

MAY 28, 2025

The Brazilian and international scientific community, civil society organizations and experts in environmental governance are publicly expressing their deep concern about Bill 2159/2021, which is currently before Brazil's National Congress. This bill disrupts the national environmental licensing policy by making the assessment of socio-environmental impacts extremely flexible and, in many cases, dispensing with it, prioritizing licensing waivers and irresponsible self-licensing. It also makes it possible to simplify processes due to political pressure, in projects considered "strategic", even when they have a high risk and impact.

The Amazon, global warming and climate change

The approval of this bill will represent a serious step backwards, the consequences of which go beyond Brazilian territory and put the Amazon's climate and hydrological system, one of the largest carbon sinks on the planet, at direct risk. The Intergovernmental Panel on Climate Change (IPCC) has been warning for years of the risk of degradation of the Amazon, an irreversible process that could occur if deforestation exceeds 20% to 25% of the original cover. In 2023 this biome reached 18.2% deforestation and, instead of seeing concentrated efforts by all Brazilian public authorities to regenerate and definitively halt deforestation, the opposite path is being taken. With the approval of the General Licensing Law, the indirect damage caused by deforestation resulting from major construction work in the Amazon could be exempt from precautionary or preventative measures, which will inexorably lead to the breaking of the point of no return for this biome, with global consequences.

In the European territory of French Guiana, the weakening of the Amazon's humidity is already manifesting itself in changes in rainfall patterns. Forest degradation threatens to drastically reduce total rainfall volumes, with direct risks of impact on local biodiversity, agro-extractive activities and the region's climate resilience - with serious economic consequences and in terms of forced population migration.

The release of the carbon stock resulting from the collapse of up to 70% of the Amazon biome could lead to the planet exceeding the 2°C target set in the Paris Agreement, despite the best international efforts. This process threatens to trigger other tipping points in the climate system, such as the melting of the Greenland and West Antarctic ice caps, the collapse of the Atlantic thermohaline circulation (AMOC) and the disappearance of the Arctic ice sheet, leading the planet to the worst scenarios predicted by the most rigorous climate science.

It is essential to remember that Brazil is the 5th largest global emitter of greenhouse gases, with emissions mostly caused by deforestation and forest fires - problems that will be exacerbated by various provisions of Bill 2159/2021. It should be noted that, with the increase in emissions in the short term and the consequent risk of accelerated global warming and ecological degradation of the Amazon, the supply of drinking water in various regions of South America will be threatened.

Brazilian agriculture, its food security and food exports, which are of European interest, will not be viable without the water regulation guaranteed by the forest. The destruction of aquifers and flying rivers, fed by Amazonian evapotranspiration, will make the current agribusiness model unviable. The commercial dividends of the Mercosur-European Union rapprochement initiative are therefore under threat.

In a few decades, the systemic global warming effect of this process that began in the Brazilian Amazon could also negatively impact even Europe's water sources - such as those in the Alps, Carpathians, Pyrenees and Caucasus, with severe effects on their agriculture and populations, regardless of their local climate adaptation capacity, due to the political short-sightedness that disregards the systemic and transboundary impacts of the ongoing ecological and climate deregulation.

Incompatibility with international agreements

Bill 2159/2021 threatens the principles and commitments of various international treaties. By restricting social, technical and scientific participation in the environmental licensing process, the bill nominally hurts its European counterparts who are about to become signatories to the European Union - Mercosur Free Trade Agreement, in what is set out in Article 3, paragraph 7, of the Aarhus Convention on Access to Information, Public Participation and Access to Justice in Environmental Matters, which states that:

"Each Party shall promote the application of the principles of this Convention in international proceedings concerning environmental matters. In this regard, each Party shall promote the recognition of the right of access to information, public participation in decision-making and access to justice in environmental matters in international decision-making processes and in the implementation of international agreements relating to the environment."

Brazil is a signatory to the Latin American counterpart of the Aarhus Agreement, the Escazú Agreement, but its ratification has been obstructed by the same National Congress that intends to approve PL 2159/2021.

