

## Article 14 Impact assessment and minimizing adverse impacts

### 194. What is the relative priority afforded to implementation of this Article and the associated decisions by your country?

a) High		b) Medium	X	c) Low	
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### 195. To what extent are the resources available adequate for meeting the obligations and recommendations made?

a) Good		b) Adequate		c) Limiting	X	d) Severely limiting	
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Further comments on relative priority and on availability of resources

#### Questions 194 and 195.

The sectors consulted were in disagreement in their perceptions regarding compliance with this article.

Deforestation, fires, air pollution, and water pollution are given high priority by both government and society but with little effect due to conflicts with political-economic and political-sectoral interests.

Brazilian environmental legislation is well advanced and requires impact studies for environmental licensing. The Environmental Crimes Law provides for punitive measures for environmental degradation.

*Programa de Prevenção e Controle de Queimadas e Incêndios Florestais na Amazônia Legal* - PROARCO [Prevention and Control Programme for Forest and Savannah Fires in the Legal Amazon - PROARCO]. See comments on Question 140.

*Sistema de Proteção da Amazônia – SIPAM* [Amazon Protection System – SIPAM] – See comments on Question 30.

#### *Environmental Restoration*

*Projeto de Gestão Integrada* [Integrated Administration and Management Project]. Projects of Integrated Management in the Brazilian states and Legal Amazon of the *Programa Piloto para a Proteção às Florestas Tropicais do Brasil PPG7* [Pilot Program for the Protection of the Tropical Forests of Brazil PPG7].

*Programa Nacional de Florestas – PNF* [National Program for Forests – PNF]. Monitoring and control of deforestation. See: [www.ibama.gov.br](http://www.ibama.gov.br).

Ministry of the Environment (MMA). The Ministry of the Environment has concentrated on actions related to desertification in Brazil from 1995 to 1999 through the Technical Cooperation Project UNDP/MMA/FGEB/BRA/93/036. Directives have been established for the *Política Nacional de Controle da Desertificação* [National Policy on the Control of Desertification].

*Programa Agricultura de Precisão* [Precision Agriculture Programme]. The aim of this programme is to use modern technologies to reduce the use of fertilizers and pesticides and herbicides in order to achieve greater competitiveness to meet the growing demand for healthier environmental technologies. Satellites and other tools can generate information promoting improved soil use. The Precision Agriculture Program will assist rural producers, agroindustries, and cooperatives, by transferring research results and new technologies to the sector, in association with universities, research centres, agribusiness, rural extension services and users. The *Empresa Brasileira de Pesquisa Agropecuária - EMBRAPA* [Brazilian Agricultural and Cattle-Breeding Research Company – EMBRAPA] and the Ministry of Agriculture and Supply are responsible for the programme. Budget for 2000-2003 is R\$89.2 million.

*Programa de Avaliação do Potencial Sustentável dos Recursos Vivos da Zona Econômica Exclusiva/MMA – REVIZEE* [Programme for Assessing the Sustainable Potential of the Live Resources of the Exclusive Economic Zone/MMA – REVIZEE]. The purpose of this programme is to survey the sustainable potential for the capture of the living resources in our *Zona Econômica Exclusiva – ZEE* [Exclusive Economic Zone – ZEE], which extends from the external limit of the territorial sea, 12 miles wide, to 200 nautical miles from the coast, covering as such about 3.5 million km<sup>2</sup>. The REVIZEE is a result of a commitment assumed by Brazil

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when it ratified the United Nations Convention on the Law of the Sea in 1988 (effective since 16<sup>th</sup> November, 1994), the concepts of which have been incorporated into our national legislation through the 1988 Federal Constitution and Law No.8617, 4<sup>th</sup> January, 1993. Goals of the REVIZEE include: to inventory the living resources in the ZEE and the environmental characteristics from the places where they occur, determine their biomass, establish the sustainable capture potentials.

