazon state with the highest deforestation (24.31%), followed by Amazonas (11.75%) and Mato Grosso (11.47%) (MAPBIOMAS, 2022). In terms of emissions, in 2020 deforestation in the Amazon was responsible for the emission of 782 million tons of CO2 equivalent (tCO2e) (vis-à-vis total gross emissions of 2.16 billion GtCO2e nationwide), indicating an upward trend (SEEG, 2021).

# The tipping point and "the perfect storm" in the Amazon

The point of no return, or the tipping point, is the threshold beyond which a small disturbance may generate an irreversible – and possibly increasingly rapid and severe – imbalance in a system. Recent studies on the negative synergic effects between climate change, deforestation and the multiplication of fires have modified projections.

It is estimated that from 20% to 25% deforestation in the biome are thresholds beyond which the central, southern and eastern areas of the Amazon would no longer be forest formations. This would provoke a savannisation process in cascade in the Amazon. To prevent the collapse of the ecosystem, as well as its global effects, it is necessary to stop deforestation in the Amazon region immediately and to pursue strategies to regenerate the biome and its vital hydrological cycle (LOVEJOY AND NOBRE, 2018; 2019).

With the increase in deforestation and proximity to the tipping point, the Amazon is already facing what some people call the perfect storm. That is, the confluence of diverse factors, such as the insufficiency of structured policies – in areas like healthcare, education, sanitation, among others –, the upsurge in economic activities linked with illicit or illegal practices, and the fragility of democratic institutions, in addition to being submitted to a carbon-intensive development model based on the degradation of its ecosystems.

Together, these factors are amplified in a vicious circle heightened by climate change and the intensification of its impacts. In 2021 in Amazonas, for example, the biggest flood in 119 years generated simultaneous crises in the capital, Manaus, with public services interrupted, communities inundated, and the city dominated by organised crime (SCHMIDT, 2021).

# Protection areas in the Amazon: deforestation, indigenous lands and the fight for climate justice

One of the most effective ways of combating deforestation has been the creation of protected areas. These exercise a deterrent effect, whether they are Indigenous Lands (TI), Integral Protection Conservation Units or Sustainable Use Conservation Units. The Indigenous Lands tend to be more effective in this respect.

The implantation of protected areas contributes towards reducing deforestation and removing carbon from the atmosphere. Such areas, however, are increasingly vulnerable to the advance of some illegal economic activities. They are also subject to the greater climatic variability in the region, with its prolonged droughts and the dangerous proximity of its ecosystems to the tipping point.

It is in this respect that the inequality between those who contribute most to climate change and those who most suffer its effects enters the sphere of public debates. In addition to contributing to the mitigation of GHG emissions, indigenous, *quilombola* and riverine communities are the most vulnerable to the impacts of the increase in global temperature in the Amazon. The lifestyles of these communities are directly affected, and they are more exposed to climate risk. This explains the growing importance attributed to climate justice.



## Public policies for protecting the Amazon

A study from the Amazônia 2030 Project (GAN-DOUR, 2021) consolidates the main results from the academic literature about the effectiveness of policies to combat deforestation in the Brazilian Amazon. The research concludes that environmental control measures were crucial in the decrease in deforestation observed between 2004 and 2012. Illicit practices were inhibited, and the advance of deforestation was contained at scale. Moreover, the evidence indicates that the result was not achieved at the expense of local agricultural and livestock production.

In this period, inspection and monitoring measures were complemented by the adoption of environmental and land title conditioning factors in the concession of subsidised rural credit and territorial protection. Coordinated jointly under a federal plan these measures were effective in containing deforestation. Accordingly, the country already has experience and the capacity to implement monitoring and control systems.

For other policies, such as mechanisms for the payment for environmental services, pacts to eliminate deforestation or even the Forest Code, less empirical evidence was found that could attribute causality to the policies adopted. Anyway, the study draws attention to the fact that environmental damage in the Amazon is not limited to deforestation. It also includes,

for example, forest degradation, characterised by the gradual loss of vegetation associated both with lower carbon absorption and stocks and reduced resilience of the ecosystems.

Considered a relatively little-known phenomenon, degradation requires better empirical comprehension of its determinants and occurrence in different classes of land. Furthermore, policies to promote and protect secondary vegetation would contribute towards the achievement of climate commitments and promote improvements in human well-being at the local and global level. They would also help to reclaim degraded ecosystems and their biodiversity.

These three action fronts - combating deforestation, forest degradation and protecting secondary vegetation - should be incorporated into a coordinated strategy to go beyond the results achieved in the past.

Other recent social phenomena have begun to exercise a relevant role in the dynamics of deforestation. And these are reflected in growing rates of violence and criminality, which will likely hinder the implementation of existing environmental management policies in Brazil (GANDOUR, 2021).

## Local climate strategies in the Amazon

Addressing the climate emergency requires intersector and interstate coordination, including both mitigation measures and measures to adapt to the effects of climate change. Regarding mitigation measures, although the weight of emissions from deforestation and land use is notable, the climate agenda must also incorporate actions in the industrial, energy and transportation sectors. In the metropolitan regions, such as Belém, Manaus and Boa Vista, the disposal of solid waste, mainly domestic waste in dumps and sanitary landfills is one of the main sources of GHG emissions.

Anti-deforestation measures must not overshadow the climate action agenda. This encompasses contemporary challenges, such as the energy and industrial transition, and trends such as the circular economy and digitalisation, which could drive new models of development and employment opportunities. However, this requires planning in other sectors. In the education area, for example, it is necessary to promote climate literacy, starting with the educators.

Considering the sub-national climate strategies in the Brazilian Legal Amazon, the mapping conducted by Botelho (2021) identified important data. In all the states, except for

Rondônia, the authorities responsible for environmental management have specific sectors dedicated to climate change policies. Even the state of Rondônia is preparing the creation of a working group. Moreover, the study underscores that Amazonas, Amapá, Maranhão and Mato Grosso have targets that explicitly mention climate change in their multiple-year

plans for the period 2020-2023.

Although all the states have water management plans or policies, strategies to adapt to the effects of climate change are still incipient. None of the states have permanent warning and contingency protocols related to the monitoring of hydrometeorological conditions. Lastly, all the states except Roraima have instances for the participation of civil society in the construction of public policies on climate change. However, in general terms, there is no public transparency on data and information related to climate governance (BO-TELHO, 2021).



## Other sources and references

## Chapters in Brief Science Panel for the Amazon

Available at: https://concertacao.com/y6vz

Inspired by the Leticia Pact, signed in September 2019, the Science Panel for the Amazon is the first high level scientific initiative dedicated to the Amazon. The panel was created to collect scientific and economic evidence and ethical arguments to support conservation and to combat generalized deforestation, forest degradation and the forest fires that have intensified in recent years. In November 2021, the panel published its Relatório de Avaliação da Amazônia (Amazon Assessment Report), which has been called the "encyclopaedia" of the Amazon region.

## A ten-point plan for decarbonising Brazil: recommendations for the Federal Government 2023-2026 Iniciativa Clima e Desenvolvimento

Available at: https://concertacao.com/8s2p

The Ten-point plan for decarbonising Brazil Plan indicates the potential to mobilize investments of approximately R\$ 91 billion to create and support 250,000 new green jobs. The document provides recommendations for the federal government based on detailed diagnoses informed by evidence and successful Brazilian and international experiences, which are cited in the Paris Agreement.

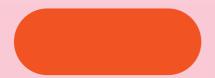
## Bills of interest

**Bill No. 3.961/20** – Decrees a state of climate emergency, establishes a greenhouse gas emissions neutralisation target by 2050 for Brazil, as well as provisions for the creation of policies for sustainable transition.

**PEC (Proposed Constitutional Amendment) 37/21** – This incorporates the climate question into the text of the constitution as a fundamental right.

## **GOVERNANCE**







## Bertholletia excelsa (Brazil Nut or Castanha do Brasil)

The Brazil nut is one of the largest trees in the Brazilian Amazon, reaching heights of 50 meters in the forest canopy. It is also found in Bolivia, Colombia, Ecuador, in the Guyanas, Peru and Venezuela. This moderately heavy wood, which presents good resistance to wood boring species, is valued in civil construction. Its fruit, known as a bur, contains from eighteen to twenty-five seeds, called nuts or more specifically Brazil nuts. The nut contains from 60% to 70% lipids and 15% to 20% protein. Due to this high nutritional value, it is one of the Amazon region's main export products.

## Governance

### **KEY MESSAGES**

Dispersion weakens federal interaction with the region, which requires effective and proactive governance.

A new governance for the Brazilian Amazon should articulate the multiple forces in operation in the region.

The climate emergency requires economic, social, technological and behavioural changes and needs to be addressed strategically by the government.

The Federal Government could give a clear signal of its willingness by creating a State Secretariat for the Climate Emergency, whose short-term focus would be radical combat against deforestation in the Amazon.

The incoming government faces a series of distinct and interrelated challenges concerning the Amazon. There are structural tasks, and there are urgencies. The regression, violence, dismantlement and damages of recent years cannot be reversed all at once. There are things to be rebuilt, things to be repaired, things to be improved and things to be built for the first time. It is necessary to take advantage of the election results and create a momentum anchored in the region, in its potential contribution to national development and in its role in the global environmental-climate issue.

## Outline of a new governance for the Amazon

### Francisco Gaetani

Former executive secretary of the Brazilian Ministry of the Environment, chair of the Board of Directors of the Instituto República and senior fellow at the Instituto Arapyaú

## Izabella Teixeira

Former minister of the Brazilian Ministry of the Environment and senior fellow at the Instituto Arapyaú The Amazon requires a new governance, even if tacit, capable of articulating the multiple forces that operate in the region, including those originating in it and those, both national and international, external to it. The Amazon Concertation initiative emerged with this purpose, to produce dialogue, comprehension, understanding and convergence around the agenda for the region.

A new environmental-climate policy for the Amazon is a development policy for the Amazon. This is because it places the need for a distinct positioning related to the region's unique natural assets at the centre of the proposal for the Amazon's economic growth.

This means reconciling conservation, sustainable stewardship, exploitation on ecologically correct bases and the development of green infrastructure, with more conventional activities. These include the construction of highways, the generation and distribution of energy, mining, education, healthcare, sanitation and urban installations. If in terms of the environment it is necessary to go beyond conservation, where the climate is concerned it is necessary to think of solutions beyond eliminating deforestation, including the energy and industrial transitions in the region.



The comprehension that an innovative environmental agenda needs to be integrated not only into sector policies but also into the nation's development plans, accompanies the movement being consolidated around the climate agenda. There is a growing perception that the solutions for the climate crisis involve changes in the global economy, in lifestyles, in the means of production and consumption, in the reduction of inequality and in access to the digital-technological world. In other words, the climate emergency is a priority problem for society as a whole and is already being addressed in the most strategic areas of government in the main global economies. Translating this movement into the national context implies recognizing the role of the Amazon in Brazil's development as a nation. And, consequently, having a new institutionality for the region reflected in the governance structures.

On the institutional plane, there is a set of organizations with differentiated mandates and weights in interactions related to courses of action in the region. Three instances - continental, national and regional - stand out.

In the supranational sphere, institutions such as the Amazon Cooperation Treaty Organization (ACTO), the Inter-American Development Bank (IADB), the LEAF (Lowering Emissions by Accelerating Forest finance) initiative and the Economic Commission for Latin America (Cepal), among others, have an important role to play in the region. This challenge in articulation must be led by Brazil. The country's inertia and atrophy are no longer acceptable, neither on the domestic front nor from the perspective of the international community.

In the national sphere, it is necessary to rethink the activities of diverse key institutions,

both in isolated terms and in terms of their articulation. These institutions include the ministries responsible for the Environment: Regional Development; Infrastructure; Agriculture, Livestock and Supply; Justice, Human Rights and Social Development; Mines and Energy; the Economy; Defence; Justice and Public Security; and Science, Technology and Innovation. A series of bodies is associated with these ministries such as the Conselho Nacional do Meio Ambiente (Conama), Sistema Nacional do Meio Ambiente (Sisnama), Empresa Brasileira de Pesquisa Agropecuária (Embrapa), Instituto Nacional de Colonização e Reforma Agrária (Incra), Eletronorte, Superintendência da Zona França de Manaus (Suframa), Agência Nacional de Mineração (ANM), Centro Gestor e Operacional do Sistema de Proteção da Amazônia (Censipam), Instituto Nacional de Pesquisas Espaciais (Inpe), the Armed Forces, Fundação Nacional do Índio (Funai), the federal universities and research institutes in the region, such as the Instituto Nacional de Pesquisas da Amazônia (Inpa) and the Museu Goeldi. Moreover, there is the National Development System, which includes stakeholders such as the Banco Nacional de Desenvolvimento Econômico e Social (BNDES) and Banco da Amazônia (Basa). The fragmentation and dispersion of resources weaken federal interaction in the region, which requires effective and proactive governance.

There are entities that could contribute in this respect. The Conselho Nacional da Amazônia Legal (CNAL), for example, a collegiate body representing the main ministries, was created precisely with the goal of coordinating and overseeing the implantation of public policies related to the Brazilian Legal Amazon. However, in addition to excluding the governors of

the region, it has delivered few results. Neither is there evidence of a more contemporaneous national defence agenda and the potential ramifications in international regional cooperation agendas.

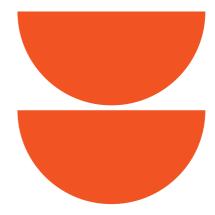
Sudam was created to promote the region's development by means of planning. This is based on articulation, public policies and instruments such as tax incentives and public funding aimed at attracting investments. However, its purpose has been depleted and it is still attempting to recover its planning capacity and decision-making power. This institutional reinforcement is crucial to ensure that the regional projects are not conceived, planned and managed by external technicians and politicians distant from the Amazonian reality. For the first 100 days, a diagnosis of Sudam's capacity and potential is suggested in order to prepare it to pursue its objective.

The region has a rarefied but not insignificant institutional network. In recent years, this structure was complemented by the Consórcio Interestadual de Desenvolvimento Sustentável da Amazônia Legal. This ecosystem of public organizations includes research foundations, the public security forces, the environmental and land use planning authorities, as well as the traditional administrative structures of the state governments.

Also in the state public sphere, it is important to consider the federal and state legal establishment, comprising the state and federal judiciaries, the state and federal public prosecution departments, the federal and state accountability courts, in addition to the network of public registries (that play a crucial role in land tenure).

This ecosystem is complemented by initiatives that connect sub-national governments in the Amazon with their counterparts in other countries. Examples are the Governors' Climate and Forest Task Force (GCFTF) or the Forum of Pan-Amazonian Cities. Both were created with a view to exchanging knowledge and experience for the reduction of GHG emissions and the promotion of sustainable development.

The Amazon has almost one thousand municipalities, many of which are the size of European countries. The municipal governments, however, are very much left to their own devices. Neither the federal government, nor the states or the third sector, have paid attention to the challenge of capacity development at local level. Institutional deficits in combating traditional problems in the education, healthcare (especially primary), basic sanitation, urban planning areas, etc. are aggravated by the impotence and incapacity to deal with more recent challenges such as deforestation, connectivity, pandemics, criminality and violence.



The institutional conjuncture in the region is completed by the presence of a heterogeneous and vibrant civil society, increasingly mobilized around sustainable development. And a business community split into segments and regions, which hinders the articulation of an inclusive regional economic transformation plan. The original peoples, the riverine and quilombola communities, religious organizations and young entrepreneurs are powerful voices in the Amazon, currently being heard on a national and international level.

This brief panorama of the stakeholders in the Amazonian institutional environment demonstrates the immediate challenge for both the new federal and state governments. They will need to dialogue with the forces that echo the national and international clamour for immediate action to reverse the trail of destruction in the region. The mandate and legitimacy of the urns will be decisive for the implantation of a collective effort from the Amazon, with the Amazon and for the Amazon.

Accordingly, discussion of the mechanisms and instances whereby civil society can dialogue and act jointly with public administration is fundamental. This reflection should serve as an input for a new national social participation policy that strengthens the formulation, execution, monitoring and assessment of public programs and policies, as well as public administration as a whole. It should also drive the implantation

of the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean, known as the Escazú Agreement. The Presidency of the Republic should submit this agreement for ratification by the National Congress as a priority.

The Escazú Agreement presents concrete opportunities for regional cooperation and emits clear signals about the country's commitment to protecting defenders of the environment and human rights. For this to happen, at the domestic level it is fundamental to ensure transparency around environmental data and environmental crimes on the part of environmental authorities, as well as investigation and the application on the law. Furthermore, access to justice in the environmental area must be expanded, ensuring rapid and impartial investigation and the effective punishment of crimes against the environment and against its defenders.

In parallel, it would be strategic for Brazil and the Amazon to promote greater synergies between countries and their societies in their common trajectories of climate ambitions and adaptation in line with the goals of the Paris Agreement.

Furthermore, the Federal Government could immediately indicate its willingness to address the most urgent challenges in the global agenda, with the creation of a State Secretariat for the Climate Emergency linked directly to the Presidency of the Republic. Its main focus, in the short term, will be radical combat against deforestation in the Amazon, as well as addressing the web of environmental crimes that threaten the forest and national interests. Considering the centrality of climate

change in discussions on geopolitics and national and global development, the proposal to create this department emerges as an institutional innovation to be considered by the next government. The national, regional, local and international mobilization demanded given the existing challenge requires daring, creativity, dialogue, consistency over time and attention to our singularities.

This Secretariat would include a collegiate body, chaired by the Casa Civil (Executive Office of the Presidency) but would maintain operational autonomy. It would involve the participation of the following ministries: Foreign Relations, Economy, Environment, Mines and Energy, Agriculture, National Integration, Science and Technology, Strategic Affairs, as well as representatives of the scientific community, the private sector, sub-national bodies, the third sector and civil society.

The nodal positioning of the Secretariat close to the Presidency would enable it to act strategically in interministerial and intergovernmental coordination in defence of national interests and in conducting international (in conjunction with the Itamaraty) and national negotiations in the area. The engagement of the president of the republic is a vital resource for formatting a dynamic, contemporaneous governance, consistent with the country's interests and potential.

The restructuring of production, aligned with global decarbonization and biodiversity reclamation targets, includes topics whose complexity and horizons are highly significant.

These topics range from the energy and industrial transition, regional development, and adaptation, to health surveillance and international relations. The creation of a Secretariat with a presidential mandate to conduct, develop, provide a basis for and accelerate these processes would help the government and society to internalize the debate and establish measures aimed at addressing the climate emergency in a fair and inclusive manner.

The interrelationship of the Brazilian and international climate agenda presents an extraordinary set of opportunities for Brazil in multiple sectors: international trade, foreign relations, regional development, forestry economy, bioindustry, eco-tourism, sustainable agriculture and livestock production, carbon markets, urban development, resilient and sustainable infrastructure, among others.

A new governance for the Amazon is key for a contemporaneous vision and for the construction of a new development plan for Brazil - sustainable, more equal, less exposed to risk, and greener. With international transit and access to multiple interest groups, social movements and philanthropic initiatives that operate this agenda, the new government could make a difference. It could make Brazil the global leader of the race towards decarbonization and neutralization of carbon emissions. And do this without the country renouncing its sovereignty, its growth options and its continental prominence. A Brazil of the future aligned with and adapted to the convergence of the climate and digitaltechnological eras.

**GOVERNANCE** 

RELATED TOPICS:

Cities; Climate Change; Economics; Education; Food Security and Nutrition; Health care; Infrastructure; Land use planning and land tenure; Mining; Public Security; Science, Technology and Innovation

TYPE OF DOCUMENT:

provisional presidential decree

O legislative decree O executive order

concertação.com/ppd91



## **PROPOSAL**

Create the State Secretariat for Climate Emergency, directly under the President's Office.



The climate emergency has become a global challenge, and it is no longer restricted to environmental issues. Climate imbalance may trigger irreversible processes on a regional as well as on a transnational scale, with ensuing social and economic impacts and losses. The Amazon region calls for Brazil to play a leading role regarding this issue. And the current rate of destruction of the biome lends added urgency to the adoption of public policies and institutional arrangements that would make it possible for our country to reposition itself as a key player in the global debate on sustainability.



## **OBJECTIVES**

Given the global relevance of the topic and the fact that the Brazilian Amazon is at the heart of climate change discussions, this provisional presidential decree prescribes the creation of a Secretariat for Climate Emergency, linked to the President's Office.

The positioning of this government body is strategic from the point of view of interministerial and intergovernmental coordination. Its central strategic position is vital both for supporting the formulation of public policies to deal with and adapt to climate emergencies, and for conducting national and international negotiations related to that subject. The adoption of this presidential decree would also send a signal to Brazilian society and to the international community that Brazil is willing to take the global lead in the race for decarbonisation.

### **MAIN AXIS**

- Environment
- Social
- Economic

## SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

### **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

## **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



01

Issue Provisional Presidential Decree that creates the Special Secretariat.

**Provisional Presidential** Decree

Appoint representatives for the joint

02

agency.

Regulate the structure and statute of the Secretariat.

0.3

04

Present a work plan for participatory formulation of a national strategy to tackle climate emergency.

05

Publish the devised strategy to deal with climate emergency.

VISION FOR THE FUTURE Establish an institutional arrangement to tackle climate

change in the Amazon and in Brazil.

50 days

100 days



## APPLICABLE LEGISLATION

Law No. 13.844/2019 – Establishes the basic organisation of the bodies of the Presidency and of its ministries.



### **BILLS OF INTEREST**

Constitutional Amendment Bill (PEC) No. 37/2021

– Incorporates the climate issue into the Constitution as a Fundamental Right.



## **RELATED PROPOSALS:**

## Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Include the climate issue among the responsibilities of ministries and other federal bodies, through the Provisional Presidential Decree that would define the organisational structure of the next administration, ensuring coordination by an interministerial structure.

### Letter from Alter

## Fórum Amazônia Sustentável

https://concertacao.com/tsp5

Place climate policy at the centre of power and not limited to the Ministry of the Environment, in order to: (i) foster countrywide agreements on goals, efforts and resources related to climate change; and (ii) reopen channels for dialogue between the government and civil society.

## A ten-point plan for decarbonising Brazil Clima e Desenvolvimento e Instituto Talanoa

https://concertacao.com/8s2p

Create a Strategic Secretariat for Climate & Development, with an interministerial mandate to liaise with the National Congress, federal entities and civil society; reopen channels for a dialogue between government and society; reinstate the role of climate diplomacy within the Ministry of Foreign Affairs.

## **EDUCATION**





## Ceiba pentandra (Kapok, Ceiba, Samaúma or Sumaúma)

One of the largest trees in the Amazon. In the region, its wood is used most notably in the construction of vessels. Light and easy to work, the wood may be used, for example, in cabinet making, the production of boxes, plywood, matchsticks and pulp. When recently harvested, the seeds germinate easily with a germinating power from 90 to 95%. This capacity is reduced rapidly due to oils, reserve substances that deteriorate quickly. Therefore, the kapok is an important economic alternative for rural producers due to its multiple uses as wood and kapok stuffing, as well as its diverse medicinal applications. The tree is considered to be a sacred symbol by a number of traditional cultures for which it represents a communication portal with the spiritual world. It is also seen as the great mother that protects all the beings in the forest.

## Education

### **KEY MESSAGES**

The government, public policies and schools need to be committed to guaranteeing education as an alternative to illegal and predatory activities.

Traditional knowledge should compose learning and educational assessment metrics, as well as knowledge of the portuguese language and mathematics. No kind of knowledge is worth more than any other.

Access to quality broadband internet access throughout the Amazon region would permit the offer of different modalities of education for locations previously jeopardised by the long distances and lack of accessibility.

In Brazil, despite the significant advances in the field of education in the last two decades, mainly regarding policies to universalise and promote inclusion, there are still numerous challenges to be overcome. Results in learning, literacy and school drop-out rates in the country are alarming, as shown by educational indicators and assessments. But it is not just a case of learning and teaching. Education is a broad process that involves the family, society and the actual school itself. It also encompasses diverse types of knowledge: general, scientific, artistic, philosophical, academic, technical, specialised, cultural, local, informal, etc.

The challenges faced by education, therefore, are just as broad and go beyond the scope of its action. In addition to questions inherent to the field, such as curriculum, teacher training, teaching career, school administration and infrastructure, socio-economic inequalities have a profound effect on the school context. And these can be significant in regions in which there are greater deficiencies or a lack of commitment on the part of the State, as is the case with the Amazon territories.

# Looking beyond the numbers

In an initial analysis, the educational results in the Brazilian Legal Amazon - considering the average of the nine states that make up the region - are behind those of the rest of the country in most of the indicators. This situation is certainly not restricted to the region. It is only inserted in a broader context, as shown in the report Educação Já 2022: contribuições para a construção de uma agenda sistêmica para a Educação Básica Brasileira. The report shows that educational management at federal level in Brazil has been characterised by a lack of planning, discontinuity in important policies, deficiencies and omissions given the challenges, and the institutional weakening of the Ministry of Education and its associated bodies.

Data from the 2021 Pnad Contínua national household survey disseminated by the IBGE, and systematised by the Amazônia Legal em Dados platform, indicate that despite the reduction in the illiteracy rate in the last 9 years, the Brazilian Legal Amazon continues to be the second worst region in the country in this indicator. Around 1 in every 15 people aged 15 years or over does not know how to read and write (7%). In Brazil, this rate was 4.9% in the period,

that is, approximately one in every 20 people. Additionally, the rate of "NEET" young people in the region in 2021 was 21.1%, while in the rest of Brazil it was 14.4%, and trending downward.

Other report, Educação na Amazônia Legal -Diagnósticos e Pontos Críticos, produced in the Amazônia 2030 project, also shows that in the region the higher education and secondary education have low penetration in the interior of the Amazon. Indigenous peoples do not have access to higher education, and only 51% of children aged from 0 to 5 years are enrolled in infant education, below the Brazilian average of 66.4%. As a further matter, only 2.4% of the Amazon population is enrolled in professional education, compared with 4.7% in Brazil, Regarding children in nurseries, the difference is significant: 25.6% in the Brazilian Legal Amazon and 44.8% in the other states - the main reason given being deficient offer.

Another indicator commonly used to assess education, the Ideb basic education development index. However, this indicator should be analysed with parsimony. Because of the Covid-19 pandemic, many school networks applied



automatic approval. Moreover, the closure of schools (Inep mentions 280 days) jeopardised learning significantly. Furthermore, some schools or entire networks did not resume activities in time for the application of the Saeb basic education assessment system, the examination used for the Ideb evaluation. All these factors make the most recent results of the index inconsistent

It is true that the range of educational indicators available enables the evaluation of the heterogeneities and discrepancies among the states and the municipalities. They also provide the opportunity for the design of more effective public education policies (see the indicator table in this section). But it is also true that they are not capable of evaluating education in the Amazon in all of its dimensions and complexity.

The modalities rural school education, indigenous school education and *quilombola* school education have their own national curricular guidelines, with rules determined by Brazil's National Education Council. Such rules require updating because they do not establish how the special education modalities should relate

to Brazil's BNCC national common curricular base. There is, therefore, and an opportunity to conceive assessment metrics that respond to the specific local and sociocultural context of these populations, without neglecting the national standards.

Traditional knowledge should compose learning, as should knowledge of the Portuguese language and mathematics. No kind of knowledge is worth more than any other.

It is also important to rethink the concept of "rural" when dealing with the Amazon. This metric cannot capture the power of the diversity of the peoples who inhabit the "non-urban" areas, such as the indigenous, *quilombola* and riverine populations, as well as the mixed race and immigrant populations. Another way of encompassing the heterogeneous character of the region is to organize public education policies based on the concept of the Four Amazons: forest, under pressure, deforested and urban (see page 27).

# Education provides a foundation for development



In the Amazon, illegal deforestation and mineral prospecting shape the life of the school community, at times as a threat, at other times as an alternative to access consumer goods and a means of subsistence for young people. Therefore, it is up to the State, educational policies and the school to be essentially committed to guaranteeing the right to quality education and the progression of studies. These guarantees should become alternatives to illegal and predatory activities, ranging from early childhood education to fundamental and secondary education. And they should involve the families and the communities.

The conservation of the Amazon is related to the real possibilities of quality of life for these populations. And education is valuable as a driver of economic and social development for the region and for Brazil. For this to happen, there are a number of issues to be overcome.

One of these is school infrastructure, mainly those located in indigenous lands, remaining *quilombola* communities, settlement areas and riverine communities. These schools suffer from inadequate or non-existent sewage systems, lack of electrical energy and broadband internet access, a lack of support structure for teaching sciences and technology and laboratories. They also lack infrastructure adapted to local characteristics, such as the use of floating schools for riverine populations whose lives are affected by the seasonal floods in the region.

The educational material also represents a problem. The 2021 School Census indicates that less than half of the indigenous schools (48%) use bilingual or indigenous language teaching materials, even though the majority (74%) teach in the native languages. According to the 2010 demographic census, there were 305 indigenous peoples in Brazil, who speak 274 different languages and have different cultures. The teaching materials need to balance what is set forth in the country's BNCC curriculum with the specificities of the culture in which the school is inserted (see the case on the Amazonian Itineraries on page 68).

It is also important to guarantee the specific training of teachers and the updating of the national curricular guidelines for indigenous education. For a school to be considered indigenous and to receive the corresponding Fundeb budget, it must have indigenous teachers in the teaching body. However, the offer of intercultural indigenous training for teachers in public and private universities is still extremely limited.

Strengthening the institutional capacities of the municipalities by reviving Brazilian federalism and balanced, systemic cooperation between federative bodies is also a means of offering better public education services and strengthening links with the forest peoples.

In the Amazon, it is necessary to conceive public policies based on the idea of communities. Many young people leave their territories to study in urban contexts and do not return, leaving a gap in the succession of forestry and agricultural activities.

Beyond basic education, the offer of all types of vocational education should be an investment priority for the public sector. Based on an extensive review of the literature and successful cases, the Amazônia 2030 study A Educação Profissional na Amazônia Legal (Education in the Legal Amazon: Professional Education Policies) indicates strategies for the adoption and strengthening of public, professional and technological education policies in the Amazon region. The main proposals are: (i) the creation of departments or institutional bodies responsible for the formulation, implementation and assessment of public policies in this field: (ii) the creation of centres and institutes that offer courses oriented to careers in technology or informatics, industry, services and entrepreneurship, as well as rural and forestry activities; (iii) the development of programmes and actions that support professional education; and (iv) the creation of funds with specific resources for financing professional education.

Other appropriate initiatives for the region would be the institution of a quota system in public universities for the residents of conservation units, which would diminish the exodus from school of this stratum of the population. Another strategy in this regard would be the adoption of School-Work Alternation, already used in basic education in accordance with the Ministry of Education resolution CNE/CEB no 1/2006. This method applies instruments that promote interaction between the school and the daily lives of the students living in rural, indigenous, quilombola, riverine and other communities.

## The case of the Amazonian Itineraries

We are experiencing a singular time of changes and are presented with a key opportunity. Since 2022, education networks and schools nation-wide have adopted the new secondary education curricula, developed by the state education departments in accordance with the BNCC curriculum definitions for secondary education, known as Novo Ensino Médio. In the curricula, in addition to the 1,800 hours of basic studies over the three years of secondary education, young people nationwide now have a choice of a set of additional educational itineraries (in-depth training in specific subjects, planning for the future and optional subjects), with a minimum duration of 1,200 hours.

The Amazonian Itineraries program is a partnership between the iungo and Reúna Institutes and the Amazon Concertation network. The proposal incorporates educational itineraries that use the Amazon as an element guiding learning into these recent transformations in secondary education. This involves considering the region's environmental, social, historical and cultural complexity, in addition to contributing to strengthening the region in the national educational debate. The construction of the entire content of the programme involves the effective

participation of education departments, teachers, specialists and young people from the Brazilian Legal Amazon.

For 2023, the Amazonian Itineraries program will promote measures in partnership with education networks for the ongoing training of secondary education teachers and school administrators in states of the Brazilian Legal Amazon. The material produced, which will be supplied free via the communication channels of Concertation and the partnering institutions, is aligned with the BNCC, the national secondary education curricular guidelines and other legal definitions related to this stage of basic education.

For this reason, the government transition period is strategic to enable the newly elected leaders and their future secretaries to prioritize the Amazon in the curricula of their education networks. It is fundamental that this should be done based on the appropriation and discussion of the implantation of the programme with the secretaries, the managers, the schools, and the students. It is also recommended that the education networks present a continuous training plan for the professional development of educators to take effect in the first 100 days of government.

## The programme objectives are:

## 01

To offer education networks curricular units that may be implemented fully or customized in the composition of the networks' educational itineraries.

## 02

To conceive and produce materials for the proposed educational itineraries, supporting the activities and the training of teachers, school administrators and educational network managers.

## 03

To support the education departments and educators in the implantation of the new secondary education programme and in the appropriation of the Amazonian Itineraries.

## 04

To provide secondary education students with learning opportunities to expand and broaden their knowledge, to conserve biodiversity and to respect and disseminate the sociocultural diversity.

## Internet access challenges



Especially in the Amazon, access to quality broadband internet would permit the expansion and scale up the offer of different modalities and stages of education for locations previously jeopardised by the long distances and lack of accessibility. This is a key first step to unlocking all the other policies and actions required in the region.

This importance became even more evident during the most acute phase of the Covid-19 pandemic, when students stopped attending school and classes migrated to remote education. Internet access was only the first challenge – some students did not even have equipment or devices for studying. At the other extreme, the schools and education networks were not ready to meet the urgent demand for adequate technology. Remote education also transferred the function of mediating education to the families, a task for which not all of them were prepared (TIC Educação, 2020).

The problem was even more critical in the North and Northeast regions, which have a larger number of rural municipal schools, with lower numbers of students (MegaEdu, 2022). According to the TIC Educação 2020 survey, there was internet access in 82% of the schools, with the highest proportions among the state (94%) and private (98%) schools. There were lower rates of access in schools located in the North region (51%), in rural areas (52%) and in small schools with up to 50 students (55%).

Furthermore, the challenge of connectivity is not limited to access, it also involves use, equipment, quality and supply. During the closure of schools due to the Covid-19 pandemic, only 34% of rural schools in the whole of Brazil adopted remote teaching. In the Northern region, where eight of the nine Brazilian Legal Amazon states are located, the number was even lower: 31%. In other words, the education of 7 out of each 10 students in rural schools was jeopardised or discontinued during the pandemic due to lack of internet access. The return to the classroom also presented challenges: schools and teachers were not prepared for hybrid teaching models, be it through digital illiteracy, be it through the lack of technological resources or internet with sufficient speed (TIC Educação, 2020).

These data are disturbing, but they could conceal an even worse reality: information and research into internet access by isolated populations, villages, quilombola, riverine and traditional communities in general are scarce. For this reason, providing the Amazon with broad, high-quality internet requires transformational emergency actions on the part of the public sector.