In addition, the bill violates Articles 6, 7 and 8 of the Convention on Biological Diversity (CBD), which provide for environmental impact assessment and social participation; ignores the precautionary principle established in the Paris Agreement (Articles 2 and 4); undermines the duty to promote a just and inclusive transition; and weakens the pillars of the UN's 2030 Agenda, especially Sustainable Development Goals (SDGs) 13, 15 and 16.

Bill 2159/2021 collides head-on with commitments made under the European Union-Mercosur Free Trade Agreement, which contains a Sustainability Pillar requiring respect for multilateral environmental commitments, the protection of biodiversity, the implementation of the Paris Agreement and compliance with the precautionary principle. The bill in question violates this pillar by allowing automatic licensing or the waiving of licenses for activities with a high environmental impact; the exclusion of the analysis of locational and technological alternatives; the limitation of free, prior and informed consultation with indigenous communities; the removal of deadlines and mechanisms that guarantee transparency and accountability; and the arbitrary and secretive classification of projects as "strategic", preventing access to environmental justice.

In this sense, it is important to note that Bill 2159/2021 goes against obligations assumed by Brazil in international treaties aimed at fighting corruption. The United Nations Convention against Corruption (UNCAC), for example, establishes in Article 5 the obligation of states to adopt public policies that promote the participation of society and strengthen integrity and transparency in public administration. Article 13 requires countries to ensure the effective engagement of civil society and the media in the fight against corruption, guaranteeing access to information. The waiver of licensing requirements for various projects, the possibility of secret administrative decisions - as provided for in Amendment 198 - and the reduction of popular participation go against these principles of transparency and social control demanded by the UNCAC.

Similarly, the Inter-American Convention against Corruption (OAS, 1996), in Articles III and V, obliges countries to establish mechanisms that allow civil society participation and access to information on public administration, especially in decisions with potential social and environmental impact. By reducing the requirements for public consultation and allowing the secrecy of information on strategic undertakings, Brazil may fail to comply with these commitments to guarantee public control and accountability.

The OECD Convention on Combating Bribery of Foreign Public Officials, although aimed at international bribery practices, requires signatories - such as Brazil - to have transparent structures and robust anti-corruption regulatory systems to prevent illicit practices in public contracts and large projects. The exemption from environmental licensing and the creation of arbitrary legal exceptions widen the scope for undue favoring of private agents, making oversight more difficult and facilitating corrupt practices.

To complement the argument about the incompatibility of Bill 2159/2021 with the international commitments made by Brazil, it is necessary to point out that the bill completely disregards provisions of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), especially Articles 18 and 19, which guarantee the right to participation through their own representatives and the requirement of free, prior and informed consent (FPIC) before the approval of any legislative or administrative measure that affects their rights. The violation is aggravated in the case of traditional peoples and communities who do not even have their territories formally recognized or a clear legal procedure for such recognition, which leaves them even more vulnerable to invisibility in the environmental licensing process. The jurisprudence of the Inter-American Court of Human Rights, as in the case of *Saramaka vs. Suriname* (2007), reinforces that tribal and traditional communities, even when not classified as indigenous, share the right to consent to projects with a potential territorial impact. The bill also goes against the principles of the UN Declaration on the Rights of Peasants (UNDROP), which in Article 10 affirms the right of peasants and local communities to active, free and meaningful participation in the formulation of policies that affect their lives and territories. By ignoring these normative frameworks, the project incurs a systemic violation of the human and territorial rights of historically marginalized communities, weakening international commitments voluntarily assumed by the Brazilian state.

Finally, the OECD Guidelines for Multinational Enterprises (especially Chapters VI and VII on the environment and the fight against corruption) recommend that companies operate in countries with transparent, predictable regulatory systems that are subject to public scrutiny. Bill 2159/2021 puts this regulatory environment at risk, which could lead to delays and conflicts with commitments made under economic cooperation agreements with European Union countries, including in the context of the Mercosur-EU Agreement itself.

