

# Chapter 2

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**THE NATIONAL BIODIVERSITY POLICY**



Photo: Rafael Oliveira

# The National Biodiversity Policy

## The Development of the National Biodiversity Policy

The definition of a National Strategy of Biodiversity is one of the principal demands of the Convention on Biological Diversity - CBD. To comply, the Ministry of the Environment of Brazil (MMA) set up a project specifically for the elaboration of a National Policy, working together with Brazilian civil society. There were five stages.

1. Surveys, compilations and reviews of the relevant information on Brazilian biodiversity, environmental legislation, traditional knowledge, and conservation, besides assessments of priority areas and actions for biodiversity conservation of the Brazilian biomes. The national biodiversity strategies of other countries were also reviewed.
2. A broad consultation of the states of the Union, universities, research and teaching centres, relevant non-governmental organizations, other civil organizations and associations, and the business sector, regarding aspects essential for a comprehensive National Biodiversity Policy.
3. The elaboration of a proposal for a National Biodiversity Policy, the components, guidelines and directives of which were compliant with, and incorporated, current public policies regarding or affecting biodiversity.
4. Discussion of the proposal with representatives of various sectors of society.
5. Creation of the appropriate legislation to regulate the administration and management of biodiversity in Brazil.

## National Participation

In order to provide for ample participation in the consultation process, the MMA set up a scheme in which each state of the Union carried out consultations independently with their state departments, universities, research and teaching centres, representatives of business sectors, and non-government and civil organizations. Proposals from each were submitted to the MMA, and formed the basis for the first version of the National Policy. This was then reviewed, discussed and modified in four regional meetings held in April and May 2002, and the second version was produced in July 2002. At the end of this process, the final National Policy was turned into a decree, regulating the administration and management of biodiversity in Brazil. Figure 1 shows the stages of the process.