A series of initiatives to bring quality internet to the North region and the Brazilian Legal Amazon is being undertaken by the third sector and in public-private partnerships. Recently the decision was taken to dedicate at least 18% of the Fust telecommunication service universalisation fund (Fundo de Universalização dos Serviços de Telecomunicações) to public education establishments. On page XX of this document, we present a proposal made to the Fust Management Council aimed at prioritising the investment of resources from this fund in strategic regions of the Brazilian Legal Amazon, especially in education. This measure needs to be accompanied by coordinated policies to universalise electrical energy and expand fibre optic coverage; in addition to support for projects at regional and local level, the acquisition of technological resources, funding for internet plans for schools and digital literacy for teachers and administrators.

## Other sources and references

## Education in the Legal Amazon: Professional Education Policies Amazônia 2030

https://concertacao.com/5i2a

Based on successful local professional education initiatives implanted in states in the Brazilian Legal Amazon, the document proposes practical solutions for the main professional education problems in the region.

## National Policy Guidelines and Framework for and with Brazilian Youth Juventudes do Agora

https://concertacao.com/i0bs

The document presents sector proposals to consolidate a State policy for and with young people.

## Education Now 2022: contributions to establishing a systemic agenda for Brazilian basic education Todos pela Educação

https://concertacao.com/xcz2

The document presents a systemic agenda with 10 structural measures to increase the quality and reduce inequalities in the country's educational systems in the coming years.

## **Basic legislation applicable**

Law 9.394/96 – Lei de Diretrizes e Bases da Educação Nacional (National Education Guidelines and Bases Law).

Law 13.005/14 – National Education Plan (PNE), with duration of ten years (2014-2024).

Law 11.494/20 – this regulates the Basic Education Maintenance and Development and Education Professionals Development Fund - Fundeb

CNE/CP Resolution nº 2, 2017 – This institutes and guides the implantation of the BNCC common

national curricular base, to be applied throughout the stages and respective modalities of Basic Education.

Ruling nº 331, 2018 – this institutes the Support Program for the Implementation of the Common National Curricular Base (ProBNCC), establishing guidelines, parameters and criteria for its implantation.

**Decree 10.656/21** – This regulates Law no 14.113, December 25, 2020, which rules on the Basic Education Maintenance and Development and Education Professionals Development Fund

## **Specific legislation**

Law 10.639/03 – This alters the LDB (Education law), making the inclusion of the theme "Afro-Brazilian history and culture" obligatory in the official curriculum of the education network, among other provisions.

Law 11.645/08 – This alters the LDB (Education law), already modified by law no 10.639, January 9, 2003, making the inclusion of the theme "Afro-Brazilian and indigenous history and culture" obligatory in the official curriculum of the education network".

**CNE/CEB Resolution n.º 3/99** – Establishes national guidelines for the operation of indigenous schools, among other provisions.

CNE/CEB Resolution nº 1/04 – Institutes National Curricular Guidelines for education in ethnic-racial relations and the teaching of Afro-Brazilian and African history and culture.

**CNE/CEB Resolution nº 3/12** – Defines guidelines for schooling of itinerant populations.

CNE/CEB Resolution nº 8/12 – Defines national curricular guidelines for basic schooling in quilombola communities.

CNE/CEB Ruling no 1/06 – Establishes the class days for the application of Alternating Education in the respective CEFFA alternating education centres.

RELATED TOPICS:

Cities; Economics; Governance: Health Care: Infrastructure; Science, Technology and Innovation TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

resolution

concertação.com/rsIFU



## **PROPOSAL**

Prioritise the allocation of resources from the **Fund for Universalisation of Telecommunications** Services (FUST) to projects that serve traditional communities and smallholder farmers, in particular to public education and health care facilities.



## **ISSUE**

The connectivity challenge is not limited to access: it includes the use, quality, supply and availability of equipment as well as digital literacy. In the North region, the problem is even more acute than in the rest of the country: only 51% of schools have internet access; during the COVID-19 pandemic, only 31% of rural schools implemented some measure for remote teaching. These numbers, however, may be even more alarming: there is a lack of data on internet access regarding isolated populations, villages, and quilombola, riverine and traditional communities in general.



## **OBJECTIVES**

This Resolution proposes to the Management Board of the Fund for Universalisation of Telecommunications Services (FUST) that its resources be allocated primarily in projects that serve indigenous, quilombola and riverine populations, and smallholder farmers in the Brazilian Legal Amazon.

Priority should be given to initiatives that contemplate the expansion of connectivity in public schools. Access to funds needs to be accompanied by coordinated public policies – universalisation of electricity, expansion of fibre optics coverage, defrayal of internet expenses, among others. This resolution also contemplates health-related initiatives aiming to promote telehealth and telemedicine in the region, complying with the same conditionalities and assumptions.

## MAIN AXIS

- O Environment
- Social
- Economic

## SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- © Civil society
- Local communities

## **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



## **STEPS**

01 Approve Resolution with the Board.

Resolution 45 days

02 Define pilot

areas.

100 days

03 Formulate an incentives policy for internet providers and an internet defrayal policy for schools.

04

Expand fibre optics and alternative infrastructures.

05 Promote projects at the local and re-

gional levels.

VISION FOR THE FUTURE Universalise connectivity in the Amazon Region.



## APPLICABLE LEGISLATION

Law No. 9.998/2000 - Created the Fund for Universalisation of Telecommunications Services (FUST); article 5 item 2 provides that at least 18% of total FUST resources should be invested in education, specifically in public educational institutions.

**Law No. 13.005/2014** - Approved the National Education Plan (PNE), among other provisions.

Law No. 14.109/2020 - Amends Laws No. 9.472, of July 16, 1997, and No. 9.998, of August 17, 2000, providing for the purpose, allocation of resources, management and objectives of the Fund for Universalisation of Telecommunications Services (FUST).

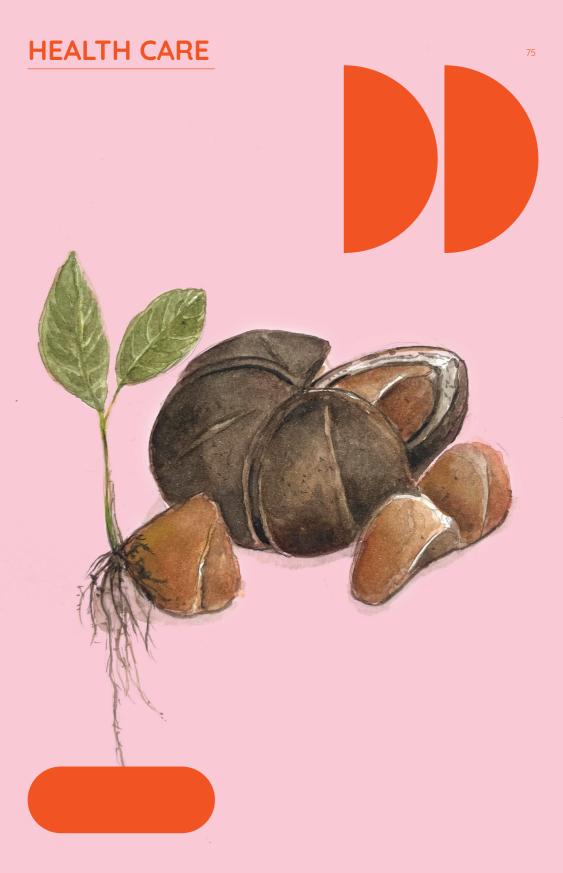


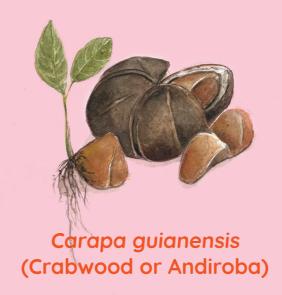
## **RELATED PROPOSALS**

## Survey on Connectivity in Public Schools MegaEdu

https://concertacao.com/gbw7

Ensure at least 1 megabyte of internet per student nationwide for classroom teaching, in order to create opportunities that could leverage traditional education.





The tree may reach heights of up to 30 meters, with a dense canopy and generally low roots. It is distributed throughout Central America and the north of South America. In Brazil, it occurs in all the Amazon basin, mainly in wetlands close to riverbeds, but also in well drained dry lands. It produces large seeds on a regular basis. However, the production of seedlings faces difficulties due to the intolerance of the seeds to desiccation and the cold. The thickness of the integument of the seeds may cause dormancy and prolong germination by up to six months. The seeds are very oleaginous and yield a yellowish oil known in the Amazon as "andiroba oil". This is widely used in traditional medicine for rubbing over inflamed tissue, muscle distensions, as well as for healing wounds, combating fever and rheumatism. It is also used as an external anti-inflammatory. Indigenous peoples mix the oil with urucum colouring for use as an insect repellent. In industry, it is used to manufacture soap for domestic use, toilet soap, shampoo, candles, insect repellent torches, as fuel for lamps, among other applications. In Pará, a group of women known as "andirobeiras" has made the harvesting and processing of andiroba the principal livelihood of the island of Combu.

## **Health Care**

## **KEY MESSAGES**

The quality of health care in the Brazilian Amazon has not kept up with improvements in other regions of the country.

Strengthening primary care is key to guaranteeing access to health care in remote areas.

Recognition of the socio-economic and cultural particularities of the territories and sub-regions is fundamental.



As in other areas, health care in the Amazon presents quality indicators below those observed in the other regions of the country. Moreover, it has very particular characteristics in different geographical, cultural and socio-economic contexts. Life expectancy, an indicator following an upward trend nationwide, is growing at a slower rate than in other regions. This is due to the mortality rate among the more elderly (as a result of diseases such as diabetes and circulatory problems), to mortality among young people and adults in consequence of high levels of violence and accidents, and the persistence of a high level of infant mortality (from infectious diseases). Among the indigenous population, the indicators are even more alarming: the infant mortality rate is up to 6.5 times higher than in the country as a whole (ROCHA et al, 2021).

Recognizing such circumstances underscores the certainty that the inequality in the region is the result of a series of deficiencies, ranging from basic sanitation and infrastructure, lack of qualified professionals, to governance.

There is a broad range of people in Amazonian spaces who are not always included in discussions for the diagnosis and solution of problems. In the health care area, there is an urgent need to throw more light on groups who remain invisible. These include LGBTQIAP+ youth, women and young black people from urban outskirts, underscoring the importance of including mental health in these discussions.

Difficulty in transportation over long distances and the costs involved, for example, do not permit control of chronic diseases, such as diabetes and high blood pressure. Even though the SUS public health care system is free, patients face costs with travel and staying in the city. For these reasons, telehealthcare and telemedicine, enabled by connectivity, represent a crucial factor in solutions, with rapid responses both in basic care and in specialities. Moreover, the challenges of the sector are aggravated by deforestation and violence, which also worsen health indicators. The dissemination of mineral prospecting in the region, for example, exposes the urgent need to develop new protocols for addressing cases of mercury contamination. Deforestation contributes to the increase of anaemia among children in traditional communities through the reduced availability of game meat (CARIGNANO et al, 2022).

Within this context, the capacity of the municipalities to address such problems is restricted, given that 89% of them have fewer than 100,000 inhabitants and receive lower funding compared with the rest of the country. In addition to having lower funding, contracting and purchasing materials is generally more expensive in the Amazon. In this respect, in the short term it is necessary to diversify sources of funding and review the expenditure ceiling to reverse the negative impact observed in the health care area (CASTRO et al, 2019).

The health care technicians, assistants, volunteers, nurses and agents who are on the front line are frequently heroic, running risks without receiving good administrative support. As such, political coordination among federative bodies is fundamental in order to strengthen local capabilities, planning, retention of human resources and financing, with governance adapted to the Amazonian territory. Financing should aim to induce articulation among municipalities, civil society, riverine communities and indigenous leaders. One of the objectives is to optimize investments in public services by means of cost sharing. Considering, for example, logistics using the region's waterways, the same boat that provides education, could also carry health care, security and sanitation solutions, reducing various redundant expenditures.

Furthermore, there is an interdependence between questions such as food security and nutrition and the conservation agenda. This is based on the concept of planetary health, according to which investments made in human health benefit the maintenance of the standing forest, and vice-versa. After all, the forest guardians need to have their health taken care of to continue to do their work.

The forest populations' knowledge of medicinal plants needs to be recognized. This knowledge could be formally incorporated into the curricula of courses in the health care area. This reinforces an important thrust in the Science, Technology & Innovation agenda, linked with genetic heritage and associated traditional knowledge. All the intersector coordination efforts demonstrate the importance of the governance mechanisms.

Lastly, it is also necessary to improve data quality, particularly in relation to indigenous health care. It is necessary to create analytical capacity between the federal and state governments, produce knowledge and ensure it is used in the field. And, accordingly, reach organizations capable of influencing municipal and state administration councils (Conasems and Conass). This effort could be backed up by civil society initiatives that support the continuous improvement of the SUS primary health care and mental health care services. The effective use of data and technology will help the public health care staff to identify risks to the health of the indigenous population, enabling the implementation of preventive actions and the resolution of problems.

The actions prioritized in this document take into account existing rules and add two normative proposals, which are: i) the review of a decree aimed at prioritizing the integration of the data available on indigenous health; and ii) the drafting of a decree that creates a Health in the Brazilian Legal Amazon Working Group (GTSAm in the Portuguese acronym). This working group should comprise representatives of the federal, state and municipal governments, civil society representatives, as well as specialists. Both legal enhancements are aimed at assessing and proposing measures that improve the effectiveness of public health care policies in the Brazilian Legal Amazon.

## **Priority fronts**

## 01

Review of the normative design of the SUS system which includes a model of governance and activities, in addition to suitable instruments to meet the specific needs of the Amazon.

## 02

Design of strategies to supply and fix health care professionals in the Amazon region.

## 03

Organization and treatment of health care data on the population living in the region, aimed at generating greater access to information on the Brazilian Legal Amazon.

## 04

Implantation of actions focused on telemedicine.

## Other sources and references

## Amazônia 2030

Health in the Legal Amazon – recent developments and challenges in a comparative perspective.

Available at: https://concertacao.com/0yfg

Health in the Legal Amazon: qualitative analysis on challenges and good practices.

Available at: https://concertacao.com/73y2

Health in the Legal Amazon: an agenda for action.

Available at: https://concertacao.com/gsoh

In three studies the Amazônia 2030 Project assessed the recent evolution and the current state of health of the population in the Brazilian Legal Amazon. It also analyzed the health care network, the availability of resources and health care professionals, physical infrastructure and the offer of services, financing and regional governance. Additionally, it identified the perception of key stakeholders about the sector's main challenges in the region, as well as possible solutions and good practices. Lastly, it drafted a map of recommendations on four fronts: i) governance; ii) finance; iii) management, planning and information; and iv) infrastructure, inputs and human resources. This map also distinguished actions by different bodies at three levels: macro (federal government and states), meso (interfederative institutions) and micro (municipalities, local managers and civil society).

RELATED TOPICS:

Cities; Food Security and Nutrition; Governance; Infrastructure TYPE OF DOCUMENT:

O provisional presidential decree
O legislative decree

executive order

O resolution

concertacao.com/eXo11



## **PROPOSAL**

Create a Working Group focused on health in the Brazilian Legal Amazon.



### **ISSUE**

The challenges of governance and coordination added to a poor local administrative capacity are some of the variables that negatively affect the implementation of assertive public health policies in the Amazon. The current Unified Healthcare System (SUS) normative framework lacks a cautious view. Specialists and public players must understand the complexities that exist in the region and the demands of the populations that reside there.



## **OBJECTIVES**

This plan proposes setting up a Working Group for Health Care in the Brazilian Legal Amazon (GTSAm). The group's main objective would be to evaluate and propose measures adapted to the particularities and ways of life of Amazonian peoples and communities. It should also address the challenges related to access and logistics in remote areas. The group will include representatives of the Federal and local governments, civil society, and specialists from public and private entities.

In the first 100 days, GTSAm should prioritise the proposition of public policies regarding: (i) access to telehealth and telemedicine; (ii) attracting and retaining health care professionals; and (iii) shared use of goods, services, infrastructure and public facilities between municipalities and their states.

## MAIN AXIS

- O Environment
- Social
- Conomic

## SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

## **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



## **ETAPAS**

O1 Form the Working Group for Health Care in the Brazilian Legal Amazon (GTSAm). O2 Convene members of the bodies and entities provided for in the legislation. **03** Submit work plan. **04**Agree on concrete actions and regulatory adjustments.

**05**Reassess
SUS' mode of operation.

VISION FOR THE FUTURE Review the SUS regulatory framework in order to address the particularities of traditional populations.

Executive Order

100 days



## APPLICABLE LEGISLATION

Head provision of Article 196 of the Brazilian Federal Constitution of 1988 - Health is a right of all and a duty of the State and shall be guaranteed by means of social and economic policies aimed at reducing the risk of illness and other hazards and at the universal and equal access to actions and services for its promotion, protection and recovery.

Law No. 8.080/1990 - Regulates the conditions for the promotion, protection and recovery of health, as well as the organisation and functioning of corresponding services.

Ordinance 2.488/2011 - Approved the National Primary Care Policy, reviewing guidelines and standards for the organisation of Primary Care, for Family Health Strategy (ESF) and for the Community Health Agents Programme (PACS)

**Decree No. 7.508/2011** – Regulates SUS, planning, health care and inter-federative policy articulation.



## **BILLS OF INTEREST**

**Bill No. 4.223/2021** - Provides for telehealth initiatives and services.

**Bill No. 1.998/2020** - Amends Law No. 8080, of September 19, 1990, to authorise and regulate the practice of telehealth throughout the country; and revokes Law No. 13,989 of April 15, 2020.



## **RELATED PROPOSALS**

## National Policy Guidelines and Framework for and with Brazilian Youth

Juventudes do Agora

https://concertacao.com/i0bs

Ensure access to specialised psychological counselling and support services for young people, especially women, through the public health care system or in schools.

Provide training and capacity-building to health care professionals and multiplier agents from a human rights perspective.

Governing in order not to hand over: a Multidimensional Security agenda for the Brazilian Amazon Instituto Igarapé e Fórum Brasileiro de Segurança Pública

https://concertacao.com/r78k

Train teachers, health agents and social workers in conflict mediation methodologies, in early detection of mental illness, and in recognising signs of alcohol or drug abuse.

## A pressing agenda: public policies for a democratic Brazil with justice, prosperity and hope Derrubando Muros

https://concertacao.com/37z4

Create regional centres of excellence, to prioritise medium- to high-complexity procedures, and improve the process of referrals and treatment continuity.

Strengthen tripartite funding, with 50% coming from the federal budget and the remaining 50% shared between states and municipalities.

Establish a national career for family physicians and nurses, in order to guarantee permanent service providing to the poorest regions and to indigenous and hard-to-reach areas in the country.

RELATED TOPICS:

Governance; Science, **Technology and Information**  TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

executive order



## **PROPOSAL**

Integrate data from the Health Information System for Indigenous Peoples (SIASI) to the Health Information System for Primary Care (SISAB) and to other Unified Healthcare System (SUS) information systems at a national level.



## **ISSUE**

The subsystems that comprise SUS allow states and municipalities to manage their health-related policies, automate processes and improve their infrastructure. And, in the case of SISAB, SUS also gives them access to the financial resources of the National Primary Care Policy. The lack of integration, of broad access to and of reliability of data on indigenous health hamper subnational governments' ability to ensure comprehensive care and one that respects the traditions and singularities of these peoples.



## **OBJECTIVES**

This plan proposes a draft Executive Order that provides for: (i) the full integration of the Health Information System for Indigenous Peoples (SIASI) with the Health Information System for Primary Care (SISAB), as a matter of priority; and (ii) the presentation of a plan to enable integration with other SUS information subsystems at a national level. Such a measure requires a robust and innovative information and knowledge base that could support SUS agents and practitioners in identifying health-related demands of the indigenous population and making evidence-based decisions. The integration among these databases must include training of professionals who work at the front end so that they have analytical capacity and that they are qualified for collection and registration of information.

## **MAIN AXIS**

- Environment
- Social
- Economic

## SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- O Civil society
- Local communities

## **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



## **STEPS**

## 01

Survey and data analysis, Information and Communication **Technologies** (ICT) infrastructure mapping and consolidation of descriptors.

## 02

Train field-level managers and agents on how to collect and fill in data.

50 days

Proposed

**Executive Order** 

## 03

Public disclosure of SIASI data.

## 04

DATASUS integration plan at a national level and expansion of ICT infrastructure.

## 05

First data collection with a unified survey that is integrated with DATASUS.

## VISION FOR THE FUTURE

Inclusion of the indigenous population at all levels of health care.

100 days



## APPLICABLE LEGISLATION

Brazilian Federal Constitution of 1988, article 196, head provision – Health is a right of all and a duty of the State and shall be guaranteed by means of social and economic policies aimed at reducing the risk of illness and other hazards and at the universal and equal access to actions and services for its promotion, protection and recovery.

Law No. 9.836/1999 - Provides for health promotion, protection and recovery among the indigenous population, organisation and operation of related services, and other measures, creating the Health Information System for Indigenous Peoples (SIASI) as part of the Sub-System for Indigenous Peoples' Health Care.

Law No. 13.844/2019 - Established the basic organisation of the bodies of the Presidency and of its ministries, including the Ministry of Health.

**Decree No. 3.156/1999** - Sets forth the provision of health care to indigenous peoples within the scope of the Unified Healthcare System (SUS).

 $\label{eq:Decree} \textbf{No. 7.508/2011} \ - \ \text{Provides for integrative articulation within the scope of SUS.}$ 

**PDTI 2022/2024** – Ministry of Health's Information and Communications Technology Master Plan



## **BILLS OF INTEREST**

**Bill No. 3.814/2020** – Amends Law No. 8.080/1990 ('Organic Health Law'), and Law No. 13.787/2018, prescribing that the Unified Healthcare System should keep a single digital platform with patient health information.

**Bill No. 3.514/2019** – Regulates the profession of Indigenous Health Agent (AIS) and Indigenous Sanitation Agent (AISan).



## **RELATED PROPOSALS**

## Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Outline a management plan for the main databases maintained by the Federal Government, improving the performance of those systems and including full disclosure of information.

## A pressing agenda: public policies for a democratic Brazil with justice, prosperity and hope Derrubando Muros

https://concertacao.com/37z4

Adopt technological solutions and data infrastructure in order to devise preventive care that is tailored to the specific needs of each demographic group in the country.

## FOOD SECURITY AND NUTRITION





## Euterpe oleracea (Assai palm)

A native of the Brazilian Amazon, the main natural dispersion centre of this palm tree is the state of Pará. Spontaneous populations are also found in the states of Amapá, Maranhão, Mato Grosso and Tocantins, as well as in other South American countries (Venezuela, Colombia, Ecuador, Surinam and Guyana) and in Central America (Panama). However, it is in the region of the estuary of the Amazon river that the largest and densest natural populations of this palm tree are to be found, adapted to the high temperatures, rainfall levels and relative air humidity. Dark in colour, ranging from purple to black, the round fruit occurs in bunches and is encountered mostly in locations with more humid soil and an abundance of water. The leaves, roots, heart of palm and the trunk of the açai palm are all of use to humans, in addition to the fruit. Since the açai is cultivated mainly by riverine communities, the leaves and the trunks of the palm are used for diverse purposes, ranging from house building to the production of objects such as bags, hats and dyes, thus making an important contribution to local subsistence activities. But, due to the abundance of its fruit, the major application is the production of açai wine, a traditional Amazonian beverage consumed daily by the population in the region. This energy drink is now popular nationwide and abroad. Its nutritional value is unquestionable, given that it is rich in lipids. The pulp of the fruit may be used to make creams, ice cream, liqueurs, jams and porridge; it also has medical applications given its antidiarrheal properties. Researchers attest to the importance of açai for the Amazonian population. Açai production generates cultural, social and economic links that characterize and identify the riverine communities. Thus, açai represents an important element of territorial empowerment and territoriality.

# Food security and nutrition

## **KEY MESSAGES**

The Amazon has an important role in fighting hunger and promoting healthy and sustainable food systems in Brazil.

The debate on the human right to an adequate diet should go hand in hand with the debate on climate change, the right to land and to public healthcare.

The construction of climate resilience in the Amazon is subject to the guarantee of access to credit, the market and technology for family-based, agro-ecological and low carbon agriculture.

The future government should resume and immediately review public purchasing policies so that they prioritise small and traditional farmers.

There are many Amazons, but hunger is a common problem to all of them. There is no doubt that this issue is a global one: food insecurity has grown worldwide and has been aggravated by the Covid-19 pandemic.

The most recent report from the Rede PENSSAN, the Brazilian Research Network on Food and Nutritional Sovereignty and Security, shows that in 2021, of the 33 million people subject to moderate or severe food insecurity, 18.6% lived in households in rural areas and 26% in the Northern region, which encompasses eight of the nine states in the Brazilian Legal Amazon (REDE PENSSAN, 2022). The human right to adequate food is not just a question of health. It is deeply connected with the climate and the environment, with many causes and solutions in common

## Two key concepts

Source: based on FAO definition (1996, 2009)

## Food security

Exists when all people, at all times, have physical, social and economic access to sufficient, safe and nutritious food which meets their dietary needs and food preferences for an active and healthy life. Household food security is the application of this concept to the family level, with individuals within households as the focus of concern.

## Food insecurity

Exists when people do not have adequate physical, social or economic access to food as defined above.

## From global to local



The most recent study by the United Nations Food and Agriculture Organisation (FAO, 2022) on global Food Security and Nutrition estimates that in 2021 30.4% of the world's population (2.4 billion people) faced food insecurity at moderate or severe levels - an increase of 320 million people compared with 2019. Approximately 40% of these people, 928 million, faced food insecurity at severe levels.

In Brazil, regional disparities in income and access to public healthcare, education, sanitation and other services are reflected in the lack of a guarantee of the human right to an adequate diet. Today 30.1% of Brazilian households face quantitative restrictions to food and 15.5% of families face severe food insecurity. In terms of the population, this means that 125.2 million people live in households subject to food insecurity and more

than 33 million go hungry. As a result of this, combating hunger in Brazil will require public policies that are able to address the multiple causal factors of this challenge (see the table "Paths for the construction of a new Food Security and Nutrition geography for Brazil" on page 93). In the Amazon region in particular, the debate on access to a healthy diet and food systems should go hand in hand with the debate on climate change, the right to land and to public healthcare.

Based on this idea, this section seeks to discuss a minimum agenda of measures and public policies to be prioritised by the new governments to address the dietary challenges in the Amazon. The actions set forth ahead are based on the iterations that involved the construction of this document and the studies referred to at the end of this section.

## A multi-pronged approach

The exportation of agricultural commodities is based on a model that currently contributes excessively to environmental degradation. It is a formula based on modern industrial agriculture approaches that promote deforestation and are highly dependent on inputs of fossil origin. Maintaining this model represents recklessness that will provoke environmental, social, economic and geopolitical consequences, and requires a multi-pronged approach from decision makers. Accordingly, governments must act as follows:

- Implement, re-establish and enforce existing legal, political and institutional rules and regulations for the destination, regularization and sustainable use of land, the conservation of biodiversity and combating deforestation. The existing standards in Brazil include CAR, PPCDam, PPCerrado and the Fundo Amazônia.
- Guarantee that financial and non-financial policies and regulations are fully aligned to support healthy and sustainable dietary standards.
- Promote research and the development of technologies to produce alternative lower impact proteins, favouring family smallholders, cooperatives, start-ups and research institutions.
- Adopt the concepts of climatically intelligent agriculture, sustainable intensification and science-based solutions in public

policies. Incorporate these concepts into school and higher education curricula and the education of agricultural producers and rural credit concession agents (NATURE FINANCE, 2022).

Promoting healthier choices and practices is also a means of encouraging more sustainable demand side agri-food and energy systems. The pursuit of solutions to combat hunger should always take into account the effect of poor nutrition (including malnutrition, nutritional deficiencies and obesity) on the public healthcare system. Brazil has its SUS public healthcare system as a strategic partner to achieve the human right to a healthy, adequate diet. The opportunity to rethink the SUS system starting with the Amazon, represented in the establishment of the Brazilian Legal Amazon healthcare working group (GTSAm) [see proposal on page 81), would permit the government:

- to strengthen national food and nutrition policy by integrating it with other healthcare policies at all levels of care, taking into account special dietary needs and the ethnic and cultural specificities of the peoples inhabiting the region.
- to ensure research and epidemiological studies among Amazonian peoples with a view to the formulation of policies that take into account the specific nutritional deficiencies and diseases affecting these populations.

## Strengthening the resilience of smallholder farmers

The adoption of these policies should not exclude anybody. Building climate resilience in Brazil necessarily means strengthening the low carbon economy. Policies related to access to credit, market and technology should be preceded by the resumption and the immediate review of public purchasing policies, with the appropriate budget adjustments to compensate for losses from inflation.

 To relax the criteria imposed by the country's Pronaf National Family Agriculture and Family Rural Business programme and increase the programme's budget.

Such measures would protect a larger contingent of agricultural producers – impoverished by the more restricted access to the programme benefits from 2017 – and result in the reinforcement of fresh food production.

 Immediately resume the original design of the PAA Food Acquisition programme, simplifying registration procedures and the criteria for the commercialisation of family agriculture-based produce.

The programme was modified by the Provisional Measure 1.061/21, converted into Law 14.284/21, which established the Auxílio Brasil income transfer programme. Originally, the programme operated on two fronts. One was the purchase of produce from family agricul-

tural producers. The other was the distribution of part of the produce to the population most under threat from food and nutrition insecurity. For this reason, the PAA food acquisition programme is one of the most important public policies in the food and nutrition health agenda, because it uses the government's purchasing power to foster family agriculture and to promote dietary habits based on the rich regional diversity of foods.

Prioritise traditional communities (indigenous, quilombola and others) in the PNAE national school meals programme, facilitating access to regular documentation, to credit and to differentiated agricultural technical assistance.

Despite the legal determinations, these populations are not widely covered by the public food purchase programmes. This is because the control bodies are unfamiliar with the specificities of traditional food production methods. It is also due to the inadequacy of sanitary legislation as it relates to this population.

As a complement to the measures above, the following are suggested:

 Review national legislation regulating the sanitary aspects of production and consumption by indigenous, quilombola and riverine agricultural producers. A reference is the Catrapovos Brasil project, an initiative by the Federal Public Prosecution Department's Indigenous Populations and Traditional Communities Chamber, currently in operation via technical ruling. The project is aimed at facilitating public purchases of foods produced by traditional communities by relaxing sanitary rules when the produce is for consumption by the communities themselves

In the Brazilian Amazon, the infrastructure and logistics solutions are oriented to the large-scale transportation of commodities, rather than community integration. This reality hinders and impacts local supply and is reflected in the question of food sovereignty and security. Consequently, it is necessary to ensure the implantation of infrastructure that enables the development and transportation of family and agro-ecological-based production.

On pages 95 and 97 we present two specific measures – at the same time symbolic and effective – to combat hunger in the Amazon and in Brazil: the resumption of strategic participation spaces, particularly for the vulnerable and under-represented groups in Brazilian society. In these groups, the human right to an adequate diet is violated systematically. These are:

- The restructuring of the National Council for Food Security and Nutrition (CONSEA), the main civil society channel for dialogue related to public policies on Food Security and Nutrition at federal level, with a view to formulating a coordinated government agenda to promote the right to a healthy diet.
- The re-establishment of collegiate advisory bodies directly supporting the president in the federal public administration.

## Other sources and references

Notebooks on learnings from the 1st Amazon Lab Instituto Comida do Amanhã

https://concertacao.com/oam5

Geographies of Hunger 75 years later: new and old dilemmas Cátedra Josué de Castro

https://concertacao.com/qggd

The Brazilian agri-food system: six recommendations for transforming a major global challenge into an opportunity for the country Nature Finance

https://concertacao.com/gh2n

## Paths toward the construction of a new food and nutritional security geography for Brazil

## Patrícia Constante Jaime<sup>1</sup>

In his work "Geografia da Fome", Josué de Castro understood hunger to be a political question, encompassing economic and social aspects. Today, despite the efforts that removed Brazil from the hunger map in 2014, this taint once again affects thousands of Brazilians.

As a result of the political-economic crisis, the Covid-19 pandemic and reversals in public policies, especially by the federal government, the food insecurity situation is aggravated, laying bare the social inequality in the country. A recent study<sup>2</sup> shows that 15.9% of the Brazilian population is suffering from hunger in 2022. In parallel, there is an increase in obesity and the number of people overweight, reinforcing the growing change in eating habits. Despite the predominance of real food, there is an enormous advance in the consumption of ultra-processed foods, which are widely associated with non-communicable chronic diseases (NCD).

Considering these two situations, the USP Josué de Castro Chair of Healthy and Sustainable Food Systems organized the "Seminário Geografia da Fome – 75 anos depois: novos e velhos dilemas" in 2021. After this, it organized a consultation process to study the future of public policies, identifying the main scientific evidence available. This commentary presents the main policies on health and the environment discussed, starting with the question: How to build a new food and nutritional security geography for Brazil?

The healthcare area remains important to address the reality presented. With the strengthening of the SUS public healthcare system, there were advances in policies that orientate

dietary determinants and guarantee the human right to health and food, as is the case of Brazil's National Food and Nutrition Policy (PNAN in the Portuguese acronym).

The publication of dietary guides, such as the Dietary Guide for the Brazilian Population and the Dietary Guide for Children Under 2 years of age, are also examples of materials that provide guidance on an adequate diet. These guides, in addition to encouraging the consumption of in natura and minimally processed foods, warn about the role of ultra-processed foods in the development of NCDs. They also show the strategies used by the food industry to encourage the consumption of these products. It should be noted that the NOVA classification, used to divide foods into four categories (in natura/minimally processed, culinary ingredients, processed and ultra-processed foods), is a reference for building healthy eating habits and preserving the Brazilian food culture.

The food industry resorts to a discourse that places responsibility for healthy choices on the consumer. However, it ignores commercial and marketing strategies that shape the food environment and influence public policies due to the industry's major influence over regulatory processes. Accordingly, the regulation and taxation of ultra-processed food products are also necessary. To combat malnutrition, it is necessary to restrict the advertising of non-healthy foods aimed at children and adolescents and to ensure these products are not used in schools. Frontal labelling, with warninas about excess sugar, sodium, saturated fat. is also a way of facilitating the interpretation of labels by the public.

Another way of encouraging healthy choices is the promotion, protection and support for breastfeeding and complementary feeding. The reinforcement of breastfeeding ranges from the constitutional rights of the breastfeed infant, through the Brazilian Standard of Commercialization of Foods for Infants, to the Brazilian Breastfeeding and Feeding Strategy, aimed at training healthcare professionals in breastfeeding and infant diets in the different contexts and territories of the SUS public healthcare system.

Policies related to food and nutrition are inserted in a broader context of food systems and are, therefore, related to food production. The current situation is unsustainable and is responsible for exacerbating the climate crisis. The degradation of the environment leads to social and climate changes, which especially affect vulnerable populations, such as indigenous peoples, quilombola and traditional communities and family smallholders.

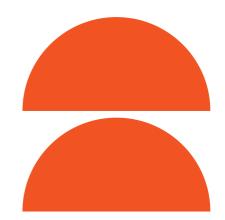
In view of the current food production model and the relaxation of environmental policies, it is necessary to think about initiatives that strengthen the entire food system. One of these measures is the transition from the current food production model to an agro-ecological model. This new model should also facilitate access to healthy foods and the development of a production chain that protects the environment.

