

RECENT CHANGES TO LEGISLATION MAY INCREASE DEFORESTATION AND IMPUNITY IN THE BRAZILIAN AMAZON. HERE'S HOW.



1 Law enforcement and penalties for illegal logging have played a significant role in decreasing deforestation in the Amazon since 2004.

2 Evidence suggests that without enforcement efforts, deforestation would have been five times higher between 2007 and 2016.



3 Recent changes in legislation have introduced an extra step in the process of fine validation. The validation now needs to go through the inspector's direct report, who has no deadline to review and no technical report to justify their decision. This change allows authorities to act with excessive discretion over the activities of agents and over the continuity of the administrative processes.

4 If the penalty is approved, the logger will have the right to environmental mediation, during which, the case may be closed through a deal with Ibama (Brazilian Institute of the Environment and Renewable Natural Resources). This means that fines may be reduced or replaced by environmental restoration projects. However, the implementation of this new stage is at a standstill.

5 If no deal is reached, the logger can take the case to an Ibama state superintendent, the first instance judging authority, with possibility of appeal to the Ibama president, the second instance judging authority. Since these officials are appointed by the Minister of the Environment and are subject to political pressure, fines could end up being "negotiated".

6 The risk of impunity resulting from a lengthy legal process increases when judgments are centralized, since the IBAMA superintendents and president have many functions in addition to ruling on environmental violations. Centralization not only bottlenecks the process flow, but also makes the environmental sanctioning procedure more vulnerable to political influence.

**WITHOUT
PENALTIES FOR
DEFORESTATION
THERE WILL BE NO
MORE AMAZON FOREST**