

# OurPlanet

United Nations Environment Programme

March 2017



## Environmental Crime

Tackling the Greatest Threats to our Planet



**Joko Widodo**  
Strengthening  
environmental  
justice

**José Sarney Filho**  
Cutting down  
deforestation

**Vidar Helgesen**  
A formidable  
effort is needed

**Zhang Jianlong**  
Taking practical  
action

**Antonio Herman  
Benjamin**  
Matters of  
judgement

**Roraima A. Andriani**  
Serious, and growing

# OurPlanet

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For past issues visit:

**www.unep.org/ourplanet**

ISSN:

**1013-7394**

*OurPlanet,  
the magazine of UN Environment*

**Director of Publication:** *Naysán Sahba*

**Executive Publisher:** *Daniel Cooney*

**Editor:** *Geoffrey Lean*

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**Layout:** *Viola Kup*

**Produced by:**

*UN Environment*

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*\* All dollar (\$) amounts refer to US dollars.*

**UN**   
**environment**

*Printing:*

- *Modern Lithographic, Nairobi, Kenya 1000 copies/March 2017*
- *105 Digital Printing Co., Ltd., Bangkok, Thailand 300 copies/March 2017*

UN Environment promotes environmentally sound practices globally and in its own activities. This publication is printed on paper from sustainable forests including recycled fibre. Our distribution policy aims to reduce UN Environment's carbon footprint.



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# Table of Contents

Reflections **4**

## UN Environment at Work



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**9** Strengthening law on endangered species

**16** Fighting chemical and waste crime

**36** Making environmental law work for planet and people

## Publications

**48**



## Features

### Our Planet Environmental Crime: Tackling the Greatest Threats to our Planet

*In this issue of Our Planet, government leaders, policymakers and experts explore the growing and complex threats from environmental crime and the political and legal frameworks needed to counteract it.*



**6**

**Joko Widodo**  
Strengthening environmental justice



**10**

**Vidar Helgesen**  
A formidable effort is needed



**12**

**José Sarney Filho**  
Cutting down deforestation



**14**

**Zhang Jianlong**  
Taking practical action



**18**

**Antonio Herman Benjamin**  
Matters of judgement



**20**

**Ma Huateng**  
Good connections



**22**

**Roraima A. Andriani**  
Serious, and growing



**26**

**Reinhold Gallmetzer**  
Prosecute climate crimes



**28**

**Nelly Luna Amancio**  
Blood gold



**30**

**Gustavo A. B. da Fonseca, Evelyn Swain**  
Making gold greener?



**32**

**Emmanuel de Merode**  
Creating hope



**34**

**Swatanter Kumar**  
Clearing the air



**38**

**Wang Beijing**  
Delivering on the mission



**40**

**Zakaria Arshad**  
Ethical business works best



**42**

**Clare Perry**  
Smuggling destruction



**44**

**Faridah Hussein Were**  
Take the Lead on Lead



**46**

**Christian Nellemann**  
Undermining progress

# Erik Solheim

## Reflections



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### *The people most affected by environmental crime are often the most vulnerable*

Environmental crime robs developing countries of the resources – and the tax streams from more regulated trade – that they need to build their economies and societies. That hinders their ability to participate in tackling broader global issues, from international security to climate change.

And local communities and governments in these countries often lack the capacity to withstand the well-organized criminal elements behind this exploitation.

Awareness is part of the solution.

We have made strides in awareness of wildlife crime, including the smuggling of live animals for the pet trade as well body parts for food and “medicinal” use. This is only good news. Recently, the price of ivory took a nosedive, which can be attributed at least partly to sustained campaigns to stop the trade.

We must extend this awareness to the less-appreciated yet more common elements of

environmental crime. Fundamentally, though, the strongest counter to environmental crime will be good laws well enforced.

And it means squaring up to powerful and sophisticated criminal networks. We need international cooperation to do so. These groups operate nimbly across borders. They are often armed and prepared to use force to secure their lucrative profits. They threaten and bribe politicians and law enforcers. And they use lawyers and accountants to hide and protect their fortunes.

Lawmakers are waking up to the reality of these crimes, and are stepping up their efforts. China, importantly, has announced that it will ban the ivory trade by the end of this year. International cooperation to create and enforce legal frameworks is intensifying. Authorities are trying to improve how they gather and share intelligence and coordinate against these criminals.

UN Environment is helping governments translate their treaty obligations into domestic laws and regulations that fight environmental crime, and we are helping develop the capacity to enforce them. International agreements that we host, such as the Convention on the International Trade in Endangered Species of Flora and Fauna and the Convention on Biological Diversity, weave a protective legal fabric around the biodiversity that is vital for ecosystem health.