Another point that should be emphasized is that food chains, such as the beef chain, should continuously pursue the goal of reducing their environmental impact, in particular greenhouse gas emissions. Accordingly, mitigation targets should be established for the sector, in addition to instruments that encourage the achievement of these targets.

The use of crop defence products causes damage to the environment and to health. Due to deficient regulations, many crop defence

products prohibited in other countries are permitted in Brazil. In addition to the government, large corporations and agribusiness are responsible for this area and should support public policies that protect the environment, agricultural workers and consumers.

In view of these factors, it may be said that the global syndemic, the term given to the set of pandemics of undernutrition, obesity and climate change, is extremely complex. The possible paths for combating it include the reinforcement of public health promotion policies, reaffirming the principles of the SUS public healthcare system. As would the regulation of areas such as the commercial influence of the food industry and agribusiness.



RELATED TOPICS:

Climate Change; Economics Education; Governance Health Care TYPE OF DOCUMENT:

D bill

provisional presidential decree

O legislative decree

O executive order O resolution concertacao.com/ppd51



## **PROPOSAL**

Reinstate the National Council for Food Security and Nutrition (CONSEA) within the scope of the government bodies under the President's office and its Ministries.



### ISSUE

Data from the Rede PENSSAN show that in 2021, of the 33 million people in a situation of moderate or severe food insecurity in Brazil, 18.6% were from households located in rural areas and 26% lived in the North region. Since these data reflect regional inequalities in terms of income and of access to public services in health care, education, sanitation, and many others, it is among indigenous populations including those not living in villages -, quilombola and other traditional peoples and communities that hunger becomes more critical.



## **OBJECTIVES**

institutional capacities of the National Council for Food Security and Nutrition (CONSEA), the main channel for dialogue between civil society and the Federal Government on the formulation of policies and guidelines for the human right to adequate food. Strengthening CONSEA, starting with its reintegration into the basic organisation of the bodies under the President's office and its ministries, must be followed by an immediate review and resumption of government procurement policies. These policies – such as the National Programme for Strengthening Family Farming (PRONAF), the Food Procurement Programme (PAA) and the National School Nourishment Programme (PNAE) – should prioritise family-based farmers, indigenous peoples, and quilombola and other traditional peoples and communities. It is also important to adjust the budget in order to offset the costs of inflation.

This Provisional Presidential Decree provides for reinstating the

## MAIN AXIS

- Environment
- Social
- Economic

## SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

## **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



## **STEPS**

01 Reinstate CONSEA in the agencies under the President's office and its ministries.

Provisional Presidential Decree 02

Appoint and integrate representatives of ministries.

03

Resume and review government procurement policies for the Brazilian Legal Amazon. 04

Strengthen indigenous, quilombola and other traditional communities' councils.

05

Monitor and validate the elaboration of the new National Plan for Food Security and Nutrition. VISION FOR THE FUTURE

Ensure food security and nutrition for the Amazonian peoples.

30 days

100 days



## APPLICABLE LEGISLATION

**Brazilian Federal Constitution of 1988**, article 6 – Provides that food is a basic social right.

Law No. 11.326/2006 – Lays down guidelines for the formulation of the National Policy on Family Farming and Rural Family Enterprises.

Law No. 11.346/2006 - Created the Food Security and Nutrition System (SISAN).

**Decree No. 6.272/2007** - Provides for the powers, composition and operations of National Council for Food Security and Nutrition (CONSEA).

**Decree No. 7.272/2010** - Established the National Policy on Food Security and Nutrition (PNSAN) and set the parameters for preparing a National Food Security Plan.

**Law No. 14.284/2021** - Established the Auxílio Brasil cash transfer programme and the Alimenta Brasil food procurement programme.



## **BILLS OF INTEREST**

Bill No. 2.413/2022 - Creates the National Programme for Sustainable Agriculture, among other measures; appended to Bill No. 348/2021, which creates a special line of credit for investments by small and medium-sized rural producers, with resources from constitutional financing funds and from the federal budget.



## **RELATED PROPOSALS**

## Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Reinstate the Food Procurement Programme (PAA), revoked by Law No. 14.284/2021, and make resources available for its implementation; improve programme implementation mechanisms, increasing the participation of women and reviewing the issuance of the Declaration of Aptitude to PRONAF, thus ensuring the participation of indigenous peoples and traditional communities.

Improve the enactments prepared by the Ministry of Agriculture regarding rural associations and cooperatives, strengthening organisations whose rural production is organic and based on the exploitation of sociobiodiversity products.

## Letter from Alter Fórum Amazônia Sustentável

https://concertacao.com/tsp5

Combat food insecurity in the Amazon based on land allocation and sustainable production inclusion, with mechanisms that facilitate the integration between production and consumption and between rural and urban areas.

## Candidate, what do you have in your plate? Aliança pela Alimentação Adequada e Saudável

https://concertacao.com/cvp0

Resume the implementation of the National Food Security and Nutrition System (SISAN) and of the activities of the Interministerial Chamber for Food Security and Nutrition (CAISAN); convene the 6th National Conference on Food Security and Nutrition, with the purpose of laying down the guidelines of the 3rd National Plan for Food Security and Nutrition (PLANSAN). The same is required for the implementation of the Interministerial Chamber for Food Security and Nutrition (CAISAN).

RELATED TOPICS:

Climate Change; Economics Education; Governance; **Health Care** 

TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

executive order



## **PROPOSAL**

Restore spaces of social participation and control within the scope of the Federal Government for monitoring and evaluating food security and nutrition policies.



Due to their intersectoral, interdisciplinary and plural nature, public food- and health-related policies geared to indigenous peoples, including those not living in villages, guilombola and other traditional peoples and communities should not advance without guaranteed participation and representation of these segments and population groups in decision-making forums.



## **OBJECTIVES**

Although symbolic, and with no intention of automatically re-establishing the various joint agencies extinguished by Decree No. 9.759/2019, the change proposed in this plan seeks to underline the importance of creating institutions and mechanisms for monitoring and for social participation and control, with public support and funding.

The Amazon region needs conditions and instruments that contemplate regional, ethnic and cultural specificities, thus contributing to the formulation of public policy, legislation, regulation and goals properly adapted to the context and the ways of life and production of these populations. In the scopes of food and health, this would result, for example, in access to public funds and credit, as well as in adapted care at all levels of health services. It is also an opportunity for local stakeholders to be present in the decision-making regarding environmental policies and infrastructure projects.

## MAIN AXIS

- Environment
- Social
- Economic

## SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

## **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



01 Reinstate joint agencies and participatory spaces.

02 Prioritise the reinstatement of joint agencies that address food security and sovereignty, health and land use management

60 days

0.3 Define a work plan for public notice and active recruit-

100 days

ment.

04

Encourage, qualify and guarantee the participation of traditional communities and vulnerable aroups in the Brazilian Legal Amazon.

05

Promote local, state and national conferences and talks.

VISION FOR THE FUTURE Ensure food security and nutrition for the Amazonian peoples.

**Executive** Order



## APPLICABLE LEGISLATION

**Brazilian Federal Constitution of 1988**, article 6 – Establishes the right to food as a basic right.

Law No. 11.326/2006 – Lays down guidelines for the formulation of the National Policy on Family Farming and Rural Family Enterprises.

**Law No. 11.346/2006** - Created the Food and Nutrition Security System (SISAN).

**Decree No. 7.272/2010** - Established the National Policy on Food Security and Nutrition (PNSAN) and set the parameters for preparing a National Food Security Plan.

**Law No. 14.284/2021** - Established the Auxílio Brasil cash transfer programme and the Alimenta Brasil food procurement programme.

**Decree No. 10.688/2021** - Created the National Registry for Family Security.



## **RELATED PROPOSALS**

## Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Re-establish and strengthen pivotal joint agencies, such as the National Council for the Sustainable Development of Traditional Peoples and Communities and the National Council for Indigenous Policy, extinguished by Decree No. 9.759/2019; expand the participation of civil society in the process of managing protected areas.

## Letter from Alter

## Fórum Amazônia Sustentável

https://concertacao.com/tsp5

Encourage and strengthen active participation of traditional peoples and communities in management boards and other political decision-making spaces; rebalance the responsibilities of government bodies and social bodies and stakeholders; implement a participatory land use planning process for the allocation of public lands.

A ten-point plan for decarbonising Brazil: recommendations for the Federal Government 2023-2026 Clima e Desenvolvimento e Instituto Talanoa https://concertacao.com/8s2p

Ensure citizen participation in Nationally Determined Contribution (NDC) updates; ensure transparent climate governance with a widely representative participatory design.

## **ECONOMY**









## Hevea brasiliensis (Rubber tree or Seringueira)

This is one of the most famous trees in the Amazon region. The rubber tree has compound trifoliate leaves, with small flowers that occur in broad panicles. Its wood is white and light, and its latex is used to manufacture rubber. The rubber tree seeds produce a siccative oil widely used in the paint and varnish industry. It normally occurs on riverbanks and in inundated regions of humid tropical forests. Natural rubber is considered to be a strategic product worldwide, as well as in Brazilian agribusiness. Although it supplies only one third of the country's demand, rubber is essential for the manufacture of a wide range of products in the automotive, hospital, footwear (soles, slippers and boots), toy and decoration sectors, among others. Historically, in Brazil the geographical distribution of the rubber trees has been in the Hileia region, covering the states of Amazonas, Acre, Amapá; part of Maranhão and the north of the states of Mato Grosso and Rondônia. The exploitation of the rubber tree in the Amazon valley was responsible for the economic cycle which, from the mid-19th century, promoted the profound modification of the urban structure of the two main state capitals in the region, Belém and Manaus. The rubber cycle provided a major impulse for scientific studies and was the basis for the period known as the Amazonian Belle Époque.

## Economy

## **KEY MESSAGES**

Many short-term solutions are in the field of what not to do, or what to prevent, such as illegal mining and speculative livestock production.

Investing in markets of products with qualities intrinsic to tropical regions is a strategic and realistic course to reap immediate benefits.

The Amazon needs capital in the broadest sense of the word. Technical assistance should come at the very beginning, in order to build a firm base for the attraction of patient, green impact capital.

It is necessary to review the existing incentive structures and enhance their governance. At the same time, it is necessary to focus efforts on developing a conservation economy.

The bioeconomy is not a silver bullet, but it should be contemplated in all its possible forms in order to establish a set of integrated actions for the diverse Amazônias.

The cities should be seen as vectors of creativity and change, projecting the culture to a new level.

The Amazonian economy is characterized by a paradoxical situation. Although a vision of scarcity - in credit, infrastructure and qualified manpower, among other factors - predominates, the region has an inestimable human wealth. There is an abundance of people of working age, unemployed or underemployed, of forest areas and of cultures, as well as underutilized open areas. Of the 70 million hectares of pastureland, 25 million hectares are degraded areas. The term "scarcity", therefore, does not capture the reality. Some of the problems are associated with waste and lack of coordination making the hinterland contribute to the city and city to the hinterland.

This paradoxical situation also reflects great inequality, in other words, the concentration of resources constitutes another obstacle. The census data from 1985 until today show that land ownership inequality in the Amazon is identical to the rest of the country, eliminating the thesis that the expansion of the frontier would contribute towards reducing inequality.

Behind the difficulties faced is the servile vision Brazil has of the Amazon, making it economically dependent on the rest of the country. With the significant exception of the Manaus Free Trade Zone (ZFM), the Amazon is an exporter of primary goods and a consumer of more complex goods and services, and this dynamic deepens intraregional inequalities (WRI BRASIL, IN PRESS).

In pursuit of medium to long-term solutions, firstly it is necessary to understand whether the Amazon is or is not self-sufficient from an economic perspective. The region receives significant amounts from the state and municipal participation funds (FPE and FPM) and the free trade zone, and this explains the higher rate of formal employment in the urban areas. Also, the income generated by conventional activities, such as mining, livestock breeding and agriculture cannot be ignored. However, this situation needs to incorporate elements that have been gaining ground in the national debate, such as payments for environmental services (PES). The consideration of negative externalities - such as taxing pollutants - also has the potential to influence this equation.

Based on this, the way the current conventional activities are implemented should be reviewed. as should existing incentive structures in order to enhance governance and drive sustainable economic growth. In general, public and private investments should strengthen the local economy, with emphasis on the generation and permanence of wealth in the territory (WRI BRAS-IL, IN PRESS). The Amazon needs capital in the broadest sense of the word, with the greatest possible mobilization of patient capital in the short-term, bringing in technical assistance as a means of building firm bases. Social capital should come next, and investors and donors need to be willing to make mistakes, to lose money, and to do this publicly in order to share learnings with society.

Moreover, a trend towards homogenization persists in the region. Even in the attempt to comprehend the diverse sociocultural aspects, false collectives are created, such as "traditional peoples". Despite the efforts aimed at recognizing the Amazon's wealth of diversity, thinking ultimately tends towards homogenization.

# The different economies of the Amazon

Diagnostics of the Amazon oscillate between complexity and chaos, which makes the identification of patterns of behaviour and action plans difficult. In truth, many short-term solutions are in the field of what not to do, or what to stop, such as illegal mining and speculative livestock production. However, considering a horizon beyond the first 100 days, it is possible to identify a pattern based on analytical structures that distinguish more appropriate actions for each sub-region of the Amazon.

In fact, the heterogeneity in the forest, the rural areas and the cities of the Amazon is great. Informality in rural areas is much higher than in urban areas: 80% of rural jobs are informal, compared with 60% in the cities. While the Amazon contributes 10% of Brazil's GDP, one city alone, Manaus, contributes 1.15%, and Belém, a little under 1%. Concentrating more than 70% of the region's population, the weight of the cities' participation in the economy is clear. This is based on services, public administration and, especially in the case of Manaus, on industry. Most of the population is concentrated in urban centres, in a service economy unconnected with the forest.

Here there is a major opportunity for the cities to drive creativity and change, projecting the culture to a level worthy of its value.

The table below is based on the Framework of the Four Amazons and consolidates the main activities to be stimulated and possible supporting instruments. The idea is that there is no "silver bullet", but rather a set of complementary actions.



## The economic agenda in the Framework of the Four Amazons

Conserved areas	Transition áreas	Converted areas	Cities
Activities to be stimulated			
<ul> <li>Conservation</li> <li>Sustainable forest stewardship Social bioeconomy</li> <li>Pre-competitive arrangements</li> <li>Networks of productive knowledge</li> <li>Fair benefit sharing</li> <li>Community-based tourism</li> </ul>	Forest reclamation     Agroforestry systems     Crop-livestock-forestry integration     Sustainable forest stewardship	Increased productivity and reduced negative externalities in agriculture, livestock production and mining     Forest reclamation	Increased productivity in the service, trade and industrial sectors     Creative economy     Nature-based solutions and (peri)urban family agriculture     Decentralised expansion of science and technology institutions
Instruments			
REDD+ Forestry concessions Bolsa Verde Programme Pronaf (National Family Agriculture Reinforcement Programme) PSA (National Payment for Environmental Services Policy), not limited to carbon, for conservation and restoration National Biodiversity Economy Development Policy PGTAs (Indigenous Territorial and Environmental Management Plans)		ABC Plan (Low carbon emission agriculture)     Integration of control and monitoring systems     Traceability and certification programmes	Manaus Free Trade Zone and other tax incentives, such as Rouanet law     Expansion of PPBio programme (Priority Bioeconomy Programme) and inclusion of creative industry     Professional education programme

## Transversal instruments

- Transparency in public finances and improvements in investment of funds: FNO (Constitutional Fund of the North), FDA (Amazon Development Fund), development banks and agencies, CFEM (Financial Contribution for the Exploitation of Mineral Resources), among others.
- Resumption of Amazônia Fund
- · Regulated carbon market

## Conservation economy

For the Amazon to develop without going bevond the tipping point in the next five to ten years, Brazil should not only discuss what to do with the protected areas. It also needs to ensure the destination of public lands and to resume the creation of Conservation Units (UCs), with economic activities and job generation. A land destination policy would not generate regrets in the short-term because it would not cause losses, only benefits. And, although society can indicate the most strategic territories to be conserved, it is not yet ready to decide what to do with all the wealth the forest holds. Therefore, it would be like creating a large reservation, not only of lands, but of biodiversity, forest, culture, so that society may decide what to do with these resources in the future.

## Strengthening the bioeconomy

In the so-called conserved Amazon, it is possible to generate income from payment systems that explicitly remunerate conservation activities, such as the Reduction of Emissions from Deforestation and Forest Degradation (REDD+) mechanism, which considers the conservation of forest carbon stocks, the sustainable stewardship of forests and the increase in forest carbon stocks. The expressions socio-bioeconomy, socio-biodiversity economy and bio-ecological economy are also gaining traction. These designate a broad variety of activities that are not only compatible with forest conservation, but, more importantly, allow for the socio-productive inclusion of indigenous peoples, traditional peoples and communities and family smallholders and for the guarantee of these people's rights to the land (COSTA et al., 2022; OBSERVATÓRIO DA ECONOMIA DA SOCIOBIODIVERSIDADE. 2022).

In this context, considerable knowledge about value chains with export potential has been accumulated (COSLOVSKY, 2021a). The same is true for knowledge about solutions related to pre-competitive arrangements or shared sector resources (ReCS), such as innovative production techniques, certification and commercial promotion protocols, that benefit all the companies in a given sector. Even if public authorities do not take the lead, governments can play a relevant role. But this requires research, given that generally these are customised solutions that require trial and learning (COSLOVSKY, 2021b). In this respect, governments can stimulate markets in the region with the creation of certifications and the organisation of denomination of origin systems.

In the field of technical assistance, some proposals to foster the socio-bioeconomy involve the creation of a "Biodiversity Embrapa", with the production of knowledge oriented to conservation. The Fórum de Geração Ecológica, for example, proposes the creation of a national biodiversity economy development policy, whose governance involves an "institution to be created or enhanced along the lines of the Empresa Brasileira de Pesquisa e Inovação Social (Embrapii) or Embrapa (Brasileira de Pesquisa Agropecuária) itself" (FEDERAL SENATE, 2022, p. 15).

## Policies aimed at the bioeconomy

Today, a broad set of sector policies influences the development of the bioeconomy in the country. The absence of a national strategy dedicated to the bioeconomy and a body for the overall coordination of the area has generated many recommendations for the creation of policies dedicated to this area. The Observatório da Economia da Sociobiodiversidade

advocates the creation of a national policy for the development of the socio-biodiversity economy. This policy would have the capacity for inter-ministerial and inter-institutional articulation and the coordination of complementary policies, similar to the PNSAN (National Food and Nutritional Security Policy), the Pnapo (National Agro-ecology and Organic Production Policy), and the PNATER (National Policy for Technical Assistance and Rural Extension for Family Agriculture and Agrarian Reform).

If, on the one hand, strengthening the bioeconomy as one of the main sustainable development pillars for the Amazon has been the common goal of diverse initiatives, on the other, poor governance could compromise sustainability in the region (LOPES AND CHIAVARI, 2022). The establishment of a strategic guiding vision is essential in order to recognise the opportunities and risks of the bioeconomy in the diverse Amazons. The creation of a national bioeconomy policy should be accompanied by transparent governance mechanisms and the construction of a "State strategy for the bioeconomy at local, regional, national and global level" (COALIZÃO BRASIL CLIMA, FLORESTAS E AGRICULTURA, 2021). At the moment, Pará and Amazonas are advancing in their state bioeconomy policies. The minutes of the Pará Bioeconomy Pre-Plan indicate the earmarking of funds for actions aimed at the bioeconomy in the state's multiple year plan (PPA, for the period 2024-2027).

This budget provision window is an opportunity that all the states should take advantage of to ensure minimum funding for the bioeconomy agenda.

## Access to genetic resources and fair benefit sharing

When economic activities involve access to genetic resources and associated traditional knowledge, the enhancement of benefit sharing mechanisms is fundamental. Current legislation establishes that the sharing involves only the end product and not the intermediate inputs, which are generally produced by traditional communities. Accordingly, these materials are transported in crude state to be processed in other regions of the country, without adding value in the Amazon.

Another issue frequently mentioned is the fact that large companies present pre-established contract models and the communities, through their associations and cooperatives, are not able to negotiate on an equal footing. Furthermore, there is a high incidence of illegality in the phytotherapeutic chains, with the irregular offer of products on the internet and even through compounding pharmacies, which generates anti-competitive behaviour. There are proposals to improve law 13.123/15, which regulates access to genetic resources and associated traditional knowledge. The objective is to reduce obstacles to the realization of studies and the development of products based on native Brazilian biodiversity species (INSTITUTO ESCOLHAS, 2021a). It is necessary to review the benefit sharing policy in a participative manner to ensure greater equality in negotiations (OC, 2022).

## **Payment for Environmental Services**

Another element frequently mentioned when assessing the economic viability of the socio-bioeconomy is Brazil's Law for Payment for Environmental Services (PSA). The Coalizão Brasil Clima, Florestas e Agricultura has made recommendations for the regulation of Law 14.119/21, including regarding its financing. The coalition suggests possible

sources of funds, such as transactions involving environmental assets in regulated and voluntary markets; public, private and multilateral sources; payments of environmental compensations, among others.

In the past, the Bolsa Verde programme increased the income of extremely impoverished populations by means of conservation activities. That is, it was an income transfer programme based on socio-environmental conditions. As such, it introduced the question of eradication of poverty into environmental policies, illustrating the possible and necessary convergence between conservation and improving the livelihoods of populations in protected areas (CABRAL et al., 2014).

Considering the urgent need to strengthen alternatives to the illicit activities that contribute towards deforestation, we hereby present a concrete proposal for the resumption of the Bolsa Verde programme in the Brazilian Legal Amazon in the first 100 days of government.

## Forest concessions and the carbon market

Associated with the PSA, the forest concessions are an important conservation instrument, due to their potential to boost the local economy and increase government revenue. Partnership arrangements with private initiative or communities could go beyond sustainable timber stewardship. They could focus on forest reclamation and conservation, tourism, research and development and the commercialisation of carbon credits.

The implementation of the carbon market in Brazil, defining environmental safeguards for



carbon credits associated with the reduction of emissions from deforestation and degradation (COALIZÃO, 2022), as well as international initiatives such as LEAF (Lowering Emissions by Accelerating Forest finance), create a demand for carbon credits, promoting conservation. Considering 37 federal and state forest concession areas in the Amazon, the annual potential of REDD+ carbon credits is estimated at BRL 125 million (INSTITUTO ESCOLHAS, 2021b). Considering the whole of the Brazilian Amazon, LEAF estimates that the elimination of deforestation by 2030 could generate up to US\$ 18.2 billion (PIETRACCI et al., 2022).

The federal legal framework in force on forest concessions is already sufficient to enable the use of the instrument by the states, which could learn from the experience of the Serviço Florestal Brasileiro (SFB), the body responsible for federal forest concessions. At federal level, public authorities should make the types of concession more flexible.

Bill No. 5.518/20 is an advance, to the extent

that it proposes changes to increase the attractiveness of the concessions, establishing permission for the generation of carbon credits. Investments in sustainable forest stewardship should promote silviculture of native species on a scale comparable to that of the country's agro-industrial sectors, stimulating the tropical timber market and also contributing to the reclamation of degraded areas (COALIZÃO, 2022).

## Economic activities on indigenous lands

Lastly, actions aimed at conserved areas should incorporate specific considerations about indigenous lands. The PNGATI National Indigenous Land Territorial and Environmental Management policy was instituted by decree in 2012. However, Bill No. 4.347/21 is intended to make the policy permanent. Its goals are structured on fronts that include territorial protection, governance and indigenous participation, production and intellectual property initiatives, among others. Therefore, this is a fundamental instrument to ensure a broad discussion about economic activities on indigenous lands and the mobilisation of means for the implantation of PGTAS (Indigenous Territorial and Environmental Management Plans).

## Restoration economy

The restoration of degraded areas could be undertaken for ecological or production purposes. Both cases drive a market of inputs and services that generates employment and income for traditional peoples and communities, family small-holders and young people (PINTO et al., 2022). In the transition areas, which are under intense pressure from land grabbing and other activities that result in deforestation, a priority is investment in the restoration of native species in order to reverse the losses from deforestation.

Increasing the economic attractiveness of restoration involves underscoring the positive aspects of this agenda, ensuring the visibility of the environmental, economic and social gains. This is because restoration is generally seen as a legal obligation without any economic benefits. Accordingly, it is necessary to emphasize that the natural regeneration of the Amazon plays a very important role in that it lowers implementation costs (PINTO et al., 2022). Currently, around 15 million hectares of land are not in use and are, therefore, available for restoration in the Brazilian Legal Amazon (VERÍSSIMO, ASSUNÇÃO AND BARRETO, 2022).

In the field of incentives, it is important to increase the lines of finance for the reclamation of degraded pastureland, provided for in the ABC Programme, as well as for the restoration of landscapes proposed in the Planaveg (OC, 2022). It is also necessary to observe the role of the PSA in the restoration economy.

## Economy of converted areas

In already deforested areas, a basic condition is the reorientation of carbon intensive economy incentive strategies, policies and instruments to promote an economic transition that is fair for the local peoples (WRI BRASIL, IN PRESS).

Brazilian agriculture is one of the most competitive in the world, but to guarantee this position it is necessary to accelerate the transition towards low GHG emission models with control over the use of crop defence products in line with international standards. This transformation needs to be connected both to trends in the demand for healthier foods – and which also contribute to the regeneration of ecosystems –, and to the future of the Brazilian industrial park. In other words, it should be aligned with opportunities to add value to biomass in

the areas of bioenergy and biochemistry (DER-RUBANDO MUROS, 2022).

In agriculture, although it is important to distinguish between family agriculture and agribusiness, in both cases it is necessary to boost productivity with sustainability. The instruments for the transition to low carbon agriculture include linking lines of credit to emission reduction commitments and targets on rural properties. This will occur mainly under the Crop Plan, with the expansion of the Agriculture-Livestock Sector Adaptation and Low Carbon Emission Plan. This expansion should be accompanied by a broad and restructured supply of technical assistance and rural extension (ATER), and management (ATEG) for producers and breeders, and particularly for family producers (WRI BRASIL, COALIZÃO, OC, 2022).

Fostering sustainable production activities is associated with the incorporation of elements of the circular economy and the digital economy, as well as the guarantee of greater security and transparency in commodity production chains. The integration of control, monitoring and traceability systems, as well as the full opening of data, will enable greater social control over the chains (OC, 2022).

Diverse proposals mentioned here are detailed in other studies and initiatives, such as Brasil 2045: Construindo uma potência ambiental, from the Observatório do Clima; Rota Eleições 2022 from the Coalizão Brasil Clima, Florestas e Agricultura; the report of the Science Panel for the Amazon; New Economy for the Brazilian Amazon from WRI Brasil, among others.

# Urban economy

More than 70% of the population of the Brazilian Legal Amazon is concentrated in its cities.

This is also where the sectors essential for generating the region's economic dynamism, such as services and industry, are found. As such, it is fundamental to formulate programmes aimed at boosting the productivity of these sectors. To make the most of the demographic bonus, which should extend up to 2030, professional education programmes aimed at young people are fundamental. This group faces difficulties to enter the formal labour market. To attract and retain good professionals in the region, it is essential not only to create work opportunities, but also to improve infrastructure and leisure conditions in the cities. This necessarily involves not only ensuring a high-speed internet infrastructure to improve a series of basic services, such as education and healthcare, but also better opportunities for workers and for local entrepreneurs (VERÍSSIMO, ASSUNÇÃO AND BARRETO, 2022).

# Green and creative economy

Although it is not restricted to the urban Amazon, the creative economy has great potential to generate formal jobs, particularly among the portion of the population with lower schooling, which is not qualified to enter the industrial sector. Manaus, for example, has seen positive results from the Amazonas Opera Festival, in place for over 20 years. This has ensured visibility for the Teatro Amazonas, driving a variety of services associated with tourism, transportation, gastronomy and trade. The opera market, which is booming internationally, is a means of approximating the Amazon with the rest of Brazil and with the world. On a global level, it is worth mentioning the Rome Declaration, from the G20 ministers of culture, which recognizes the promotion of culture and the creative sectors as drivers of sustainable growth on the planet and in society, as well as the power of culture to generate creative solutions and alternatives to combat the climate and environmental crisis.

The recently created Corredor Lírico Cultural do Norte (Lyrical Cultural Corridor of the North - CONCERTO, 2022) is an example of an institutional partnership that helps foster the creative economy in the Amazon. The Corridor is dedicated not only to the co-production of performances, but also to the ongoing training of professionals. It is an initiative that inspires the whole of the Brazilian Legal Amazon. The culture departments of the nine states could benefit from the experience accumulated by Amazonas, join forces and develop similar initiatives.

Brazil already has robust legislation providing incentives for the creative economy. The main benchmark in this area is Law 8.313/91, known as the Rouanet law, whose regulations recently underwent changes highly prejudicial to the cultural sector. Originally, the law incorporated balanced mechanisms to provide incentives both for projects with commercial appeal and ones that were not financially viable, in spite of their intrinsic value. Immediate measures to ensure the effectiveness of the law include:

- the revocation of the most recent rulings, recovering the elements of Ministry of Culture Normative Resolution no 5, dated December 26, 2017, which increased the attractiveness of cultural projects for sponsors, expanding the number of projects in partnership with the private sector and promoting regional decentralisation;
- withdrawal of the restrictions on the Fundo Nacional de Cultura (FNC or National Culture Fund), whose objective is to provide cultural projects and actions with non-reimbursable financing; and

 the restitution of the competencies of the CNIC National Culture Incentive Commission (Comissão Nacional de Incentivo à Cultura) in decisions supporting projects with transparency and social participation.

The discussion on how to leverage the economic potential of culture-related activities beyond the Rouanet Law gained traction in 2022 with the 3rd Latin American Creative Economy and Opera Theatre Encounter. One of the concrete results of the meeting was the Technical Cooperation Agreement between Suframa and the departments of Culture and Creative Economy and Economic Development, and Science, Technology and Innovation. The agreement established a precise survey of data to estimate the direct and indirect economic impact of the creative industry in Amazonas. Based on this analysis. the goal is to formulate targeted policies and incentives; however, this process could take a long time. It is fundamental to accelerate the opening of the Free Trade Zone (ZFM) and CAPDA (Committee for Research and Development Activities) specifically for the green and creative industries.

The Manaus Free Trade Zone is a model that has the potential to strengthen the local economy with emphasis on the generation and permanence of wealth in the territory. A good example is the PPBio (Priority Bioeconomy) Programme, which raises funds from mandatory R&D investments (Informatics Law) for the development of new products, services and businesses associated with the bioeconomy (IDESAM, 2022). Another example is the 2016 Zona Franca Verde (Green Free Trade Zone) programme, which provides for exemption from IPI tax on products whose inputs are mostly from the free trade zone region. Regardless of the nomenclature, if

there is a real interest in promoting a sustainable relationship between the companies already installed in Manaus and the forest, the incentives need to be aligned with this goal. The PPB (Basic Production Process), for example, needs to incorporate environmental criteria and other incentives to take advantage of the local diversity (SCHUTZE, HOLZ AND ASSUNÇÃO, 2021). The following table is a summary of the recommendations.

The action prioritised in this document takes into consideration the already existing rules and diverse legislative proposals. It adds the proposal to re-establish the Bolsa Verde programme in the states of the Brazilian Legal Amazon as an extremely short-term measure to alleviate poverty and reduce the attractiveness of illicit activities that lead to degradation of the environment.

# How to improve the Manaus Free Trade Zone (SCHUTZE, HOLZ E ASSUNÇÃO, 2021)

- Hiring of local manpower, with training and higher salaries than the national average.
- Control over matching conditions for receipt of tax benefits.
- Empirical analysis of the policy, with tracking of performance indicators.
- · Reinvestment in urban infrastructure.
- · Financing of school and university programs.
- Incentives for universities to create innovation incubators, as well as investments in research, development and technological innovation.
- Inclusion of environmental requirements, as a demand related to the environmental guestion.
- Incentives for the use of resources from the Amazon biome.

# Bills of interest

**Bill No. 5.518/20** – This alters law n.º 11.284, dated March 2, 2006, to speed up the tender process, to increase contract flexibility and the attractiveness of the forest concession business model.

**Bill No. 2.402/22** – This governs the use and protection of native vegetation in the Amazon biome, and the use of economic incentive mechanisms for the Amazon bioeconomy and correlated measures.

**Bill No. 528/21** – This regulates the MBRE (Brazilian Emissions Reduction Market), determined by the National Climate Change Law – Law no 12.187, dated December 29, 2009.

**Bill No. 4.347/21** – Institutes the PNGATI (National Indigenous Land Territorial and Environmental Management Policy).

# Other sources and references

Some of the proposals presented previously converge with the ones detailed in the documents of the initiatives mentioned ahead.

# Brazil 2045: building an environmental powerhouse Observatório do Clima

Available at: https://concertacao.com/3red

# Letter from Alter Fórum Amazônia Sustentável

Available at: https://concertacao.com/tsp5

# Brazil, Climate, Forests and Agriculture Coalition

Available at: https://concertacao.com/i0pq

# Ecological Generation Forum: Executive Summary Senado Federal

Available at: https://concertacao.com/f4g3

# New Economy for the Brazilian Amazon WRI Brasil

Further information at: https://concertacao.com/wr1e

The Amazon paradox: the disastrous process of occupation of the Legal Amazon currently offers us the keys to building its sustainable future Amazônia 2030

Available at: https://concertacao.com/p4r4

A pressing agenda: public policies for a democratic Brazil with justice, prosperity and hope

Derrubando Muros

Available at: https://concertacao.com/37z4

RELATED TOPICS:

Climate Change; Food Security and Nutrition; Health care; Mining; Public Security

TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

executive order



# **PROPOSAL**

Reinstate the Bolsa Verde cash transfer Programme, prioritising families living in extreme poverty in forest areas of the Brazilian Legal Amazon.



## **ISSUE**

Data from the 2021 Continuous National Household Sample Survey (PNAD) conducted by the Brazilian Institute of Geography and Statistics (IBGE) indicate that the percentage of people living below the poverty line in the Brazilian Legal Amazon reached 45%, 18 percentage points above the average for the rest of the country. Unemployment in the nine states that comprise the Amazon region has worsened considerably (13.8%); and the informal job market reached 48.7%, versus 32.6% for the rest of Brazil. These indicators point to a systemic problem. Although it is not a determining factor for deforestation - on the contrary, it is also a result of it - this situation makes the most vulnerable groups within rural populations heavily dependent on illegal and predatory activities regarding the environment.



# **OBJECTIVES**

This decree proposes the immediate reinstatement of the Environmental Conservation Support Programme, also known as the Bolsa Verde Programme (PBV). The Programme would benefit families living in extreme poverty in areas of the Brazilian Legal Amazon. Resuming the programme would represent a crucial step towards providing alternatives to illegal activities, which are largely responsible for environmental degradation. And the programme must be combined with other policies to improve the quality of life of and access to services by these populations.

