

Brazilian Environmental Justice in Crisis: Traditional Peoples, Environmental Governance, and the Limits of Socioeconomic Inclusion

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Abstract: Through exploring the ongoing and intensified struggles between traditional peoples over land and natural resources in Brazil, I analyze the limitations of current forms of environmental decision-making and socioeconomic inclusion, and the contradictory impulses of sustainable development in which these are embedded. I examine the conjoined evolution of policies for economic development, the environment, and traditional rights since the 1980s in Brazil, exploring the shifting terrain of environmental justice struggles during different political economic phases, including democratization in the 1980s, the rise of neoliberalism in the 1990s, the postneoliberal turn of the early 2000s, and the current re-entrenchment of neoliberalism accompanying Brazil's political and economic crisis. Since the 1980s, there has been an overall trend towards strengthening socioenvironmental movements, policies, and governance, but in the last few years, there has been an erosion of traditional peoples' influence in environmental policies and an undermining of traditional land and resource rights. These trends occur alongside what have been seemingly contradictory efforts at promoting poverty alleviation and socioeconomic inclusion under the guise of sustainable development. I argue that these efforts are based on narrow conceptions of inclusion and citizenship that are modest in scope, focused on the short-term, and overlook critical structural matters. The promotion of socioeconomic inclusion has insufficiently safeguarded established rights and has limited participation in policymaking in important ways, yielding forms of sustainable development in which environmental and social concerns are superficial and echo historical exclusionary, assimilationist, and developmentalist efforts to promote "progress". With the strong conservative backlash of the current political and economic crisis, even these deficient efforts at socioeconomic inclusion are being scaled back, at the same time that environmental policies and traditional rights are being deeply eroded, posing serious challenges for cultivating a just and sustainable future. Because of the inseparable links between nature and state-making in Brazil, and the important role Brazil plays in international environmental governance, my analysis of contested ecologies in Brazil brings insights into the broader contradictions and limitations of global sustainable development efforts and the persistent challenges to cultivating more inclusive forms of environmental governance.

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Introduction

Over the last few decades, there have been some positive socioenvironmental developments in Brazil, including, the strengthening of federal, state and municipal environmental governance institutions and the creation and expansion of formalized channels for civil society participation in decision making. Brazil has also developed more robust environmental monitoring (e.g., satellite and remote sensing) and data collection and increased technical capacities of public servants to support evidence-based planning and the fiscalization of environmental policies. These changes have contributed to a variety of gains, including the much touted decreases in deforestation rates during the mid-2000s (reversing previous decades long trends); expansion of conservation and sustainable use areas; new programs for traditional resource rights and management; and increased sustainability of some agricultural systems. While largely not expressly concerned with environmental matters, social programs and economic policies targeting the poor have diminished poverty and decreased inequalities, contributing in some respects to sustainable development.

Despite what may be appraised as broadly positive trends, advances have often been inconsistent and uneven. At the same time, Brazil has seen increasing demands for resources as a result of population growth, the expansion of the middle class, and changing patterns of consumption. Increased domestic demand for energy, water, food crops, animal protein, cars, construction materials, and consumer goods have placed new demands on Brazil's ecosystems and its resources.

Furthermore, Brazil—like many other Latin American countries—has made export-oriented commodity production central to its economic growth, which has often been accompanied by problematic socioenvironmental consequences. Agricultural and extractive enterprises that have been an important focus in Brazil—such as soybean production, sugarcane cultivation, iron ore extraction, petroleum extraction, beef production, and eucalyptus cultivation—have enabled and been accompanied by a variety of socioenvironmental changes with potential and actual detriments to the environment and its sustainable use, as well as to the livelihoods of traditional peoples and the rural poor.

The country has increasingly pursued what some refer to as a “neodevelopmentalist” approach, exemplified by its Growth Acceleration Program (*Plano de Aceleração de Crescimento* or PAC) which emphasizes state-subsidized or financed large scale infrastructural projects including roads and hydroelectric plants which have been criticized for bypassing environmental licensing processes and environmental impact assessment requirements, lacking adequate public consultation and civil society participation, and violating human, land, and resource rights of indigenous peoples, traditional peoples, and the rural poor. Another major socioenvironmental setback of recent years has been the dilution of environmental protection and accountability with the passing of a revised Forest Code 2012 in response to pressures from agribusiness and

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logging interests that largely ignored the opinions and input of civil society groups and scientific experts.

Thus, despite advances, due to the combination of economic growth trajectories and the fragilities and limitations of governance structures and public policy processes, socioenvironmental challenges persist as key barriers to more sustainable and equitable socioeconomic growth. Brazil continues to grapple with a variety of critical social and environmental issues that inhibit sustainable development including droughts, water rationing, water pollution, air pollution, displacement of people for large infrastructure projects, increased violent conflict in rural areas, the persistence and exacerbation of varied environmental health issues, and the recent reversal of temporarily favorable trends in deforestation rates.

With the current political and economic crisis Brazil is facing, the contradictory socioenvironmental impulses of recent years appear to be exacerbating, with some of the positive strides mentioned above being further undermined and some of the problematic trends being accentuated. Given this scenario it is critical to stimulate more profound and systemic reflection on the causes and consequences of Brazil's socioenvironmental dilemmas.

In this paper, I examine some broad trends in environmental governance and economic development, and their links to Brazil's current crisis. I explore the ongoing and intensified struggles between traditional peoples and other actors (e.g., agribusiness and energy interests) over land, natural resources, and nature. I begin by exploring trends in socioenvironmental politics under the "postneoliberal" administration of the Workers's Party (PT), followed by those of the current context of Brazil's political and economic crisis.

