

OPEN LETTER ON THE ENVIRONMENTAL IMPACTS OF A CONTINUOUS WEAKENING OF ENVIRONMENTAL AGENCIES' CAPABILITIES IN BRAZIL

To all Global Community environmentally engaged and whom it may concern,

We, public servants from the Environmental Specialist career of the Brazilian State, bound by the duty of loyalty to environmental protection during the last 31 years, as well as by the commitment to offer quality public services, come forward to express our concern due to a new hurdle brought about by another newly-published regulation that will bring unprecedented damage to proper environmental protection in Brazil, with possible impacts to all global citizens that value the protection of the Amazon Rainforest, the Pantanal and the ecologically-balanced use of nature.

First of all, it is worth remembering that, on several occasions, these public servants have been alerting the Federal Government of Brazil about the necessary measures for the national environmental policy to properly follow the precepts of preservation and sustainable use of natural resources. Although the federal environmental protection agencies in Brazil - IBAMA and ICMBio - have worldwide recognition for protecting the environment of the most biodiverse country on the planet, caring for the largest tropical forest in the world and being responsible for the inspection, licensing, control and monitoring of the environmental quality in the territory, these agencies are being undermined by repeated actions of structural weakening that can cause prejudice to all citizens.

In the last two years, new regulations have reduced the weight of public servants' opinions in environmental policymaking, allegedly due to the need for innovation. This goes against best governmental practices regarding stakeholder participation in the rulemaking process. It was no different this time, with the new regulation (INC 01/2021). It was edited and published without any participation of the public servants specialized in the subject, resulting in the immediate halt of environmental inspection and enforcement activities, analysis and preparation efforts for upcoming environmental infraction investigation trials.

The establishment of conflicting operational procedures for identifying and verifying flagrant environmental offenses, with the need to prepare a report to be approved by superiors before the irregularity is confirmed; overly short deadlines that prevent the deployment of field activities in the course of inspection and enforcement actions, as well as the need for managerial approval for the referred actions, have brought lethargy to the work of spotting criminals, as well as a significant advantage to the ones engaging in environmental crime.

It is also of public knowledge that the current precarious state of the federal environmental public agencies are the result of omission of the current administration, that failed to empower the agencies with effective measures such as restaffing (e.g. no hiring of staff for more than 10 years), proper budget allocation and improvements to physical structures.

Therefore, in our vision, the enactment or reform of regulations of such relevance to the National Environmental Policy should be undertaken in a planned, responsible and participative manner, building on the expertise of the officials in charge of enforcing them. Regulations are intended to be enforceable by agencies. Establishing deadlines that are incompatible with the agencies' current capabilities transfers to the servants an undue burden, which does not contribute to fighting environmental offenses.

It is unfair and unacceptable to try to establish complete administrative chaos, and then attribute to the career servants responsibility for the administrative incompetence of the current management. Persons with no technical knowledge on environmental issues were chosen to fill these positions.

In this context, we consider that the new regulation created by the current government renders impossible effective action against deforestation in the Amazon and in Pantanal, as well as inspection activities regarding open-sea and coastal zone fishing, combating offenses against fauna, biopiracy, pollution, illegal mining, among others. This conundrum resulted in an actual shutdown of environmental inspection and investigation procedures against infractions found by IBAMA and ICMBio throughout the country.

For this reason, we publicly reaffirm the commitment to stay strong in the fight against environmental crime, and in the protection of the Brazilian environment for current and future generations, always within strict compliance of applicable environmental laws, for which we call for the corresponding immediate and unequivocal commitment by the Brazilian government and its authorities with the strengthening of environmental norms and institutions - not the opposite, as has been the case. We have many years of accumulated knowledge to contribute to Brazil's improvement and that can not be discarded.

Consequently, considering that the appropriate means to discharge the duties of federal environmental inspection, analysis and preparation for environmental trials were not timely made available to officials, we inform that all inspection and investigation of environmental offenses is currently compromised and paralyzed, due to the regulations published by the agencies themselves.

The immediate and inevitable result will be a heightened sense of impunity, which is deemed one of the main causes of the increase in environmental offenses in Brazil, and further destruction of the Amazon and Pantanal, as well as of other Brazilian biomes. The continuous dismantling of public policies and the weakening of environmental agencies throughout the Brazilian territory renders impossible the effective achievement of global goals such as zero illegal deforestation before 2030.

Thank you for your attention to our considerations and concerns,

Brasilia/Brazil, 21st April 2021

The content of this Letter is based on the original in Portuguese ratified by more than 600 Public Servants from the Environmental Specialist Career. On April 20, 2021.

ASCEMA – Brazilian National Association of Public Servants of the Environmental Specialist Career

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