# MAIN AXIS

- Environment
- O Social
- Economic

# SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- O Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

# **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



# **STEPS**

01	02
Publish	Formally
executive order.	create the
	programme
	Managemer
	Committee.

nt

Submit work plan.

04 Map and register families.

05 Monitor and review Programme.

VISION FOR THE FUTURE Provide economic activity alternatives that contribute to environmental conservation.

**Executive order** 

30 days

60 days



## APPLICABLE LEGISLATION

Law No. 12.512/2011 - Created the Environmental Conservation Support Programme and the Programme to Promote Rural Production Activities; amended Law No. 10.696, of July 2, 2003, Law No. 10.836, of January 9, 2004, and Law No. 11.326, of July 24, 2006.

**Decree No. 7.572/2011** - Regulates provisions in the Provisional Decree No. 535, of June 2, 2011, which address the Environmental Conservation Support Programme - Bolsa Verde.



## **BILLS OF INTEREST**

**Bill No. 2.402/2022** - Provides for the use and protection of the native vegetation of the Amazon Biome, and for economic incentive mechanisms for the Amazon bioeconomy, among other related provisions.

Bill No. 2.413/2022 - Creates the National Programme for Sustainable Agriculture, among other measures. Appended to Bill No. 348/2021, which creates a special line of credit for investments by small and medium-sized rural producers, with resources from constitutional financing funds and from the federal budget.



# **RELATED PROPOSALS**

# Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Prioritise initiatives to mitigate and adapt to climate change in regions where peripheral communities and vulnerable groups reside, in accordance with the principles of the right to the city and the right to adequate housing; rediscuss the allocation of resources from the National Fund for Climate Change, ensuring assistance to the most vulnerable populations.

# A ten-point plan for decarbonising Brazil Clima e Desenvolvimento e Instituto Talanoa

https://concertacao.com/8s2p

Promote, together with states and municipalities, training and income-generating programmes for the locations affected by decarbonisation; offer training to youth (including scholarships) according to job potential in each sub-region; universalise water and sanitation to increase labour productivity and improve population health.







# Bixa orellana (Annato or Urucum)

The annato is a shrub or small tree, native to tropical America. It is a rustic pre-Colombian evergreen plant present in the Amazonian flora. It may reach heights of up to 6 meters. The annato leaves are medium to large and are light-green in colour; the plant has pink flowers. The fruits are capsules, with flexible thorns that coat its bark and a colouring that varies from red, the most common, to green and orange. The seeds are small and are coated with aryl, a very fine film that contains the red colouring - the bixin –, the main commercial application of the annato. The colourant is used by indigenous peoples as a medicinal application, an insect repellent, as well as for painting the skin. The term used in Portuguese, urucum, comes from the Tupi word uru'ku, which means "red". The colourant is also used in cooking (dye) and in industry. This includes the formulations of beverages, baking and pasta production, dairy products (such as cheese), sausages, cosmetics, paints, sun protection against ultraviolet rays, as well as in numerous other applications. The orange or reddish colour in Brazilian cheeses indicates the presence of annato colouring. As it is a natural product, the annato colouring is not harmful to human health. The annato tree is most commonly cultivated by family smallholders. This is a low-cost agricultural activity with medium to high productivity rates. Annato accounts for 90% of natural colourants. With the prohibition of many synthetic colourants in foods, annato has gained even greater economic prominence.

# Public security

## **KEY MESSAGES**

Public security in the Brazilian Legal Amazon is a question of protecting the people and their territories, principally the most vulnerable, such as indigenous, *quilombola*, and riverine communities and residents in the outskirts of the large cities.

Security goes beyond the penal and criminal elements and should be understood as a fundamental right. Furthermore, legal security is key to making the entire environment favourable for monitoring and control.

Environmental crimes are related to issues such as corruption and money laundering; and they require intelligence to be investigated and brought to justice.

To interconnect public policies, it is necessary to revive the notion of territory and use the territorial base to redesign governance, thinking in inter-federative terms and involving the different powers.

It is necessary to understand and pay proper attention to the different types of crime – both common and environmental.

The determinants of criminality are associated both with economic and social aspects. The lack of opportunities, inequalities and the absence of structured public policies capable of removing determined groups from vulnerable situations are some of the reasons that generate a subculture of violence. If, in urban centres, there is the

maxim that most types of crime are concentrated in time and space, can the same be said of the Amazon? Probably not. The systematically urban vision with a focus on homicide rates means crimes considered "common" in the region, such deforestation, land grabbing and illegal logging are not perceived by part of the population.

# Public security: a pendulum between people and the environment

In 2019, four of the 10 - and 23 among the 100 - most violent municipalities in Brazil were in the region. If the Amazon were a country, it would occupy 4th place in the global ranking of homicides based on data from 2017 (SOARES, PEREIRA AND PUCCI, 2021). In 2022, the Brazilian Public Security Forum (Fórum Brasileiro de Segurança Pública) presented an intentional violent death rate of 30.9 per group of 100,000 inhabitants, 38.6% higher than the national average, which was 22.3 per 100,000. However, these numbers are the result of the sum of diverse types of crime - and deprivations - that occur before a violent death. The absence of a public security agenda that encompasses the environment is a latent challenge.

The homicide rates in the northern region of the country lead to two conclusions: first, the State has not been capable of reducing crime rates and increasing its capacity to protect life; second, the security agenda has an exclusively criminal and penal focus, in detriment of a broader vision of fundamental law that is interconnected with other public policies.

It is necessary to throw light on "invisible" crimes that impact the Amazonian population, such as the grooming of young people by criminal gangs and sexual crimes involving children and adolescents. Homicide among the populations of traditional communities, black populations on city outskirts and defenders of the environment are not isolated cases. The population resident in more remote locations will probably be hostage to possible interconnections between crimes and violent criminal groups in the territory. Meanwhile, the State does not present the responses necessary to the challenge posed for the Amazon region.

Criminal groups tend to create their own governance in the territory, overlaying complex layers of criminality. Four illicit activities constitute the main drivers of destruction of the forest, provoking inestimable environmental damage, as well as increasing rates of violence: land grabbing, illegal timber exploitation, illegal mining, principally of gold, and agriculture and livestock production harmful to the environment (WAISBICH et al., 2022). The growing role of international drug traffic may

also be observed in the region, with its influence on the most recent dynamics of violence in the Amazon.

The co-existence between people, the environment and illegal activities poses a challenge for governments. A possible consequence of this superimposition is that infractions related to environmental crimes are secondary, of less importance. In this respect, it is important to think of public security from a multidisciplinary and multi-sector perspective, without limiting the strategies to reduce criminality to state police.

As long as people and the environment are interconnected in favour of illicit activities, there will be little progress. Therefore, it is not a question of prioritising public security actions in the Amazon, but rather of coordinating the priorities. After all, isolated solutions tend to have little effect. The combination of measures aimed at reducing environmental crimes and, in parallel, protecting the population is an essential part of the design of a security solution for the Brazilian Legal Amazon. This pendular vision is aimed at creating a new perspective for managing security in the Amazon region, based on three arguments, detailed ahead.

# Public security involves treating common, environmental and complex crimes in an integrated manner.

Illegal deforestation makes it difficult to distinguish the limits between public security and the environment. Additionally, the focus of actions in recent years has been exclusively on consequences – the actual deforestation – in detriment of actions aimed at combating the causes.

The fundamental right to security has an extensive, inter-sector perspective. This means internalizing, in police forces and other agen-

cies involved in executing public security, the principle that environmental crimes should be a priority focus. And, stemming from these, the other crimes, either common or highly complex, that emerge (LIMA, 2022).

As connections are established between public security and the environment, we will advance in attributing responsibility, promotion, traceability and control over the economic chains that impact deforestation in the Amazon. It is based on the environmental legislation that the observation of illegality will be concretised. And there is a series of conflicts submitted to a threefold accountability regime – civil, administrative and penal. This characteristic drives the decentralisation and, at times, the fragmentation of competencies, attributions and technical knowledge (INSTITUTO IGARAPÉ, 2022).

Rather than just applying Brazil's environmental crimes law, it is necessary for the legislation to evolve jointly with society and with the climate emergency. This will enable the typification of crimes that did not even exist in the past, as well as the application of sentences to eliminate illegal deforestation. In the organised environmental crime ecosystem, infractions are interrelated and compounded and, as a result, intensified. In the attempt to reduce such complexity, the following macro activities are suggested (LIMA, 2022; INSTITUTO IGARAPÉ, 2022):

- Establish joint action mechanisms aimed at the formulation, implementation, monitoring and assessment of cross-cutting, decentralised policies.
- Promote normative changes necessary for the integration of the Susp Single Public Security System and the Sisnama National Environment System;

- Implement a Protection and Control Plan for indigenous lands and environmental conservation units in an integrated and participative manner, articulating the action of the federal bodies (Federal Police, Ibama, Censipam, Funai and ICMBio), non-governmental institutions, associations and communities
- Typify the crime of land grabbing of public lands in public forest areas.
- Regulate Funai's power to police.
- Guarantee the logistics infrastructure to enable these organisations to operate in the Amazon.
- Train civil servants in different areas, including judges, police, public prosecutors, customs officials in different types of responses for combating environmental and correlated crimes.

Meanwhile the debate on drug traffic in isolation does not explain the increase in violence in the region. There are diverse associated types of crimes, such as animal traffic; money laundering; illegal possession of arms and ammunition, with access to more powerful arms; illegal mining and timber extraction.

Comprehending the dynamics of criminal groups linked with drug traffic permits public authorities to also observe the behaviour of crime in border regions. The use of intelligence and specialised qualified groups to investigate criminal organisations is also an urgent requirement in the Amazon, because for some time the region has suffered from criminal practices classified as highly complex.

The production and systematisation of data generate precious information for effective investigations. Consequently, systematisation and greater transparency in information is determinant for ensuring a more secure future for the Amazon region. To do this, the following macro activities are suggested (LIMA, 2022; INSTITUTO IGARAPÉ, 2022):

- Institutionalise workflows and protocols between the Federal Police and Ibama, aimed at investigating major organisations engaged in environmental crimes and drug traffic.
- Expand the coverage and improve the quality of records of criminal and violent incidents, including environmental crimes, to all the regions of the Brazilian Legal Amazon.
- Computerise the police stations and outposts in the region; and expand electronic reporting and records, enabling the public to report crimes directly via the internet.

# 2. Guaranteeing public security means guaranteeing legal security and civil rights

The challenges of public security are interconnected with those related to legal security. The opening of bioeconomy businesses faces challenges in the local and riverine communities that do not have the funds to obtain property deeds or CAR rural environmental registration. The time necessary to obtain environmental licenses also hinders the operation of legal businesses, creating space for possible illegal interactions. If on the one hand these documents represent the strengthening of controlls, it is also important that those being controlled, that is the communities, be strengthened.

In relation to property rights, for example, rural settlers and the indigenous peoples are limited to the use of the land, without owning it. They therefore suffer a restriction to their civil rights as a result of not having access to credit and income. It is fundamental to reduce inequality with respect to civil rights, introducing the idea of security into the constitutional sphere.

In this respect, it is important to work on the action fronts identified in the section on Land Use Planning and Land Tenure. It is also necessary to establish minimum protection and legal security criteria so that companies that operate legally do not suffer any type of questioning in the future, which would generate an adverse environment for legal businesses. To enhance transparency for businesses in the Amazon, the following macro actions are suggested (INSTITUTO IGARAPÉ, 2022; OC, 2022):

- Cancel the CAR registrations, finalised or in process, that are in conflict with or that overlap protected areas.
- Promote permanent audits in the CAR system and integrate it with other control, monitoring and traceability systems, involving, for example, the DOF document of forestry origin and the GTA animal transit document, to expand control over production chains and to prevent fraud.
- Enhance the capacity and transparency of state environment departments and their coordination with Ibama and police forces. And, accordingly, create standardised processes for the concession of licenses and the suspension of the concession of licenses for properties that do not have ownership deeds.

# 3. From the forest to the court: the Amazon factor imposes new governance arrangements for public security

Assuming responsibility for security in the Amazon region means dealing with the "Amazon factor". This begins with the forest, rivers and protected lands, and continues throughout the extension of the frontier, considering the diversity of territorial occupation of the traditional peoples with their cultures and languages. Biodiversity imposes unparalleled challenges and

complexities for planning public security in the region. The reactive logic of the police forces inserted in this context results in operational and logistics challenges, and this context is also imposed on the justice system. The criminal justice flow, with the activities of the Executive Power, the police forces, the public prosecution department, the judicial power and the prison system are, per se, difficult to articulate.

Furthermore, the federal government does not provide governors and mayors with the due incentives. It is important to remember that different environmental protection bodies operate in the region – Ibama, Funai, Federal Police, Armed Forces – with their protection and intervention plans. The absence of a governance model capable of articulating the stakeholders involved - the Amazon residents – could ensure that the current discretionary model of operations in the region is maintained.

A possible path would be the elaboration of a governance for this flow, beginning "in the forest" and with the people and the public equipment that are there. Such an initiative will only be possible with the guarantee of investment in human and logistics resources. To do this, the following macro actions are suggested (LIMA, 2022; INSTITUTO IGARAPÉ, 2022):

- Detail the planning and a strategic vision of security in the Amazon, taking into account the fact that this agenda is not exclusive to the police. Ibama, ICMBio, Funai, the Federal Public Prosecution department and their state counterparts should be part of an inter-sector governance for the Amazon.
- Promote new formats to mitigate the causes of insecurity, such as, for example, delimiting agreements within a consortium of governors.

- Ensure the integration of information and possible proposals to reconstitute the manpower of the bodies responsible for controlling and combating crime.
- When the Escazú Agreement is ratified, guarantee that the bodies charged with maintaining the environment, protecting people and reducing criminality receive the proper incentives. This helps to avoid practices such as frauds in tenders in environmental licensing, among others, that enable environmental crimes.

All the bodies mentioned in the points above are (or should be) linked with the territory. This should start with a territory-based planning structure that generates gains in quality in public service. Faced with a region that has already lost a lot and in which policies have been discouraged, it will be necessary to revive the notion of territory and use the territorial base to redesign governance. And, accordingly, integrate and share the information generated within the different powers, government spheres and sectors (INSTITUTO IGARAPÉ, 2022).

Given this detailing, it is necessary to start with macro actions with greater capacity to review structural questions related to public security in the region. In this regard, on pages XX we present a measure to make the Amazon region more secure: prioritise a tactical operational programme in public security under the auspices of the Consórcio Interestadual de Desenvolvimento Sustentável da Amazônia Legal (Consortium for Sustainable Development of the Legal Amazon).

The programme is a first step towards interconnecting the public security policies, reviving the notion of territory and using it to redesign governance on an inter-federative basis involving the different powers. The following priorities are suggested: (i) integration of the public security systems; and (ii) the creation of the Escola Interinstitucional de Altos Estudos (Inter-institutional School of Higher Studies) on Amazonian questions. However, such a programme and its actions will only be able to generate an effect based on a duly organized communication strategy with sufficient capillarity to respect the governance model proposed.

# Other sources and references

Governance and public security institutional capacities in the Amazon. Fórum Brasileiro de Segurança Pública (FBSP)

https://concertacao.com/cta6

The study maps the structures and institutional capacities of the components of the public security system in the Amazon. It also identifies how (and if) the mechanisms and instruments of governance used by the main institutions that exercise police power in the region function.

Governing in order not to hand over: a Multidimensional Security agenda for the Brazilian Amazon. Instituto Igarapé

https://concertacao.com/r78k

The document seeks to contribute to a strategic planning of public security in the Amazon. This involves multiple dimensions of security – public, environmental, national, food and legal –, with emphasis on the dimensions of public and environmental security.

RELATED TOPICS:

Cities; Governance; Land use planning and land tenure; Mining

TYPE OF DOCUMENT:

) IIII

O provisional presidential decree O legislative decree

O executive order

resolution



# **PROPOSAL**

Prioritise a tactical and operational programme in Public Security within the scope of the Interstate Consortium for Sustainable Development of the Legal Amazon.



### ISSLIE

The Amazon is currently one of the most violent regions in Brazil. In 2019, 4 of the 10 and 23 of the 100 most violent municipalities in the country were located in that region. Several types of combined crimes have led to a significant increase in violence in the region. Animal trafficking, money laundering, illegal possession of weapons and ammunition with access to heavy weaponry, deforestation, mining, and illegal logging are among the most frequent offenses in the Amazon.



# **OBJECTIVES**

This Resolution prioritises a work plan to implement the Tactical and Operational Programme for Interstate Articulation in Public Security in fiscal 2023. Such a programme should be conducted by the Interstate Consortium for Sustainable Development of the Legal Amazon.

The programme is considered an initial step to intertwine public security policies, recover the notion of territory, and use that notion to reshape governance, in an interfederative and intrabranch line of reasoning. The plan should prioritise, among other things: (i) the integration of systems for greater public security; and (ii) the creation of the Interinstitutional School of Higher Studies on Amazon issues. The consortium vision is key to an articulated fight against crime in the region.

# MAIN AXIS

- Environment
- Social
- Economic

# SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- O International organisations
- Civil society
- Local communities

# **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



# STEPS

O1 Prioritise the Programme for the financial year 2023. Articulate the participation of representatives from all states.

O3
Hold talks,
workshops and
debates on the
subject.

50 days

O4
Present a Work
Plan with goals
and expected
results.

100 days

05 Implement the Tactical and Operational Programme for Interstate Articulation in Public Security. VISÃO DE FUTURO Qualify the National Public Security Strategy for the Amazon

# Resolution



# APPLICABLE LEGISLATION

Law No. 13.675/2018 – Regulates the organisation and operations of the agencies that are responsible for public security, under the terms of paragraph 7 of article 144 of the Brazilian Federal Constitution; created the National Public Security and Social Defence Policy (PNSPDS); instituted the Single Public Security System (SUSP).

Law No. 9.605/1998 - Environmental Crime Law.

**Decree No. 9.489/2018** - Regulates Law No. 13.675/2018 at the Federal level.

**Decree No. 10.239/2020** – Provides for the National Council for the Legal Amazon.

**Executive Directive No. 1** of the National Council for the Legal Amazon - Thematic Discussion within the scope of the committees and subcommittees.

**Resolution No. 1/2020** of the National Council for the Legal Amazon – Approved the Internal Regulations of the National Council for the Legal Amazon.



# BILLS OF INTEREST

**Bill No. 486/2022** - Amends Laws No. 8.629/1993, No. 9.605/1998, No. 11.284/2006 and No. 12.651/2012; provides for measures to inhibit land grabbing and discourage the invasion of public lands and concomitant deforestation, by making it impossible for illegal occupations to be regularised in the future.



# **RELATED PROPOSALS**

Governance and Institutional Capabilities related to Public Security in the Amazon region Instituto Clima e Sociedade e Fórum Brasileiro de Segurança Pública

https://concertacao.com/cta6

Create the Interinstitutional School of Higher Studies on Amazon issues. The objective is to concomitantly train professionals from the command-and-control bodies, both in aspects related to understanding and analysing the particularities of the local setting as well as in procedural and operational aspects.

Integrate the Single Public Security System (SUSP) with the National Environmental System (SISNAMA).

Governing in order not to hand over: a Multidimensional Security agenda for the Brazilian Amazon Instituto Igarapé e Fórum Brasileiro de Segurança Pública

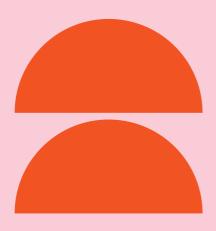
https://concertacao.com/r78k

Draft and create as a consortium: (i) new interstate agreements that make it possible to minimise the importance of borders and state jurisdictions in security forces operations in the Amazon region; and (ii) information sharing mechanisms and integrated planning among public security secretariats.

# LAND USE PLANNING AND LAND TENURE









# Virola surinamensis (Baboon tree or Ucuuba)

This tree reaches a height of 30 meters and is commonly found in inundated areas, generally close to creeks. The ucuuba is native to floodplains and wetlands in the whole of the Amazon region. In Brazil, it is found in the states of Acre, Amapá, Amazonas, Ceará, Maranhão, Pará, Pernambuco, Rondônia, Roraima and Tocantins. The name ucuuba has its origin in the Tupi term uku'ïwa, where uku stands for grease, and iwa means tree. An adult plant can produce from 30 to 50 kg of seeds a year. The seeds are rich in fats (60 to 70%), and the dry seed may yield up to 50% of oil/ sebum per kilogram. A plantation with 150 trees per hectare could yield up to 7,000 kg of seeds, which would result in the production of 3,500 kg of fat per hectare. In nature, the ucuuba can grow up to 3 meters in two years. The tree's wood is of excellent quality for plywood and laminates, which has resulted in intense pressure on the remaining forest resources. The tree is susceptible to attack by insects and fungi. The ucuuba bark has medicinal applications, as does its latex. It is also used in the cosmetics industry to produce waxes and vegetable butter. The cake resulting from the processing of the seeds presents a high nitrogen content and may be used as cattle feed or as fertilizer when mixed with ash. The seeds are dispersed by birds, monkeys and by the water of rivers. The fruits should be harvested preferably while still on the tree, when it has a greenish-yellowy colour or when some of them start to open spontaneously. They should be left in a natural environment, without controlling the temperature, light and relative humidity, until all the fruits are open. This facilitates the manual extraction of the seeds. Recent measures with local extractivist communities have tended to promote projects that contribute to the sustainable cultivation of the ucuuba.

# Land use planning and land tenure

# **KEY MESSAGES**

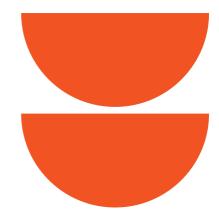
Land grabbing should be understood as a corruption process that usurps public property and generates extremely negative social and environmental impacts.

Land use planning and land deed regularization are complex subjects that are not advancing due to the failure of the State, which limits the execution of laws.

It is fundamental to transform land use planning and land tenure into a State policy, with duly structured planning.

Land use governance cannot exist without robust land administration, without transparency and without effective social participation.

It is necessary to discuss means of avoiding legal setbacks with ad hoc changes to the time frame for land regularisation, given that it perpetuates incentives for land grabbing. Land occupation in the country has occurred in a disorganized manner since before the passage of the Land Law in 1850. This has occurred due to the incapacity of the State to implement effective registration integrated into a system of public registries to overcome land deed chaos. In the Amazon. the debate on land use planning generally gains attention in the proposition of laws. In the current context, Bill No. 510, from 2021, known as the Land Grabbing Law, is in process in the Federal Senate. The bill proposes to make rules more flexible and to update the time frame to 2018 - constituting an amnesty for whoever has occupied public lands on an irregular basis.



# Two key concepts

Fonte: Retrato Setorial - Ordenamento Territorial e Regularização Fundiária: https://concertacaoamazonia.com.br/estudos/ordenamento-territorial-e-regularizacao-fundiaria-na-amazonia-do-caos-a-superacao/

# Land Use Planning:

It consists of planning land uses in a given territory, for example, defining the area destined for agriculture and livestock, conservation, urban use, installation of infrastructure, recognition and protection of land use by traditional communities, among others.

# Land Tenure:

State act that establishes formal property rights or the granting of real right of use to those entitled to it. In Brazil, the term means the recognition of the right to land by individuals or communities on public lands, with the consequent reduction of public assets and titling in favor of private entities.

On the one hand, it is necessary de debureaucratise regularization for those whose rights have been denied. And, above all, to overcome the impasses arising from informal land use and occupation, such as conflicts over land, impediments to access to capital goods and markets, financing of land and of agricultural products. It is estimated that from 40% to 50% of the legitimate documents that could have been transformed into land deeds in the Amazon were not. On the other hand, the relaxation of the time frame perpetuates the cycle of land grabbing of public lands. This frequently occurs in detriment of the rights of indigenous peoples and quilombola communities awaiting demarcation and recognition of their territories.

Currently, land grabbers even use Brazil's

CAR Cadastro Ambiental Rural (Rural Environmental Registry) to prove ownership of lands in public forest areas that have been invaded. There are over 100.000 registrations of this type. In 2018, the area corresponding to these illegal declarations was 11 million hectares, reaching 16 million hectares in 2020. The so-called "non-destined public forests" correspond to an area of approximately 57 million hectares and concentrated 30% of the deforestation that occurred between 2019 and 2021. There is an urgent need to eliminate the fraudulent use of the CAR registry to enable the occupation of non-destined public forests and make these areas available for protection or the sustainable use of their resources, in accordance with legislation (MOUTINHO et al., 2022).

The land use regularisation proposal is not tackling the problem of small and medium proprietors, but rather seeking to expand the parameters for larger areas to become liable for regularization. Land grabbing should be understood as a corruption process that generates extremely negative social and environmental impacts. Furthermore, it constitutes a crime against public property, as well as enabling tax evasion.

Accordingly, it is necessary to debate and propose a constitutional amendment to establish the time frame. This will impede *ad hoc* changes in function of parochial interests. Setbacks will be avoided if this is established as an irrevocable clause in the form of an amendment to the Constitution.

# From chaos to overcoming

After a great deal of reflection, the Concertation Land Use Planning and Land Tenure Working Group (GT OTRF in the Portuguese acronym) concluded that policies are not advancing due to the absence of a set of structured actions, which limits the execution of the laws. The bottlenecks coexist in a conjuncture characterized by ambiguities.

The main questions that arise are: Which uses do we want to attribute to the territory, in line with the constitution? What is the desirable degree of control to be exercised by the State and by society? The uses may overlap and compete with each other. This is why debate is necessary in order to define the destination priorities. Land use planning implies choices and the current choice has been to prioritize

the privatization of lands without considering the demarcation of indigenous and quilombola lands. This contradicts the constitutional principle of social destination of land.

For effective governance, it is necessary to know how land is being used. Currently, information about the possession and ownership of land is fragmented and conflicting. It is fundamental to integrate the registries linked with land governance in the country, as well as to ensure social participation and transparency in decisions on the destination and regularization of lands. According to the Concertation working group, there are five intervention routes to overcome land use confusion in the medium to long terms, with proposals of specific actions.

# 5 intervention routes to overcome land use chaos in the Amazon

# 1. Have a State policy for Land Use Planning and Land Tenure

Making LUPLT a State policy ensures focus, integration, monitoring and the delivery of results. It implies having information about the territory and ensuring the adequate destination of lands, so that they fulfil their social function. There was a time when the *Casa Civil* (Executive Office) managed to integrate the ministries and advanced the agenda in the federal government, achieving results. There-

fore, this effort must be resumed and should take into account experiences such as the Terra Legal programme, including advancing in the review of deeds that have not complied with resolutive conditions (a clear indication of the reversal of illegal occupation).

# 2. Implement a robust land administration system, which involves:

- strengthening public authorities;
- improving the quality of registry information;

- mapping invisible groups;
- the devolution of public lands and the registration of all public lands in registries;
- the integration of the diverse registries and data banks of the property registries;
- the digitalisation and organisation of the land deed archives of state and federal authorities:
- the management and monitoring of unoccupied lands;
- the application of the law against invaders;
- the correction of the old deeds issued by the State without proper registration<sup>1</sup>.

# 3. Integrate public institutions

In order to ensure the land governance system is operational. Execute public land ownership, land use and environmental conservation policies simultaneously, and prevent illegal activities.

# 4. Ensure social participation

Essential for building a destination strategy for public areas, to guarantee the legitimately entitled deed holders are included. And remedy the low representation of traditional communities in tenure responsive land use planning.

# 5. Reaffirm the role of state governments

The states have in-depth knowledge of territorial dynamics. They manage the land governance system and have significant

non-destined public areas. They are also responsible for the implementation of the CAR system in the states. It is recommended that state governments:

- take measures to reduce informality in the land market:
- verify compliance with environmental and land deed legislation in agribusiness chains;
- cancel irregular CAR environmental registrations, in particular those overlapping conservation units and indigenous lands;
- comply with access to information legislation, disseminating data on public land regularisation processes, as well as creating committees to monitor and assess state land title measures with the participation of civil society; and
- enhance state land laws to prohibit the possibility of the emission of deeds for public forest areas occupied at any time in the future

Furthermore, the Fórum dos Institutos de Terra Estaduais da Amazônia strengthens the cooperation, integration and modernization of the state land title regularisation systems. However, the forum does not yet enable the participation of civil society sectors and public prosecution departments, a situation that should be reviewed.

# Other recommendations valid for the agenda as a whole include:

- management plan for public lands;
- precise territorial diagnosis for areas subject to land title vulnerability;
- land title regularisation by means of a task force;
- promotion of actions at municipal level with social participation;
- mapping of traditional communities;
- combined methods, involving remote sensing, field work and social cartography (Kadaster International, in Holland, is a benchmark in this);
- dynamic system for identifying and monitoring conflicts (the Matopiba initiative could be a reference):
- multipurpose register, that is culturally appropriate, taking the ethnic component into account in its base.

Lastly, given the deficiencies in the public sector, the private sector could contribute towards advances in the digitalisation of the registries,

in geo-referencing and in the diagnosis of production chains. The starting point for cooperation between governments and companies could be a reflection on the relationship between the Environmental, Social and Governance (ESG) agenda and the social function of the land, set forth in the 1988 Constitution. The Concertation Land Use Planning and Land Tenure WG is working on a technical-financial proposal to constitute a public-private facility aimed at raising funds, promoting the integration, digitalisation and harmonisation of land title data bases, and the issue of property deeds in vulnerable communities.

The proposals for the first 100 days are aimed at establishing the bases for the institution of a national land governance policy and a national land use plan, as well as the integration of territorial, real estate and land title registries. Furthermore, the facility proposal will also be part of the actions that the federal government could incorporate at the beginning of its new term of office.

# Other sources and references

# Proposals of Land Use Planning in the Amazon to Reduce Deforestation Amazônia 2030

Available at: https://concertacao.com/U524

The Amazônia 2030 Project also elaborated recommendations aimed at different stakeholders, such as: Presidency of the Republic, state governments, National Congress, Serviço Florestal Brasileiro (SFB), Conselho Nacional de Justiça (CNJ), Instituto Nacional de Colonização e Reforma Agrária (Incra) and the Federal Supreme Court (STF).

# Bills of interest

**Bill No. 5.518/20** – This increases the activities eligible for forestry concessions, such as environmental services and reclamation.

**Bill No. 2.633/20** – This alters the Laws nº 11.952, dated June 25, 2009, nº 14.133, dated April 1, 2021 (Law of Tenders and Administrative Contracts), and nº 6.015, dated December 31, 1973, with a view to expanding the reach of land title regularisation.

**Grass roots Bill of Law "Amazônia de Pé"**, promoted by the organisation NOSSAS -

https://concertacao.com/e1jp

RELATED TOPICS:

Cities; Economics; Governance; Infrastructure; Mining TYPE OF DOCUMENT:

O bill

O provisional presidential decree

) leaislative decree

executive order

O resolution



# **PROPOSAL**

Create an Interministerial Working Group to formulate a National Land Governance Policy and a National Land Development Plan.



### **PROBLEMA**

There are many bottlenecks that make it difficult for Brazil to advance in its land use planning and land tenure agenda. These bottlenecks reflect issues related to historically unlawful occupation, infrastructure, data quality, informal land market, and lack of monitoring and sanctions for offenses and violations regarding illegal occupation and deforestation of public lands. And above all, they reflect the Government's poor ability to respond to the challenge of a complex and dynamic demand for land occupation with an effective system of land use management.



# **OBJECTIVES**

This executive order prescribes the creation of an Interministerial Working Group (GTI) with the purpose of devising and proposing a National Land Governance Policy (PNGT) and a National Land Development Plan (PNOT), according to the priority topics in the draft attached to this document.

The PNGT should set out a national strategy and minimum parameters for development, monitoring, land use planning, and rural and urban land tenure. The objective is to guarantee efficient use of land, fair distribution of the burdens and benefits resulting from land reorganisation processes, and at the same time protect the environment and preserve social, historical and cultural heritage. The PNOT, in turn, should specify initiatives, programmes and instruments needed for achieving the objectives defined by the PNGT.

# MAIN AXIS

- Environment
- Social
- Economic

# SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

## **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- O Private sector
- Third sector
- International organisations
- Civil society
- Local communities

# **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



# STEPS

01 Form the Interministerial Working Group (GTI). **02** Validate guidelines and priorities.

03 Introduce the PNGT. **04**Prepare the
National Land
Development
Plan.

100 days

# VISION FOR THE FUTURE

Implement a national strategy for land use planning and land tenure regularisation that guarantees the efficient use of land, social justice and environmental protection.

**Executive Order** 



## APPLICABLE LEGISLATION

**Brazilian Federal Constitution of 1988**, articles 184 and 186 - Provide for the social function of rural and urban land.

**Law No. 8.629/1993** - Regulates constitutional provisions relating to land reform.

Law No. 11.952/2009 - Provides for land tenure regularisation of occupied land in areas that belong to the Federal Government, within the scope of the Brazilian Legal Amazon.

Law No. 13.465/2017 - Provides for rural and urban land tenure regularisation, and land tenure regularisation within the Brazilian Legal Amazon.

Law No. 11.284/2006 - Provides for the management of national forests for sustainable production.

Law No. 12.651/2012 - Instituted the so-called "New Forest Code".



# **BILLS OF INTEREST**

**Bill No. 510/2021** - consolidates land tenure regularisation legislation for the entire country; allows for regularisation of lands occupied prior to May 25, 2012; increases the maximum property area that might be regularised to 2,500 hectares.



# **RELATED PROPOSALS**

# Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

By means of an executive order, officialise the reinstatement of Action Plan for Prevention and Control of Deforestation in the Amazon (PPCDAm) and the Action Plan for the Prevention and Control of Deforestation and Fires in the Cerrado (PPCerrado), covering the Land Use Planning axis, and expand the participation of civil society in the management of protected areas.

# Proposals put forward by the Coalition to candidates in the 2022 elections

Coalizão Brasil Clima, Florestas e Agricultura https://concertacao.com/i0pg

Organise an interministerial task force, with the participation of civil society and state governments, to review and resume the PPCDAm and the PPCerrado; and validate the Rural Environmental Registry (CAR) with the utmost urgency.

Immediately resume land use planning, starting with the demarcation of indigenous and quilombola lands, and the allocation of 10 million hectares to conservation and sustainable use. And make land tenure regularisation conditional on compliance with the Forest Code.

RELATED TOPICS:

Cities; Economics; Governance; Infrastructure; Mining TYPE OF DOCUMENT:

O bill

O provisional presidential decree

O legislative decree

executive order

O resolution



## **PROPOSAL**

Form a committee to carry out technical, legal and operational feasibility studies to integrate real estate and land registries.



### **ISSUE**

Brazilian land governance, in particular in the Amazon region, is hampered by the lack of a land tenure information system that fully integrates the various land and real estate registries. This results in little transparency and poor public access to information on land that is in good standing or on land tenure processes, for social control and conflict resolution. It also results in conflicting records and in contradictory parameters, which, in some cases, give a veneer of legitimacy to illegal occupations.