In recent years, there has been an erosion of traditional peoples' influence in socioenvironmental governance and an undermining of traditional land and resource rights. These trends occur alongside seemingly contradictory efforts at promoting poverty alleviation and socioeconomic inclusion under the guise of sustainable development. I argue that these efforts are based on narrow conceptions of inclusion and citizenship that are modest in scope and focused on the short-term, and that have insufficiently addressed participation in policymaking and the safeguarding of established rights, yielding sustainable development practices in which environmental and social concerns are superficial, and that echo historical exclusionary, assimilationist, and developmentalist efforts to promote progress and integration of rural peripheries into the national economy. The paper examines the processes of re-signifying the value of nature and traditional peoples, critically analyzing the limitations of forms of participatory decision-making and social inclusion, and the contradictory impulses of sustainable development in which these are embedded. In my diagnosis of Brazil's socioenvironmental politics and its feeble commitment to environmental justice, I highlight four important and interrelated issues in particular: the continued need for: more effective and strongly institutionalized transversality in decision making; increased resource mobilization for

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government agencies responsible for matters related to environmental and traditional peoples; more inclusive and diverse participation in socioenvironmental decision making; and the need for a more expansive notion of growth that foregrounds the issue of inequality and more fully integrates environmental sustainability concerns.

Socioenvironmental Politics in “Postneoliberal” Brazil: Social Inclusion, Participation, and Transversality

Before discussing persistent challenges and contradictions in Brazil today, it is worth recounting some important developments and trends in the recent history of socioenvironmental politics. The 1980s and the 1990s were formative years in socioenvironmental politics in Brazil, a time period marked by Brazilian democratization, the establishment of a new Constitution, a strengthening of socioenvironmental movements, policies and institutions, and the consolidation of a neoliberal political and economic paradigm. A strong and active civil society emerged linking environmentalists, environmental scientists, traditional peoples, and anthropologists around shared goals of promoting more sustainable and inclusive forms of development. This period saw the establishment of a decidedly more robust institutional and policy framework to address socioenvironmental concerns, an increasing political prioritization of this issues within the federal government, and a greater space for civil society influence in decision-making processes (de Castro 2014; Banerjee et al. 2009; Hochstetler and Keck 2007; Drummond and Barros-Platiau 2006; Conklin and Grahm’s 1995; Turner 1993, 1995, 1999).

In the early 2000s, the PT party (*Partido dos Trabalhadores*, or Worker’s Party) took over the government with the election of Lula. Under Lula there was an increased role for diverse actors in environmental decision making processes (de Castro 2014). Environmental politics took on an even greater openness to social and environmental justice agendas in some respects, with social inclusion and sustainable development figuring prominently at the start of his administration. In practical terms, this included the greater inclusion of social movement actors in government positions, the further expansion of formal channels for decision-making, and a deepening of established trends towards the decentralization of environmental governance and oversight. A strong political commitment to address deforestation by the President and the Minister of the Environment (Marina Silva, who began her political career as an activist in rubber tapper and socioenvironmental movements); pronounced increase in law enforcement; effective NGO advocacy and strategic alliances with corporate organizations contributed to important gains in conservation efforts (Viola 2013: 111-112).

“Neodevelopmentalism” and Socioenvironmental Politics

Under Lula, despite greater openness to social justice agendas relative to previous administrations in some respects, there were also some “puzzling contradictions” and a persistence of tensions between socioenvironmental and economic development goals and projects (de Castro 2014). Notwithstanding the various positive developments and trends noted above, a closer look reveals many persistent issues and contradictions, some of which appear to have been intensified over the course of Lula’s administration and that of his successor, Dilma

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Rousseff. The socioenvironmental agenda was selectively integrated into government policy making and planning, with many government actions countering and undermining the positive changes noted. During the course of the Lula administration the initial transversal and participatory approach to environmental policy design and implementation, was supplanted by a more top-down approach with “a developmentalist, pragmatic perspective characterized by a national discourse of sustainability under deepened socio- environmental conflicts” (Castro 2014).

Economic development in the 2000s increasingly focused on export-oriented commodities from agribusiness and mining, a pattern which intensified in the latter half of the decade. The percentage of export value from commodities in Brazil rose from 23% to 46.7% from 2000 to 2012 (de Castro 2014). Export-oriented economic development continued to largely trump environmental concerns as well as the needs and interests of traditional peoples and the rural poor.

Participation continued to be circumscribed in important ways, and by in large, agribusiness and energy interests tended to be privileged over socioenvironmental concerns when these interests competed for access to land and resources. This privileging of conventional economic development, the agribusiness, mining, and energy interests, and the national and international capital to which these are tied, intensified in the mid-2000s. The reinvigoration of state capitalism with an active encouragement of monocultural agriculture (e.g., soy and sugarcane), mineral and petroleum exploration, and infrastructure expansion projects, for example, often proceeded in a manner counter to professed commitments to sustainable development. These development efforts have been animated by sustainable development discourses, but on closer inspection, they have involved conflicting and ambiguous implications for environmental sustainability and socioeconomic inclusion.

The Contradictions of Agroindustrial Development

The agribusiness industry has wielded a lot of power the PT’s governing coalition, which has yielded contradictory tendencies that have undermined the goals and initiatives of rural movements (Pahnke et al 2015), including environmentalists, sustainable agriculture proponents, traditional peoples, and landless peasant groups.

The model of agriculture and rural development pursued has given heightened attention to agricultural sustainability and improvements in farm management, but this occurs alongside agribusiness efforts that continue to perpetuate a variety of long established issues including environmental degradation, political and socioeconomic inequalities, land concentration and insecure land tenure, and rural violence.

Under the PT administrations, the previous trends towards the modernization and globalization of agriculture persisted and intensified, in combination with a relatively greater attention to sustainable agriculture and heightened attention to land and resource rights. In the 2000s, rural

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development has been animated by diverse and at times contradictory orientations. Brazil has seen a simultaneous expansion of monocultural production and social welfare programs for the rural poor engaged in agriculture (Pahnke et al 2015). According to Pahnke, Brazil “has enacted one of the largest agrarian reforms of the late twentieth century (Pahnke et al 2015).” More ambitious land reform efforts have combined with a persistent and intensified push for export-oriented, industrial, monocultural agribusiness model.

