Governance in Environmental Policy: Advances and Challenges to Develop a Brazilian Green Economy

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Objective

- Analysis of the governance of the Brazilian environmental policy

- Main question
  - which actors take part in the processes and what are the roles played by each one?

- Responses from
  - the institutional design of the environmental sector

  - the degree of involvement and the capacity of each actor to influence the environmental policy
Main findings

- Complex engineering in environmental governance
  - Attempt to overcome policy fragmentation
  - Incorporate all sectors in the structure of governance
    - Government, civil society, workers, business sector

- Fragmentation remains
  - Historical perspective
  - Lack of a culture of federative agreements
  - Lack of priority for the arenas
  - Environmental issues in policies: not seen as a priority

- Civil Society
  - New arenas and forums

- Disproportionate weight of government in decision making arenas
Methodology

- Historical background

- Two dimensions
  1. Governmental interaction – vertical and horizontal
     - Federal, state and municipal governments
  2. Mechanisms of intersectoral interaction
     - Governments
     - Civil society & workers
     - Business sector

- Not mutually exclusive
- Split for analytical purposes
Environment and public policies in Brazil

- Background of fragmentation

- Lack of coordination and interaction among actors
  - Among federal agencies – horizontal
  - Intergovernmental relations – vertical
  - Civil society

- National Environment Policy (1981) – during the military regime
  - Overcome sectorization and fragmentation
  - Foster articulation and negotiation

- National Environmental System - SISNAMA
Environment and public policies in Brazil

- Mid 1980s: re-democratization of the country
- The National Constitution of 1988
  - Pushed to the agenda
    - Environmental issues
    - Civil society
    - Local governments
      - States
      - Municipalities
  - Regulation of the National Environmental Policy: 1990
## Structure and Functions of the SISNAMA

<table>
<thead>
<tr>
<th>Type of Body</th>
<th>Entity</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior</td>
<td>Federal Government Council</td>
<td>Advisory body to the President</td>
</tr>
<tr>
<td>Consultative and Deliberative</td>
<td>National Environment Council – CONAMA</td>
<td>Propose the guidelines of the government environmental policy, deliberate on norms and standards</td>
</tr>
<tr>
<td>Central</td>
<td>Ministry of Environment</td>
<td>Plan, coordinate, supervise, control the national environmental policy</td>
</tr>
</tbody>
</table>
| Executive    | •Brazilian Institute of Environment and Renewable Natural Resources – IBAMA  
•Chico Mendes Institute for Biodiversity Conservation | Implement and enforce the government policy and guidelines established for the environment |
| State        | State agencies | Implementation of programs and projects, control and supervision of activities |
| Local        | Municipal agencies | Control and supervision of activities in their jurisdictions |
### Representative Members of CONAMA

<table>
<thead>
<tr>
<th>Representatives</th>
<th>N.</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government</td>
<td>76</td>
<td>71</td>
</tr>
<tr>
<td>Federal</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>State</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>Municipal</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Workers and Civil Society</td>
<td>22</td>
<td>20,6</td>
</tr>
<tr>
<td>Business Sector</td>
<td>8</td>
<td>7,5</td>
</tr>
<tr>
<td>Honorary Member</td>
<td>1</td>
<td>0,9</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>107</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

- Predominance of government representatives
- Predominance of the Federal level in relation to others

**Technical Chambers and Working Groups**
CONAMA and Intra-governmental Relations

- All ministries are represented
  - Environment as an transversal issue
  - Need to incorporate environmental issues into all public policies
  - Better coordination
  - Greater synergy

- 7 of 41 have attended all meetings (17%) – last 2 years
- Ministry of Labor and Employment: 9 absences (82%)
- Ministry of Sports: 7 absences (64%)
- Special Secretariat for Policies to Promote Racial Equality: 7

Effect on policy: brief case study
CONAMA and Intra-governmental Relations

- The tension between
  - Ministry of Agrarian Development (MDA) and Environment (MMA)
    → Land use and settlements