The consequences will not only be for the environment and the climate. The legal uncertainty created by the project opens the door to corruption and influence peddling, as well as deterring sustainable investments, especially those that follow ESG standards.

Conclusion

Democracy and the environment are inseparable. As Portuguese jurist António Manuel Hespanha said: "Without a right rooted in collective values and without reliable public institutions, democracy becomes vulnerable to internal erosion and authoritarianism." When a country violates the right to public participation, denies science and tramples on fundamental environmental safeguards, it also breaks the democratic pact. International cooperation is essential, so that through commercial ties and common interests, human rights are guaranteed, especially the basic living conditions of indigenous and traditional populations, who in this case will have their territories invaded by projects without any consultation.

Brazil has been a global inspiration in the defense of the environment and sustainability by hosting Eco-92, Rio+20, and is now preparing to host COP30. When the whole world expects leadership and responsibility, it can't also be the country that irreversibly triggers the first major carbon tipping point in the Earth system. Given that this bill represents **an accelerated path towards ecocide and socio-environmental degradation**, we call on the European Council to consider this reality when evaluating the ratification of the European Union-Mercosur Agreement, and to work with the Brazilian government to demand compliance with the multilateral commitments that underpin global climate governance.



Sincerely,

Ação Educativa São Paulo
 ACT Promoção da Saúde
 Amigos do Sahy - SABS
 Articulação dos Povos Indígenas do Brasil - APIB
 ARAYARA Foundation
 Asamblea Argentina Mejor sin Tratados de Libre Comercio
 Associação Alternativa Terrazul
 Associação de Toque Pequeno Association - SAPEQUE Friends of the Environment Association - AAMA
 Associação Casa de Irene de Recife Pernambuco
 Associação Cigarrras Viva - São Sebastião - SP
 Associação Comunitária Amigos de Juquehy - SAMJU
 Associação de Jovens Engajamundo
 Baleia Verde Residents' Association - AMBAV
 Horto Florestal Parque das Serras Association - Pitimbu Community Garden - RN
 Associação Maranhense para a Conservação da Vida - AMAVIDA
 Associação Mineira de Defesa do Ambiente - Amda
 Preserva Serinha Association
 Professional Association of Sociologists of the State of Rio de Janeiro - APSERJ.
 Associação Comunitária Costa Sul - São Sebastião
 Associação de Defesa Etnoambiental Kanindé
 Associação Soluções Inclusivas Sustentáveis - SIS
 Franciscan Action for Ecology and Solidarity Attac Argentina
 Cátedra Sustentabilidade e Visões de Futuro - Unifesp
 CEDEA Centro de Defesa e Educação Ambiental
 Centro Brasil no Clima - C
 Brahma Kumaris Raja Yoga Center
 International Center for Water and Transdisciplinarity - CIRAT
 Organic Life Center - CVO
 Chalana Esperança
 Coalizão Não Fracking Brasil - COESUS
 Coalition for Climate, Children and Adolescents - CLICA
 Caicara Collective of São Sebastião, Ilhabela and Caraguatatuba North Lake 2030 Agenda Commission - DF
 CNBB Special Commission on Integral Ecology and Mining
 Evangelical Community of Lutheran Confession of Niterói
 Conectas Human Rights
 National Council of Christian Churches of Brazil - CONIC
 Municipal Council for Sexual and Gender Diversity of Peruibe/SP
 Escambau Cultura
 Paraná Federation of Environmental Entities - FEPAM Pro-Atlantic
 Coast Federation
 Sustainable Flow
 Força Ação e Defesa Ambiental - FADA
 Brazilian Forum of NGOs and Social Movements for the Environment and Development - FBOMS
 Forum in Defense of Water, Climate and the Environment of the Federal District Baixada Santista Environmental Front - FABS