Growth Acceleration Plan

Similar to the model of agro-industrial development pursued, the infrastructural development efforts of the PT governments display socioenvironmental incongruities. Under Lula, the Growth Acceleration Program (PAC) was instituted, an ambitious program to foment economic development through the expansion of agriculture, energy production, and infrastructure, with important socioenvironmental impacts (e.g., loss of biodiversity, negative impacts on ecosystem services, land concentration, displacement, and other social disruptions). The relationship between government and some civil society organizations became increasingly distant as the government took on ambitious neodevelopmentalist projects with centralized decision-making and a technocratic orientation, exemplified and intensified by the Growth Acceleration program (PAC) under Lula (de Castro and Motta 2015). Dilma Rousseff had been a chief architect and proponent of the PAC while she was the Minister of the Casa Civil under Lula, and is considered the “mother of the PAC” (“*mãe do PAC*”) ⁱ.

Under Dilma this particular development agenda was maintained and strengthened in some respects, with both conservation policies and civil society engagement in decision-making around development and infrastructural projects given low priority (de Castro and Motta 2015). The contradictory socioenvironmental trends of the Lula years, were further intensified under his successor, Dilma Rousseff, who made the developmentalist approach to “growth acceleration” an important pillar of her administration.

Large-scale agriculture and infrastructure development was marked by a “lack of transparency, non-participatory methods and illegal practices” among private organizations and public agencies (de Castro 2014). Conservation policies and efforts at the national level decreased in importance under Dilma, and conflicts over socioenvironmental issues intensified. Among the focal points of contention under her administration were the construction of hydroelectric plants and the irregularities in the environmental licensing process, including the lack of public consultation. Brazil’s position in the 2012 Rio+20 conference (the UN Conference on Sustainable Development, UNCSDD) has also been critiqued for evidencing limited commitment to a sustainable development agenda. In addition, her approval of the revision of the Forest Code has been a key issue of critique (de Castro and Motta 2015). In the last two decades, Rousseff was the President that created the least amount of federal conservation units.

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She was the object of socioenvironmental critique for her lackluster conservation track record, as well as her developmentalist push for energy and infrastructure expansion, disregard or disinterest in the territorial rights of traditional peoples, the dilution of the Forest Code, and her administration's generally cozy relationship with the agribusiness sector. A strong consensus developed among socioenvironmental advocates and scientists that this agenda stagnated or receded under Dilma.

Given the developments delineated above it is not surprising that there was an intensification of social movement activities against the federal government, agribusiness, and the private sector around socioenvironmental issues. Among the vocal critics have been the National Movement of those Affected by Dams (*Movimento dos Atingidos por Barragens*, MAB); *Quilombo/quilombola* communities; Indigenous groups; and rural unions (e.g., National Confederation of Agricultural Workers, CONTAG).

Conservation Units and Traditional Territories under Dilma

Under Dilma's administration, the positive trends under FHC and Lula with respect to conservation units and traditional territories diminished. There a slowing down of the creation of conservation units and traditional territories. Many proposed conservation units and traditional territories remained held up at the Federal level due to legal pressures and lobbying from conflicting interests, and the financial costs of indemnifying land claimants. Areas where conflicts with agribusiness are more acute (e.g., Mato Grosso do Sul, São Paulo, Paraná e Rio Grande do Sul) have been the areas where the process of demarcating indigenous territories have been most stagnant.

Dilma was criticized for having had the most lackluster record on agrarian reform, and the creation of indigenous territories (including commissioning new areas and finalizing areas proposed by FUNAI) since Brazil's return to democracyⁱⁱ. Under Dilma's government there was a recurrent disinterest or even animosity towards the interests and demands of traditional peoples living in or around conservation units, including both sustainable development units and integral protections areasⁱⁱⁱ.

Beyond the low numbers of territories approved or initiated, under Rouseff's administration indigenous affairs became anemic in the executive branch, and there was a generalized opening of attacks to indigenous rights by the legislature and the judiciary, with numerous efforts to limit the power and decision-making autonomy of FUNAI^{iv}. There was also a heightened centralized of approvals of new demarcation processes, and complaints of political interference from the Ministry of Justice and from Dilma's office in demarcation processes^v.

The Political and Institutional Marginalization of the Environment

Similar to the case with indigenous rights, environmental affairs continued to be institutionally marginalized and subordinated to competing interests. Existing conservation units have largely continued to be paper parks that are underfunded, understaffed, and poorly monitored. The MMA has limited resources (0.15% of the total budget in 2011, and is among the 5 ministries with

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the lowest budgets) and “a low capacity to mobilize political interest and negotiate budget increases”. Funds to administer CUs essentially continue at their 2001 level, despite an increase in area of over 80% in the 2000s (Bernard et al. 2014). These legal and financial challenges limit the potential conservation value and effectiveness of conservation units. Studies of federal conservation units indicate that 36% are moderately effective and that 41% are primarily ineffective. Management plans and councils are absent and lacking. For example, 50% of CUs in the Amazon do not have management plans, and 45% lack management councils. Logging and extractive activities continued to be common in conservation unit and indigenous lands and even when reported go unprosecuted (Bernard et al. 2014).

The problem of paper parks and the fragilities of the conservation unit system are not a product of the Dilma administration, but the persistence of these issue is emblematic of the limited political will to address environmental issues in recent years. As a reflection of Dilma’s disinterest or disengagement with environmental issues, the MMA came to have little political relevance, and its proposals and initiatives became easily undermined by competing agencies (e.g., Ministry of Mines and Energy, Ministry of Transport, and Ministry of Agriculture), with little regard to the technical merits and legal rationales. Standards of technical merits of policies were widely divergent in different Ministries, with economic and political interests trumping these in various Ministries and within the overall government^{vi}.