- MMA openly criticized by MDA
  - responsible for the six major deforestation areas in Brazil (2008)

→ Adoption of different methodologies to measure deforestation
  - Divergent and conflicting data

- Low degree of integration and cooperation among technicians and administrators across departments and institutions that have related activities
- Disarticulation among internal sectors
- Low qualification of the technical staff
- Lack of infrastructure
- Lack of planning and sectoral integration from design to monitoring
CONAMA and Intra-governmental Relations

- Many structures that deal with specific environment issues
  - MMA: 9 Collegiate bodies
    - Water Resources National Council – CNRH
  - CONAMA/CNRH Permanent Integration Commission
    - defined in 2006
    - members nominated in December 2007
    - first meeting in March 2008
    - superior command suspended the activities of this commission

→ Absence of a commitment to negotiate
→ Logic of fragmentation
CONAMA and Intergovernmental Relations

- State governments: 27 seats (25%) in Conama
  - All states represented

- Municipal governments: 8 seats (7.5%)
  - 5,564 municipalities

2 Additional spaces for vertical articulation

- National Tripartite Technical Commission (CTN)
  - promote dialogue among governments
  - parity of representation
  - shared environmental management

- Brazilian Association of State Environmental Entities

- National Association of Municipal Environmental Agencies

Quarterly meetings

Vertical articulation

Horizontal articulation
CONAMA and Intergovernmental Relations

- State Tripartite Technical Commissions (CTE) – 2003
  - Demand from the 1st National Environment Conference
  - Parity in the composition
  - Dialogue between the municipalities of a given state with the environmental agency of that state

- Devoid of clear and continuous methodology of articulation to promote a shared environmental management
- Weak internal institutional organization
- Lack of support from the federal level
  - MMA, IBAMA
- Lack of support from the state level

→ CTN and CTE have never been a priority
CONAMA and Relations with civil society

- 22 members (20.6%) in Conama
  - National Association of Municipalities and Environment - ANAMMA
  - National Council of General Chiefs of the Military Police and Military Firefighters - CNCG
  - 20 members \(\rightarrow\) 18.7%
  - 3 members: chosen by the President
    - One open
  - 19 members \(\rightarrow\) 17.7%

members of government
CONAMA and Relations with civil society

- Challenges
  - Asymmetry of information
  - Variety of issues
  - Specific technical and legal knowledge in each issue

- CONAMA’s resolutions
  - low technical quality
  - standards that are note applicable
  - create doubts in its interpretation
CONAMA and Relations with civil society

- Other spaces of civil society participation
  - State Environment Councils
  - Municipal Environment Councils
    - Prevalence of government in the decision making process
      - majority of the representation
    - Asymmetry of information
  - National Environment Conference
    - bottom-up strategy
    - 2003, 2005 and 2008

→ Participation in several forums
→ Effective participation is often limited
→ Lack of knowledge to cover all issues
→ End up legitimizing government decisions
Conclusions

- Complex engineering in environmental governance
  - many spaces and types of articulation:
    - intragovernmental, intergovernmental, with workers and civil society, and with the business sector

- Disproportionate weight of government representation in relation to workers and civil society
  - unbalance negotiation within the Council

- Absence of some ministries in the meetings of the Council
  - difficulty to bring the environment to a central position in all policy arenas.

- CTN and CTE
  - problems of legitimacy
  - absence of representatives of civil society
Conclusions

- Civil society
  - New spaces of participation x effective participation
  - Legitimizing government decisions

- Governance of the Brazilian environmental policy
  - Spaces for articulation and negotiation
  - Very fragile in its operation
    - Lack of priority
    - Lack of a culture of federative agreements
    - Fragmentation

- Trends in Brazilian National Policies
  - Spaces for governmental articulation – vertical
    - Reinforce horizontal arenas
  - Civil society: Forums
    - Bottom-up strategy: local forums → state forums → national forum
Thank you!

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