Front for the Defense of the Right to the City - Desperta São
 José Grupo Esquel Brasil Foundation
 Pro-Nature Foundation - FUNATURA
 Lutheran Deaconry Foundation - FLD
 Geledés - Black Women's Institute
 Group for Studies in Education and the Environment of Rio de Janeiro - GEEMA GT Infraestrutura e Justiça Socioambiental (Infrastructure and Socio-environmental Justice)
 United Religions Initiative - URI
 5 Elements Institute - Education for Sustainability Living Trees
 Institute for Environmental Conservation and Culture
 Friends of the Atlantic Forest Biosphere Reserve Institute - IA-RBMA
 Humpback Whale Institute - IBJ
 Instituto Bem do Estar
 Instituto BiomaBrasil - IBB
 Cerrado Bioregional Institute - IBC
 Brazilian Institute for Nature Conservation - IBRACON
 Cerrado Institute of Brazil - ICB
 Sustainable Cities Institute - ICS
 Climate Policy Institute
 Institute for Socio-Economic Studies - Inesc
 Amazon Research and Development Institute - IPDA
 Democracy and Sustainability Institute - IDS
 Institute for the Study of Religion - ISER
 Ethos Institute for Business and Social Responsibility Gaia
 School Institute
 Guaicuy Institute
 ARAYARA International Institute Liv
 Mundi Institute
 MIRA-SERRA Institute Oca
 do Sol Institute
 Physis Institute - Culture & Environment
 Pomegranate Institute
 Society, Population and Nature Institute - ISPN Socio-Environmental Institute - ISA
 Casa Amazônia Socio-Environmental
 Institute SustentAção Institute
 Supereco Institute: mountains, land and sea Terra & Mar Institute
 Terra Luminous Institute
 Jovens Pelo Clima Brasília - JPC BSB
 Litigância Climática e de Direitos - LITIGA
 MAE Ecological Action Movement
 Divers for Sharks - D4S Monitor Energia
 Energy Monitor
 Monitor Amazônia Livre de Petróleo
 Monitor Mangue
 Coral Reef Monitor
 Socio-environmental Conflict Monitor
 Mining Monitor
 Ocean Monitor

100 Thousand Youths for Water Movement
 Movimento Contra as Agressões à Natureza - MoCAN
 Movimento de Olho nas Árvores SJC
 Litoral Norte Paulista Vivo Movement Unified
 Black Movement
 Movimento Nacional NÃO FRACKING BRASIL
 Movimento ODS SJC
 Movimento SALVE NORONHA
 Mutirão Agroflorestal
 OUR
 Water Observatory - OGA Coal
 Observatory - OCM Climate
 Observatory
 Oil and Gas Observatory - OPG Oceana
 OSC Composta&Cultiva
 OSC Concidadania
 Sea Panel
 Periphery, Society and Climate
 Planeta.doc Festival - International Socio-Environmental Film Festival
 Planeta na Escola - Socio-Environmental Education
 Pastoral of Integral Ecology St. John the Baptist Parish of Peruibe/SP
 World Animal Protection| World Animal Protection Brazil
 Recicliança
 Brazilian Network of Ecosocialists
 Brazilian Network of Environmental
 Education Brazilian Network of
 Churches and Mining
 Environmental Education and Public Policy Network
 Rio de Janeiro Environmental Education Network
 Latin American Women Environmentalists Network
 Network of Traditional Peoples and Communities of Brazil - PCT
 Network Amazonian Work Network - GTA
 Ecumenical Water Network - REDA Brasil
 Emancipa Popular Education Network
 Faith, Peace and Climate Network
 São Paulo Environmental Education
 Network Peace Service - SERPAZ
 Inter-Franciscan Service for Justice, Peace and Ecology - SINFRAJUPE
 Mamirauá Civil Society - SCM
 Sociedade Brasileira de Economia Ecológica
 Sociedade de Amigos de Guaeca - SAGUAECA
 SOS Clima
 Teia Carta da Terra BR
 Terra de Direitos
 The Climate Reality Project Brazil
 Toshispha Environmental Health Institute
 Transparency International - Brazil
 Paraná Union of Environmental Entities - UNEAP 1
 Climate Change
 We Are Water Institute