# **OBJECTIVES**

This executive order aims to establish the Registration Integration Committee. This Committee should examine the feasibility of technical, legal and operational integration to reconcile the parameters of the registries used by direct and indirect public administration entities in land governance. It would be an interministerial committee and should include representatives from agencies such as Funai - federal agency for Indigenous affairs - and Incra - the Brazilian land reform agency - as well as experts from public and private entities. The structuring of an integrated and robust governance information system will make it possible to prioritise and direct policies and initiatives for land tenure regularisation of areas occupied by traditional, indigenous and quilombola communities. It would also promote greater efficiency, more transparency, better planning and closer monitoring of occupations and land use in the Amazon region and in Brazil as a whole.

# **MAIN AXIS**

- Environment
- Social
- Conomic

# SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

### **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

# **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



# **STEPS**

01
Establish the
committee.
Executive
Order

**02** Submit work plan.

50 days

03 Examine technical and legal feasibility.

Present a conclusive report on the integration of registration systems.

100 davs

**05**Consolidate integration of registra-

tion systems.

Create a task force to unlock the processes for acknowledging property rights.

06

VISION FOR THE FUTURE Implement a national strategy for land use planning and land tenure regularisation that guarantees efficient use of land, social justice and environmental

protection.



## APPLICABLE LEGISLATION

**Brazilian Federal Constitution of 1988**, articles 184 and 186 - Provide for the social function of rural and urban land.

Law No. 11.952/2009 - Provides for land tenure regularisation of occupied land in areas that belong to the Federal Government, within the scope of the Brazilian Legal Amazon.

**Law No. 13.465/2017** - Provides for rural and urban land tenure regularisation, and land tenure regularisation within the Brazilian Legal Amazon.

**Law No. 14.382/2022** – Provides for the Electronic System of Public Records (SERP).

Law No. 12.651/2012 - Instituted the so-called "New Forest Code".



# **RELATED PROPOSALS**

Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Outline a management plan for the main databases maintained by the Federal Government, improving the performance of those systems and including full disclosure of information.



# **BILLS OF INTEREST**

**Bill No. 486/2022** – Amends Laws No. 8.629, of February 25, 1993, No. 9.605, of February 12, 1998, No. 11.284, of March 2, 2006, and No. 12.651, of May 25, 2012.

**Bill No. 510/2021** – Consolidates land tenure regularisation legislation for the entire country; allows for regularisation of lands occupied prior to May 25, 2012; increases the maximum property area that might be regularised to 2,500 hectares.

**Bill No. 4.718/2020** - Prescribes that land tenure regularisation of rural land occupations in areas that belong to the Federal Government within the Legal Amazon may be carried out through legal proceedings initiated by the occupant of the land.





# Phytelephas macrocarpa (Ivory nut palm or Jarina)

This is a small palm tree with a thick trunk, numerous roots and flowers that exhale an intense perfume. It is native to the equatorial region of Central America and South America, mainly in Bolivia, Peru, Colombia, Ecuador and, in Brazil, in the states of Rondônia, Acre and Amazonas. It is a slow growing plant with handsome leaves. For years, it is not possible to see the trunk. Normally, each fruit contains from four to nine seeds. The seed cavities contain a refreshing liquid, similar to coconut water. The seeds take up to four years to germinate, and the plant produces fruit from 7 to 25 years. When the fruit matures the liquid becomes gelatinous and edible. Once mature, the seeds loosen and fall. This permits them to be dried, which takes from 4 weeks to 4 months. The seeds then become hard, white and opaque like ivory, with the advantage that they are resistant and easy to handle. The palm tree is used by local populations for building houses, as food for humans and for animals and for making rope. The most used part of the plant is the seed. This serves as a substitute for animal ivory and is used to make ornaments, buttons, bio-jewellery, piano keys, small statues and souvenirs. The few cultivated plants may be found in public and private gardens, having a merely ornamental function.

# Mining

## **KEY MESSAGES**

The strategic mining agenda should not be overshadowed by the discussion on combating crime.

A broader interaction with organized civil society, the financial sector, the production sector, governors, the new National Congress and the international community is necessary.

It should be made clear that the government's position is oriented to legality, aimed at a broad alliance against illegal mining.

The withdrawal from areas occupied by illegal artisanal mining needs to be accompanied by support measures and economic alternatives.



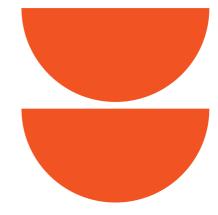
Mining represents 2.4% of GDP and is one of the sectors that most generates taxes and charges in the country. In 2021, sector revenues were BRL 339 billion, with tax revenue for governments totalling BRL 117 billion (IBRAM, 2022). The sector's weight in the Brazilian Legal Amazon economy is undeniable and its importance is even greater considering its relationship with other sectors, such as energy and agriculture. Mining could contribute towards making Brazil a global leader in the race to decarbonisation. However, the discussion is dominated by the advance of illegal artisanal mining in the Amazon.

# A strategic agenda overshadowed by crime

There are strategic minerals for the development of the energy transition and the digital economy. Some examples are energy generation from renewable sources and the development of batteries and electric motors. Today it cannot be said that Brazil is aware of its geological potential; the country needs to promote more detailed research at scale (IBRAM, 2022). This would facilitate the organized, transparent exploitation of mineral resources, with robust socio-environmental safeguards. A mining industry aligned with national interests that respects the rights of indigenous peoples and local communities.

Another strategic subject for the country is dependence on fertilisers, which gives Brazil the opportunity to exercise leadership, not by the exploitation of protected areas but by the application of Law 12.890/13. This included soil remineralizers as an agricultural input in the Fertiliser Law. Given its extensive

geodiversity, the country could assume the forefront in this technological route, jointly leveraging the mining and agricultural sectors (FEBRAGEO, 2022b).



# Two key concepts

Source: MapBiomas (2021) and Ibram (2022).

# Artisanal minina

Is characterized by a low level of mechanization, almost always associated with non-specialized manpower and little or no permanent infrastructure. Ibram (2022) also differentiates between legal and illegal gold mining. The former is undertaken by registered companies and cooperatives, while the latter is done with no fiscal or labour control or occupational and environmental security.

# Industrial mining

Involves the extraction, transportation and processing of the material, employing a high level of mechanization and specialized manpower, in long-term operations.

Between 1985 and 2020, there was a sixfold increase in the area occupied by mining in the country, from 31,000 to 206,000 hectares. A major part of the increase was in the Amazon forest, where 72.5% (almost 150.000 ha) of the mined areas were located in 2020. Artisanal mining is almost totally concentrated in the Amazon, where it has expanded greatly in recent years, already occupying a larger area than industrial mining. Artisanal mining has advanced into indigenous lands and conservation units (CUs) in the Amazon. Between 2010 and 2020, the area occupied by artisanal mining in indigenous lands increased by 495%, and in the CUs, growth was 301% (MAPBIOMAS, 2021).

Increasingly equipped with heavy machinery, artisanal mining is responsible for the increase in crime, violence, environmental contamination and destruction of the forest. Artisanal and small-scale gold mining uses mercury in

the mineral purification process. The mercury contaminates rivers and soils, putting diverse species at risk and threatening the food security of indigenous, rural and urban communities. The Observatório do Mercúrio (WWF-BRAZIL, 2021) has studies and information about contamination in the Pan-Amazon region which may be visualised with geo-referencing. Even so, information about contamination is not well disseminated in public.

Predatory artisanal mining is a menace not only to civil society, but also to private business activities because it affects the reputation of the sector as a whole. With a focus on combating illegality, the debate on how to promote sustainable mining remains on a secondary plane. However, considering the history of socio-environmental impacts caused by large mining operations in the region, it is also fundamental to advance in the ESG agenda for industrial mining.

# **Priority** fronts

The strategy for the first 100 days needs to make it clear that the conduct of the new government will be based on the law. This strategy is organized in three fronts:

# 01

Enforcement, with rigorous inspection and control over activities;

# 02

Political articulation, pursuing broad communication with civil society and other important political and economic players;

# 03

Legislative measures, with the immediate revocation of rulings unfavourable to the environment sanctioned in the recent past.



# 1. Enforcement

# Coordination of command and control bodies

The unrestricted combat front against illegality is strongly associated with public security measures. This takes into account the new configuration of criminality in the Amazon, which is characterized by the superimposition of crimes and associates organized crime with illegal environmental activities. Accordingly, the coordination of command and control bodies is crucial. This encompasses not only the police forces, but all the institutions that can exercise enforcement, such as the Armed Forces, the environmental control bodies, the mining agency ANM (*Agência Nacional de Mineração*) and Brazil's Central Bank (FBSP, 2022).

# Strengthening Brazil's Mining Agency (ANM)

Created in 2017, the national mining agency ANM is responsible for controlling mining activities, with the power to fine offenders, interdict and close down activities, impose sanctions, among others. But it faces limitations that impede effective actions. With

budget restrictions, the agency lacks the personnel, equipment and other structures to exercise control. One of the necessary actions on the first front is the professionalisation and institutional reinforcement of the ANM. The agency is responsible for ensuring that mining permits (PLGs) are authorised based on technical criteria. And for cancelling mining exploitation requests in areas that overlap protected regions and areas with family agricultural production (INSTITU-TO IGARAPÉ, 2022). Another attribute of the ANM is controlling, charging and collecting the credits from the CFEM mineral resource exploitation financial compensation scheme. However, this simply does not work with illegal gold mining. And even when collected, the amounts do not translate into quality of life for local populations.

# Control by the Central Bank

The Central Bank plays an important role in the authorisation of the operations of DTVM securities brokerages. These brokerages are fundamental pieces in the gold commercialisation chain, because all the mineral from mining operations must by law be sold to them. However, there are no controls to ensure that the gold originates in authorised areas, which facilitates the "laundering" process. Accordingly, the Central Bank must strengthen control and inspection of the production and commercialisation of gold in the country. To do this, technologies such as blockchain and molecular tracing with silver isotopes could be allied with a traceability and socio-environmental compliance system (INSTITUTO ESCOLHAS, 2022).

# Planned withdrawal from invaded areas

The income from legal activities cannot compete with that obtained from the illegal extraction of gold, drawing young people into criminal activities. However, just repressing illegal mining is not enough. In some cases, artisanal mining is the only means of subsistence for families. To be effective and long-lasting, the withdrawal from areas invaded by artisanal mining must be planned to provide support for this work force, with emergency allowances and income alternatives. A case that serves as a reference is the Associação Sementes do Araguari, founded as a result of the pursuit of economic alternatives to the artisanal mining eliminated in the Alto Araguari community (State of Amapá) in 2009. Today, the association commercialises biocosmetics produced with forest ingredients (PINHEIRO, 2021).

# Control of commercialisation of mercury

Political articulation should take into account the fact that the gold extracted illegally in the Amazon ends up exported to other

countries. Meanwhile, the mercury used in artisanal mining is imported. In this respect, Ibama should prepare reports on the importation and commercialisation of mercury in order to strengthen and ensure transparency in the chain (OC. 2022).

# 2. Political articulation

The political articulation front should promote increased dialogue between organised civil society and the elected governors, the financial sector, the production sector, the new National Congress and the international community. This dialogue should be aimed at driving progress in strategic issues for the country and the mining sector, as stated at the beginning of this section. Moreover, it should address complex questions, such as mining in indigenous lands.

The regulations of article 231 of the Federal Constitution, which defined the main rules for the protection and use of indigenous lands, for example, are subject to different legal interpretations and impasses. This requires extensive discussions with society, with the active involvement of the indigenous peoples. One suggestion is that the public hearings should have as a starting point the demands of the indigenous peoples, like a "reverse consultation", with support from the Brazilian Geological Service and taking into account both national interests and respect and protection for the indigenous peoples (FEBRAGEO, 2020).



### 3. Legislative action

The third action front is related to laws, some of which ought to be revoked, while the passage of others should be accelerated. The laws that should be revoked or barred are those that promote activities that degrade the environment. This is the case of Bill No. 191/20, which proposes mining in indigenous lands. Organisations from different societal segments have opposed this bill, be it because they consider it unconstitutional or because they think that indigenous peoples do not have sufficient voice or power or due to the fact that it contains loopholes that favour illegal mining!

The following laws also contribute towards environmental degradation and should be revoked:

Decree 10.965/22, which establishes simplified criteria for permit processes and procedures

**Decree 10.966/22**, which establishes a support program for the development of artisanal and small-scale mining.

Furthermore, the legal treatment benefiting mining operations should be reviewed, considering that they already act as industrial organisations. As such, they should undertake mineral surveys, prepare projections of reserves and economic use plans, in addition to being subject to rigorous environmental licensing and labour controls (INSTITUTO ESCOLHAS, 2022b).In the field of proposals, for example, it is necessary to support bill of law 5.490/20, which institutes a national plan for the eradication of mercury contamination, and bill of law 2.159/22, which establishes rules for tracing the commercialisation and transportation of gold in the country.

Two legislative proposals for mining are presented here. The first is to revoke the decrees mentioned above. The second incorporates recommendations that guided the elaboration of bill of law 2.159/22, establishing new parameters for the purchase, sale and transportation of gold nationwide. These recommendations include the adoption of electronic invoicing and transportation and custody bills of lading, proof of mining and environmental regularity, and revocation of presumption of good faith (law 12.844/13), which facilitates laundering of illegal gold.

<sup>1.</sup> See the positions of Ibram (2022b), Febrageo (2022) and the Federal Public Prosecution area (2022), as well as the OC proposals (2022).

### Other sources and references

### Blockchain, traceability and monitoring of Brazilian gold Instituto Escolhas

https://concertacao.com/g96f

The study identifies institutional and regulatory gaps that impede greater control over the gold chain.

### An X-Ray on Gold: more than 200 tons may be illegal Instituto Escolhas

https://concertacao.com/e3ar

The study identifies indications of illegality in gold production in Brazil and quantifies the total volume of gold showing indications of illegality.

### Bills of interest

**Bill No. 5.490/20** – This institutes the National Mercury Contamination Eradication Plan, with preventive and repressive measures and social assistance for people contaminated by mercury.

**Bill No. 191/20** – This proposes mining in indigenous lands [Withdraw from processing in the National Congress].

**Bill No. 836/21** – This regulates the commercialisation of gold in Brazil, conditioning it to proof of mining and environmental regularization.

**Bill No. 2.159/22** – This establishes rules to trace the commercialisation and transportation of gold in the country.

**RELATED** TOPICS:

Economics; Governance; Land use planning and land tenure: Public Security; Science, Technology and Innovation

TYPE OF DOCUMENT:

provisional presidential decree

O legislative decree

concertação.com/ppd32



### **PROPOSAL**

Establish new parameters for purchasing, selling and transporting gold within the country.



#### **ISSUE**

In 2013, market deregulation had unexpected consequences in the form of actions that facilitated the process of "gold laundering" or "legalisation" of illegally extracted raw gold. This regulatory change discouraged gold first buyers from investigating the origin of this product. This obligation was replaced by a self-declaration by the miner. As a result, there has been an increase in illegal extraction, which in turn has led to a major escalation in violence and violent conflicts in areas of illegal gold extraction. However, the logic applied to combating these violations has involved repression with substantial investment in reactive action, with no support to proper incentives to inspection using coherent, intelligent strategies.



### **OBJECTIVES**

It is essential to strengthen the role of the Government in the fight against gold ore smuggling so as to curb the cycle of violence and environmental crimes in the Amazon, especially in indigenous lands. To this end, this Provisional Presidential Decree establishes rules for the purchase, sale and transport of gold in the country. Furthermore, the National Mining Agency, together with other public organisations, must be assigned the responsibility of structuring a transparent system for tracking and monitoring the extracted gold. This way, intelligence could be applied to the processes of monitoring, inspecting and duly penalising offenders.

### MAIN AXIS

- Environment
- O Social
- Economic

### SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

### **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

### **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



01

Adopt Provisional Presidential Decree as an enforceable law that establishes rules on legal access to gold.

**Provisional Presidential** Decree

02

Present a diagnosis on the gold registration and tracking system.

03

Present a diagnosis on the ability to monitor gold extraction.

04

Define criteria for extraction title (or license) issuance pro05

Implement and monitor strategies to deter illegal gold extraction. VISION FOR THE FUTURE Strengthen

the role of the Government in gold traceability and in the fight against wronadoina in the gold supply chain

100 days 50 days



### APPLICABLE LEGISLATION

**Decree No. 9.663/1919** - Statute of the Council for Financial Activities Control (COAF).

**Decree No. 6.514/2008** - Provides for violations and administrative sanctions regarding the environment and establishes the federal administrative process for the investigation of these violations.

Law No. 12.844/2013 – Provides for proof of tax compliance by taxpayers; regulates the purchase, sale and transport of gold; and imposes other measures.

Law No. 9.605/1998 - Provides for criminal and economic sanctions resulting from conducts and activities that are harmful to the environment.

Law No. 9.613/1998 - Provides for crimes of "laundering" or concealment of assets, rights and valuables and for preventing the use of the financial system for the illegal activities provided for in this Law; created the Council for Financial Activities Control (COAF).

**Law No. 7.766/1989** - Provides for gold as a financial asset, and its tax treatment.



### **BILLS OF INTEREST**

Bill No. 2.159/2022 – Amends Laws No. 7.766/1989 and No. 9.613/1998, revokes some articles of Law No. 12.844/2013, and sets new parameters for the purchase, sale and transport of gold within Brazilian borders, characterising administrative or criminal offenses and violations and their respective sanctions.

**Bill No. 836/2021** - Amends Law No. 7.766/1989 and Law No. 9.613/1998, with the objective of setting parameters for gold trade, and revokes some articles of Law No. 12.844/2013.



### **RELATED PROPOSALS**

### Blockchain, traceability and monitoring of Brazilian gold

Instituto Escolhas

https://concertacao.com/G96F

Eliminate good-faith transactions, monitor gold imports from Brazil, digitise all processes and documents, approve Bill 836/2021, and remove benefits to mining.

### Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Expand and tighten controls through the availability and use of public data and the integration of different inspection, monitoring and tracking systems, exports included.

Withdraw Bill No. 191/2020 (mining in indigenous lands), submitted to the Chamber of Deputies, from the Brazilian National Congress; and immediately resume the ongoing land demarcation and land titling processes.

Governing in order not to hand over: a Multidimensional Security agenda for the Brazilian Amazon Instituto Igarapé e Fórum Brasileiro de Segurança Pública

https://concertacao.com/r78k

Ensure traceability and control of the economic supply chains that affect deforestation in the Amazon by: (i) strengthening the National Mining Agency (ANM); (ii) using intelligence and information systems for traceability and transparency of supply chains; and (iii) revoking Law No. 12.844/2013, among others.

MINING 149

RELATED TOPICS:

Economics; Governance; Land use planning and land tenure; Public Security; Science, Technology and Innovation TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

executive order

o resolution

oncertacao.com/exo/1



### **PROPOSAL**

Revoke the Support Programme for the Development of Artisanal and Small-Scale Mining.



### **ISSUE**

Assertive discussions and decisive actions regarding mining activities are vitally important for the conservation of the Amazon Forest. This is also important for maintaining and expanding sustainable economic activities in the regions that comprise it. Currently, destructive techniques for environmental extraction, such as illegal mining, are legitimised and have an extensive social base, as they are an alternative for the livelihood of some low-income sectors. Furthermore, key players for the inspection and operation of the products from these activities are far removed from that local reality, making control even more challenging.



### **OBJECTIVES**

This Executive Order initially proposes that two federal decrees – Decree No. 10.965/2022 and Decree No. 10.966/2022 be revoked, as well as that Decree No. 9.406/2018 be amended. It also sets forth a positive agenda emphasising the distinction between formal economic activities and their very distinct counterparts with respect to illegal mining. The offense is considered from its social aspect, with acknowledgement of the affected parties, while seeking to provide economic alternatives. There is also the possibility of restructuring the National Mining Agency to once again include civil society in critical decisions for environmental protection.

### **MAIN AXIS**

- Environment
- Social
- Economic

### SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

#### **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- O Third sector
- International organisations
- Civil society
- Local communities

### **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



01

### STEPS

Revoke decrees No. 10.965/2022, No. 10.966/2022, and No. 9.406/ 2018. 02 Survey the population affected by the elimination of illegal extractive activities. 03 Support Bill No. 5.490/2020 and Bill No. 5.131/2019.

Call for more active intervention by the Central Bank and by securities dealers/brokerage companies (DTVMs). **05** Reorganise the ANM. VISION FOR THE FUTURE Stimulate activities that contribute to environmental preservation.

04



### APPLICABLE LEGISLATION

**Brazilian Federal Constitution of 1988** - Articles 20, 21, 174 and 176.

Law No. 13.575/2017 - Created the National Mining Agency (ANM).

Law No. 9.605/1998 - Environmental Crime Law.

**Decree No. 10.965/2022** - Amends Decree No. 9.406, of June 12, 2018, which regulates Decree-Law No. 227, of February 28, 1967, Law No. 6.567, of September 24, 1978, Law No. 7.805, of July 18 of 1989, and Law No. 13.575, of December 26, 2017.

**Decree No. 10.966/2022** - Establishes the Support Programme for the Development of Artisanal and Small-Scale Mining and the Interministerial Committee for the Development of Artisanal and Small-Scale Mining.

**Decree No. 9.406/2018** – Regulates Decree-Law No. 227, of February 28, 1967, Law No. 6.567, of September 24, 1978, Law No. 7.805, of July 18, 1989, and Law No. 13.575, of December 26, 2017.



### **BILLS OF INTEREST**

**Bill No. 5.131/2019** - Provides for the required documentation for the transport of gold and changes the penalties for illegal transport of gold.

**Bill No. 5.490/2020** - Created the National Plan for the Eradication of Mercury Contamination, among other provisions.



### **RELATED PROPOSALS**

### Blockchain, traceability and monitoring of Brazilian gold

Instituto Escolhas

https://concertacao.com/G96F

Eliminate good-faith transactions, monitor gold imports from Brazil, digitise all processes and documents, approve Bill 836/2021, and remove benefits to mining.

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Expand and tighten controls through the availability and use of public data and the integration of different inspection, monitoring and tracking systems, exports included.

Withdraw Bill No. 191/2020 (mining in indigenous lands), submitted to the Chamber of Deputies, from the Brazilian National Congress; and immediately resume the ongoing land demarcation and land titling processes.

Governing in order not to hand over: a Multidimensional Security agenda for the Brazilian Amazon Instituto Igarapé e Fórum Brasileiro de Segurança Pública

https://concertacao.com/r78k

Ensure traceability and control of the economic supply chains that affect deforestation in the Amazon by: (i) strengthening the National Mining Agency (ANM); (ii) using intelligence and information systems for traceability and transparency of supply chains; and (iii) revoking Law No. 12.844/2013, among others.

### **INFRASTRUCTURE**







### Pouteria caimito (Star apple or Abiu)

The trees can reach 30 meters in height and the trunk 65 cm in diameter. The name abiu comes from Tupi-Guarani and means "beak fruit". The pulp of the fruit may be consumed when it is ripe, however care should be taken with the latex. The energy value of the pulp is low. One hundred grams is constituted of the following components: calories, 95, proteins 2.1 g, lipids 1.1 g, carbohydrates 27 g, fibres, 3 g. On the other hand, it has a high content of calcium, vitamins A and C and sugars. The fruit is fleshy and contains from two to four seeds. It is flavoursome and may be used to make jams and sweets. The oblong-shaped seeds are large and have a rough light brown outer integument of average length, width and thickness. In medicinal terms, the fruit may be used to treat pulmonary conditions and is recognized as having antioxidant properties. The husk of the plant has antidysenteric properties and may be used to control fever. The oil extracted from the seeds is used to treat skin inflammations and otitis. The tree is melliferous. It may be used ornamentally and in the reclamation of degraded areas because it attracts fauna. It should be noted the integument of the fruit is hard, which probably causes dormancy resulting in a slow, uneven germination. Historically, the abiu was very well known among the pre-Columbian civilizations in South America. Until today it is appreciated and consumed in Amazonian settlements, including the Assunção do Içana indigenous community. Nowadays, it is cultivated practically exclusively by family smallholder producers in virtually the whole of the Brazilian Amazon region.

### Infrastructure

### **KEY MESSAGES**

Economic investment in infrastructure projects does not necessarily result in local socio-economic development.

Decision-making processes require integrity procedures based on technical criteria in order to rupture the historical relationship between the infrastructure agenda and corruption.

It is necessary to anticipate socio-environmental impact analyses with transparency and a flow of stages defined in the decision-making processes.

The Amazon itself is an infrastructure that provides solutions for Brazil and for the world

Discussing infrastructure also means discussing development models. The current infrastructure, for example, corresponds to a model basically grounded in the transportation of commodities. And instruments like Brazil's National Logistics Plan – PNL 2035 – are a reflex of this, by not incorporating projects oriented to the conservation economy. The projects are not only "territorially blind", but also "socially deaf". That is, they involve low social participation, limited to environmental licensing projects which do not listen to what the populations impacted understand to be and desire as development.

Economic investment in infrastructure projects does not necessarily result in local socio-economic development. The Amazon exports energy to the rest of the country, while almost 1 million people who live in the region do not have access to a steady electricity supply (IEMA, 2020), while another 3 million depend on diesel powered thermal plants not connected to the National Energy Grid (SCHUTZE, BINES AND ASSUNÇÃO, 2022).

At the same time, the construction of dams and highways and the exploitation of oil and gas generate a series of social and environmental impacts, sometimes provoked by interactions between these projects and other activities. The hydroelectric plants, for example, lead to the construction of highways which, in turn, generate an increase in deforestation and agriculture. The synergic effects of these impacts can compromise the functioning of ecosystems with major effects on lifestyles and human health (FEARNSIDE et al., 2021).

A great effort is necessary to acclimate the proposals, and this starts with making people visible from a physical and geographical standpoint. The territoriality of infrastructure projects in the Amazon is much greater than imagined and allowed for by law. The area of influence of a project cannot be predefined by a fixed buffer zone and needs to take into account changes induced by the implantation of the project (ANTONACCIO et al., 2020). Acclimating large works in the Amazon also involves adopting anticipatory measures, strengthening territorial governance structures, guaranteeing effective social participation, as well as transparency and monitoring to build trust between the diverse parties involved (FGVCES, 2018).

The recommendations indicating paths for infrastructure in the Amazon are extensive and include, among others:

- enhancement of environmental licensing;
- in-depth reassessment of the current pipeline;
- strengthening of management;
- anti-corruption measures;
- debates and analyses, at the initial stages, to question what and for whom the infrastructure project is;
- institutionalisation of decision-making processes:
- reassessment of bills of law (especially the General Licensing Law and the regulation of the infrastructure policy);
- public investments in social infrastructure.

As the main element, however, it is necessary to emphasize the perspectives of the residents of the Amazon to think about the future. What are the infrastructure requirements of the people who live in the Amazon?

Infrastructure should be viewed as a solution to achieve the targets of the Paris Agreement and the Sustainable Development Goals (SDGs), aligned with a new economic development model that combats deforestation, inequalities and violence, and contributes to keeping the forest standing and keeping its rivers clean and flowing.

The Amazon itself should be understood as the main infrastructure for Brazil and as a solution for global problems.

Among the various conceptions of infrastructure is the dimension that addresses the basic elements of social and economic life, such as water, sanitation, energy, internet and mobility. But there is also the dimension of care, which confers quality of life for people. In the Amazon, this dimension goes beyond combating poverty and hunger to include specific needs such as sanitation, for example. There is also an immaterial dimension which encompasses social cooperation, reinforcement of institutional capacities, knowledge, technology, educational and business revolution, as well as combating environmental crime (ABRAMOVAY, 2022).

For infrastructure not to be addressed only as a question of licensing and to be aligned with higher development ambitions, federal public environmental management needs to be prepared to dialogue with the sub-national spheres, without which no progress will be made. The states need to participate in legislative discussions about infrastructure. as

well as project viability and environmental impact assessments. It is also fundamental to promote inter-sector articulation in order to work within a partnership network. Relevant stakeholders in this articulation are the TCU, the Federal Court of Accounts, the CGU, the Federal Comptroller General and the AGU, the Attorney General. Sectors that are being reorganised, such as transportation, energy, science and technology should also be included. Planning demands a regional vision that is integrated with the other ministries.

In other words, it is not enough to change the rules and invite society to get involved in the decision-making process. It is also necessary to reorganise public environmental planning, revising the activities of the Ministry of the Environment and the environmental agenda itself.

There are important discussions besides licensing, such as the energy transition in the Amazon, which need to be transformed into a large-scale public policy. Without access to energy, it is not possible to develop the bioeconomy or increase access to healthcare. Given the challenge of decarbonisation, energy planning in the region needs to reduce the dependence on fossil fuels and increase investments in renewable sources, with strategies for a fair energy transition that does not jeopardise more vulnerable groups.

A short-term measure would be to improve the Mais Luz para a Amazônia programme, with objective targets, transparent priorities, control and the involvement of local communities (SCHUTZE, BINES AND AS-SUNÇÃO, 2022. The results of the Xingu Solar project indicate an opportunity to universalise access by means of renewable sources, with a lower socioenvironmental impact and lower costs for communities and for society (IEMA, 2019). It should be noted that the Science Panel for the Amazon makes recommendations contrary to the construction of new hydroelectric dams in the Amazon with an installed capacity equal to or over 10 MW (FEARNSIDE et al., 2021). Also, just as important as electrical energy is digital connectivity, a demand common to other topics addressed in this document.

The first 100 days are important for establishing the bases for very complex discussions related to infrastructure. It is fundamental that the region should no longer be seen as a mere supplier of energy and commodities so that it may be developed in its own right and present innovative solutions for Brazil and the world. The newly elected governments will have 4 years to establish the bases for this change in mentality and institutional behaviour. The way in which the Amazon relates to Brazil, including through infrastructure, is a strategic aspect of this change.

Within the Concertation working group on Socio-territorial Infrastructure, based on research from FGVces and in partnership with WWF-Brasil, a system of classification (taxonomy) of infrastructures for the Amazon is being elaborated. This new system is centred on strategic objectives oriented to concretizing a contemporary vision of the future for the region. This vision prioritises the guarantee of access to essential services for local communities and support for

their ways of life; combating environmental crime and violence; and protecting social biodiversity and the climate. The classification system also permits that new and existing infrastructure projects be assessed in the light of strategic objectives, as well as the targets linked with the SDGs and the climate agreements.

International experiences of elaborating taxonomies and classifications of sustainable economic activities indicate that the process needs to be inclusive and to engage the diversity of perspectives and knowledge of the Amazonian peoples, academy, civil society, governments and the private sector. Beyond orientating decisions on infrastructure investments, the classification system has the potential to become an instrument for promoting changes, providing inputs for the reformulation of public policies and infrastructure projects.



For the first 100 days, the priority measures include bringing forward socioenvironmental analysis, as well as reinforcing territorial governance. It is necessary to ensure free, prior and informed consultation, as guaranteed by the International Labour Organisation (ILO) Convention 169. In this respect, it is necessary to institutionalise this practice in the decision-making pro-

cess and review the projects in the PPI (Investment Partnership Program) pipeline. Priorities, as well as alternatives to achieve the same purposes, need to be discussed. This does not mean rejecting the projects, but rather assessing them in the light of technical criteria. Therefore, within the PPI, the normative proposition presented in this sector aims:

- to review projects in the portfolio, classifying them based on the technical, economic and environmental viability (EVTEA) studies prior to the licensing phase, as well as in comparative scenarios that fulfil the purpose of the project;
- to institute an iterative process to delimit areas of direct and indirect influence in the study phase, ensuring the participation of indigenous peoples and traditional communities when there are indications that they will be affected by the works; and
- establish the possibility of creating a panel to resolve controversies

In terms of policy instruments, it should be noted that the Legal Amazon Regional Development Plan (PRDA 2020-2023) is coming to an end and that the recently launched Federal Development Strategy (EFD) is quite superficial. In this respect, it would be opportune to initiate the process of formulating a new federal development strategy considering the Amazon and focusing on local infrastructure needs, with works on a smaller scale (CHIAVARI et al., 2020).

### Other sources and references

### **Climate Policy Initiative**

https://concertacao.com/9wxa

Diverse studies and technical notes provide detailed recommendations for the improvement of policies and decision-making processes in the infrastructure sector in the Amazon.

Major infrastructure works in the Amazon: lessons learned and guidelines Centro de Estudos em Sustentabilidade da Fundação Getulio Vargas

https://concertacao.com/84rt

The project organises recommendations both for public policies and for business practices involving large works in the Amazon.

Public Policies and Territorial Governance in Contexts of Large Infrastructure Works in the Amazon Centro de Estudos em Sustentabilidade da Fundação Getulio Vargas

https://concertacao.com/xb8a

A series of publications, reports and virtual meetings to discuss the role of the Amazon states in the responsible planning and implantation of large infrastructure works.

### Bills of interest

Bill No. 2.159/21 - Related to environmental licensing.

INFRASTRUCTURE 159

RELATED TOPICS:

Cities; Climate Change; Economics Governance; Land use planning and land tenure TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

executive order

O resolution



### **PROPOSAL**

Qualify infrastructure projects in the Brazilian Legal Amazon for the Investment Partnerships Programme (PPI), bringing forward in the decision-making timeline the assessment of socio-environmental impacts.



### **ISSUE**

Infrastructure projects in the Brazilian Legal Amazon have historically been characterised by a disengagement from a development model that would help keep the forest standing, preserve its biodiversity, and improve the quality of life of populations living in the region. When addressed strictly from an environmental licensing point of view, the construction of dams and roads and the exploration of oil and gas lead to a worsening of environmental degradation and violation of human rights.



### **OBJECTIVES**

This draft executive order sets parameters to guarantee the population's right to prior, free and informed consultation about infrastructure projects in their territories, within the scope of the Investment Partnerships Programme. Thus, it provides for: i) the review of the programme's portfolio, based on Technical, Economic and Environmental Feasibility Studies (EVTEA) – with the social and environmental analysis brought forward; ii) establishing a participatory process to delimit the areas of direct and indirect influence still at the EVTEA stage, including indigenous peoples and traditional communities that are affected by those projects; and iii) the possibility of creating a conflict resolution panel.

### MAIN AXIS

- Environment
- Social
- Economic

### SPHERE OF GOVERNMENT

- Federal
- State
- Municipality

#### **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

### **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



### STEPS

01

Publish the Executive Order.

02

Define work plan within the scope of the PPI Council. 03

Screen and rank the projects in the portfolio according to EVTEA.

100 days

04

Bring in regulation for the sequence of steps in the decision-making process. VISION FOR THE FUTURE Include social and environmental

environmental governance in the implementation of major works in the Amazon region.

**Executive Order** 

60 dias



### APPLICABLE LEGISLATION

**Law No. 13.334/2016** - Created the Investment Partnerships Programme (PPI).



### **BILLS OF INTEREST**

**Bill No. 2.159/2021** (New Legal Framework for Environmental Licensing) – Provides for environmental licensing.



### **RELATED PROPOSALS**

Accessibility in the Legal Amazon: Delimiting the Area of Influence and Environmental Risks *Amazônia 2030* 

https://concertacao.com/Yccz

Develop a methodology that makes it possible to calculate the area of influence of logistics infrastructure projects from public information, so as to reduce the discretionary way in which the delimitation of areas of direct and indirect influence is currently made.