# Chapter 2

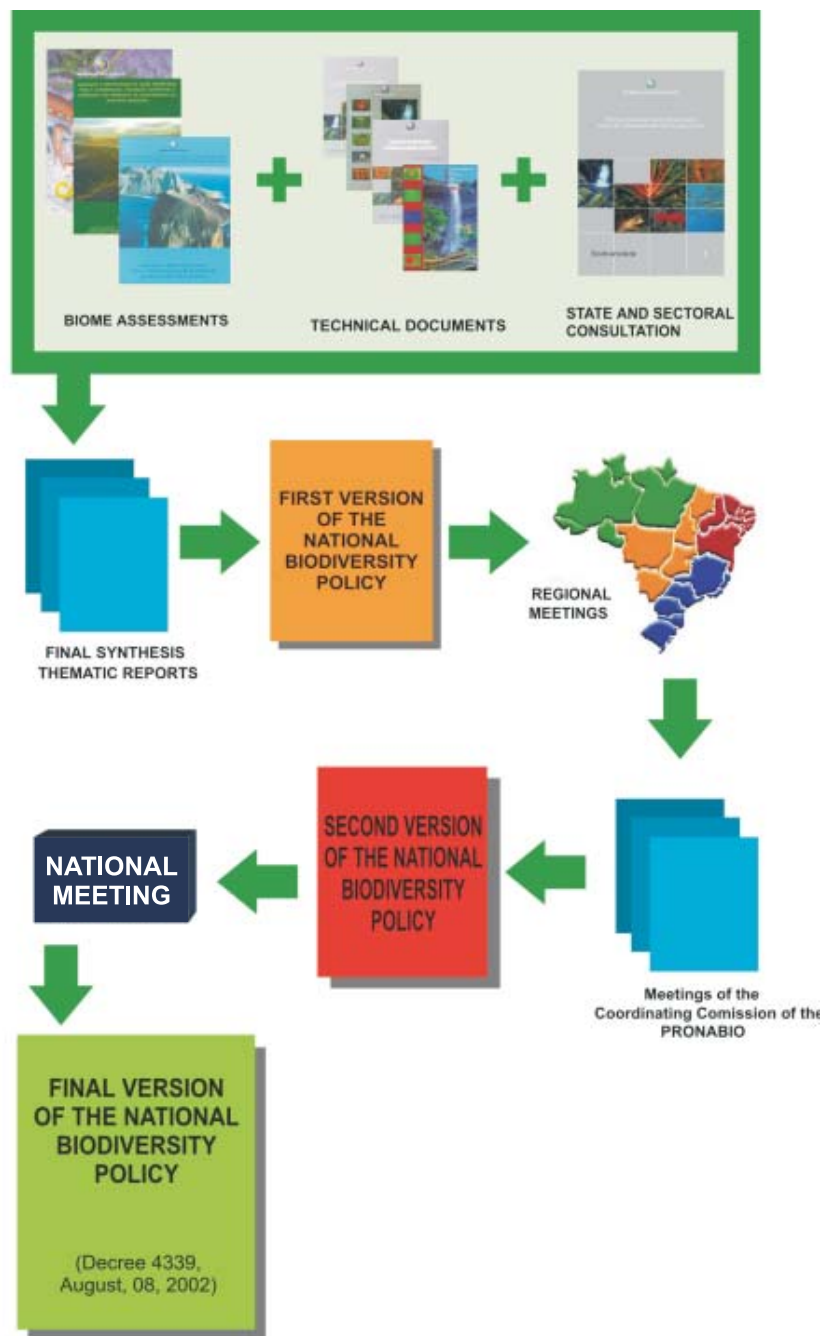


Figure 1. Stages in the Elaboration of the National Biodiversity Policy

## 1. Biome assessments

Knowledge of the priority areas and actions needed for the conservation, sustainable use and benefit-sharing of Brazilian biodiversity is fundamental for an effective environmental administration and management. For this reason, the *Projeto de Conservação e Utilização Sustentável de Diversidade Biológica Brasileira – PROBIO* [Project for the Conservation and Sustainable Use of Brazilian Biological Diversity – PROBIO], promoted the organization of five major assessments of Brazilian biomes – Amazon, the Atlantic forest and Southern grasslands, the Cerrado and Pantanal, the Caatinga, and the Coastal and Marine Zone. This involved the preparation of reviews and analyses by specialists, who subsequently took part in priority-setting workshops, along with decision-makers and representatives from numerous non-governmental organizations.

Each biome assessment resulted in an executive summary and synthesis-map, besides documents and thematic maps available on-line ([www.mma.gov.br](http://www.mma.gov.br)). The results of the five major assessments are summarized in single publication.

Brazil, MMA. 2002. *Biodiversidade Brasileira: Avaliação e Identificação de Áreas e Ações Prioritárias para Conservação, Utilização Sustentável e Repartição de Benefícios da Biodiversidade Brasileira*. Secretaria de Biodiversidade e Florestas (SBF), Ministério do Meio Ambiente (MMA), Brasília. 404pp.

It is important to stress that the success of the recommendations depends, in large part, on the commitment of the sectors involved in the use and conservation of the natural resources. The adoption of a participative approach is, therefore, essential. For this reason, the definition of priority areas and actions for the conservation and sustainable use of Brazilian biodiversity was based on the technical consensus of about 950 specialists from throughout the country. The documents produced in these assessments were important elements in the elaboration of the National Biodiversity Policy. The chapter 3 of this publication presents the national synthesis of the biome assessments.

### 2. Technical documents

The documents listed below were used for the elaboration of the first version of the National Biodiversity Policy. All are available at [www.mma.gov.br/biodiversidade](http://www.mma.gov.br/biodiversidade).