Under the Rouseff administration, scientific insight and evidence-based decision making around socioenvironmental issues were often ignored. This was not a novel phenomenon of her administration, nor simply a problem within the executive branch, but there have been several glaring examples of this during her tenure. Technical opinions (*pareceres*) by staff in Ministries and other government entities were often ignored or overridden by high-level executive decisions (as has been the case with Belo Monte and other dams) (Azevedo-Santos et al. 2017). While these issues were not unique to the Dilma administration, there has been a general consensus among activists and scientific experts that these were accentuated. The sidelining of socioenvironmental concerns and technical input in legislation and in executive actions has been apparent in the shrinking of existing conservation units, the passing of the New Forest Code, and in the relaxation of licensing processes.

Revision of the Forest Code

The high priority given to reduction in deforestation in the Federal government’s agenda between 2005-2009, changed around 2010. A less aggressive policy of avoiding new increases, rather than reducing rates came to prevail (Viola 2013: 111). The diminished political will around the issue of deforestation became even more apparent with the approval of a revised Forest Code in 2012.

The Forest Code is “the central piece of legislation regulating land use and management on private properties”. The Forest Code was created in 1965, with a series of decrees in the 1990s and early 2000s transformed the 1965 code into an important environmental law (Soares-Filho

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et al.2014: 363). Despite severe restrictions on private properties, enforcement of laws governing private land use continued to be limited and deforestation and habitat change persisted despite the existence of a fairly strong Forest Code, with an estimated 25% of private forest not properly protected^{vii}(de Castro 2014).

Attempts to strengthen enforcement in the early 2000s in response to increases in deforestation rates led to a backlash from the agribusiness sector and efforts to transform the laws (Soares-Filho et al.2014: 363). In reaction to increased enforcement, market demands for compliance to environmental policies, and other factors, agribusiness lobbies sought to modify the Forest Code (Nepstad et al 2014: 1119). Since the 1990s proposals to revise the Forest Code from environmentalists had also existed. Impetus for the revision of the Forest Code among these actors was in part motivated by the desire to strengthen APP and RL implementation and to update legislation to new socioenvironmental contexts and understandings, but the *bancada ruralista* in congress held up the bill (de Castro 2014).

In 2009, towards the end of Lula's second term, discussions to revise the Forest Code were revitalized, largely led by agribusiness interests (de Castro 2014). Between 2011 and 2012 the Forest Code was debated and reformed (Viola 2013: 117). The Forest Code underwent several rounds of negotiations. The final version, approved by a considerable majority on the eve of Rio+20, largely reflected the interests of the *bancada ruralista* (de Castro 2014). Agribusiness interests were able to ironically use progress on deforestation to help create a political climate amenable to revisiting the Forest Code in a manner aligned with their interests (Soares-Filho et al.2014: 363).

Despite concerted advocacy efforts of environmental advocates, scientists, and traditional peoples to shape the Forest Code revision process and to get Dilma to veto the final version, the revised Code passed. With the new Forest Code, the *bancada ruralista* (rural caucus), which wields considerable power in the legislature, was able to shape one of the most important pieces of environmental legislation to agribusiness interests, despite considerable opposition of academics and environmental and human rights activists, including scientifically-supported policy recommendations (de Castro and Motta 2015). The limited influence of technical expertise in legislative decision making was plainly evident in the case of the 2012 Forest Code revision, in which voting largely followed political party lines and the critical feedback provided by scientists and scientific groups was ignored (e.g., The Brazilian Society for the Progress of Science and the Brazilian Academy of Science). At the time EMPRAPA even prohibited its researchers from opining on the Forest Code while it was being debated in the legislature (Azevedo-Santos et al. 2017)

The revised code weakens some aspects of previous legislation and provides increased flexibility in obligations, leading to gaps and ambiguities, and more room for lax environmental protection responsibilities and practices among landowners (de Castro and Motta 2015; de Castro 2014). The granting of amnesty to those that failed to comply with the Legal Reserve requirements

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before 2008 was widely criticized for being too lenient on landowners and fostering a sense of impunity (Nepstad et al 2014: 1119-1120; Viola 2013: 117; Soares-Filho et al.2014: 363-364).

Hydropower Development

The subordination of a socioenvironmental agenda has been most evident in efforts to expand hydroelectric power in Brazil. Expansion of hydropower has been a key component of the PAC, and is one of the most emblematic aspects of the contradictory socioenvironmental impulses in Brazil under the PT. Brazil is one of the countries with the highest dependence on hydroelectric power and other sources of renewables for its electricity and power consumption. Further expansion of hydroelectric production capacity is touted as a means to sustainably address the country's increasing energy demands. While providing a relatively clean source of renewable energy (in comparison to petroleum and coal based energy production), expansion of hydropower has numerous negative impacts on riverine and forest habitats, conservation units, and traditional territories that extend well beyond the immediate environs. Socioenvironmental critics of these efforts emphasize that there are viable alternative energy options that are more sustainable (wind and solar power), and that have not been governmental priority, in part due to the lobbying of those with vested interests in dam construction.

Lula and Dilma's energy expansion plans—essentially revised and updated plans shelved by the military dictatorship—focused primarily on construction of new hydroelectrics in the North region, areas with significant presence of indigenous and traditional peoples (e.g., Xingu, Tapajos, Madeira, Araguaia and Tocantins) as well as conservation units. Hydroelectric projects have been the focus of intense critique by social movements and scientific experts, particularly those of Belo Monte (on the Rio Xingu) and the Complexo Tapajós (a complex of 5 dams in the Rio Tapajós. In 2008, Minister Marina Silva resigned as a result of the tensions between the MMA and the central administration, justifying her departure on the lack of political support for the MMA from the central administration and undermining the democratic processes established for environmental licensing (de Castro 2014).

Dam construction has been criticized for violating rights, being accompanied by inadequate compensation for those dispossessed, and for shrinking of the boundaries of some national parks (Viola 2013: 119). Hydroelectric plant creation efforts have been accompanied by reductions in conservation units by presidential decree (*Medida Provisória*), have been marked by irregularities in environmental licensing procedures^{viii}, and have ignored the rights to free and informed consent of relevant stakeholders^{ix}.

