

PRINCIPAL TRENDS ON BRAZILIAN ENVIRONMENTAL LAW

Marcelo F. Dias, Editor

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Foreword

I am delighted to provide a foreword to this informative book on Brazilian environmental law.

Its editor, Marcelo Dias, is an experienced Brazilian environmental attorney with a broad international perspective. Marcelo was an LL.M. student at Vermont Law School during my time as dean, and I encouraged his interest in the preparation of this book. I am also pleased that the Environmental Law Institute (ELI) is publishing this book, as ELI has a long history of interest in environmental issues in Brazil and comparative environmental law generally.

The book's title is "Principal Trends on Brazilian Environmental Law," and, as promised, you will find chapters by accomplished Brazilian practitioners and lawyers examining in depth the main challenges and trends of Brazilian environmental law. You will learn about water, climate, solid waste, forests, biofuels, and the administrative and regulatory challenges associated with the management of these resources, as well as the role of the Supreme Court. The overall purpose is to identify, discuss, and make recommendations on the main Brazilian environmental law issues, pointing out the appropriate solutions for the challenging ecological problems faced by the country.

Because of its size and location straddling the equator, Brazil plays an important if not essential global environmental role. This is especially true in the three related areas of climate, forests, and biodiversity. The chapters herein address these topics and the related challenges. Though every country will have to play its part in de-carbonization, the BRIC countries—Brazil, Russia, India, and China—will play a central role.

Brazil's Amazon basin hosts the largest remaining tropical forest, an area of 750 million hectares equivalent in size to the entire 48 contiguous U.S. states. Brazil has the second largest forest area, next to Russia, but also the highest amount of ongoing deforestation. And Brazil has a federal/state political system that allows for experimentation and innovation at the state level on climate, deforestation, and other environmental issues that makes it an environmental law and policy "laboratory" for the country, and the rest of the globe.

This book attempts to make up for the absence of such a work in the English language. It will broaden academic and professional knowledge on

the environmental policies and legislation in Brazil. Additionally, it will be of use to lawyers, policymakers, and investors who need to understand the environmental regulatory structure of the country; to diplomats, multilateral banks, and non-profits who work on Brazilian environmental law issues; and to those who seek to reform and improve the management of this great country's resources.

Thomas Mc Henry
President & Dean Emeritus
Vermont Law School
January 2023

Preface

Brazil has always been a global powerhouse when it comes to natural resources. The country hosts one of the most significant parcels of the Amazon Tropical Forest. The diversity of ecosystems in its different biomes makes Brazil a hotspot for increasing the development of global preservation measures that can collaborate with worldwide sustainable growth. Notwithstanding, lately, Brazil has been in the spotlight as a hub for deforestation practices that culminated in the reversal of significant achievements Brazil accomplished in terms of developing healthy traditions of environmental stewardship practices. A variety of causes led to the development of this dark scenario. The lack of political commitment associated with the relaxation of legal enforcement actions is among the principal causes. This lack of commitment can put conservation strategies at high risk and, at the same time, affect the country's ability to work with and conserve complex and dynamic ecosystems. Brazil's current deforestation scale puts enormous pressure on ecosystem resilience and health. Historically, the commitment to environmental causes has been at the forefront of political debates in the country. This might have influenced the outcomes of the recent political election, which occurred shortly before this book went to press. Voters went to the polls and selected candidates allied more strongly with the commitment to a healthy and sustainable environment.

This book allows the rest of the world to gain an in-depth understanding about Brazilian environmental policies. By offering critical analysis of the various particularities at play, the authors—prestigious members of the Brazilian legal community—show us how we can improve the current Brazilian ecological framework. Filling critical knowledge gaps is vital, and the expertise of these authors helps to address those voids. They highlight the fundamental legal, political, and administrative commitments underpinning Brazilian environmental law and policy, and shed light on those aspects of Brazilian environmental and sustainable development policies that have worked to protect nature and the most vulnerable. This academic contribution also showcases to the world how Brazil has implemented an optimistic collection of environmental action throughout the years, developing a solid and consolidated ecological framework.

The future of environmental policies and legal steps in the country will benefit tremendously from this book, and I hope it inspires others to press on with this important work. Brazil is a critical player when it comes to the health of our planet, and so it is imperative that the international community understand the underpinnings and future direction of Brazil's environmental framework if any progress is to be made on a global scale. This is what this book is about.

Marcelo Dias
January 2023