- a. *1<sup>st</sup> National Report for the CBD*. The First National Report for the Convention on Biological Diversity was published in 1998 in accordance with Article 6 of the CBD. It has much information on the status of our knowledge of Brazilian biological diversity, institutional capacity, a review of the legislation, programmes and policies on biodiversity, and a summary of Brazil's participation in CBD programmes and its perspectives in relation to the Convention.
- b. *Comparative Analysis of the National Strategies of Other countries*. This document was written by Admiral Ibsen de G. Câmara for the project of the National Biodiversity Strategy project in April/99. It reviews and compares the national biodiversity strategies of 55 European countries and 47 other countries worldwide.
- c. *Adaptation of Brazilian Environmental Legislation to the Convention on Biological Diversity*. This document was written by Simone Wolff da Silva in May, 1999. In it he analysed Brazilian environmental legislation in relation to Articles 6 to 19 of the CBD.
- d. *Thematic Working Groups*. Ten themes of the CBD articles were reviewed: identification; monitoring; assessment and reduction of negative impacts; conservation *in situ*; conservation *ex situ*; sustainable use of biodiversity and incentives; access to genetic resources and associated knowledge and benefit-sharing; national biodiversity strategy; education, public awareness and the exchange of information; technology access and transfer, benefit sharing, and biosafety; biodiversity products, genetic diversity, domesticated species and their wild relatives; microorganisms and soil biodiversity.
- e. *Case Studies on Benefit-sharing*. This report, written by Márcio de Miranda Santos, describes a number of forms of benefit-sharing for the use of components of biodiversity and the associated traditional knowledge, besides reviewing case studies of benefit-sharing in Brazil and other countries.
- f. *Knowledge of Brazilian Biological Diversity*. A series of reviews were solicited on the status of our knowledge of Brazilian biological diversity. The reviews, coordinated by Thomas Lewinsohn (Universidade Estadual de Campinas - UNICAMP), included a number of taxonomic groups, with estimates of species richness (known and projected), and current capacity in biodiversity research (researchers, institutions, collections) for each.
- g. *Economic Assessment of Biodiversity*. Case studies and projects on the sustainable use of natural resources in Brazil, reviewed by Peter H. May, Fernando C. Veiga Neto and Osmar V. Chévez Pozo.
- h. *Traditional Knowledge and Biodiversity in Brazil*: This report, written by a team from the *Núcleo de Pesquisas sobre Populações Humanas e Áreas Úmidas – NUPAUB* [Research Nucleus on Human Populations and Wetlands – NUPAUB], was coordinated by Antônio Carlos Diegues (Universidade de São Paulo - USP), and provides a bibliography on the use of biodiversity by indigenous and non-indigenous groups in Brazil.





## Chapter 2

### 3. The state and sectoral consultation

Adopting a participatory approach for the elaboration of the National Biodiversity Policy, the MMA consulted numerous sectors of society involved with, and dependant on, biodiversity. Representatives from the following took part in the consultation: state and federal governments, NGOs, universities, Indigenous peoples, *quilombolas*, and businessmen. The consultation was divided into 10 priority themes: inventories and the identification of biological diversity, monitoring, assessment and impact mitigation, *in situ* conservation, *ex situ* conservation, sustainable use of biodiversity components, the distribution of benefits, administration of biotechnology, education and public awareness, scientific cooperation, and legal aspects. Each consulted sector or state elaborated proposals for each of the above themes. At the end of this process, there were several proposals, which were synthesized in thematic reports.

### 4. Thematic reports

To organize the recommendations from the biome assessments and the consultation and the information in the technical documents, the Ministry of Environment requested ten specialists to write thematic reports, reviewing the consensual, non-consensual, or divergent recommendations from the consultation. The specialists were asked to draw up reports synthesizing the proposals of the States and the other sectors of the society for the National Biodiversity Policy covering nine different themes (the theme "Management of biotechnology" was reviewed twice). Each report included a list of consensual recommendations, a list of the discordant recommendations, and guidelines and directives on a national scale and for each biome. The thematic reports are listed below.