### Jacaranda copaia (Caroba)

These are large trees reaching heights of 30 meters or more. The leaves are bipinnate, the fruit is an oblong capsule that contains numerous winged seeds that do not present dormancy. They have a high percentage of initial germination. The species is recommended for forestry plantations, the reclamation of altered areas, reforestation and regeneration of secondary vegetation areas due to the fact that it grows very rapidly. The caroba provides a whitish-yellow or off-white wood, with a satiny finish that is light and soft. This why it is considered ideal for civil construction work, mainly in finishes for products such as door frames, doors, windows, flooring and ceilings. The wood may also be used to make different types of crates, moorings, furniture and utensils. In popular medicine, the species is used to treat renal, rheumatic and dermatological conditions, as well as microbial infections of the larynx. The tree is beautiful when it blossoms, making it popular in urban and ornamental afforestation.

### **Cities**

### **KEY MESSAGES**

The heterogeneous nature of the cities in the Brazilian Legal Amazon should be a central component in the proposal for a new development model, correlating social, economic and ecological requirements with the multiple forms of urban occupation.

To institutionalize any long-term development proposal in the region, roots must be created in the local sphere. This makes the federal and state governments responsible for articulating coordinated and integrative policies that empower the municipalities and give their residents a voice

The resumption of the cultural ties between the inhabitants of the urban centres and rural and forest dwellers is fundamental for overcoming the challenge of climate change.

The analytical framework of the Four Amazons is aimed at addressing the heterogeneous nature of the region, with a view to distinguishing the predominant activities, the specific needs and the priority actions in each of the different sub-areas. The Brazilian Legal Amazon is home to conserved forests, deforested areas and transition zones between both. It also includes a diverse urban ecosystem that differs from city to city, which reflects the complexities of the forest and, as such, demands specific public policies, programmes and infrastructures (PAGOTTO, PIAZZON, WAACK, 2022).

And it is in this space in which the different Amazonian cultures interact that any development proposal needs to take root so that it may become institutionalised over the long-term in the region. In other words: if a project is not accepted by the local structures, it is probably doomed to failure (PAGOTTO, PIAZZON, WAACK, 2022). This makes the federal and state governments responsible for articulating coordinated and integrative policies that empower the municipalities and the people living in them.

# From the forest to the asphalt



According to the Amazônia 2030 project study (CHEIN, PROCÓPIO, 2022) on cities. between 1960 and 2010. 2.804 new municipalities were created in Brazil, of which 545 in the Brazilian Legal Amazon . From 1960 to 1991, the population of the Amazon increased from around 5.8 million to almost 17 million inhabitants, reaching over 25 million in 2010 - a population increase of 347%, compared with only 156% for the rest of Brazil. These are small, disconnected, physically and digitally distant municipalities. The extremely sparse urban network with little possibility of virtual connectivity arising from lack of connections and broadband, for example, makes the offer of urban services and the formation of inter-municipal consortia difficult.

In these municipalities, there are difficulties in management and in income generation, with tax waivers and a lack of intelligent resources, such as public internet access points and monitoring of areas of risk. Illegality and informality make public administration even more complex, both in the small municipalities and in the state capitals. The study also identified that the municipalities are very unequal internally, in terms of people and public services, with worse indicators than the rest of Brazil (CHEIN, PROCÓPIO, 2022).

According to IBGE parameters, the Brazilian Amazon is predominantly urban – more than 75% of its population lives in cities (LAPOLA et al 2022). And both rural and urban sectors

### Two key concepts

Source: Retratos Setoriais - Adaptação e Resiliência. Available at: https://concertacao.com/a13r

### Adaptation

This encompasses the set of strategies, initiatives and measures aimed at increasing the capacity of natural and human systems to address current and future climate change impacts. Adaptation measures consist mainly of the reduction of the vulnerabilities identified related to the current and projected level of exposure.

### Resilience

The capacity of a determined environmental, social or economic system to respond to and be reorganized in response to adverse disruptions, while maintaining its original functions and structures. Adaptation measures, for example, function by making such systems more resilient. That is, better able to absorb disruptions and, therefore, less vulnerable to climate risk.

have worse coverage of basic infrastructure services compared with all the corresponding classes of sizes of municipalities in the country (CHEIN, PROCÓPIO, 2022). But the simple legal and territorial demarcation between the municipalities and the classification of urban (population concentration) and rural (population dispersion) space do not permit comprehension of the dynamics of urban, rural and forested areas in the region.

The urbanisation process in the Amazon has been disorganized and multiple, the result of different historical expediencies and geographical development patterns. This process has resulted in spaces with very distinct characteristics: cities with access by road and

cities with only waterway access; cities created based on rapid agribusiness expansion; cities heavily impacted by major infrastructure works; cities with transnational borders; and ethnic borders; as well as cities that are a stage for various types of crimes and illegal activities (SCHOR, 2021).

This situation results in complex problems that are juxtaposed and feed back into each other, demanding equally complex solutions. Historically, federal government efforts for the Amazon consider it to be an inexhaustible, primitive and homogeneous region, submitting it to a development model that only aggravates the different exploitation cycles, while the region's human and ecosystemic diversity is made invisible (ROBINA, 2021).

In the Amazon, there is an overlap of times, spaces and people - identities that are activated and deactivated in accordance with the necessity - which needs to be analysed in depth. On the one hand, there is a successful interchange between the urban areas and the rural and forest areas, with respect to trade in goods and services. On the other, the cities lack basic infrastructure services, including adequate water supply, waste collection, power supply and sewage networks (CHEIN, PROCÓPIO, 2022). Moreover, the rural exodus alters the relationship the populations fleeing the conflicts in the countryside in pursuit of better living conditions have with nature. This results in the emotional distancing of these populations from the forest culture (LAPOLA et al. 2022).

The social indicators in the Amazon region are among the worst in the country. These are vulnerabilities that are heightened in the presence of extreme climatic events. Consequently, the revival of the cultural connection of the residents in urban centres with the forest and its peoples is fundamental in overcoming climate change. The perception of climate risk is related to the values that people and societies attribute to the damage, losses and benefits associated with the impacts of the problem (An Amazon Concertation, 2022b). Understanding of the climate issue by urban populations is fundamental, because the best responses to the problems in the cities come from the people who live in and know the local reality.

### Climate Agenda for Belém

Source: Rede Jandyras. Available at: https://concertacao.com/j4nd

The Rede Jandyras is an initiative developed by women from Belém, which discusses and seeks solutions for the effects of the climate crisis in the city on an intersectional basis. The network presented an agenda to reactivate a space that provides support for families facing problems with land title regularization in Belém. The idea is to make the process of proving land ownership less bureaucratic.

The agenda set forth five priority questions for the city, considering the more vulnerable populations: i) environmental and racial justice; ii) childhood and climate; iii) urban mobility; iv) the right to water and sanitation; and v) the right to a city focused on social housing. The document was distributed to Belém city councillors. This was approved in the council chamber in 2021, resulting in a budget for a Climate Change Forum in the coming years. The climate crisis directly affects peoples' daily lives, but they do not perceive the cause and effect relationship. Introducing racial and gender perspectives is one of the priorities of the agenda.

The document Agenda Climática para Belém is a systematisation of data, analyses and proposals to mitigate and adapt to the effects of the climate crisis in Belém. The five priority questions are aimed at guiding and demanding action from public authorities.

# A bottom-up approach

Despite their integrative potential, federal public policies aimed at cities are usually wide-ranging, dispersed and have little to do with the specificities of the Amazon. It is fundamental for the future government to promote coordination and cooperation among sub-national bodies. Two solutions with integrative potential are:

The first is the reformulation of Sudam, so that the regional development plan incorporates the challenges faced by the cities. There should be a mechanism to coordinate actions between the states and the municipalities. Another complementary strategy is the recreation of the Ministry of Cities, or the institution of a secretariat linked with the Presidency of the Republic, aimed at driving more direct relations between the federal government and the municipalities.

For these policies to be effective, it is necessary to adopt measures to strengthen institutional spaces and mechanisms for monitoring, participation, social control and the proposition of public policies, with public support and financing. In this respect, the proposal presented on page XX, to recreate

collegiate bodies extinguished by decree 9.759/19 is a measure indicating orientation to participative governance.

Regarding access to urban infrastructure services, the next governments should prioritise actions that guarantee the protection and resilience of populations living in the cities. We suggest the reinstatement of the Public Housing Policy, in place between 2003 and 2016, under the auspices of the Ministry of the Cities. In this respect, priority should be given to new social housing that employs bioclimatic architecture and takes into account the specificities of the climate in the Amazon.

More specifically, this document accompanies a proposal for a bill of law that promotes the development of alternative technologies for decentralized sewage systems. This proposal is aligned with the target of universal access to potable water and the treatment and collection of sewage by 2033, set forth in the new Basic Sanitation Legal Framework. This represents an opportunity for public policies related to this subject to be incorporated into municipal sanitation plans.

### Other sources and references

Cities in the Legal Amazon: diagnosis, challenges and opportunities for sustainable urbanization

Amazônia 2030

https://concertacao.com/fn8f

The document seeks to throw light on the key questions related to the urbanisation of the Legal Amazon. It presents a brief summary of the occupation of the territory over the last 60 years and the current urbanisation process. It also analyses the heterogeneous nature and the socio-economic indicators that characterise the cities in the Amazon.

### Boosting relations between the Amazon forest and its globalizing cities The Amazon We Want

https://concertacao.com/nkgh

The document discusses rural-urban relations in the Amazon and the possibility of connecting the many inhabitants of the cities and the forest physically and culturally.

RELATED TOPICS:

Health Care; Infrastructure; Land use planning and land tenure

TYPE OF DOCUMENT:

O provisional presidential decree

O legislative decree

bill



concertação.com/bill61

### **PROPOSAL**

Develop technological alternatives for decentralised sewarage solutions in special, rural and peri-urban areas.



### **ISSUE**

Data on sanitary sewage in Amazonian cities are alarming: in 2010, 14% of the population in municipalities in the Brazilian Legal Amazon lived in households served by a sewage system, whereas in the rest of the country that percentage reached 60%. Only 58.4% of the population in the Amazon had access to a drinking water supply network, compared to the average 85.4% of the overall population. Their precarious situation is even more critical in peri-urban zones and rural areas, where the collective use of sewage treatment systems together with urban and densely populated regions is more challenging or impossible. The lack of alternatives for adequate sewage treatment in these locations results in environmental and public health problems.



### **OBJECTIVES**

This Bill provides for incentives to the development of technological alternatives for decentralised sewerage solutions. Thus, it would allow for clear regulations regarding the implementation of related public policies and favour investments in that sector. Local sewage systems are built primarily to serve populations located in conservation units and guilombola and indigenous territories, requiring distinct and environmentally appropriate implementation approaches. The bill is in accordance with the goal set in the new Basic Sanitation Legal Framework: universal access to drinking water and sanitation by 2033.

### MAIN AXIS

- Environment
- O Social
- Economic

### SPHERE OF GOVERNMENT

- Federal
- O State
- Municipality

#### **KEY PLAYERS**

- Federal Government
- States
- Municipalities
- Legislative
- Academia
- Private sector
- Third sector
- International organisations
- Civil society
- Local communities

### **REQUIRED RESOURCES**

- Allocation of existing financial resources
- Allocation of existing human resources
- Anticipated need for additional financial resources



01 Bring forward and sign the Bill into law...

02 Publish Bill.

100 days

03 Introduce regulations for the adoption of decentralised sewage systems in municipal sanitation plans. 04 Put together a portfolio of technologies based on technical, economic and environmental feasibility

studies.

05 Create a support fund for concession projects and public-private partnerships.

**VISION FOR** THE FUTURE Ensure universal access to water and sanitation in the region.



### APPLICABLE LEGISLATION

**Brazilian Federal Constitution of 1988,** article 5, items XXII, XXIII and XXV.

Law No. 9.984/2000 - Created the National Water and Sanitation Agency (ANA).

Law No. 10.527/2001 - Regulates articles 182 and 183 of the Federal Constitution and establishes general guidelines for urban policy, among other provisions.

**Law No. 14.026/2020** - Updated the Basic Sanitation Legal Framework.



### **BILLS OF INTEREST**

**Bill No. 1.922/2022** – Amends Law No. 11.445, of January 5, 2007 (Basic Sanitation Law), to guarantee access to drinking water and sanitation as a basic right.



### **RELATED PROPOSALS**

### Brazil 2045: building an environmental powerhouse Observatório do Clima

https://concertacao.com/3red

Support the formulation and implementation of municipal water and sanitation plans. And, in metropolitan areas and other urban agglomerations, support the implementation of state plans, with a view to achieving the goals regarding universalisation of related services.

### Contributions for a Democratic and Progressive Government

### Bernard Appy and others

https://concertacao.com/d4he

Improve the legal and regulatory environment in order to create attractive investment projects for concessions, considering the new Basic Sanitation Legal Framework, which provides for new concession models.

### A ten-point plan for decarbonising Brazil Clima e Desenvolvimento e Instituto Talanoa

https://concertacao.com/8s2p

Draft and bring forward legislation that is more suitable for controlling the use of land, favouring water reuse systems through existing technologies, and prioritising and strengthening wastewater collection networks.

### SCIENCE, TECHNOLOGY & INNOVATION









### Copaifera officinalis (Copaiba balsam)

The copaiba is one of the promising forest species for sustainable use in the Amazon. These are endemic to Brazil, with at least 16 species in the Amazon and the Cerrado biomes. They are found both on dry land and in wetlands, on the banks of lakes and creeks. The name comes from the Tupi kupa'iwa, which means "storage tree". This is due to the fact that the species stores a resin in its trunk which has been used for centuries by traditional populations as an anti-inflammatory and to heal wounds. Its benefits in gastroprotection and antitumor applications, as well as use as an analgesic have been scientifically proven. It has a high market value due to its multiple applications in the pharmaceutical, cosmetics and perfume industries, as well as use as an additive in the manufacture of varnishes and paints. Lastly, it is valued in the timber industry, although this exacerbates pressure for exploitation of the species. The dispersion of the seeds, black in colour with white or yellow aryl, occurs through animals, generally toucans, who are probably attracted by the yellowish aryl and the smell of coumarin. The viability of the seeds, tested by drying or freezing, enables them to be conserved for long periods.

## Science, technology & innovation

### **KEY MESSAGES**

The recuperation of the region's educational and research institutions is a priority for the first 100 days of the new government, starting with the recomposition of bodies of researchers and employees.

Without the conservation of the biome, there will be no basis for the development of bio-prospecting and biotechnology proposals.

The lack of fundamental elements, such as security and infrastructure, impedes the advance of research.

Innovative arrangements for public research institutions are necessary to promote greater collaboration with non-government stakeholders.

It is necessary to organize a strategic ST&I agenda, identifying the most promising areas for research, the competencies that should be created and/or strengthened, with appropriate incentive mechanisms.

The finance models for RD&I should consider that non-reimbursable funds are still extremely important.

# The future at risk



In 2021, the Scientific Panel for the Amazon published the first scientific report undertaken for the entire Amazon Basin and its biomes. Although this is a key contribution for the diagnosis of ST&I in the region, it is necessary to use a specific lens for recent years in view of the fact that problems, especially related to the environment, healthcare and research in the region, have been aggravated.

Brazilian research institutions have undergone intense degradation, including in relation to staffing. Since 2013, budgets for ST&I have been undergoing reductions, a situation that has become even more acute in the last four years. In the Amazon, the situation is even more dire: in spite of representing 60% of the country's territory and almost 10% of GDP, the region receives only 3% of the country's investments in ST&I. Compounded by the lack of labour rights, among other factors, this explains the exodus of highly qualified human resources to other sectors or countries. Moreover, the ST&I agenda faces other challenges, listed ahead.

### Low involvement of the private sector in ST&I in Brazil.

Differently from developed countries, in Brazil the private sector invests very little in applied science. For the bioeconomy not to be viewed as a field of primary extractivism and to ensure its transformation within 10 to 15 years, it is necessary to identify which areas will be developed, with the private sector playing a fundamental role in this effort.

### Inadequate institutional models for collaboration with non-governmental stakeholders.

Public research institutions still operate based on 20<sup>th</sup> century models, with little flexibility to collaborate with private initiative and many obstacles to financing by non-governmental stakeholders.

### Lack of basic entrepreneurial education, with learning oriented to practice.

In this regard, interchange with the private sector could make a difference. The programmes currently aimed at creating start-ups also lack territoriality, because they do not always take into account the specific needs of the region.

Lack of integration of traditional populations and their knowledge – indigenous peoples, *quilombola* and riverine communities – with the universities and the research environment.

Indigenous people, for example, are attending

universities but do not find an environment apt for the application of traditional knowledge. Quotas are important, but the inclusion systems are still defective. This is also reflected in the creation of start-ups, which do not look at the social technologies of these peoples, which could introduce new innovation fronts. Furthermore, the results of research done in the universities are generally not widely disseminated and do not generate a return for the communities.

### Lack of basic conditions, such as security and infrastructure.

Particularly in the more isolated regions, the lack of internet impedes the formation of partnerships and greater integration between researchers who are in the field and the communities. Additionally, violence has hindered the undertaking of field research.

### Lack of monitoring of species and the state of ecosystems

In countries more successful in the stewardship of biological resources, the monitoring and use of species is a long-term activity. This enables establishment of the regulation of stocks and the definition of limits and conditions of exploitation. In Brazil, even experiments on the effects of climate change are very limited, and there are very few longterm studies.

# A strategic agenda for ST&I in the Brazilian Amazon

Brazil has enormous capacity to be a powerhouse in the new economies oriented to the goals of protecting the climate and biodiversity. However, this will not happen without investment in Science, Technology and Innovation (ST&I). In the first 100 days of government, this area should be shown to be a priority, above all in the Amazon.

The production and financial sectors, civil society organizations, philanthropic bodies, traditional communities and international cooperation all have a role to play in a strategic ST&I agenda for the Amazon. However, it is up to the government to guide efforts in the right direction and coordinate them with other policies. This is because the development of ST&I systems is related to other social, political and economic challenges, such as ensuring compliance with the law, education, public security and the environment. Furthermore, if the biome is not conserved there will be no basis for the development of bio-prospecting and biotechnology proposals.

A strategy of using ST&I assets aimed at the construction of solutions is necessary. This is a strategy oriented by missions and elaborated with broad social participation, recognising the specificities of the region, contributing towards the distributed generation of income, and guaranteeing legitimacy and a sense of belonging on the part of the organizations involved

Efforts underway in this regard include the Science, Technology & Innovation Agenda for the Sustainability of the Amazon Biome. This project is being developed by Inpa, the *Instituto Nacional de Pesquisas da Amazônia*, through the Large-Scale Biosphere-Atmosphere (LBA) Programme in the Amazon, aimed at accelerating the sustainable development of the biome in the next 10 years.

Despite the importance of cooperation with other Amazonian countries for the ST&I agenda, which is also a foreign policy development front, the priority of this document is different. It seeks to identify proposals for the next government focused on the challenges faced in the Brazilian Amazon. These proposals are organized on four major fronts, detailed ahead:

### 1. Increase in regional higher education and ST&I capacity

To strengthen ST&I institutions, on the one hand it is necessary to observe which are the already existing capabilities and, on the other, societal demands and the most promising and important areas of research. This is in order to strengthen new or insufficiently covered areas of knowledge (e.g. botanics). The clear indication of the recuperation, enhancement and expansion of existing ST&I institutions is a precondition for the first 100 days.

Accordingly, the first front involves a wide-ranging mapping of ST&I assets in the region. This action should include organisations, people, lines of research, infrastructure and lines of finance, considering the entire innovation cycle. This should include not only academic institutions, but also civil society organisations that put innovation into practice and that apply, value and disseminate traditional knowledge.

A starting point for this is the work already being done by Rhisa, Rede de Recursos Humanos e Inteligência para a Sustentabilidade na Amazônia. This network connects researchers and laboratories in the state capitals and the interior of the Amazon and has attracted the interest and demands from cooperatives and community associations. Rhisa has established innovation indicators in the Legal Amazon

(REDE RHISA, 2022) and should be reinforced to identify the most relevant areas of knowledge for the region (such as ethnobotanicals), which areas are adequately covered and which need to be strengthened (e.g. applied social sciences for the development of scientific and technological policies in the region).

The strengthening of institutional capabilities includes:

- the maintenance and expansion of scientific collections:
- strategies to attract and retain researchers, including the guarantee of labour rights;
- new institutional models that not only enable greater autonomy for cooperation and fund raising from the private sector (like social organizations), but also greater collaboration capacity between public institutions;
- mechanisms for integrating researchers within the region and with researchers from other regions and countries;
- effective instruments for integrating traditional knowledge with western scientific knowledge; and
- organisation and availability of scientific information so that it is used by society, including the business sector.

Concrete examples include indigenous university entry exams and partnership and exchange programmes between universities in the Amazon and other regions for the qualification of teachers. Also, there are exchanges between undergraduate students, as is the case with the Campinas State University (Unicamp) with the Federal University of Western Pará (Ufopa) and the Federal University of Pará (UFPA). Another important asset on this front is the CRIA (Centro de Referência em Informação Ambiental (CRIA, 2022) platforms, that make information on Brazilian biodiversity widely available.

Lastly, the efforts to increase regional ST&I capacity require greater budgetary predictability and more realistic (longer) time frames for projects. Also necessary is the creation of new institutions, such as: the first indigenous university in Brazil, technology parks oriented to the biodiversity economy in partnerships with large companies and the Amazonia Institute of Technology (AMIT, 2022).

### 2. Support for innovation by companies established in Brazil and in the Amazon, with a focus on new products, processes and functionalities

The second front is regarding instruments to support innovation in already established companies. This involves the enhancement of programmes offering subsidies, tax incentives and credits for research and development (R&D) activities. This requires attention to ensure that the funding takes into account the follow-on effect and the impact on the sectors benefited. Therefore, the funds should not be pulverized among companies that are not on the frontier of technological risk.

Examples include Law 11.196/05, known as "Lei do Bem", as of yet little accessed by companies; the Empresa Brasileira de Pesquisa e Inovação Industrial (Embrapii), which has been showing good results with a business model that reduces risk for companies in the pre-competitive phase of innovation; and Finep (Financiadora de Estudos e Projetos), which provides non reimbursable funds for innovations in bioeconomy and digital transformation in the Amazon. An arrangement that could inspire other initiatives on this front is the International Hub for Sustainable Development (HIDS, 2022), created at Unicamp, with the participation of diverse public and private players, as well as universities and laboratories.

With respect to innovation, it is fundamental to establish effective mechanisms for valuing and integrating traditional knowledge into businesses. Doing this requires mechanisms for the fair sharing of benefits throughout value chains, and not just at the end, as is addressed in the Economy section.

### 3. Support for technology-based start-ups and education for enterprise

The third front includes incentives for the formation of an entrepreneurial culture and the creation of new (bio)technology-based companies in the region. Currently, there is excellent research, but the conversion rate of knowledge generated in universities and science and technology institutes into products and services available on the market is very low. The number of start-ups that work with forest ingredients is even lower. This effort dovetails with the strategy of using ST&I assets oriented by missions, presented in the second front.

The acceleration programmes have generated some learning, but examples are very fragile with few demonstrated cases of success. A well focused task for ST&I in the Amazon would be a massive talent development programme. However, it is essential that enterprise and business acceleration programmes should be territory-based, considering that in many cases the basic conditions for developing start-ups in the Amazon are very precarious. It is also necessary to take specific characteristics into account in addressing traditional communities. In the case of indigenous enterprise, for example, although there are diverse initiatives, generally speaking, the products are not greatly valued, receiving only isolated and superficial support.

A model worth observing on this front is the PIPE programme for Innovative Research in

Small Companies, by the Fundação de Amparo à Pesquisa do Estado de São Paulo. This supports the execution of scientific and/or technological research in micro, small and medium-sized companies (FAPESP, 2022). The programme seeks to boost private investment in technological research and enable the companies to associate with researchers in the academic environment in technological innovation projects.

Both the second and third fronts are leveraged when there is a strategy to use ST&I assets oriented by missions. This approach allows the establishment of goals over time, given that these have distinct investment requirements and priorities. Accordingly:

- In the short-term, efforts could be concentrated on strengthening the value chains of products compatible with the conservation of the forests, in which Brazil has limited participation in international trade (COSLOVSKY, 2021a), developing solutions for quality control, processing and logistics;
- In the medium-term, the mission could involve the development of vaccines, medications and treatments for neglected tropical diseases such as dengue and Chikungunya;
- In the medium to long-term, such missions should be associated with an ambitious agenda of solutions for contemporary challenges in diverse areas: healthcare (public healthcare, cancer treatment, validation of traditional knowledge and medicines); agriculture and nutrition (crop protection and improvement, functional foods); green technologies (sustainable construction, clean energies, reduction and revaluing of waste, optimisation of resources); and development of advanced materials (WTT, 2022).

In parallel, it is necessary to generate scien-

tific evidence as a basis for systems of payment for environmental services (PES). Also, the adoption of sustainable practices in the diverse economic activities in the region is necessary.

Missions or social demands connected with the ecological transition and digitalisation should guide the use of devices such as those commissioned by the Brazilian State, enabling the development and implantation of transformational programmes.

The current National Science, Technology and Innovation Strategy (ENCTI) should be re-edited for the period beginning in 2023, providing the opportunity to incorporate a missions-based approach, including for the Amazon. In this context, it would be possible to include proposals such as the creation of a major arc of reforestation, to be presented at COP 27 by the Science Panel for the Amazon.

Regarding finance instruments, it is necessary to distinguish between different models and identify which are more suitable for the local reality. The fact that non-reimbursable funds are still extremely important should be considered.

The recent cooperation agreement between Embrapii and Idesam, for example, will directly benefit small companies and start-ups that work in the Amazon. This will stimulate business research, development and innovation (RD&I) projects with non-reimbursable funds to overcome technological challenges (EMBRAPII, 2022). Other promising paths are mechanisms such as the PPBio Bioeconomy Priority Program and research and develop-

ment funding with incentives from the national electricity, oil, gas and biofuel agencies (ANEEL and ANP, respectively).

A blended finance agenda that combines subsidies with assisted credit is fundamental to strengthen the bioeconomy. This is also the case with mechanisms that permit the public banks and development agencies to finance activities presenting greater risk, by means of guarantees focused on micro and small businesses in the region, an example being the Associação Brasileira de Desenvolvimento (ABDE).

### 4. Technological diffusion

Lastly, the fourth front is aimed at providing visibility for promising research and emerging technologies so that they may be adopted by companies and drive increased productivity. The diffusion of technologies among Brazilian companies requires a specific effort, since there are industries at highly variable stages of technological maturity.

For the industry installed in the region, it is important to establish a programme for the incorporation of new technologies aligned with the trend towards decarbonization and valuing ingredients from the Amazon biome by industry nationwide. On this front, references include the tender launched by the *Agência Brasileira de Desenvolvimento Industrial* for companies in the Manaus Industrial Hub to access industry 4.0 technologies (ABDI, 2021), and the *Brasil Mais Competitivo* programme, which in the past offered technical assistance to boost the productivity of companies and governments in the region aimed at improving service levels.

### Other sources and references

The importance of science as a State policy for the development of Brazil Academia Brasileira de Ciências

https://concertacao.com/w64e

The document provides a platform of proposals for the development of Brazilian science in the coming years.

Sustainable Development Plan for 2030 Associação Brasileira de Desenvolvimento (ABDE)

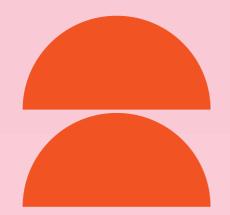
https://concertacao.com/fsab

The document presents strategic missions to enable the country to achieve the SDG targets, including the development of an innovation ecosystem for the Amazon.

### Amazon Assessment Report 2021 Science Panel for the Amazon

https://concertacao.com/exs4

This provides an extensive, objective, systematic and rigorous assessment of the state of ecosystems in the Amazon, current trends and their implications for the region's well-being in the long-term, as well as opportunities and important public policies for conservation and sustainable development.









#### Muvuca or seed mix

A muvuca is a cocktail of seeds planted together at the same time. The art of regenerating ecosystems has as its backdrop a complex science, enhanced over the passage of time. The selection of the seeds for the mix is made from the same vegetation and region where they will be planted to prevent the emergence of invasive species.

# Conclusion

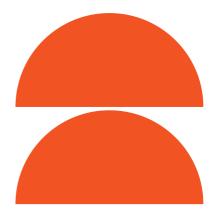


# A long-term vision

The first 100 days of the new terms of office in the federal and state spheres of the Executive and Legislative powers offer the opportunity for the newly elected governments to demonstrate their commitment to sustainability by adopting unpostponable measures and establishing innovative governance arrangements. This demonstration is a spotlight on the future, given that the region's development agenda, far from being completed in the space of a few months, requires long-term policies.

The process of consultation and debate, involving dozens of specialists in the current document, threw light on the major challenges in each one of the thematic agendas debated. But it also indicated the solutions possible, including those that cut across the topics addressed.

One cross-cutting issue is combating deforestation, a basic condition for the country to resume its course of development. To overcome the stigma of deforestation, public policies that contribute effectively to the well-being of the populations living in the Amazon are a necessity, involving the reduction of socio-economic inequalities. These



wide-ranging policies must be accompanied by command and control measures, recognizing the interdependencies among the diverse questions and sectors involved in this process.

It is up to the public authorities to perform their role in the definition of property rights and in implacable combat against the organised crime that has taken hold throughout the region and hinders the development of a forest economy. Nothing can substitute the State, but it is indispensable that the solutions begin with articulation between different sectors and multiple stakeholders, with the territorial base and social participation being key factors.

For this reason, many of the proposals presented in this document are aimed at establishing or strengthening instances of governance befitting the democratic values of a dynamic and plural society. Nothing will be achieved without respect for civil rights and the pillars of democracy. Considering that it is the most vulnerable layers of the population who have a more relative attitude to democracy, while suffering more from disrespect for their rights, it is fundamental for Brazilian society to find means of ensuring that the

gains from democracy are shared among all its citizens. And that these are translated into well-being and quality of life for the highest number of people.

This document marks the beginning of a process the objective of which is the strengthening of the institutions and governance structures that are relevant for sustainable development, the pillars of Amazon Concertation.

On the one hand, the role of the Amazon in climate stability and the conservation of biological diversity make the region a geopolitical asset for Brazil. On the other, the effort to eliminate the abyss that separates Brazil from the Amazon in the social agenda will require a volume of investment incompatible with the country's current fiscal situation. This will involve a global effort in which Brazilian civil society and international cooperation will play a fundamental role in mobilising and channelling resources to critical areas.

Maintaining its vigilance, Concertation intends to monitor the implementation of these proposals. And to continue in the construction of an integrated agenda for the Amazônias.

### Thanks to

This document was elaborated based on innumerable discussions, consultations, meetings and interactions with the people mentioned ahead. The proposals presented here do not necessarily reflect the consensus of the participants and should not be attributed to any one person individually or to their respective institutional agendas. The Amazon Concertation expresses its heartfelt thanks for their valuable contributions. In addition to the names listed below, we would like to thank all the other members of the network who directly or indirectly contributed to this project. Lastly, we would like to reaffirm our role as a democratic space for dialogue and for sharing knowledge.

Adalberto Val Adriana Abdenur Adriana Fontes Alcielle Santos Alexandre Gross Alexandre Jordão Alice Ribeiro Amanda Schutze Ana Clara Vasco Ana Cláudia Cardoso Ana Cristina Barros Ana Lídia Schroeder Ana Luísa Albernaz Ana Luíza Nunes Ana Paula Bortoletto Ana Rosa Calado Ana Túlia De Macedo André Degenszajn André Ferreira André Guimarães André Luiz Calixto André Wongtschowski Andréia Bonzo Azevedo

Ane Alencar

Arthur Aguillar Arthur Bragança Bastiaan Reydon Beatriz Narita Beto Veríssimo Binho Marques Brent Millikan Bruna Araúio Bruna Lima Bruno Taitson Caetano Scannavino Carina Gomes Carla Chiamareli Carla Ruaro Carlos Aragon Carlos Guedes Carlos Nobre Carolina Genin Carolina Graça Carolina Paseto Caroline Rocha Christel Scholten Cira Moura

Anibal Ribeiro Silva

Cisnea Menezes Clarissa Gandour Claudio Almeida Cleuza Repulho Cristieni Castilhos Cristina Leme Cristovão Henrique Daniel Aith Daniela Gomes Daniele Matzembacher Daniella Soares David Saad Denis Minev Dione Torquato Éber Goncalves Edinaldo Silva Eduarda Gonçalves Eduardo Viola Élson Kene Angelino Emiliano Graziano **Emma Torres** Érika Pellegrino Eugênio Pantoja

Eugênio Scannavino

Fabio Tozzi Flavia Castelhano Flávia Chein Flávia Furtado Flavia Melo Flavio Prol Franciele Falcão Francine Lima Francine Xavier Francisco Costa Frederico Assis Gabriel Corrêa Gabriel Lui Gabriel Sigueira Gabriela Savian Georgia Jordão Gerd Sparovek Giovana Girardi Girolamo Treccani Glaucio Neves Graziela Azevedo Guilherme Gonzales Hadna Abreu Hannah Baliero Henrique Pereira Henrique Schmidt Igor Procópio Ilona Szabó Inês Magalhães Isabel Vasconcellos Isabelle Rodrigues Joana Amaral Joana Rennó Joaquim Levy José Carlos Galiza José Cesar Martins José Heder Benatti Juliana Portella Juliana Simões Juliana Tângari Juliano Assunção Júlio Araújo

Kamyla Borges

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Fabio Candotti

Katia Schweickardt Katia Smole Laercio Santos Larissa Chermont Larissa Moura Larissa Tukano Laura Angélica Laura Lamônica Laura Waisbich Layla Lambiasi Leticia Artuso Liz Lacerda Luciana Villanova Lucilene Danciquer Luiz Pardal Luiz Penha Luiza Raj Luiza Veronese Luziane Solon Maiara Beckrich Maiara Folly Marcella Molina Marcelo Knobel Marcelo Ramos Marcelo Salazar Márcia Abreu Marcia Castro Márcio Black Marcondes Coelho Marcos Paulo Leitão Maria Amélia Enriquez Mariana Resegue Marina Esteves Melina Risso Mônica Dias Mônica Guerra Mônica Sodré Nadja Lepsch Neca Setubal Paulo Andrade Paulo Camuri Paulo Faveret

Paulo Moutinho

Paulo Reis

Karina Penha

Paulo Ricardo Pedro Wonatschowski Pí Suruí Priscila Cruz Rachel Bastos Rafael Barbieri Raíssa Ferreira Raiz Campos Raoni Rajão Raquel Dodge Raul Jungmann Regina Tunes Renata Ribeiro Renato Grandelle Renato Sérgio de Lima Ricardo Abramovay Ricardo Henriques Ricardo Penido Rosana Filomena Vazoller

Rosijane Tukano Rudi Rocha Salo Coslovsky Samela Sateré Mawé Samuel Oliveira Sérgio Leitão Suely Araújo Suzi Huff Taina Santos Tassia Cruz Tasso Azevedo Tatiana Schor Tatiane Lima Tereza Campello Thaís Barreto Thais Ferraz Thavná Servis Thiago Nery Tiago Barreira Valdecy Nascimento Vanda Witoto Vanderleia Radaelli Waldez Goes Waleska Queiroz

# Glossary and abbreviations

#### Α

Agência Nacional de Águas e Saneamento Básico (ANA): National Water and Sanitation Agency (ANA)

Agência Nacional de Mineração: National Mining Agency

Agente Indígena de Saneamento (Aisan): Indigenous Sanitation Agent (AlSan).