It is essential to highlight that companies involved in hydroelectric dam construction have been deeply implicated in ongoing corruption investigations in Brazil. Federal government officials (including legislators and those in the executive) have received bribes for awarding government contracts for infrastructural projects, and companies have allegedly made substantial payments to officials for the presidential decrees fast-tracking and bypassing licensing procedures. In

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essence, private sector actors, systematically paid and colluded with elected and appointed government officials to ignore the democratic rights of local stakeholders and marginalize scientific and technical recommendations from scientists in the government, academic institutions, and NGOs to promote conservation and sustainable development.

Socioenvironmental Politics Post-Impeachment

President Dilma Rousseff was impeached in August 2016, with her Vice-President Michel Temer coming to occupy the Presidency. Temer is part of the PMDB party, a key party in the PT's governing coalition and one with strong ties to agribusiness, mining, and energy interests (not to mention being strongly implicated in the ongoing corruption investigations). Many of the contradictions and negative tendencies highlighted under Rousseff's administration have been heightened with this shift in leadership, including the undermining of conservation units, rights of traditional peoples, and environmental licensing processes. The value and influence of scientific input in decision-making and responsiveness to civil society actors have also been marginalized.

With the current administration there is a serious threat to socioenvironmental policies and a worrisome attitude towards the environmental and traditional rights established with the 1988 Constitution^{x, xi}. Measures taken by President Temer, his Ministers, and the legislature since Rousseff left office have demonstrated a concerted effort to dismantle environmental policies and the land and resource rights of traditional peoples.

The current political and economic scenario has created a troubling atmosphere in which socioenvironmental concerns have been treated as dispensable impediments to prosperity. The economic crisis has created a climate of urgency being utilized to fast-track policy changes that are seen as cost-cutting and favorable for economic growth. Politically, there has been the ascendance of one of the most corrupt parties to power. Furthermore, the legislature is one of the most conservative since the return to democracy. Similarly, Brazil now has some of the most conservative ministerial appointments to key agencies that influence the socioenvironmental agenda (e.g., Ministry of Justice and Ministry of Agriculture).

Furthermore, there are clear conflicts of interest among those proposing and supporting these policy changes, conflicts that inform their positions on these agendas. Many of them have deep ties to agribusiness interests, mining interests, and the construction industry, who stand to greatly benefit from removing bureaucratic hurdles to accessing and utilizing land and natural resources, and diminishing social protections for workers and the rural poor. Moreover, many of those policymakers and elected officials that are the most ardent critics of environmental laws and the rights of traditional peoples, have been implicated in a variety of corruption schemes, including the Lava Jato investigations^{xii}.

The current executive and legislative government "have either proposed or take a variety of initiatives that threaten biodiversity and ecosystems", with decision makers largely ignoring opposition by the "scientific community" (Azevedo-Santos et al. 2017). Among the bills that

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have been under consideration this past year are those that call for the dilution of environmental licensing requirements, abbreviating the process for infrastructural projects, and eliminating the need to engage local stakeholders. One proposal under consideration, actually calls for the complete extinction of environmental licensing requirements (projects would simply be approved with the submission of an environmental impact study)^{xiii} (Azevedo-Santos et al. 2017).

Proposals to weaken the SNUC law have also resurfaced, including calls to liberate mining and other activities in conservation units and prohibiting the creation of new conservation units in areas with strong mineral or hydroelectric potential (Azevedo-Santos et al. 2017). Marginalization of science in legislative and executive decision-making continues to be a key environmental challenge. The issue of ignoring technical reports and scientists in environmental policymaking and implementation has persisted or worsened with the new administration (Azevedo-Santos et al. 2017)

Several attempts have been made in the last year to reduce or extinguish conservation units (a precedent first set under the Dilma administration)^{xiv}. The government has been recently attempting to dismember Amazonian conservation units, with the MMA not even being consulted on the initial proposal^{xv, xvi}. Beyond the negative implications of such policies for specific conservation units, these efforts undermine the legitimacy of environmental institutions, environmental science, and the importance of environmental policies. By demonstrating a contradictory stance, the government undermines the political and technical legitimacy of environmental agencies relative to other government agencies and among competing resource users^{xvii}.

Similar to the attacks on environmental policies, those directed at traditional peoples' rights have been a target of executive and legislative policymakers since the removal of Rouseff from office. Some of these bills and other policy measures are recent introductions, while many have been around for some time (e.g., the PEC-215 dates from 2000). But the current political and economic scenario has created a troubling window to push through these types of reforms.

Shortly after taking over as interim President, Temer already signaled interest in invalidating the territories recognized by Dilma on the eve of her removal from office. After taking command, Temer informed the *Frente Parlamentar da Agropecuária* that he would revisit all the indigenous territory declarations and homologations that Dilma signed in her final moments in office^{xviii}. The Minister of Justice he subsequently appointed has been more disinterested or hostile to indigenous and socioenvironmental concerns than those that Dilma had appointed^{xix}. Potential and actual appointees to head up FUNAI have been highly problematic, and vehemently critiqued by indigenous groups, indigenists, and socioenvironmental advocates, including military generals and an evangelical pastor who are affiliated with the *Partido Social Cristão* (PSC), which is strongly aligned with rural caucus in the congress and have questionable interests, including liberating mineral exploration on indigenous territories, without giving indigenous peoples decision making power^{xx}.

Besides the actions of the executive, there are also worrisome movements in the legislature to dismantle indigenous and traditional peoples' rights. One of the most troubling potential pieces of legislation is proposed constitutional amendment (PEC-215), which calls for transferring the power to approve new indigenous territories from the Ministry of Justice to the Congress. The proposal would bring would severely weaken constitutional land rights and has been vehemently opposed by activists who have mobilized numerous campaigns and petition drives (Avaaz, Petição Pública, and Ipetitions) against the law^{xxi}.

The Reversion to Conventional Notions of Growth

The developments of the last year represent a further deepening of the move away from sustainable development that has been evident over the last 5-10 years. The trends and developments discussed above demonstrate a clear pattern of subordinating a socioenvironmental agenda, environmental science, and traditional rights, resulting in an enfeebled notion of sustainable development. In the paradigm of sustainable development that has prevailed in this scenario, the social and environmental pillars have been strongly marginalized relative to the economic one, reverting back to conventional models of economic growth in many respect.