1. *Ex situ* Conservation (Tânia Sampaio Pereira, Alicio da Silva Cruz)
2. *In situ* Conservation (Luiz Paulo de Souza Pinto, Gustavo A. B. da Fonseca, Anthony Rylands)
3. Scientific and Technological Cooperation (Ana Lúcia Delgado Assad, Perseu dos Santos)
4. Benefits Distribution (Cristina Maria do Amaral Azevedo, Karin Vecchiatti)
5. Environmental Education (Ana Lucia Tostes de Aquino Leite, Maria José Gualda de Oliveira, Naná Mininni Medina, Paula Moraes Pereira)
6. Administration and Management of Biotechnology (Rubens Onofre Nodari, Miguel Pedro Guerra)
7. Administration and Management of Biotechnology (Eliana Fontes)
8. Inventory and Characterization of Biodiversity (José Maria Cardoso da Silva)
9. Monitoring, Assessment and Mitigation of Impacts (Rui Cerqueira)
10. Sustainable Use of the Components of Biodiversity (Weber Amaral, Milton Kanashiro)

### 5. The regional and national meetings

From the recommendations in the thematic reports, a team of consultants put together the First Version of the National Biodiversity Policy. This version was organized in six components –biodiversity knowledge, biodiversity conservation, sustainable utilization of biodiversity components, benefit sharing, scientific and technological development, and public information, education and awareness–, which contained an assemblage of directives and specific objectives. This version was subsequently discussed in four regional meetings. At each meeting, the 60 or so participants were divided into four working groups which, over two days, resulted in modifications to the Policy, which were felt to be pertinent. Concluding the four regional meetings, the MMA were presented with a set of 16 documents of modifications to the National Biodiversity Policy. They were combined into one by MMA´s technical team, who did not synthesized or interpreted any of the recommendations made during the regional meetings, so as the document truly represents the consulted groups´ demands. Thus, this document contained many directives and specific objectives, and some of them could be synthesized. This synthesis performed by the *Comissão Coordenadora do Programa Nacional da Diversidade Biológica- PRONABIO* [Coordinating Commission of the National Biodiversity Programme – PRONABIO], which analyzed and reformulated it. Significant changes were made in the National Policy compared to its first version, including creation of new directives within the proposed components, and creation of a new component (institutional juridical framework). During two meetings, the Coordinating Commission of the PRONABIO elaborated the Second Version of the National Biodiversity Policy.

The Second Version of the National Biodiversity Policy was discussed during the 37<sup>th</sup> Extraordinary Meeting of the *Conselho Nacional do Meio Ambiente – CONAMA* [National Environment Council – CONAMA]. A number of specially invited guests from various relevant sectors of civil society were present, besides the regular members of CONAMA. This meeting resulted in the first draft of a decree, which was sent to the *Casa Civil* [Home Office]. On 22<sup>nd</sup> August, 2002, the President signed the Decree No.4339, which instituted the National Biodiversity Policy. The box below shows the number of directives and specific objectives of the several versions of the National Biodiversity Policy:

		COMPONENTS							TOTAL
		1	2	3	4	5	6	7	
First Version	Directives	4	4	4	1	3	3	-	19
	Specific Objectives	24	31	29	5	14	13	-	116
After Regional Meetings	Directives		6	7	3	3	5	-	29
	Specific Objectives	64	95	80	21	37	57	-	354
After Meeting of Coordinating Commission of the PRONABIO	Directives	4	5	4	3	2	3	5	26
	Specific Objectives	26	48	33	30	18	30	53	238
Final Version – Decree 4.339 on 22nd August 2002	Directives	4	5	4	3	2	3	6	27
	Specific Objectives	38	58	36	40	17	35	57	281

From the box above, we can observe that participation of representatives from different management sectors of biodiversity modified significantly the structure and content of the National Biodiversity Policy. When elaborating the Policy with this degree of participation, the MMA intended to listen to those directly affected by the Policy, so as it would broadly reflect all its demands.