*Programa Global de Observação dos Oceanos – GOOS - Brasil* [Global Ocean Observing System – GOOS – Brazil]. This programme, created by the *Comissão Oceanográfica Intergovernamental – COI* [Intergovernmental Oceanographic Commission - COI], in cooperation with the World Meteorological Organization (WMO) and the United Nations Environment Program (UNEP), and taking into account the dispositions of the United Nations Convention on the Law of the Sea (UNCLOS), and the Agenda 21. The 17<sup>th</sup> chapter of Agenda 21 states the need to develop a *Sistema Global de Observação* [Global Observation System] to better understand and monitor ocean changes and their effects. This is all the more vital considering the enormous area of sea under Brazil's jurisdiction and national interest in its sustainable development. The *Plano de Implementação do GOOS* [GOOS Implementation Plan] defines five main modules: Evaluation, forecasting and climate monitoring; evaluation and monitoring of marine living resources; monitoring administration and management of the coastal zone; evaluation and forecasting of the ocean's health; and marine meteorological services and operational services in Oceanography.

*Programa de Conservação de Solos na Agricultura* [Agricultural Soil Conservation Programme]. The purpose of this program is to work with small rural producers and technicians from the agricultural sector and local public organs to divulge practices in soil and water use directed for their conservation, as well as carrying out activities for the recovery of agricultural areas which have been degraded. The work focuses on the hydrographical microbasins through technical cooperative agreements. Principal activities include: financing the use of soil correctives (PRÓ-SOLO); correction, conservation and the preservation of agricultural soils; and research and development on soil and water management and conservation. The institution responsible is the Secretariat of Rural Support and Cooperatives [*Secretaria de apoio Rural e Cooperativismo*] of the Ministry of Agriculture and Supply. The budget in the Pluri-annual Plan (PPA) is R\$581.7 million. The main results obtained to date are: establishment of about 40 demonstration units for the generation, testing and divulgement of management and conservation techniques for agricultural soil and water, which are adapted to the differing social and economical realities of the country; implementation of eight projects in the mid-west and south; creation of 15 new technologies for the recovery of the productive capacity of soils; application of R\$165.1 million to about 1.9 million ha of agricultural land, benefiting about 14,200 producers.

*Programa Conservação Ambiental de Regiões Mineradas* [Programme for Environmental Conservation in Mining Regions]. The purpose of this programme is to implement measures to avoid or attenuate the environmental impacts of mining, providing for environmental recuperation in the areas exploited. Budget: R\$16.1 million. The main principle activities include: the transfer of technologies for environmental recovery in the Peruvian Amazon; environmental studies in areas reserved for mining; environmental monitoring and protection of areas subject to mining. Decree No.97632, dated from May 10<sup>th</sup> 1989, regulates the restoration of areas degraded by mining activities. Decree No.99274, dated from June 06<sup>th</sup> 1990, regulates environmental licensing for mining activities.

*Programa Brasil Joga Limpo* [Brazil "Plays Clean" Programme]. This programme is designed to stimulate measures such as: recycling and selective waste collection; the establishment of demonstrative projects for the integrated management of residual solids and environmental sanitation; establishment of an environmental information system related to the management of urban waste; and the elaboration of norms on waste treatment. The Ministry of Environment is responsible for the programme. The budget in the Pluri-annual Plan (2000-2003) is R\$76.8 million. Available at [www.abrasil.gov.br](http://www.abrasil.gov.br).

There are environmental restoration initiatives in a number of Brazilian states, including São Paulo (*Programa de Despoluição do Rio Tietê* [Cleaning the Rio Tietê]; and *Programa de Recomposição da Vegetação em Cubatão* [Recovery Programme for Vegetation Cover in Cubatão]) and Rio de Janeiro (*Programa de Despoluição da Baía de Guanabara* [Cleaning the Guanabara Bay]).

Pilot projects have been set up in Northeast of Brazil specifically to combat desertification.

*Programa Nacional de Gerenciamento Costeiro – GERCO* [National Programme for Coastal Administration and Management – GERCO]. A survey of coastal pollution.

The *Programa Nacional do Meio Ambiente II – PNMA II* [National Environment Programme II – PNMAII] has an environmental licensing and monitoring component, which includes institutional strengthening and measures for training and capacity-building.