Important to understanding the contradictions and regressions of socioenvironmental policies in the last 5 to 10 years is the wider political and economic scenario. The increasing reversion to a developmentalist model of growth and the stagnation and rolling back of socioenvironmental concerns coincided with the global economic crisis and a slowing down of Brazilian economic growth after an unprecedented economic boom. A slowing down of demand for Brazilian commodities due to economic crises and an attenuation of growth in other countries (e.g., China) diminished growth in Brazil. In this context, the ambitious PAC project was seen as an important means to promote growth in Brazil. Further, political and economic pressures intensified to cut costs and increase exports, profits, productivity, and growth, with private and state enterprises intensifying pressure to rid themselves of the barriers of environmental licensing, facilitate access to lands and natural resources, transform more undeveloped areas into economically productive territories, and grant themselves greater autonomy over land and resource use decisions on their landholdings. With the deepening of Brazil's economic (and political) crisis starting around in 2014, these pressures become even more acutely pronounced, with the marginalization of socioenvironmental issues rationalized through the rhetoric of austerity and the primacy of growth.

It is important to note that dam construction, agribusiness development, the revision of the Forest Code, and other development efforts have and continue to be animated and legitimated by sustainable development discourses. Environmental sustainability is often narrowly interpreted by champions of agribusiness, hydropower, and other development efforts, and social and equity concerns that are central to conceptions of sustainable development are

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partially or entirely misunderstood or ignored, consistently subordinated to a narrow vision of economic growth. Thus, a key issue underlying the contradictions and inconsistencies above are contested conceptions of growth, development, sustainability, and nature and the matters of how to define, and who defines these conceptions, which brings us back to the matter of socioenvironmental institutions and governance.

The Limitations of Civil Society Participation

Despite the many persistent issues and setbacks raised in the preceding discussion, there has been a substantial transformation of the policy and institutional matrix of socioenvironmental governance in Brazil since the 1980s. Among the major advances of the last few decades have been the strengthening of socioenvironmental governance institutions and mechanisms, in combination with a democratization of environmental decision making in some respects.

Although there has been overall trend in Brazil towards an increased valorization of indigenous and traditional peoples within conservation and sustainable development discourses, this valorization contains contradictory impulses that often reproduce historical asymmetries of power, simultaneously exalting traditional peoples while continuing to circumscribe their agency in the conception, development, and implementation of conservation efforts. Despite the widely publicized success of participatory conservation and resource management projects, the scale and impact of these programs in specific locales has been quite heterogeneous and inconsistent. Many challenges and contradictions impede their potentially wider impact on social, economic, and environmental issues.

The advances in socioenvironmental governance and civil society participation are mitigated by a variety of factors, and important inconsistencies and fragilities persist. Although there are increased number and types of forums for civil society participation, these are often inactive, do not have substantive influence in policy-making, and retain important barriers to wider participation. Opportunities for, and the nature of, civil society participation have been uneven, being more limited with certain environmental issues and in some locales, resulting in policies and implementation that are not always responsive to the needs and interests of civil society groups.

This limited participation is especially accentuated for traditional resource users and others that are negatively impacted by deforestation, soil depletion, pollution, and other forms of environmental degradation. Inclusion of scientists and urban, college-educated advocates has been more pronounced than traditional peoples and the rural poor (due to resource limitations, barriers created by technical discussion, logistical impediments to participation, and other factors).

In general, these limitations appear to be accentuating. As previously discussed, there appears to be a fairly generalized regression in the extent and nature of civil society participation over the last 5-10 years. Changes to licensing procedures have sidelined an important mechanism for

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civil society participation. Furthermore, the value of environmental councils for effectively involving civil society actors is a fragile one, as they only provide a forum for recommendations that the executive and legislature can ignore, which appears to have become increasingly common. The weaknesses and fragilities of these participatory mechanisms is further accentuated by the lack of transversality and the financial and political feebleness of agencies responsible for socioenvironmental matters relative to other government agencies and sectors.

These deficiencies of socioenvironmental decision-making provide the foundation for the myopic vision of growth that continues to prevail, where short-term political preservation or increased profits (or cost cutting) of selective sectors or companies trumps collective needs and sustainable growth. As a result, the prevailing and highly deficient notion of sustainable development that is put into practice is one that is forged by and supports the interests of political actors and their allies in private and state enterprises. It is a notion in which many important components of sustainable development fall by the wayside (including, for example, social inclusion, poverty alleviation, land reform, and the diversification of productive activities for economic and environmental resilience).

Despite a widely acknowledged need to think of economic development in more holistic terms, in practice, there has in many respects been a regression or reversion to narrowly conceived and outdated notions growth, that continue to ignore important externalities and lack longer term vision, leading to emphases on economic activities that have negative socioenvironmental impacts and lack economic and environmental sustainability, while failing to promote much needed economic diversification, essential to ensure stability and resilience in the face of economic and environmental uncertainties and volatility.

Efforts to promote economic inclusion and poverty alleviation have brought important benefits to the rural poor and to sustainable development efforts, including *Bolsa Familia*, increased access to education and health, facilitated access to credit, the promotion of family farming, and access to electricity. However, these fairly modest efforts at socioeconomic inclusion have had uneven impacts throughout the country, have been undermined by the broader thrust of rural development policies and investments and have had a limited impact on entrenched inequalities.

Moreover, many of these gains are being eroded by the current economic crisis and inflation. With the current economic and political crisis, there are indications that social and environmental issues are becoming increasingly marginalized. Crisis is being mined as a justification for a plethora of sweeping social, economic, political, and environmental reforms. While there is an indeed an acute need to rethink many issues, there is a danger in ushering unnecessary and deleterious reforms based on specious and myopic reasoning. Arguably, much of the existing problems are related to the implementation of policies rather than the need to fundamentally redesign them.