**Agente Indígena de Saúde (AIS): I**ndigenous Health Agent (AIS)

#### В

Base Nacional Comum Curricular (BNCC): Brazilian National Common Core Curriculum (BNCC)

#### Ċ

Cadastro Nacional de Segurança Familiar: National Registry for Family Security

Câmara Interministerial de Segurança Alimentar e Nutricional (Caisan): Interministerial Chamber for Food Security and Nutrition (CAISAN)

Comissão de Integralização de Cadastros: Registration Integration Committee

Comissão Interministerial para o Desenvolvimento da Mineração Artesanal e em Pequena Escala: Interministerial Committee for the Development of Artisanal and Small-Scale Mining

Conselho de Controle de Atividades Financeiras (Coaf): Council for Financial Activities Control (COAF)

Conselho Nacional de Segurança Alimentar e Nutricional (Consea): National Council for Food Security and Nutrition (CONSEA)

Consórcio Interestadual de Desenvolvimento Sustentável da Amazônia Legal: Interstate Consortium for Sustainable Development of the Legal Amazon Contribuição Nacionalmente Determinada (NDC): Nationally Determined Contribution (NDC)

#### F

Escola Interinstitucional de Altos Estudos sobre as questões amazônicas: Interinstitutional School of Higher Studies on Amazon issues

Estudos de Viabilidade Técnica, Econômica e Ambiental (EVTEA): Technical, Economic and Environmental Feasibility Studies (EVTEA)

#### F

Fundação Nacional do Índio (Funai) - Federal agency for Indigenous affairs

Fundo de Universalização dos Serviços de Telecomunicações (Fust): Fund for Universalisation of Telecommunications Services (FUST)

Fundo Nacional sobre Mudança do Clima: National Fund for Climate Change

#### G

Grupo de Trabalho Interministerial (GTI): Interministerial Working Group (GTI)

#### 1

Índice de Desenvolvimento da Educação Básica (Ideb): The Brazilian Education Quality Index (IDEB)

Instituto Nacional de Colonização e Reforma Agrária (Incra) - Brazilian land reform agency

#### N

Novo Código Florestal: New Forest Code

#### P

Plano de Ação para prevenção e controle do desmatamento e das queimadas no Cerrado (PPCerrado): Action Plan for the Prevention and Control of Deforestation and Fires in the Cerrado (PPCerrado) Plano de Ação para Prevenção e Controle do Desmatamento na Amazônia Legal (PPCDam): Action Plan for Prevention and Control of Deforestation in the Amazon (PPCDAm)

Plano Nacional de Educação - PNE: National Education Plan (PNE)

Plano Nacional de Erradicação da Contaminação por Mercúrio: National Plan for the Eradication of Mercury Contamination

Plano Nacional de Ordenamento Territorial (PNOT): National Land Development Plan (PNOT)

Plano Nacional de Segurança Alimentar e Nutricional (Plansan): National Plan for Food Security and Nutrition (PLANSAN)

PNAD Continua: Continuous National Household Sample Survey (PNAD)

Política Nacional da Agricultura Familiar e Empreendimentos Familiares Rurais: National Policy on Family Farming and Rural Family Enterprises

Política Nacional de Atenção Básica: National Primary Care Policy

Política Nacional de Governança de Terras (PNGT): National Land Governance Policy (PNGT)

Política Nacional de Segurança Alimentar e Nutricional – PNSAN: National Policy on Food Security and Nutrition (PNSAN)

Política Nacional de Segurança Pública e Defesa Social (PNSPDS): National Public Security and Social Defense Policy (PNSPDS)

**Programa Bolsa Verde:** Bolsa Verde cash transfer Programme

Programa de Apoio à Conservação Ambiental: Environmental Conservation Support Programme

Programa de Apoio à Conservação Ambiental: Environmental Conservation Support Programme

Programa de Apoio ao Desenvolvimento da Mineração Artesanal e em Pequena Escala: Support Programme for the Development of Artisanal and Small-Scale Mining Programa de Aquisição de Alimentos (PAA): Food Procurement Programme (PAA)

Programa de Fomento às Atividades Produtivas Rurais: Programme to Promote Rural Production Activities

**Programa de Parcerias do Investimento:** Investment Partnerships Programme (PPI)

Programa Nacional de Alimentação Escolar (PNAE): National School Nourishment Programme (PNAE)

Programa Nacional de Fortalecimento da Agricultura Familiar (Pronaf): National Programme for Strengthening Family Farming (Pronaf)

Programa Tático Operacional de Articulação Interestadual em Segurança Pública: Tactical and Operational Programme for Interstate Articulation in Public Security

#### S

Secretaria de Estado de Emergência Climática: State Secretariat for Climate Emergency

**Segurança Alimentar e Nutricional:** Food Security and Nutrition (definição da FAO)

Sistema de Informação em Saúde para a Atenção Básica – Sisab: Health Information System for Primary Care (SISAB)

Sistema de Segurança Alimentar e Nutricional (Sisan): Food Security and Nutrition System (SISAN)

Sistema Eletrônico dos Registros Públicos (Serp): Electronic System of Public Records (SERP)

Sistema Nacional do Meio Ambiente (Sisnama): National Environmental System (SISNAMA)

Sistema Único de Segurança Pública (Susp): Single Public Security System (SUSP)

Subsistema de Atenção à Saúde Indígena (SIASI): Health Information System for Indigenous Peoples (SIASI)

#### Т

**Tecnologia da Informação e Comunicação:** Information and Communication Technologies (ICT)

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# Normative acts



#### 2. GOVERNANCE

Draft Provisional Presidential Decree that alters Law No. 13.844/2019, which establishes the basic organization of the organs of the Presidency of the Republic and the Ministries, to create the Special Secretariat for Climate Emergencies.

PROVISIONAL PRESIDENTIAL DECREE Nº \_\_\_\_\_, 2023

Amends Law No. 13.844 of June 18, 2019, which establishes the basic organization of the organs of the Presidency of the Republic and the Ministries, to create the Special Secretariat for Climate Emergencies.

THE PRESIDENT OF THE REPUBLIC, in the use of the attributions conferred upon him by art. 62 of the Constitution, adopts the following Executive Order, with the force of law:

**Art. 1º** This Executive Order creates the Special Secretariat for Climate Emergencies.

Sole paragraph. The Special Secretariat for Climate Emergencies, referred to in the caput of this article, is an advisory body to the Presidency of the Republic.

**Art. 2º** Law nº 13.844, of June 18 2019, which establishes the basic organization of the organs of the Presidency of the Republic and the Ministries, shall come into force with the following changes:

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IV - the Special Secretariat for Climate Emerqencies;

V - the Attorney General of the Union; and VI - the Special Advisory to the President of the Republic.

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"Art. 3°	 
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- f) in the management of the Special Secretary for Climate Emergencies;
- g) the management, monitoring, evaluation and supervision of the actions of the Investment Partnership Program of the Presidency of the Republic and the support to the sectorial actions required for its execution; and
- h) in the implementation of policies and actions aimed at expanding public infrastructure and investment and employment opportunities.

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"Art. 15-A The Special Secretariat for Climate Emergencies is responsible for advising the President of the Republic on the elaboration of subsidies for the formulation of public policies to confront climate emergencies.

§ 1º The competencies attributed in the caput of this article to the Special Secretariat of Climate Emergencies include:

- I the long term national planning related to the matters under its competence;
- II the discussion of the Country's strategic

options, considering the present situation and the possibilities for the future;

III - the articulation with government and society to formulate strategies to face Climate Emergencies; and

IV - the elaboration of subsidies for the preparation of government actions.

§ 2º The Secretariat of Climate Emergencies will have a collegiate body composed of representatives, titular and substitute, of the following organs:

I - Civil House of the Presidency of the Republic, which will coordinate it;

II - Ministry of Economy;

III - Ministry of Environment;

IV - Ministry of Mines and Energy;

V - Ministry of Agriculture, Livestock and Supply;

VI - Ministry of Regional Development;

VII - Ministry of Science, Technology, Innovations and Communications; and

VIII - Special Secretariat for Strategic Affairs.

§ 3° The Special Secretariat for Climate Emergencies may invite different representatives to the collegiate body meetings when appropriate, including the following:

I - representatives and experts from the scientific community;;

II – representatives from the private sector;

III – representatives from State and Municipal Environment Departments; and

IV - representatives from civil society" (NR)

Art. 3º The role of State Chief Minister of the Special Secretariat for Climate Emergencies of the Presidency of the Republic is hereby created.

Art. 4º The roles are hereby transformed [...];

Art. 5° The roles are hereby instated [...];

Art. 6º Until the regimental structure of the Special Secretariat for Climate Emergencies of the Presidency of the Republic is approved, the structures, competencies, attributions, department names, and job specifications in effect on the date this Law is published are maintained.

Art. 7º The regulation of the Special Secretariat of Climate Emergencies will be carried out within 30 (thirty) days.

**Art. 8º** This Executive Order goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ...... of Independence and..... of the Republic.

#### 3. EDUCATION

Draft Resolution of the Managing Council of the Fund for Universalization of Telecommunications Services (Fust), defining additional prioritization requirements for the application of Fust resources for the triennial 2023-2025.

CG-FUST RESOLUTION Nº , OF JANUARY 2023

Defines additional prioritization requirements for the application of resources from the Fund for Universalization of Telecommunications Services - Fust for the triennial 2023-2025.

THE MANAGING COUNCIL OF THE FUND FOR THE UNIVERSALIZATION OF TELECOM-MUNICATIONS SERVICES, in the use of the attributions granted to it by item I of the sole paragraph of art. 2 of Law n° 9.998, of 17 August 2000, and by item I of art. 10 of Decree n° 11.004, of 21 March 2022,

CONSIDERING the CG-Fust Resolution n° 2, of August 8, 2022, that regulates the application of resources from the Fund for Universalization of Telecommunications Services - Fust in programs, projects, plans, activities, initiatives and actions compatible with the objectives and purposes of the Fund, in particular its art. 4, 5, 7, 13, 14, 15, 17 and 38;

CONSIDERING the provisions of art. 7, item IV, CG-Fust Resolution nº 2, of August 8, 2022, which states that the financial agent is responsible for analyzing the compatibility of projects, activities, and initiatives with the policies, norms, guidelines, and priorities established in resolutions of the Fust Managing Council;

CONSIDERING that, in accordance with the provisions of art. 15 of CG-Fust Resolution No. 2, of August 8, 2022, the application of Fust resources in the form of non-reimbursable support will seek, when possible, to reduce

regional and social inequalities, by prioritizing areas with less social development and larger population potentially benefited;

CONSIDERING that, in accordance with the provisions of art. 17 of Resolution CG-Fust No. 2, of August 8, 2022, the Managing Council may define items eligible for support, as well as items not eligible for support, through the application of non-reimbursable financial resources in the approved programs; and

CONSIDERING, finally, the need to effectively prioritize the territory of the Legal Amazon for actions to expand connectivity, especially when public equipment or public service provision is involved;

#### Resolve:

Art. 1º The Resource Application Plans - PAR for the triennial period of 2023 - 2025 to be submitted by Fust's financial agents referred to in art. 4 of CG-Fust Resolution no. 2, of August 8, 2022, must conform to the following prioritization rules:

- I priority to the Legal Amazon region:
- a) at least 35% of all the annual resources

foreseen in the resource application plans mentioned in the caput must be necessarily applied in programs, projects, plans, activities, initiatives, and actions to be implemented in the Legal Amazon region, regardless of the applicable operationalization modality, with priority being given to indigenous, quilombola, and riverside populations, as well as small rural producers;

b) at least 50% of all the resources that can be used in the non-refundable form mentioned in art. 14 of CG-Fust Resolution no. 2, of August 8, 2022, must necessarily be invested in programs, projects, plans, activities, initiatives and actions to be implemented in the Legal Amazon region, with priority being given to indigenous, quilombola and riverside populations, as well as small rural producers;

c) the projects indicated in items I and II will have priority in the selection processes, including in view of the provisions in §§ 4 and 5 of art. 8 of CG-Fust Resolution no. 2, of August 8. 2022:

II - priority to the expansion of connectivity of public educational establishments and public equipment for collective use:

a) excluding the amount provided in art. 13 of CG-Fust Resolution no. 2, of August 8, 2022, at least 25% of the remaining annual resources provided for in the plans for application of resources referred to in the caput must necessarily be applied in programs, projects, plans, activities, initiatives, and actions that significantly contemplate the expansion of connectivity of public educational establishments, public equipment, or the provision of public services:

b) among the programs, projects, plans, activities, initiatives, and actions referred to in sub-paragraph a), in the event of a tie, priority

will be given to those that reach the greatest number of public educational establishments and health equipment, or that demonstrably foster the use of telehealth and telemedicine.

Art. 2º The Resource Application Plans - PAR that may have already been submitted by the Fust's financial agents for the year 2023 should be reviewed based on the guidelines defined above, within 60 (sixty) days.

**Art. 3º** The Fust's Managing Council will examine any omitted or exceptional cases.

**Art. 4º.** This Resolution goes into effect on the date of its publication.

#### 4. HEALTH CARE

## Draft Executive Order for the creation of a Working Group for Health in the Legal Amazon.

EXECUTIVE ORDER Nº \_\_\_, OF \_\_\_ JANUARY 2023

Creates the Working Group for Health in the Legal Amazon - GTSAm.

THE PRESIDENT OF THE REPUBLIC, in the use of the attributions granted to him by art. 84, items IV and VI, line "a", of the Constitution,

#### **DECREES:**

Art. 1° The Working Group for Health in the Legal Amazon (GTSAm) is hereby instituted, with the objective of evaluating and proposing measures for the improvement of public health policies in the Legal Amazon.

Art. 2° The GTSAm has as its main objective to evaluate and propose measures to improve the coverage and execution of public health policies in the Legal Amazon region, and has as its main work guidelines:

I - the adaptation of public health policies to the specificities of the Legal Amazon territory, especially considering the conditions of access, displacement, and connection;

II - the adaptation of health policies to the specificities of the population in the Legal Amazon region, particularly due to the coexistence of population groups in diverse territorial environments and of traditional peoples and communities;

III - the promotion of interfederative cooperation; and

IV – the improvement of health data quality for the region and its integration with national databases. **Art. 3°** The GTSAm will prioritize the diagnosis and the proposition of specific measures related to the following themes:

I – use of and access to telehealth and telemedicine;

II – forms of ensuring access, logistical support, and coverage to remote or hard-to-reach areas;

III - forms of attracting and retaining health professionals, especially in remote areas, with a focus on broad and perennial coverage of public health policies;

IV- project financing and onlending instruments involving the Union, States, and Municipalities;

V – improvements in the integration and publication of health-related data in the Legal Amazon: and

VI - adaptation of nutritional surveillance and food orientation to the particularities of the population in the Legal Amazon.

Art. 4° For the execution of its objectives, the GTSAm may propose concrete actions to be made possible by public power, as well as suggest normative adjustments necessary to the improvement of public health policies for the Legal Amazon region.

Art. 5° The GTSAm is composed of represent-

atives, main and substitute, from the following agencies and entities:

- I a representative of the Civil House of the Presidency of the Republic, who will chair it;
- II three representatives from the Ministry of Health:
- III one representative from the Ministry of Citizenship;
- IV one representative of the Ministry of Communications:
- V one representative from the Ministry of Women, Family and Human Rights;
- VI one representative of the Ministry of Economy;
- VII one representative of the Ministry of the Environment;
- VIII one representative from the National Indian Foundation FUNAI;
- IX one representative from the Oswaldo Cruz Foundation (Fiocruz);
- X one representative of the Federal Council of Medicine (CFM): and
- XI one representative of the National Health
- § 1º The following will be invited to compose the GTSAm:
- I three representatives of the State Governments that make up the Legal Amazon, after hearing the Interstate Consortium of the Legal Amazon and the National Council of Health Secretaries (Conass);
- II three representatives of Municipal Governments that comprise the Legal Amazon, after hearing the entity National Front of Mayors (FNP) and the National Council of Municipal Health Secretaries (Conasems); and
- III three representatives of the Civil Society, focused on the development of projects that dialogue with the scope of the GTSAm's objective, indicated by the Ministry of Health.
- § 2º For the execution of its objectives, the GTSAm may invite specialists, researchers and representatives of other organs and public or private entities.

- § 3° The representatives referred to in the caput and § 1 of this article will be appointed within 10 (ten) days of the publication of this Decree to the Civil House of the Presidency of the Republic.
- Art. 6° The GTSAm will meet, ordinarily, weekly, and, extraordinarily, when so called by its Chair. §1° The meetings may be held either in person or via videoconference.
- § 2° The GTSAm shall define, in its first meeting, the group's work plan, technical support and reporting subgroups, as well as its form of deliberation.
- § 3° The GTSAm may determine the installation of technical support subgroups, with the purpose of providing the necessary technical subsidies for the execution of the activities conferred to it.
- § 4° The administrative support and the means necessary for the execution of the work will be provided by the Civil House of the Presidency of the Republic.
- **Art. 7°** The participation in the GTSAm's activities is considered a relevant public service and does not imply remuneration.
- Art. 8° The GTSAm will have up to ninety (90) days, as of the date of its first meeting, to prepare a conclusive report on the measures mentioned in art. 3°.
- Sole paragraph. The period referred to in the caput may be extended once, for an equal period, by act of the Minister of State, Head of the Civil House of the Presidency of the Republic.
- **Art. 9º** This Decree goes into effect on the date of its publication.
- Brasília, .... of ...... 2023; ...... of Independence and...... of the Republic.

#### 4. HEALTH CARE

Draft Executive Order for the amendment of Decree No. 7.508/2011, to provide for the prioritization of the Integration of data from the Indigenous Health Care Subsystem (SIASI) and the presentation of a plan to enable the integration of a national database.

EXECUTIVE ORDER Nº \_\_\_, OF \_\_\_ JANUARY 2023.

Provides for the feasibility of integrating the Indigenous Health Care Subsystem - SIASI - in the scope of the Health Information System for Primary Care - SISAB, and makes other provisions.

The PRESIDENT OF THE REPUBLIC, in the use of the attributions conferred upon him by art. 84, item IV, line "a", of the Constitution, and in view of the provisions of art. 19-G of Law nº 8.080, of September 19, 1990,

#### DECREES:

Art. 1º The Ministry of Health shall present, within 90 (ninety) days, the plan to enable the integration of the Indigenous Health Care Subsystem - SIASI in the scope of the Health Information System for Primary Care - SISAB, referred to in § 1-B of Art. 19- G of Law n° 8.080, of September 19, 1990.

Sole paragraph. The period referred to in the caput can be extended once for the same period, by act of the State Minister of Health.

**Art. 2º** Decree nº 7.508, of June 28 2011, shall come into force with the following changes:

§ 1º The indigenous population will have differentiated access rules, compatible with their specificities and with the need for integral assistance to their health, according to the dispositions of the Ministry of Health.

§ 2° The integration of the Indigenous Health Care Subsystem to the information systems of the SUS network will be a priority." (NR)

**Art. 3º** This Decree goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ...... of Independence and of the Republic.

#### 5. FOOD SECURITY AND NUTRITION

Draft Provisional Presidential Decree that alters Law No. 13.844/2019, which establishes the basic organization of the bodies of the Presidency of the Republic and the Ministries, to provide for the National Food and Nutrition Security Council (CONSEA).

PROVISIONAL PRESIDENTIAL DECREE Nº , 2023

Amends Law No. 13.844, of June 18, 2019, which establishes the basic organization of the bodies of the Presidency of the Republic and the Ministries, to provide for the National Food and Nutrition Security Council - CONSEA.

THE PRESIDENT OF THE REPUBLIC, in the use of the attributions conferred upon him by art. 62 of the Constitution, adopts the following Executive Order, with the force of law:

Art. 1º This Executive Order provides for the National Council of Food and Nutritional Security - CONSEA.

Art. 2° A Law n° 13.844, of June 18, 2019, which establishes the basic organization of the organs of the Presidency of the Republic and the Ministries, shall come into force with the following changes:

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IV - the National Council for Food and Nutritional Security;

V - the Attorney General of the Union; and VI - the Special Advisory to the President of the Republic.

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"Art. 15-A. The National Council for Food and Nutritional Security is responsible for:

I - advising the President of the Republic on the formulation of policies and guidelines to guarantee the right to food;

II - appreciating and following up on the elaboration of the National Plan for Food and Nutritional Security, as well as evaluating its implementation and proposing changes aiming at its improvement:

III - contributing to the proposition and availability of mechanisms and instruments for the enforcement of the human right to adequate food and monitor their application; and

IV - integrating governmental actions aimed at serving that part of the population that does not have the means to provide for its basic needs and, above all, to fight hunger." (NR)

Art. 3° The nomination and appointment of CONSEA members, as described in § 2° of art. 11 of Law n° 11.346, of September 15, 2006, will take place within 30 (thirty) days, according to the regulation.

**Art. 4º** This Executive Order goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ...... of Independence and of the Republic.

#### 5. FOOD SECURITY AND NUTRITION

Draft Executive Order to repeal Decree No. 9.759/2019, which aimed to extinguish collegiate bodies within the federal public administration.

EXECUTIVE ORDER N° \_\_\_, OF \_\_\_ JANUARY 2023.

Repeals Decree No. 9.759 of April 11, 2019, which extinguishes and establishes guidelines, rules, and limitations for collegiate bodies of the federal public administration.

THE PRESIDENT OF THE REPUBLIC, in the use of the attributions granted to him by art. 84, item IV and VI, line "a", of the Constitution,

**DECREES:** 

Art. 1º This decree revokes Decree nº 9.759, of April 11, 2019.

Art. 2º The agencies and entities of the direct federal public administration will have 60 (sixty) days from the publication of this Decree to evaluate the relevance of the recreation of the collegiate bodies and other participatory instances extinguished by Decree no 9.759 of April 11, 2019, and to adopt any and all relevant normative and organizational measures, respecting the limits of the budget of each agency or entity.

Sole Paragraph. The period of 60 (sixty) days provided for in the caput also applies to the hypothesis of having to forward acts of creation or appointment to the Civil House of the Presidency of the Republic in case there is need for the competence of the President of the Republic.

**Art. 3º**. This Decree goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ......º of Independence and......of the Republic.

#### 6. ECONOMY

## Draft Executive Order decree for the amendment of Decree No. 7.572/2011, to address the reinstatement of the Bolsa Verde Program.

EXECUTIVE ORDER No\_\_\_, OF \_\_\_ JANUARY 2023.

Provides for the reestablishment of the Environmental Conservation Support Program - Bolsa Verde.

THE PRESIDENT OF THE REPUBLIC, in the use of the attribution conferred upon him by art. 84, item IV, of the Constitution, and in view of the provisions of Law No. 12.512, of October 14, 2011, and Decree No. 7.572, of September 28, 2011,

#### **DECREES:**

Art. 1º The Ministry of the Environment shall present, within sixty (60) days, a plan for the reestablishment of the Environmental Conservation Support Program – Bolsa Verde which is covered by Decree no 7.572, of September 28, 2011

**Art. 2º** Decree No. 7.572, of September 28, 2011, shall come into force with the following changes:

"Art. 3° Beneficiaries of the Environmental Conservation Support Program may be families in extreme poverty living in the Legal Amazon that develop conservation activities in the following areas:

(NR)

"Art. 90 .....

I - Ministry of the Environment, which will chair it; II - Civil House of the Presidency of the Republic; III - Ministry of Citizenship; IV - Ministry of Agriculture, Livestock and Supply; V - Ministry of Economy.

(NR)

"Art. 21 Expenses related to the Bolsa Verde Program will run on the budget appropriations of the Ministry of the Environment and the Ministry of Citizenship, and will be subject to their budgetary and financial availabilities." (NR)

**Art. 3º** The amendment of Decree No. 7.572/2011 shall henceforth take effect with the following wording:

"Regulates provisions of Law No. 12.512, of October 14, 2011, which deal with the Environmental Conservation Support Program - Bolsa Verde Program."

**Art.** 4º The Bolsa Verde Program's Managing Committee will appoint its members within 30 (thirty) days.

Art. 5° This Decree goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ...... of Independence and ..... of the Republic.

#### 7. PUBLIC SECURITY

Draft Resolution of the Board of Directors of the Interstate Consortium for Sustainable Development of the Legal Amazon to prioritize and define the actions of the Tactical Operational Program of Interstate Articulation in Public Security.

INTERSTATE CONSORTIUM OF THE LEGAL AMAZON BOARD OF DIRECTORS RESOLUTION Nº /2023.

Guides the elaboration of the annual work program of the Interstate Consortium for Sustainable Development of the Legal Amazon for the fiscal year 2023 as well as the prioritization of actions for the tactical operational program of interstate articulation in public security.

The Board of Directors of the Interstate Consortium for the Sustainable Development of the Legal Amazon, in the use of its attributions foreseen in the Protocol of Intentions, Clause 21, item I, letter c, and in art. 25, item I, "c", of the Consortium's Statute, approves the following Resolution:

- Art. 1º This Resolution guides the elaboration of the annual work program of the Interstate Consortium for Sustainable Development of the Legal Amazon for the fiscal year 2023, in order to define and prioritize the actions of the Tactical Operational Program of Interstate Articulation in Public Security.
- Art. 2° The following actions of the Tactical Operational Program of Interstate Articulation in Public Security, foreseen in objective 4 ("To Structure and Promote Priority Public Services") of the Strategic Planning 2019-2030, are defined as priorities in the work plan of the Interstate Consortium for the Sustainable Development of the Legal Amazon for the fiscal year 2023:
- I Development and Integration of Systems for Public Security in the region;

- II Protocols for Information Sharing and Integration and exchange of experiences;
- III Public Security Intelligence Integrating Table, in line with the Northern Command and Control Center:
- IV Joint operations by state and federal forces in the borderlands, in alignment with the Federal Government's Integrated Border Policy - Institutional Security Cabinet (GSI); and
- V Simultaneous operations in the borderlands, promoted by the states.
- § 1º The following actions from the Tactical Operational Program of Interstate Articulation in Public Security will be included:
- I Collaboration for the standardization of the training of public security agents; and
- II Studies on the creation of a school of advanced studies on the Amazon.
- § 2° The work plan of the Interstate Consortium for the Sustainable Development of the Legal Amazon for the fiscal year 2023 will set goals,

expected results and deadlines for the development of the actions mentioned in the caput, as well as a budget forecast that is compatible with its execution.

§ 3° The Interstate Consortium for the Sustainable Development of the Legal Amazon is responsible for articulating with the organs and entities of the Federal Government, especially those in security, in order to guarantee that the actions detailed in the work plan have their full support.

Art. 3º The financing of the priority actions referred to in the work program for the financial year 2023 will derive from resources arising from the Apportionment Agreement with the consortium members and other revenues, according to contributions decided in the General Meeting, as part of the current legislation.

**Art. 4º.** This Resolution goes into effect on the date it is signed.

Brasília, .... of .... 2023

#### 8. LAND USE PLANNING AND LAND TENURE

Draft Executive Order that creates an Interministerial Working Group to elaborate and propose the National Land Governance Policy and the National Land Planning Plan, and gives new wording to Decree no. 4.297, of July 10, 2002.

EXECUTIVE ORDER N° \_\_\_\_\_, OF JANUARY \_\_\_\_ 2023.

Creates the Interministerial Working Group to elaborate and propose the National Land Governance Policy and the National Land Planning Plan, gives new wording to Decree No. 4.297, of July 10, 2002, and makes other provisions.

THE PRESIDENT OF THE REPUBLIC, in the use of the attributions granted to him by art. 84, items IV and VI, line "a", of the Constitution,

#### **DECREES:**

Art. 1º This Decree creates the Interministerial Working Group (GTI) to elaborate and propose the National Land Governance Policy (PNGT) and the National Land Planning Plan (PNOT), gives new wording to Decree no 4.297, of July 10, 2002, and makes other provisions.

**Art. 2º** The Interministerial Working Group is hereby instituted with the purpose of elaborating and proposing the National Land Governance Policy and the National Land Planning Plan.

§ 1º The PNGT aims to define the country's national strategy and minimum parameters for development, monitoring, territorial planning and land tenure regularization, both rural and urban, to be observed by the Public Power, thus guaranteeing development, efficient use of land, fair distribution of burdens and benefits arising from the territorial reordering processes, as well as environmental, social, historical and cultural heritage protection.

§ 2º PNOT's goal is to detail the actions, programs and instruments necessary for the achievement

of the objectives defined by the PNGT.

**Art. 3º** Among the themes to be evaluated by the GTI, the following will be prioritized:

I - the diagnosis of the ordering and land regularization mechanisms of the occupation incidents on lands located in the Union's areas, especially in the scope of the Legal Amazon, as provided for by Law no 11.952, of June 25, 2009, as well as its registries and records;

II - the possibility of registration and destination of public lands that still have no clear definition;

III - the demarcation and recognition of the lands of indigenous peoples and traditional populations that are still pending definition;

IV - the evaluation of the means and instruments to guarantee the protection and integrity of the boundaries of the lands of indigenous peoples and traditional populations already existing, as well as areas in the process of demarcation;

V - the creation of new conservation units, as well as their effective protection:

VI - the promotion of means and instruments to guarantee the efficiency and use of existing urban spaces, as foreseen in Law no 10.257, of July 10, 2001, and in the applicable regulations, in order to guide municipal and metropolitan actions; VII - the territorial planning of urban spaces and its impact on rural territories, mitigating disorder-

ly urban expansion and irregular occupation;

VIII - the definition of specific guidelines for municipalities of different sizes, especially considering municipalities with small populations;

IX - the definition of the minimum mandatory parameters to be observed by municipalities in the case of pretension to expand the urban perimeters, in view of art. 42-B, of Law no 10.257, of July 10. 2001:

X - the definition of specific guidelines for municipalities that contain or are contiguous to conservation units, indigenous lands, quilombola territories, territories with riverside populations; and XI - the definition of mechanisms and indicators for monitoring, evaluation, and inspection, as well as the definition of governance to ensure compliance with the policy and plan to be proposed.

**Art. 4º** The GTI must observe the following guidelines:

I – consider the territorial diversity, the different biomes, the mesoregions, and the different degrees of urbanization of Brazilian municipalities;

II - consider the different socio-economic and socio-environmental conditions of the Brazilian municipalities, with socio-economic development and environmental protection as the premise of the plan:

III - develop specific guidelines for the Legal Amazon territory, that consider its internal specificities;

IV - foster productive activities adapted to local climatic conditions and allocate local resources for land-use planning solutions; and

V - foster interfederative articulation and cooperation, including guidelines for the preparation of regional land use plans, aligned with the respective Ecological Economic Zoning (ZEE) and Climate Change Plans..

**Art. 5º** The GTI, at the end of its tenure, shall present to the Minister of State Chief of Staff of the Presidency of the Republic:

I - a detailed report of its activities, in simple and accessible language, that considers the priorities

and guidelines indicated in this Decree;

II – proposal for a National Land Governance Policy;

III – proposal for a National Territorial Planning Plan; and

IV- drafts of normative acts inherent to the proposals presented, when applicable.

Sole paragraph. The documents produced by the GTI will be published, once finished, on the website of the Ministry of Regional Development.

**Art. 6º** The GTI will be composed of representatives with technical aptitude and notorious knowledge about the topics, full and alternate, from the following agencies and entities:

I - The Civil House of the Presidency of the Republic, which will chair it;

II - Ministry of Citizenship;

III - Ministry of Infrastructure;

IV - Ministry of Economy;

V - Ministry of Science, Technology and Innovations:

VI - Brazilian Institute of Geography and Statistics - IBGE;

VII - Superintendence for the Development of the Amazon - SUDAM:

VIII - Superintendence for the Development of the Northeast - SUDENE:

IX - Palmares Cultural Foundation:

X - Brazilian Forest Service;

XI - Chico Mendes Institute for Biodiversity Conservation - ICMBio:

XII - Brazilian Institute of Environment and Renewable Natural Resources - IBAMA;

XIII - National Institute of Colonization and Agrarian Reform - INCRA:

X XIV - National Indian Foundation - FU-NAI:

XV - Federal Data Processing Services - SERPRO; and

XVI - Central Bank of Brazil.

§ 10 The following will be invited to compose the GTI:

I - five representatives of State Governments, with guaranteed regional representation, taking

into consideration the Interstate Consortium for Sustainable Development of the Legal Amazon, the Interstate Consortium for Sustainable Development of the Northeast, the Interstate Consortium for Development of Central Brazil, and the National Governors Forum;

II - five representatives from municipal governments, ensuring regional representation, taking into consideration the National League of Mayors (FNP); and

III - five representatives of the Civil Society, focused on the development of projects that dialog with the scope of the GTI's objective, indicated by the Ministry of Regional Development.

§ 2º For the execution of its objectives, the GTI may also invite specialists, researchers and representatives from other agencies and public or private entities to participate in its meetings, without voting rights.

§ 3° The representatives referred to in the caput and in § 1 of this article shall be appointed within 10 (ten) days from the date of publication of this Decree to the Civil House of the Presidency of the Republic.

§ 4° The Executive Secretariat of the GTI will be exercised by the Civil House of the Presidency of the Republic, which will be responsible for its technical, administrative and financial support, when applicable.

Art. 7º The GTI will meet, ordinarily, weekly, and, extraordinarily, when so called by its Chair.

§ 1º The meetings may occur both in person and via videoconference.

§ 2° The GTI will define, in its first meeting, its work plan, the establishment of any technical support subgroups and rapporteurships, and its form of deliberation.

§ 3° The GTI may determine the establishment of technical support subgroups with the intention of providing the necessary subsidies for the execution of the activities assigned to it.

§ 4° The GTI must hold public consultations regarding preliminary proposals or topics of interest, when applicable, according to the legislation;

Art. 8° The participation in the activities of the GTI is considered a relevant public service and does not imply remuneration.

Art. 9° The GTI will have a period of up to ninety (90) days, as of the date of its first meeting, to prepare a conclusive report about the measures referred to in art. 3°.

Sole paragraph. The period referred to in the caput may be extended once, for an equal period, by act of the Minister of State, Head of the Civil House of the Presidency of the Republic.

#### Of Final Provisions

**Art. 10.** Art. 6°-C from Decree n° 4.297, of July 10, 2002, shall come into effect with the following wording:

"Art. 6°-C .....

§ 10 The process for preparing the Legal Amazon ZEE will count with the participation of States and Municipalities, State ZEE Commissions and civil society representatives.

§ 2° The maintenance of municipalities in the Legal Amazon EEZ that aim to expand their urban perimeters or convert rural areas into urban areas depends on the effective approval of a specific project, approved by municipal law, and on its compliance with the directives of the master plan, when applicable, pursuant to art. 42-B of Law No. 10.257 of July 10, 2001." (NR)

**Art. 11.** This Decree goes into effect on the date of publication.

Brasília, .... 2023; ......<sup>o</sup> of Independence and of the Republic.