*Programa Pantanal* [Pantanal Programme]. A programme for the improvement of tourist infrastructure and to stimulate other regionally appropriate economic activities, such as aquaculture. Budget in the Pluri-annual Plan (2000-2003) is R\$261.5 million. Activities include: research in investment opportunities; creation of new tourist itineraries; signs and signposts for travelling tourists, fisheries management and the promotion of aquaculture in the Pantanal of the upper Rio Paraguay Basin. Activities in the upper Rio Paraguay basin (in the initial stages) also include: monitoring environmental quality; creating protected areas, water resources management; basic sanitation (waste, sewers)

The Ecological-Economical Zoning. Foresees the agroecological zoning, see question 70

*Projeto de Monitoramento de Áreas Desflorestadas na Amazônia Legal – PRODES* [Project for the Monitoring of Deforested Areas in the Amazon Region – PRODES] / *Instituto Nacional de Pesquisas Espaciais -INPE* [National Institute for Space research – INPE]. See comments on Question 33.

Eighty fire brigades were created in protected areas. The following departments are involved: FUNAI, EMBRAPA, Fire Department, Forest Police, *Fundação Nacional de Saúde FUNASA* [National Health Foundation – FUNASA], the *Instituto Nacional de Colonização e Reforma Agrária – INCRA* [National Institute for Colonization and Agrarian Reform- INCRA], Radio stations, the National Airport Authority – INFRAERO, and the Military Police.

<b>196. Is legislation in place requiring an environmental impact assessment of proposed projects likely to have adverse effects on biological diversity (14 (1a))?</b>	
a) no	
b) early stages of development	
c) advanced stages of development	
d) legislation in place	
e) review of implementation available	X
<b>197. Do such environmental impact assessment procedures allow for public participation (14(1a))?</b>	
a) no	
b) yes – limited extent	
c) yes – significant extent	X
<b>198. Does your country have mechanisms in place to ensure that the environmental consequences of national programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account (14(1b))?</b>	
a) no	
b) early stages of development	
c) advanced stages of development	X
d) fully compliant with current scientific knowledge	
<b>199. Is your country involved in bilateral, regional and/or multilateral discussion on activities likely to significantly affect biological diversity outside your country's jurisdiction (14(1c))?</b>	
a) no	
b) yes – limited extent	X
c) yes – significant extent	

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<b>200. Is your country implementing bilateral, regional and/or multilateral agreements on activities likely to significantly affect biological diversity outside your country's jurisdiction (14(1c))?</b>	
a) no	
b) no, assessment of options in progress	
c) some completed, others in progress	X
b) yes	
<b>201. Has your country mechanisms in place to notify other States of cases of imminent or grave danger or damage to biological diversity originating in your country and potentially affecting those States (14(1d))?</b>	
a) no	
b) early stages of development	X
c) advanced stages of development	
d) mechanisms in place	
e) no need identified	
<b>202. Has your country mechanisms in place to prevent or minimize danger or damage originating in your State to biological diversity in other States or in areas beyond the limits of national jurisdiction (14(1d))?</b>	
a) no	
b) early stages of development	X
c) advanced stages of development	
d) fully compliant with current scientific knowledge	
e) no need identified	
<b>203. Has your country national mechanisms in place for emergency response to activities or events which present a grave and imminent danger to biological diversity (14(1e))?</b>	
a) no	
b) early stages of development	
c) advanced stages of development	
d) mechanisms in place	X
<b>204. Has your country encouraged international cooperation to establish joint contingency plans for emergency responses to activities or events which present a grave and imminent danger to biological diversity (14(1e))?</b>	
a) no	X
b) yes	
c) no need identified	

## ***Decision IV/10. Measures for implementing the Convention [part]***

<b>205. Has your country exchanged with other Contracting Parties information and experience relating to environmental impact assessment and resulting mitigating measures and incentive schemes?</b>	
a) no	
b) information provided to the Secretariat	
c) information provided to other Parties	X
d) information provided on the national CHM	

<b>206. Has your country exchanged with other Contracting Parties information on measures and agreements on liability and redress applicable to damage to biological diversity?</b>	
a) no	X
b) information provided to the Secretariat	
c) information provided to other Parties	
d) information provided on the national CHM	

**Decision V/18. Impact assessment, liability and redress**

<b>207. Has your country integrated environmental impact assessment into programmes on thematic areas and on alien species and tourism?</b>	
a) no	
b) partly integrated	X
c) fully integrated	