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The socioenvironmental problems faced today are dynamic, complex, and not fully understood, and the solutions are far from simple, as they invariably involve tradeoffs between different needs and interests, but in effectively defining the problems and solutions, there are many important lessons that can be drawn from the successes and failures of the past to provide a general roadmap to guide thinking, planning, and action around these issues. In developing guiding principles to cultivate sustainable development, four of the most important and interrelated overarching matters are the continued need for: increased resource mobilization for government agencies responsible for matters related to environmental and traditional peoples; more effective and strongly institutionalized transversality in decision making; more inclusive and diverse participation in socioenvironmental decision making; a more expansive notion of growth that more fully integrates concerns with environmental sustainability and social inclusion.

A crucial aspect of addressing Brazil's current crisis is to bring sustainable development to the fore and increase the capillarity of socioenvironmental concerns in government agencies and the private sector. There is a need for Brazil to move beyond a selective greening of aspects of the economy to more thoroughly embodying its rhetorical commitment to sustainable development. Integral to this project is the de-siloing of the environmental, increasing and securing *effective* participation in economic decision making, and building stronger firewalls against narrow, self-serving political and economic maneuvering.

The promotion of more inclusive and sustainable development requires a more democratic participation in environmental governance *and* development planning, addressing the issue of land concentration, addressing educational and infrastructural inequalities, promoting diversification of agricultural and extractive enterprises, and the continuation of efforts to promote an increased valuation of agricultural production of food crops. Crucially, government agencies linked to socioenvironmental concerns need to be better resourced and more strongly empowered, in order to strengthen their technical capacities, enable them to effectively implement existing policies (e.g, licensing, fiscalization, and conservation unit management), and strengthen their ability to dialog and collaborate with other government agencies. Last but not least, in defining the problems and solutions to sustainable development, it is essential to foreground Brazil's profound levels of inequality and their implications for the costs and benefits of environmental and resource use policies and practices. Brazil's economic growth and its overcoming of the current crisis cannot be addressed without placing the issues of income and wealth inequality, and differentiated citizenship front and center.

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References

- Azevedo-Santos, Valter M., Philip M. Fearnside, Caroline S. Oliveira, André A. Padial, Fernando M. Pelicice, Dilermando P. Lima, Daniel Simberloff et al. 2017. "Removing the abyss between conservation science and policy decisions in Brazil." *Biodiversity and Conservation* (2017): 1-8.
- Banerjee, O., Macpherson, A. J., & Alavalapati, J. (2009). Toward a Policy of Sustainable Forest Management in Brazil A Historical Analysis. *The Journal of Environment & Development*, 18(2), 130-153.
- Bernard, E., L. A. O. Pena, and E. Araújo. 2014 "Downgrading, Downsizing, Degazettement, and Reclassification of Protected Areas in Brazil." *Conservation Biology* 28 (4): 939–950. Brasil 247
- Bertola, Luis and José Antonio Ocampo. 2012. *The Economic Development of Latin America since Independence*. Oxford University Press.
- Conklin, Beth A. and Laura R. Graham. 1995. The Shifting Middle Ground: Amazonian Indians and Eco-Politics. *American Anthropologist* 97(4): pp. 695-710
- Drummond, José, and Ana Flávia Barros-Platiau. "Brazilian environmental laws and policies, 1934–2002: a critical overview." *Law & Policy* 28.1 (2006): 83-108.
- de Castro, Fábio. 2014. "Environmental Policies in the Lula Era: Accomplishments and Contradictions." In *Brazil Under the Workers' Party*. Palgrave Macmillan UK. pp. 229-255.
- de Castro, Fábio, and Renata Motta. 2015. "Environmental politics under Dilma: changing relationships between the civil society and the state'." In *LASA Forum*, vol. 46, pp. 25-27.
- Hecht, S. B. 2014. Forests lost and found in tropical Latin America: the woodland 'green revolution'. *Journal of Peasant Studies*, 41(5), 877-909.
- Hochstetler, Kathryn and Margaret E. Keck. 2007. *Greening Brazil: Environmental Activism in State and Society*. Duke University Press
- Nepstad, Daniel, David McGrath, Claudia Stickler, Ane Alencar, Andrea Azevedo, Briana Swette, Tathiana Bezerra et al. 2014. "Slowing Amazon deforestation through public policy and interventions in beef and soy supply chains." *Science* 344 (6188): 1118-1123.
- Pahnke, Anthony, Rebecca Tarlau, and Wendy Wolford. 2015. "Understanding rural resistance: contemporary mobilization in the Brazilian countryside." *The Journal of Peasant Studies* 42: 1069-1085.
- Soares-Filho, Britaldo, Raoni Rajão, Marcia Macedo, Arnaldo Carneiro, William Costa, Michael Coe, Hermann Rodrigues, and Ane Alencar. 2014. "Cracking Brazil's forest code." *Science* 344, no. 6182: 363-364.
- Turner, Terence. 1995. An Indigenous People's Struggle for Socially Equitable and Ecologically Sustainable Production: The Kayapó Revolt Against Extractivism. *Journal of Latin American Anthropology* 1(1): 98-121.
- Turner, Terence. 1999. Indigenous Rights, Environmental Protection, and the Struggle over Forest Resources in the Amazon: The Case of the Brazilian Kayapo. *Earth, Air, Fire, Water:*

Brazilian Environmental Justice in Crisis: Traditional Peoples, Environmental Governance, and the Limits of Socioeconomic Inclusion

Humanistic Studies of the Environment. J. K. Conway, K. Keniston, and Leo Marx (eds.). Boston, MA: University of Massachusetts Press. Pp 145-169.

Turner, Terrence. 1993. The Role of Indigenous People in the Environmental Crisis: The Example of the Kayapo of the Brazilian Amazon. *Perspectives in Biology and Medicine* 36(3): 526-545.

Viola, Eduardo. 2013. "Transformations in Brazilian deforestation and climate policy since 2005." *Theoretical Inquiries in Law* 14, no. 1: 109-124.