The UN Security Council has also recognized the serious threat to peace and security posed by environmental crime. UN reports have pointed to armed groups and potentially even terrorists sustaining their finances through this rising criminal industry.

If we are serious about preserving biodiversity and critical ecosystems, ending hunger and poverty, and fostering peace and justice, we must get even more serious about fighting environmental crime.

With the right laws, strong enforcement, and by raising awareness, we will get there.

But we will only do it by working together. Environmental crime affects us all. We all have a role to play in fighting it. ▲



**Erik Solheim**

*United Nations Under-Secretary-General and UN Environment Executive Director*

**J**ust after World Wildlife Day this year, armed poachers broke into a French zoo undetected by staff and security, shot a white rhinoceros and stole the murdered animal’s precious horn.

This unprecedented incident was yet another reminder to the world of the far-reaching impact of environmental crime.

Yet the threat posed to human health and security that environmental crime extends far beyond murdered wildlife. This form of crime is a menace that has spread across the globe, and demands an urgent and sustained international response. From illegal logging and fishing that decimate forest, stream and sea, to the smuggling of banned chemicals and the dumping of toxic waste, these threats have reached a frightening scale.

Last year, an assessment by UN Environment and INTERPOL found that environmental crime had become the fourth-largest crime sector. We found that natural resources worth as much as \$258 billion are being stolen annually.

The human cost is also high. People most affected by environmental crime are often the most vulnerable. Poaching removes wildlife assets on which rural communities could build ecotourism businesses. Overfishing deprives coastal people of food and livelihoods. Pollution from unsafe mining practices or toxic dumping can rob them of their health, even their lives.



Photo: © UNEP



Photo: © Photo by Juan Carlos Huayllapuma/CIFOR

# Joko Widodo

## Strengthening environmental justice

*Environmental law enforcement must be one of the highest priorities of government.*



**Joko Widodo**  
President of Indonesia

Being rich in natural resources is a tremendous blessing for Indonesia that brings prosperity and hope to the people. In addition to being the world's largest archipelagic country, Indonesia hosts a tropical forest area of more than 120 million hectares, the most extensive in Asia and the world's third largest. Indonesia is also abundantly rich in maritime resources potential: ocean comprises no less than two-thirds of the country's territory. Together, these ecosystems comprise immense mega biodiversity across the country's extensive rain forests and rich coastal and marine areas.

To paraphrase a popular saying, with abundant natural resources comes great responsibility. It is indeed a great responsibility for Indonesia to ensure that they will continue to provide sources of living for future generations. Learning from unfortunate experiences, both current and past, Indonesia is well aware of how richness in terms of natural resources can quickly evolve into a sinister curse for a country, if they are managed unsustainably. The key to success is the application of sound management that ensures benefits for people as well as environmental protection, as stipulated in Indonesia's 1945 Constitution Article 28 H (1) and 33 (4), which state that having a good environment is a human right.

For Indonesia, environmental protection is a matter of national survival, since our environment constitutes the primary source of living for our people. Unfortunately, environment-related criminal activities threaten our natural resources and the foundation of our development, posing a menacing threat not only to Indonesia's biosphere, but also

to state finances, as it undermines state revenues derived from legitimate natural resource use. In short, environmental crimes pose a real threat to our national security, and to our sustainable development.

The threats are staggeringly varied, ranging from illegal logging, forest encroachment, and clearing land with fire, to illegal fishing, poaching and wildlife trafficking. Those are regarded as extraordinary crimes that will eventually need to be countered through extraordinary efforts by law enforcement agencies. The "business-as-usual" approach is no longer acceptable if we are to successfully tackle these problems.

Effective law enforcement is one of the the most significant requirements for preventing environmental damage caused by illegal activities. The Indonesian government realizes that even the best environmental regulations are ineffective without it, and it needs to be strengthened.

Environmental protection and environmental law enforcement have therefore become one of the highest priorities of the Indonesian government, in its attempts to ensure the sustainability of our environment and to provide life-support for the people. Effective environmental regulation is a key component of the government's platform in moving toward inclusive and sustainable economic development aimed at providing food security, energy security, infrastructure development, and sound maritime sector development.

Among other measures, the government has identified and is prioritizing three strategic measures corresponding to our needs, namely: good governance, affirmative actions, and political leadership.

**Good governance.** Governance has a strong impact on environmental management and protection. The rule of law, citizen's rights of access to information, public participation and equitable access to justice are as important as specific environmental policies or projects in improving environmental outcomes.