#### 8. LAND USE PLANNING AND LAND TENURE

Draft Executive Order that creates a commission to verify the feasibility of technical, legal, and operational integration of records on real estate, land, and other thematic layers, as per Decree 11.208, of September 26, 2022.

EXECUTIVE ORDER Nº \_\_\_\_\_, OF JANUARY \_\_\_\_ 2023.

Creates the Commission for the Integration of Records on Real Estate, Land, and Other Thematic Layers, referred to in this decree.

THE PRESIDENT OF THE REPUBLIC, in the use of the attributions granted to him by art. 84, item IV and VI, line "a", of the Constitution,

#### DECREES:

Art. 1° The Commission for the Integration of Records for Real Estate, Land and Other Thematic Layers, referred to in Decree n° 11.208, of September 26, 2022 (CIC), is hereby instituted. Its purpose is to verify the feasibility of the technical, legal and operational integration of the records referred to in this Decree, with a view to promoting greater efficiency, transparency, planning and monitoring of the Brazilian land occupation and usage.

Art. 2° CIC is responsible for evaluating the effectiveness of the Multipurpose Record provided for in Ordinance MCid n° 511, of December 7, 2009, as well as the technical, legal and operational feasibility of the integration of real estate, land and other thematic layers dealt with in the Decree n° 11.208, of September, 2022, as well as the compatibility of its parameters.

Sole paragraph. For the purposes of the provisions in the caput, CIC will consider the following existing records and systems:

I - records that form the National Rural Record System, provided by Law  $n^{\circ}$  5.868, of December

12, 1972 and Decree no 72.106, of April 18, 1973, the Rural Property Registry, provided for in Law no 9.393, of December 19 1996, and the National Registry of Rural Properties, provided for in the Joint Normative Instruction RFB/INCRA No. 1,968, of July 22, 2020;

II - records that form the Real Estate Registry, provided for by Law nº 6.015, of December 31, 1973, as well as the Electronic System of Public Registries (Serp), established by Law nº 14.382, of June 27 2022;

III - records of the Union's assets, as provided by Law n° 9.636, of May, 1998, and the records that form the Integrated System of Patrimonial Administration - SIAPA, in accordance with what is provided by Law n° 11.481, of May 31, 2007;

IV - The National Registry of Conservation Units, established by Law no 9.985, of July 18, 2000, and the National Registry of Public Forests, established by Law no 11.284, of March 2, 2006, and Decree no 6.063, of March 20, 2007;

V - records that form the National System for Land Information Management, as set forth in Decree No. 11.208, of September 26, 2022;

VI - other records referring to indigenous territories, quilombola territories, territories of traditional peoples and communities, as well as agrarian reform settlements; and

VII - other real estate, land registers, and other thematic layers considered pertinent by CIC.

Art. 3º CIC is specifically responsible for:

I - evaluating the technical, legal and operational viability of the integration of real estate, land registries and other thematic layers referred to in art. 2, as well as the compatibility of their parameters; II - defining the necessary parameters for the compatibility of the registry information with IB-GE's National Spatial Data Infrastructure system, established by Decree no 6.666, of November 27, 2008; and

III – elaborating and publishing a conclusive report on its work.

**Art. 4º** The CIC representatives are experts with technical aptitude pertinent to CIC's agenda and that have notorious knowledge about the themes being dealt - members from the following agencies and entities:

I - one representative of the Civil House of the Presidency of the Republic, who will chair it;

II - Four representatives of the Ministry of Economy, coming from the Special Secretariat of the Federal Revenue of Brazil, the Special Secretariat of Treasury and Budget, the Special Secretariat of Debureaucratization, Management, and Digital Government, and the Department of Union Patrimony;

III - one representative from the National Institute of Colonization and Agrarian Reform - INCRA;

IV - one representative of the Ministry of Defense;

V - one representative from the National Indian Foundation - FUNAI;

VI - one representative from the Brazilian Institute of Geography and Statistics - IBGE;

VII - one representative from Palmares Cultural Foundation;

VIII - one representative from the Brazilian Forestry Service: and

IX - one representative from the Chico Mendes Institute for Biodiversity Conservation - ICMBio; § 1º For the execution of its objectives, CIC may reach out to:

I - two representatives of the National Council of Justice: and

II - experts and representatives from public and private entities to issue opinions, provide informa-

tion, or constitute technical support subgroups. § 2° The representatives referred to in the caput and § 1 of this article will be appointed within 10 (ten) days of the publication of this Decree to the Civil House of the Presidency of the Republic.

**Art. 5º** CIC will meet, ordinarily, weekly, and, extraordinarily, when called by its Chair.

§ 1º The meetings may occur either in person or via videoconference

§ 2° CIC will define, at its first meeting, its work plan, the establishment of technical support subgroups and rapporteurships, and its form of deliberation.

§ 3° CIC may determine the establishment of technical support subgroups in order to provide the necessary subsidies to carry out the activities assigned to it.

§ 4° The administrative support and means necessary to execute the work will be provided by the Civil House of the Presidency of the Republic.

**Art. 6°** Participation in the activities of the CIC is considered a relevant public service and does not entail remuneration.

Art. 7° The CIC will have a period of up to 90 (ninety) days, counting from the date of its first meeting, to prepare a conclusive report containing recommendations on the feasibility of making the registry compatible under art. 2°.

Sole paragraph. The period referred to in the caput may be extended once, for the same period, by act of the Minister of State, Head of the Civil House of the Presidency of the Republic.

Art. 8° This Decree goes into effect on the date of its publication.

Brasília, .... of ....... 2023; ...... of Independence and of the Republic.

#### 9. MINING

Draft Provisional Presidential Decree amending Laws No. 7.766 of May 11, 1989, and No. 9.613 of March 3, 1998, revoking articles of Law No. 12.844 of July 19, 2013, and establishing new parameters for the purchase, sale and transportation of gold in the national territory, as well as defining administrative offenses.

PROVISIONAL PRESIDENTIAL DECREE Nº \_\_\_, DE 2023

Amends Laws No. 7.766 of May 11, 1989, and No. 9.613 of March 3, 1998, revokes articles of Law No. 12844 of July 19, 2013, and establishes new parameters for the purchase, sale and transportation of gold in the national territory, as well as defines administrative offenses.

The PRESIDENT OF THE REPUBLIC, in the use of the attributions granted to him by art. 62 of the Constitution, adopts the following Executive Order, with force of law:

Art. 1º This Executive Order establishes new parameters for the purchase, sale, and transport of gold throughout the national territory, and for its export.

# SECTION I OF LEGISLATIVE CHANGES

**Art. 2º** Law nº 7.766, of May 11, 1989, comes into effect with the following changes:

"Art. 1º Gold in any state of purity, raw or refined, when sent to the financial market, to the execution of the Country's exchange policy or to operations carried out with the intervention of institutions integrating the National Financial System, in the form and conditions authorized by the Brazilian Central Bank, will be, from extraction onwards, considered a financial asset or exchange instrument.

§ 1º .....

II - the operations practiced in the mining re-

gions where gold is extracted."" (NR)

"Art. 2°-A The first acquisition of gold, a financial asset, made by an authorized institution, a member of the National Financial System, may only be carried out through a person holding the mining concession or mining permit of the gold's origin, or through a public power of attorney granted by them."

"Art. 2°-B. The institutions integrating the National Financial System may only acquire gold upon presentation:

I - of the mining ballast;

II - environmental ballast;

III - the Gold Transportation and Custody Guide: and

IV - of Electronic Invoice.

§ 1° The presentation of the documents mentioned in items I, II and III must follow the models and instructions contained in the regulations of the National Mining Agency.

§ 2° The institutions must electronically register the received documentation with the National Mining Agency.

§ 3° The documents mentioned in items I, II, III and IV of this article must be kept b in electronic files by the institutions for a period of ten (10) years,

§ 4° A register with the dates of the operations, the data of the raw gold mass acquired, the number of the gold lots acquired, the number of the administrative process of origin in the mineral resources management body, the number of the extraction authorization title municipality and Federal Unit (UF) of origin, in addition to the identification data of the seller, such as name, registration number with the Individual Taxpayer Registry of the Ministry of Finance (CPF) or the National Register of Legal Entities of the Ministry of Finance (CNPJ), and the registration number in the commercial register of the seller's headquarters and copy of the seller's identity card must be kept in electronic files by the institutions, for a period of ten (10) years.

§ 5° The documents mentioned in items I, II and III must be proved by the seller in an exclusively digital way, enabling public access to the information throughout the national territory.

§ 6° Any information protected by confidentiality must be recorded as such, not being an impediment to the publicity of the others, including environmental information, pursuant to Law n° 10.650, of April 16, 2003.

§ 7° After the first gold sale, the others must contain in the Electronic Invoices and Gold Transportation and Custody Guides all the information that confirm:

I - the mining ballast:

II - - the environmental ballast; and

III - the previous transportation and custody movements.

§ 8° The Central Bank will observe all the operations and may request, at any time, the presentation of the documents and digital records referred to in items I, II, III and IV of this article for inspection purposes.

§ 9° The Central Bank will keep a centralized, digital registry, forming the general register of clients of financial institutions authorized to buy and sell gold, as well as their proxies."

"Art. 3º Art. 3 The destination and the oper-

ations referred to in arts. 1 and 2 of this Law will be proven by electronic invoices and by the documents established in art. 2-B.

§ 10 The transport of gold, as a financial asset, to any part of the national territory, will be covered by an Electronic Invoice and by the Gold Transportation and Custody Guide.

§ 2° The Gold Transportation and Custody Guide must contain the identification data of the issuer and recipient, including name, address and enrollment number in the Individual Taxpayer Registry (CPF) or Corporate Taxpayer Registry (CNPJ), the mass of gold transported, the numbers of the gold lots issued at the mining site, information about the mining ballast and environmental ballast, the purpose of the transport, the means of transport, the vehicle license plates or registrations, and the number of the Electronic Invoices that accompany its movement.

§ 3° The Gold Transportation and Custody Guide is exclusive for the gold for which it was issued, and loses its validity after the sale is consummated. The guide number is consigned in the respective electronic invoice of acquisition or sale.

§ 4° The gold unaccompanied by fiscal documentation or regular transportation will be object of seizure by the inspection authorities and its holder administratively penalized with a fine established at twice the value of the seized gold."

"Art. 3°-A. The competent authorities shall apply the following administrative penalties, cumulatively or not, to the institutions comprising the National Financial System and their representatives that fail to comply with the provisions in Article 2 of this Law:

I - fine set at double the value of the gold transacted;

II - temporary ineligibility, up to a maximum of 20 (twenty) years, for exercising management positions or other positions in bodies foreseen in the by-laws or social contract of open corporations or entities of the National

Financial System;

III - suspension of authorization or registration for the exercise of activities, operations or functioning;

IV - temporary disqualification, up to a maximum of 20 (twenty) years, for the exercise of activities and operations;

V - temporary prohibition, up to the maximum of 20 (twenty) years, to practice activities or operations, to act, directly or indirectly, in operations and to render services to the members of the National Financial System."

"Art. 3°-B. The commercialization of gold by individuals or legal entities not covered by art. 3-A of this Law that is in non-compliance with the provisions in art. 2 will be subject to the following administrative sanctions, cumulatively or not, by the competent authorities:

I - fine set at double the value of the gold transacted:

II – seizure of the gold, goods, equipment or vehicles of any nature used in the infraction;

III – total or partial suspension of activities;

IV – suspension or cancellation of registrations, licenses, authorizations, concessions, permits or titles."

"Art. 7º The acquiring legal entity will make the acquisition Electronic Invoice include the numbers of the gold lots, the number of the Gold Transportation and Custody Guide that accompanied it until the acquisition, the mining and environmental ballasts, the Municipality, the State and the number of the process of origin of the gold." (NR)

Art.  $3^{\rm o}$  Law  $n^{\rm o}$  9.613 of March 03, 1998, comes into effect with the following alterations:

"Art. 10-B. In gold trading operations, the persons referred to in art. 9 of this Law, in addition to the requirements of art. 10, shall keep in electronic format all the records of Electronic Invoices, mining ballast, environmental ballast and Gold Transportation and Custody Guides, referred to in Law No. 7.766, of May 11, 1989, for the minimum period of 10 (ten) years, regard-

less of the value of the operation."

"Art. 10-C. The individuals and legal entities referred to in art. 9 of this Law shall implement procedures for verification and registration of the conformity of the vouchers of art. 10-B, communicating to the competent authorities when irregularities are verified."

### SECTION II OF GOLD DESTINATION

Art. 4° The first sale of gold, in any state of purity and regardless of its origin or destination, may only be performed by the holder, individual or legal entity, of a mining concession or mining permit, or by a person holding a public power of attorney granted by the holder of the mining concession or mining permit.

§ 1º The removal of gold from the extraction area will be conditioned to physical marking, by means of molecular markers, conferring a unique lot to the metal, without the possibility of alterations, regardless of the processes to which it is subsequently submitted.

§ 2° The identification of the unique lot conferred to the gold must appear on the fiscal and transportation documents that accompany all of its movements and sales.

§ 3° The first sale of gold originating from mining areas can only be carried out with the intervention of institutions belonging to the National Financial System, in the form and conditions authorized by the Brazilian Central Bank, in accordance with Law no. 7766, of May 11, 1989.

**Art. 5º** The commercialization of gold, in any state of purity and regardless of its origin or destination, is conditioned to the existence, registration, and presentation of mining ballast and environmental ballast at the moment of sale.

§ 1º The mining ballast comprises:

I - the extraction of gold from the exploitation regime established by the National Mining Agency (ANM) and a valid mining title; and II - the registration of the annual mining report referred to in art. 50 of Decree- Law 227, of February 28, 1967.

§ 2º The environmental ballast comprises:

I – the proof of a valid environmental license for the gold extraction area from the competent agencies;

II – the proof that any suppression of vegetation in the area of gold extraction, if it occurred, presents a valid authorization by the competent environmental agencies;

III - the registration of the annual report of potentially polluting activity submitted to the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA); and

IV - proof of regularity certificate from IBAMA.. § 3° The certificate mentioned in item IV of Paragraph 2 of this article will be issued to the individual or legal entity that trades gold and that:

I - is registered in IBAMA's Federal Technical Registry of Potentially Polluting Activities; and II - complies with the obligations derived from the registration referred to in item I.

§  $4^{\circ}$  The mining ballast and the environmental ballast referred to in § 1 and § 2 of this article will be issued in electronic format to holders of mining concessions or prospector mining, after entering the electronic system of the National Mining Agency the documentation referred to in the items I and II of § 1 and I, II, III and IV of § 2. §  $5^{\circ}$  The issue of the mining ballast and environmental ballast will have an identification code that must be registered in the fiscal and gold transportation documentation for all its movements and commercialization.

§ 6° The civil liability of those responsible for the gold purchase and sale operations, whether individuals or legal entities, in view of the obligations and requirements contained in this law, is objective and joint and several, and the principle of good faith does not apply to the acts they perform.

# SECTION III OF TRANSPORTATION

**Art. 6º** The transportation and movement of gold, in any state of purity and regardless of its origin or destination, must be accompanied by a Gold Transportation and Custody Guide, containing:

I - the identification data of the issuer and recipient, including name, address and registration number in the Individual Taxpayer Registry (CPF) or in the National Legal Entity Registry (CNPJ);

II - the number of the Electronic Invoice accompanying the transaction;

III - the mass of gold transported or moved;

IV - the numbers of the lots of gold shipped at the mining site;

V - codes and information on mining and environmental ballast:

VI - the process number and the title of origin of the gold, its Municipality and State;

VII - the purpose of transport or movement;

VIII - the means of transport and the vehicle license plates or registrations, exclusively in electronic format, by the holder of the gold before its transport or movement to another individual or legal entity, in an electronic system of the National Mining Agency.

§ 1º The Gold Transportation and Custody Guide is exclusive for the gold for which it was issued, and loses its validity after the movement is consummated. The guide number is consigned in the respective Electronic Invoice.

§ 2° The Gold Transportation and Custody Guide must be issued for any transportation or movement of gold within the national territory and for exports.

§ 3° The gold unaccompanied by the Guide and fiscal documentation will be object of seizure by the inspection authorities and its holder will be penalized with a fine established at twice the value of the seized gold.

**Art. 7º** The transport and commercialization of gold, in any state of purity and regardless of origin or destination, must be accompanied by an Electronic Invoice.

Sole paragraph. The Internal Revenue Service, in a regulation to be issued within 120 (one hundred and twenty) days of the publication of this Law, will regulate the electronic fiscal document for exclusive use in gold operations, in any state of purity and regardless of origin or destination, as well as their models and emission standards, in accordance with this Law's provisions.

**Art. 8º** The National Mining Agency, in regulations to be issued within 120 (one hundred and twenty) days from the publication of this Law, shall regulate:

I - The implementation of a digital system based on secure record technologies, such as blockchain technology, capable of integrating the data and information of the mining processes and the flows of production, transport and commercialization of gold, including mining and environmental ballast, the Gold Transportation and Custody Guide and the Electronic Invoices:

II - The implementation of a digital registry of all individuals and legal entities able to trade and commercialize gold, and the insertion of records in the system mentioned in item I;

III - The model and specificities of the Gold Transportation and Custody Guide treated in this Law and the requirement to attach to the Electronic Invoice the identification of the quide;

IV - The specifics of the mining and environmental ballast established in this Law, the supporting documents for its issuance, and the requirement to attach its identification to the Gold Transport and Custody Guide;

V - The implementation of an electronic alerts system for suspicious movements, based on the crossing of data registered in the system referred to in item I and external data; and VI - The coordination with other competent bodies for the sharing of data and information for the inspection of operations involving gold. Sole Paragraph. The system referred to in item I of this article must establish conditions for the public sharing of information, safeguarding that which is protected by confidentiality.

## SECTION IV OF INSPECTION AND PENALTIES

Art. 9°. The Central Bank will prohibit the exercise of any management positions in institutions integrating the National Financial System authorized to acquire gold, as well as the exercise of any functions in consultative, fiscal and similar bodies for individuals:

I - that are holders of mining processes;

II - that have equity participation, economic or professional activities with individuals and companies within the gold production chain; and

III - that have their spouse, companion or relatives, consanguineous or similar, in a direct or collateral line, up to the third degree, as owners of mining processes or with shareholding, economic or professional activities with individuals and companies in the scope of the gold production chain.

§ 1º The prohibition mentioned in this article will also reach persons who have received powers of attorney from holders of mining rights for the commercialization of gold.

§ 2º The individuals and legal entities within the gold production chain referred to in this article include, but are not limited to, those involved with the activities of extraction, processing, metallurgy, smelting, refining, recovery, transportation, safekeeping, trade, exports and auxiliary activities.

**Art. 10.** The Central Bank, in regulations to be issued within 120 (one hundred and twenty) days of the publication of this Law, will determine:

I - its policy of surveillance and permanent vigilance over the operation and operations of the institutions integrating the National Financial System authorized to buy and sell gold;

II - the guidelines and rules concerning the control of purchase, sale and custody of gold by institutions belonging to the National Financial System, establishing the requirement for supporting documents for mining ballast and environmental ballast and for Gold Transportation and Custody Guides;

III - the public sharing of information concerning the quantities and the areas and processes of origin of the gold he has acquired in the national territory and in the foreign market;

IV - the annual sending of a public and detailed report to the House of Representatives, the Federal Senate, the Federal Audit Court and the Federal Public Prosecutor's Office, on the supervision of institutions belonging to the National Financial System authorized to trade gold, as well as any infractions committed, penalties applied and investigations related to the irregularities found; and

V - the centralized, digital registry, constituting the general register of clients of financial institutions that are authorized to trade gold, as well as their proxies, and the public sharing of this information.

Art. 11. The commercialization, by individuals or legal entities, of gold originating from Indigenous Lands, regardless of the stage of the demarcation process, and from Conservation Units, is forbidden.

Sole Paragraph. Institutions authorized to trade gold must maintain electronic documentation proving that the gold being traded does not originate from Indigenous Lands, regardless of the stage of the demarcation process, or Conservation Units.

Art. 12 All mining processes partially or totally incident in Indigenous Lands, regardless of

the stage of the demarcation process, and in Conservation Units, shall be cancelled by the competent authorities, within 120 (one hundred and twenty) days, as of the publication date of this Law.

Sole Paragraph. The mining activities occurring within these processes will be cancelled.

# SECTION V OF FINAL PROVISIONS

Art. 13. The Executive Branch will regulate this Law within 120 (one hundred and twenty) days, as of the date of its publication.

**Art. 14.** Articles 37 to 42 of Law no 12.844, of July 19, 2013, and provisions to the contrary are hereby repealed.

**Art. 15.** This Executive Order goes into effect on the date of its publication.

#### 9. MINING

Draft Executive Order for the repeal of Decree No. 10.965/2022, which establishes simplified criteria for the analysis of procedural acts and granting procedures, and for the amendment of Decree No. 9.406/2018, for the repeal of Decree No. 10.966/2022, which establishes the Program to Support the Development of Artisanal and Small-Scale Mining.

EXECUTIVE ORDER N° \_\_\_\_\_, OF JANUARY \_\_\_\_ 2023.

Amends Decree No. 9.406 of June 12, 2018, which regulates Decree-Law No. 227 of February 28, 1967, Law No. 6.567 of September 24, 1978, Law No. 7.805 of July 18, 1989, and Law No. 13.575 of December 26, 2017; and revokes Decree No. 10.965 of February 11, 2022 and Decree No. 10.966 of February 11, 2022.

The PRESIDENT OF THE REPUBLIC, in the use of the attribution conferred upon him by art. 84, caput, item IV, of the Constitution, and in view of the provisions of Decree- Law No. 227 of February 28, 1967, Law No. 6.567 of September 24, 1978, Law No. 7.805 of July 18, 1989, Law No. 12.334 of September 20, 2010, and Law No. 13.575 of December 26, 2017.

#### **DECREES:**

**Art.** 1º Decree nº 9.406, of June 12, 2018, shall come into force with the following changes:

"Art. 5° The mining activity encompasses research, mining, mine development, processing, ore trading, use of tailings and waste rock, and mine closure.

§ 2° The exercise of the mining activity implies the miner's liability for the environmental recovery of the degraded areas.

"Art. 90 .....

§ 7º Once the term of the research authorization has ended and the research report has been presented, the holder, or his successor, may continue the works, including those in the field, with a view to better detailing the deposit and converting the measured or indicated resources

into proven and probable reserves, to be considered in the future in the economic use plan and for the adequate planning of the undertaking......" (NR)

I - concession regime, when dependent on an Ordinance from the Minister of State of Mines and Energy or when granted by the ANM, if its object is the mineral substances mentioned in art. 1 of Law  $n^{\circ}$  6.567, of 1978;

II - authorization regime, when dependent on the issuing of a license by the ANM;

III - licensing regime, when dependent on a license issued in compliance with local administrative regulations and on the license's registration with the ANM;

IV - the mining permission regime, when dependent on a permission issued by the ANM; an

Sole paragraph.

II - earthmoving works and the dismantling of materials in natura that are necessary for the opening of transport routes and general earthmoving and building works, provided that the earth and materials resulting from said works are not sold, and that their use is restricted to the work itself." (NR)

"Art. 14. The application for a research authorization, mining permit or license registration shall have as its object only one polygon, which shall be restricted to the maximum area established in an ANM Resolution, under penalty of rejection without encumbrance of the area." (NR)
"Art. 16
§ 2º Extensions of the research authorization term are allowed more than once exclusively in cases of impediment of access to the research area or lack of consent or license from the competent environmental agency, provided that the holder demonstrates, by means of supporting documents, that:
II - has not contributed, by action or omission, to the lack of entries in the area or the expedition of the consent or environmental license
§ 1º The ANM shall establish by Resolution the criteria and procedures for verifying the accuracy of the final research report, including the hypotheses in which an on-site inspection is dispensed with" (NR)
"Art. 34

mine closure plan; and

September 20, 2010." (NR)

XIX - observe the provisions of the National Policy for Dam Safety, established by Law no 12.334, of

"Art. 39
Sole Paragraph. The licensing will be granted by
the ANM in accordance with the procedures and
requirements established by Resolution." (NR)
"Art. 39
"Art. 44
Sole Paragraph. The ANM will keep a record of
the contracts and agreements that aim to raise
funds or establish partnerships." (NR)
"Art. 52. The non-fulfillment of the obligations
arising from the research authorization, the min-
ing concession, the licensing and the mining per-
mission will imply, depending on the infraction:
I - warnings;
II - fines; and
III - expirations of the titles.
$\S$ 1° The ANM is responsible for the application of
the sanctions of warning, fine and forfeiture, ex-
cept for the forfeiture of the mining concession

§ 2º The application of sanctions provided for in this article shall be preceded by notification to the holder, in order to ensure the principles of adversary proceedings and full defense, as established by Resolution of ANM, and for the forfeiture of mining concessions for mineral substances that do not fit in the provisions of art. 1 of Law No. 6.567 of September 24, 1978, as established by act of the Minister of State of Mines and Energy. (NR)

for a mineral substance that does not fall under the provisions of art. 1 of Law 6.567, of September 24, 1978, which will be applied by an act of

the State Minister of Mines and Energy.

"Art. 53. The fine will vary between R\$ 329.39 (three hundred twenty nine reais and thirty nine cents) and R\$ 3,293.90 (three thousand, two hundred ninety three reais and ninety cents), according to the gravity of the infractions.

§ 1º The ANM shall establish in a Resolution the detailed criteria to be observed in the imposition of fines and in the fixing of their amounts, for the administrative infringements provided for in this

§ 2º In the event of a specific repeat offence, within a period of up to five years, the fine will be

charged in double. (NR)

"Art. 54. Execute research or mineral extraction work without an authorization title or in disagreement with the title obtained:

Sanction: a fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents) and a warning.

Sole paragraph. In the event of recurrence of mining work on a substance not included in the authorizing title, the fine is doubled and the mining right is declared forfeited. (NR)

"Art. 55. Commit ambitious mining:

Sanction: a fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents) and a warning.

Sole paragraph. In the event of a repeat offence, the fine is doubled and the mining right is declared forfeited. (NR)

"Art. 56. Failure to pay or late payment of the annual fee referred to in art. 48:

Sanction: a fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents).

Sole Paragraph. If the annual fee is not paid within 30 (thirty) days from the date the fine is imposed, the research authorization permit will be declared null and void, ex officio. (NR)

"Art. 57. Failure to present or untimely present the report referred to in art. 25:

Penalty: a fine of R\$ 3.29 (three reais and twenty-nine cents) per hectare. (NR)

"Art. 58. - Failure to comply with the deadlines for starting or restarting research or mining:

Sanction: in the case of research, a fine of R\$ 809.82 (eight hundred and nine reais and eighty-two cents) and a warning; and, in the case of mining, a fine of 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents) and a warning.

Sole paragraph. Once the fine has been imposed, the holder will have a period of six months to start or restart research or mining, under penalty of being fined double and having the mining right forfeited. (NR)

"Art. 59: Failure to promptly communicate the

start or restart or interruptions of research work: Sanction: fine of R\$ 809.82 (eight hundred and nine reais and eighty-two cents)." (NR)

"Art. 60. Failure to promptly communicate the occurrence of another useful mineral substance, not listed in the research authorization permit: Sanction: fine of R\$ 1,619.63 (one thousand, six hundred and nineteen reais and sixty-three cents)." (NR)

"Art. 61. - Do not entrust the responsibility of the mining work to a technician legally qualified to exercise the profession (art. 34, caput, sub VI):

Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents)." (NR)

"Art. 62. Failure to propose for examination to the ANM the necessary alterations to the economic utilization plan (art. 35):

Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents)." (NR)

"Art. 63. Halt the mining works without prior notice to the ANM (art. 34, caput, item XIV):

Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents)." (NR)

"Art. 64. Interrupting the mining work already started, for more than six consecutive months, except for proven force majeure:

Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents)." (NR)

"Art. 65. Failure to provide, in the annual mining report, information or data required by law or ANM Resolution or provide false information or data.

Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents)." (NR)

"Art. 66. Failure to communicate to the ANM the discovery of another mineral substance, not included in the mining concession, licensing regime and mining permit:

Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety

cents)." (NR)

"Art. 67. Deliberately perform mining works in disagreement with the economic utilization plan: Sanction: fine of R\$ 3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents)." (NR)

"Art. 68. Abandon the mine or deposit, thus formally characterized as provided in an ANM Resolution:

Sanction: a fine of R\$3,293.90 (three thousand, two hundred and ninety-three reais and ninety cents) and forfeiture of the title." (NR)

"Art. 69 - Failure to present or untimely presentation of the bylaws or articles of incorporation and shareholders' agreements in effect and contractual or statutory alterations that may occur (art. 76):

Sanction: fine of R\$ 809.82 (eight hundred and nine reais and eighty-two cents).

Sole Paragraph. The fine will be doubled in the event of non-compliance with the requirements of this article within 30 (thirty) days, as of the date of imposition of the initial fine, and so on, every 30 subsequent days." (NR)

"Art. 70. Failure to comply with the obligations provided for in art. 34, caput, items V, IX, X, XI, XII, XIII, XVI, XVIII and XIX will result in a fine ranging from R\$ 1,619.63 (one thousand, six hundred and nineteen reais and sixty-three cents) to R\$ 3,239.26 (three thousand, two hundred and thirty-nine reais and twenty-six cents), as established by ANM Resolution." (NR)

"Art. 74. The inspection of mining activities will observe the criteria for defining priorities and will include examination of the titled areas by sampling." (NR)

Art. 2º The ANM shall issue a Resolution within 180 (one hundred and eighty) days, as of the date of publication of this Decree, in compliance with the provisions of § 6 of art. 52 of Decree No. 9,406, of June 12, 2018.

**Art. 3º** Decree nº 10.965, of February 11, 2022 is hereby revoked.

Art. 4° Decree no 10.966, of February 11, 2022. is hereby revoked

**Art. 5º** The following provisions of Decree No. 9,406, dated June 12, 2018, are hereby revoked:

I - the sole paragraph of art. 4°;

II - the § 4th and § 5th of art. 10;

III - art. 54-A;

IV - art. 54-B.

**Art. 6º** This Decree goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ...... of Independence and ..... of the Republic.

#### 10. INFRASTRUCTURE

Draft Executive Order on the qualification of projects in the Legal Amazon, in the scope of the Investment Partnership Program - PPI, established in Law No. 13.334/2016, to dispose on (i) the prioritization of the Investment Partnership Program portfolio, (ii) the delimitation of the area of influence, ensuring the participation of indigenous people and traditional communities, and (iii) the possibility of creating a dispute resolution panel.

EXECUTIVE ORDER Nº \_\_\_\_\_, OF JANUARY \_\_\_ 2023.

Provides for the qualification of projects located in the Legal Amazon in the Investment Partnership Program established in Law No. 13.334 of September 13, 2016.

THE PRESIDENT OF THE REPUBLIC, in the use of the attribution bestowed upon him by art. 84, items IV and VI, letter "a", of the Constitution, and in view of the provisions of art. 4 of Law No. 13.334, of September 13, 2016, and Convention No. 169 of the International Labor Organization on Indigenous and Tribal Peoples, pursuant to Decree No. 10.088, of November 5, 2019,

#### **DECREES**:

#### CHAPTER I

#### OF PRELIMINARY PROVISIONS

Art. 1º This Decree provides for the qualification exclusively for projects located in the Legal Amazon in the Investment Partnership Program - PPI.

#### **CHAPTER II**

#### OF PROJECT PRIORITIZATION

**Art. 2º** The Council for the Investment Partnerships Program of the Presidency of the Republic - CPPI - will define the criteria for prioritizing projects in the PPI.

Sole paragraph. The prioritization of the pro-

jects referred to in the caput will be defined based on technical, economic, and socio-environmental feasibility studies, including comparative scenarios with other options for the projected service or work.

#### CHAPTER III

OF THE DELIMITATION OF AREAS OF INFLU-ENCE, ENSURING THE PARTICIPATION OF INDIGENOUS PEOPLES AND TRADITIONAL COMMUNITIES

Art. 3° The term of reference for the technical, economic and socio- environmental feasibility study will include the delimitation of the project's Area of Direct Influence (AID) and the Area of Indirect Influence (AII), from the scope of the socioeconomic changes caused by the project, respecting the ecological and environmental processes and observing the quidelines established by the CPPI.

Art. 4º The prior hearing of Indigenous Peoples and Traditional Communities will be guaranteed whenever surveys, in the scope of the technical, economic, and socio-environmental feasibility study, indicate that these popula-

tions are affected in the direct and indirect area of influence of the undertaking.

Art. 5° As a result of the technical, economic, and socio-environmental feasibility studies and of the public consultations carried out, the project's AID and AII may have more restricted delimitations, circumscribing the analyses to the areas with impacts projected in the studies, for the purposes of the environmental licensing process.

## **CHAPTER IV** OF THE DISPUTE SETTLEMENT PANEL

Art. 6° The Special Secretariat for the Investment Partnerships Program - SPPI - may constitute Dispute Resolution Panels, in order to settle possible conflicts arising from the implementation or operation of PPI projects. Sole Paragraph. The SPPI will define, in a sep-

arate administrative act, the guests, scope, and term for the Panel's work referred to in the caput.

## CHAPTER V OF FINAL PROVISIONS

Art. 7º This Decree goes into effect on the date of its publication.

Brasília, .... of ...... 2023; ...... of Independence and.....of the Republic.

#### 11. CITIES

Draft Bill to dispose on the incentive to the technological development of decentralized sanitary sewage solutions, suitable to the local socioeconomic conditions.

BILL Nº \_\_\_\_, DE 2023

Amends Law no. 9.984, of July 17, 2000, to provide for incentive to the technological development of decentralized sanitary sewage solutions, appropriate to local socioeconomic conditions.

#### The NATIONAL CONGRESS decrees:

Art. 1º This Law provides for the incentive to the technological development of decentralized sanitary sewage solutions, appropriate to the socioeconomic conditions and the local and regional peculiarities.

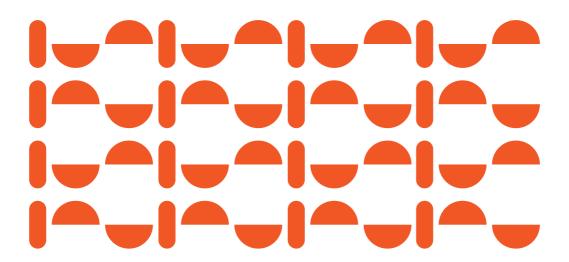
**Art. 2º** Law nº 9.984, of July 17, 2000 comes into effect with the following changes:

"Art. 40.....

XXV - to support initiatives aimed at the technological development of decentralized sanitary sewage solutions, appropriate to socioeconomic conditions and local and regional peculiarities.

§ 11 In the exercise of the competencies referred to in item XXV of this article, the ANA will stimulate cooperation with teaching and research institutions." (NR)

**Art. 3º** This law goes into effect on the date of its publication.



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ISBN: 978-65-999021-1-6