ⁱ ISA. June 1, 2016. "O que o governo Dilma fez (e não fez) para garantir o direito à terra e áreas para conservação?" <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>, accessed February 20, 2017

ⁱⁱ ISA. June 1, 2016. "O que o governo Dilma fez (e não fez) para garantir o direito à terra e áreas para conservação?" <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>, accessed February 20, 2017

ⁱⁱⁱ ISA June 2016 "As UCs no governo Dilma: alguns destaques" <https://uc.socioambiental.org/avalia%C3%A7%C3%B5es-de-governos/as-ucs-no-governo-dilma-alguns-destaques>, accessed February 20, 2017

^{iv} ISA. June 1, 2016. "O que o governo Dilma fez (e não fez) para garantir o direito à terra e áreas para conservação?" <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>, accessed February 20, 2017

^v ISA. June 1, 2016. "O que o governo Dilma fez (e não fez) para garantir o direito à terra e áreas para conservação?" <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>, accessed February 20, 2017

^{vi} ISA June 2016 "As UCs no governo Dilma: alguns destaques" <https://uc.socioambiental.org/avalia%C3%A7%C3%B5es-de-governos/as-ucs-no-governo-dilma-alguns-destaques>, accessed February 20, 2017

^{vii} Landowners are required to protect vulnerable areas (e.g., hilltops, river fringes, and steep inclines), referred to as Permanent Protection Areas (APP), while the Legal Reserve (RL) stipulations require the conservation of a percentage of property, a percentage which varies with the type of biome (for tropical forest areas it is 80%, while in *cerrado* areas it is 35%) (de Castro 2014).

^{viii} ISA June 2016 "As UCs no governo Dilma: alguns destaques" <https://uc.socioambiental.org/avalia%C3%A7%C3%B5es-de-governos/as-ucs-no-governo-dilma-alguns-destaques>, accessed February 20, 2017

^{ix} ISA. June 1, 2016. "O que o governo Dilma fez (e não fez) para garantir o direito à terra e áreas para conservação?" <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>, accessed February 20, 2017

^x ISA. December 23, 2016. "FHC, Lula e Marina defendem a continuidade da demarcação de Terras Indígenas", Available <https://www.socioambiental.org/pt-br/noticias-socioambientais/fhc-lula-e-marina-defendem-a-continuidade-da-demarcacao-de-terras-indigenas>, accessed on February 17, 2017.

^{xi} ISA. February 9, 2017. "Direito à terra e meio ambiente ameaçados: democracia em risco", Available at <https://www.socioambiental.org/pt-br/noticias-socioambientais/direito-a-terra-e-meio-ambiente-ameacados-democracia-em-risco>, accessed on February 17, 2017.

- ^{xii} ISA. August 2, 2016. “Congresso volta à ativa; e as ameaças aos direitos socioambientais continuam” <https://www.socioambiental.org/pt-br/noticias-socioambientais/congresso-volta-a-ativa-e-as-ameacas-aos-direitos-socioambientais-continuam>, accessed February 20, 2017
- ^{xiii} ISA. August 2, 2016. “Congresso volta à ativa; e as ameaças aos direitos socioambientais continuam” <https://www.socioambiental.org/pt-br/noticias-socioambientais/congresso-volta-a-ativa-e-as-ameacas-aos-direitos-socioambientais-continuam>, accessed February 20, 2017
- ^{xiv} ISA. February 8, 2017. “Governo Temer articula reduzir Unidades de Conservação sem consultar Meio Ambiente”. <https://www.socioambiental.org/pt-br/noticias-socioambientais/governo-temer-articula-reduzir-unidades-de-conservacao-sem-consultar-meio-ambiente>, Accessed February 20, 2017.
- ^{xv} ISA. February 13, 2017. “Amazônia Esquartejada” <https://www.socioambiental.org/pt-br/noticias-socioambientais/amazonia-esquartejada>, accessed February 20, 2017
- ^{xvi} ISA. February 8, 2017. “Governo Temer articula reduzir Unidades de Conservação sem consultar Meio Ambiente”. <https://www.socioambiental.org/pt-br/noticias-socioambientais/governo-temer-articula-reduzir-unidades-de-conservacao-sem-consultar-meio-ambiente>, Accessed February 20, 2017.
- ^{xvii} ISA. February 8, 2017. “Governo Temer articula reduzir Unidades de Conservação sem consultar Meio Ambiente”. <https://www.socioambiental.org/pt-br/noticias-socioambientais/governo-temer-articula-reduzir-unidades-de-conservacao-sem-consultar-meio-ambiente>, Accessed February 20, 2017.
- ^{xviii} ISA. January 24, 2017. “Entre o imprevisto e a maldade: a política (anti) indigenista do Governo Temer”. <https://www.socioambiental.org/pt-br/blog/blog-do-ppds/entre-o-imprevisto-e-a-maldade-a-politica-anti-indigenista-do-governo-temer>, accessed February 20, 2017
- ^{xix} ISA. June 1, 2016. “O que o governo Dilma fez (e não fez) para garantir o direito à terra e áreas para conservação?” <https://www.socioambiental.org/pt-br/noticias-socioambientais/o-que-o-governo-dilma-fez-e-nao-fez-para-garantir-o-direito-a-terra-e-areas-para-conservacao>, accessed February 20, 2017
- ^{xx} ISA. January 24, 2017. “Entre o imprevisto e a maldade: a política (anti) indigenista do Governo Temer”. <https://www.socioambiental.org/pt-br/blog/blog-do-ppds/entre-o-imprevisto-e-a-maldade-a-politica-anti-indigenista-do-governo-temer>, accessed February 20, 2017
- ^{xxi} ISA. August 2, 2016. “Congresso volta à ativa; e as ameaças aos direitos socioambientais continuam” <https://www.socioambiental.org/pt-br/noticias-socioambientais/congresso-volta-a-ativa-e-as-ameacas-aos-direitos-socioambientais-continuam>, accessed February 20, 2017