<b>208. When carrying out environmental impact assessments does your country address loss of biological diversity and the interrelated socio-economic, cultural and human-health aspects relevant to biological diversity?</b>	
a) no	
b) partly	X
c) fully	

<b>209. When developing new legislative and regulatory frameworks, does your country have in place mechanisms to ensure the consideration of biological diversity concerns from the early stages of the drafting process?</b>	
a) no	
b) in some circumstances	X
c) in all circumstances	

<b>210. Does your country ensure the involvement of all interested and affected stakeholders in a participatory approach to all stages of the assessment process?</b>	
a) no	
b) yes - in certain circumstances	X
c) yes - in all cases	

<b>211. Has your country organised expert meetings, workshops and seminars, and/or training, educational and public awareness programmes and exchange programmes in order to promote the development of local expertise in methodologies, techniques and procedures for impact assessment?</b>	
a) no	
b) some programmes in place	X
c) many programmes in place	
d) integrated approach to building expertise	

<b>212. Has your country carried out pilot environmental impact assessment projects, in order to promote the development of local expertise in methodologies, techniques and procedures?</b>	
a) no	X
b) yes (please provide further details)	

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<b>213. Does your country use strategic environmental assessments to assess not only the impact of individual projects, but also their cumulative and global effects, and ensure the results are applied in the decision making and planning processes?</b>	
a) no	
b) to a limited extent	X
c) to a significant extent	
<b>214. Does your country require the inclusion of development of alternatives, mitigation measures and consideration of the elaboration of compensation measures in environmental impact assessment?</b>	
a) no	
b) to a limited extent	
c) to a significant extent	X
<b>215. Is national information available on the practices, systems, mechanisms and experiences in the area of strategic environmental assessment and impact assessment?</b>	
a) no	
b) yes (please append or summarise)	X

## Further comments on implementation of this Article

### Question 196.

Law No.6938, 31 August 1981 – *Política Nacional de Meio Ambiente* [National Environment Policy]; *Conselho Nacional de Meio Ambiente - CONAMA* [National Environment Council – CONAMA] Resolution No.001/86 makes environmental impact studies and reports obligatory (with language accessible to society), along with public hearings. The CONAMA Resolution No.305, 12<sup>th</sup> June, 2002, determines environmental impact studies for transgenics and Resolution No.237, 19 December, 1997, regulates the national system for environmental licensing.

### Question 197.

The CONAMA Resolution No.001, 1986, makes public hearings obligatory. There is, however, no mechanism yet consolidated for the provision of information on a particular enterprise in a form which is accessible and comprehensible for society to make judgements concerning the advantages and disadvantages of its implementation.

### Question 198.

There is strategic environmental evaluation for infrastructure projects in the Amazon (still under development). The Ministry of Planning has a study that brings up to date the development corridors in Brazil, with the impact evaluation as one of the stages.

### Question 199.

Brazil is a member of Mercosul, the *Tratado de Cooperação da Amazônia* [Amazon Cooperation Treaty]; the United Nations Convention on the Law of the Sea (UNCLOS); International Convention for the Conservation of Atlantic Tunas; *Programa Antártico Brasileiro - PROANTAR* [Brazilian Antarctic Programme - PROANTAR]; and the Migratory Birds Convention Act.

### Question 200.

International Convention for the Protection of Plants; Sanitation Agreements; IMO (water ballast); Stockholm Convention (Brazil participated directly in its elaboration and is in the process of being ratified) – foresees restricted use and, for some, prohibition of persistent organic pollutants (POPs).



## Question 201.

Brazil has a notification mechanism for foot-and-mouth disease in cattle.

## Question 203.

*Sistema Nacional para Prevenção e Combate de Incêndios Florestais - PREVFOGO* [National System for the Prevention and Control of Forest Fires – PREVFOGO]. Created by Decree No.97635, 10<sup>TH</sup> April, 1989, PREVFOGO is a programme of the *Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis - IBAMA* [Brazilian Institute for the Environment and Renewable Natural Resources – IBAMA]. The mandate of IBAMA is to coordinate the organization and implementation of activities necessary for the control, combat and prevention of forest fires. PREVFOGO includes five programmes: Prevention, Control, Combat, Research and Training. Each includes a series of projects. The Prevention Program will monitor forest fire risk and also carry out the measures necessary to minimize it. For more information see: [www.mct.gov.br/clima/comunic\\_old/prevfogo.htm](http://www.mct.gov.br/clima/comunic_old/prevfogo.htm).

*Programa de Prevenção e Controle de Queimadas e Incêndios Florestais na Amazônia Legal - PROARCO* [Prevention and Control Programme for Forest and Savannah Fires in the Legal Amazon - PROARCO]. The goal of this monitoring programme is to identify high risk areas for forest fires. The web site [www.cptec.inpe.br/products/queimadas/](http://www.cptec.inpe.br/products/queimadas/) provides daily bulletins of fire hotspots throughout the country.

Mechanisms have been established for alerts of oil spills.

## Question 205.

With the United States (Environmental Protection Agency – EPA and the United States Development Agency – USDA/FS) and the *Instituto Brasileiro do Meio Ambiente e dos Recursos Renováveis – IBAMA* [Brazilian Institute for the Environment and Renewable Natural Resources – IBAMA] for forest and savannah fires, agrotoxic chemicals. There are regulations regarding the introduction of exotic species. A meeting was held at the Ministry of Environment in October 2002 in Brazil specifically to discuss exotic species (see comment on Article 8h).

## Question 207.

Procedures have been established for environmental impact evaluation in sectoral programmes for mining, hydroelectric dams, transport and rural settlement schemes. The Ministry of Transport has published a manual for good environmental practices in the transport sector. The PROECOTUR determines environmental impact evaluation for tourist destinations.

## Question 208.

Article 3 of Law 6.938, 31<sup>st</sup> August 1981 – *Política Nacional de Meio Ambiente* [National Environment Policy] and *Conselho Nacional de Meio Ambiente - CONAMA* [National Environment Council – CONAMA] Resolution 001/86.

## Question 209.

A *Câmara Temática de Biodiversidade* [Thematic Chamber for Biodiversity] has been established within the *Conselho Nacional de Meio Ambiente - CONAMA* [National Environment Council – CONAMA]. All bills for consideration by the National Congress are appraised by the *Comissão de Meio Ambiente, Minorias e Consumidor* [Environment, Minorities and Consumer Commission]. The *Comissão da Amazônia* [Amazon Commission] reviews and discusses all aspects which deal with or affect the Brazilian Legal Amazon.

## Question 211.

Law No.6938, 31<sup>st</sup> August 1981 – *Política Nacional de Meio Ambiente I* [National Environment Policy] promoted the training and capacity-building component for institutional strengthening in methodologies, techniques and procedures for environmental impact evaluation.

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## Question 214.

Impact mitigation is a legal requirement. Monetary recompensation is required when this is not possible which sometimes is the case of oil spills.

*Diagnóstico da Gestão Ambiental no Brasil* [Diagnosis of Environmental Management in Brazil]. The purpose of the Environmental Management Diagnosis is to identify the status of environmental management in the Federation's states and the Federal District, to establish the baseline from which to begin the implementation of the 2<sup>a</sup> Programa Nacional do Meio Ambiente – PNMAII [Second National Environment Programme – PNMAII]. This diagnosis will assess progress in the formulation and use of tools and environmental policies in the first phase of the Programme and, as such, the criteria for eligibility for their inclusion in the component of Integrated Management of Environmental Problems of the PNMAII:

- forest resources management;
- water resources management;
- waste management;
- economic instruments for environmental management;
- environmental licensing;
- environmental monitoring;
- management of state protected areas;
- decentralisation of environmental management; and
- participation on environmental management.

This institutional diagnosis also includes other instruments and policies with a view to making a more profound study of the *status quo* of environmental management in the country. Likewise, after a little more than a quarter century since the first government initiatives explicitly dealing with general environmental management issues, it assesses the degree of institutional development of this public policy sector in each state. See: [www.mma.gov.br/port/se/pnma2/map.html](http://www.mma.gov.br/port/se/pnma2/map.html).