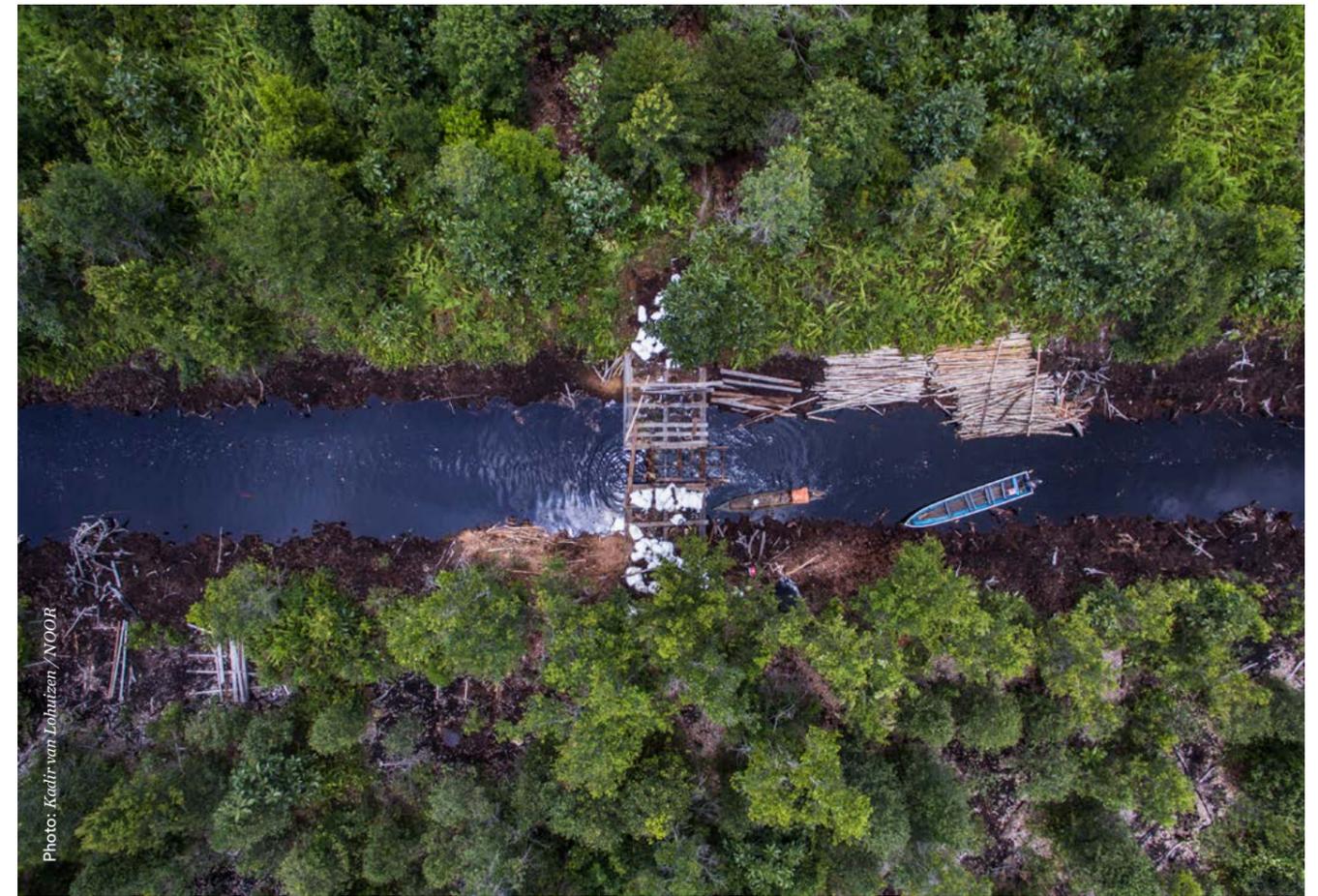


Photo: Kadir van Lohuizen / NOOR

**\$1.2 billion:** the fine imposed on one private corporation that committed environmental crimes.

The government has taken bold measures to improve environmental management by establishing a new Ministry of Environment and Forestry – merging the previously separated ministries of environment and forestry – with the goal of integrating and consolidating management. It is envisaged that, through this fusion, a unified single ministry may take more decisive actions with real impacts and effects.

Unifying the two ministries is also important in consolidating all available resources, especially financial and human ones. This may also bolster its authority, encourage the involvement of all stakeholders and fill in any gaps in the expertise or resources needed to meet the new and common goals.

A special unit at a directorate general level was also created within the new ministry specifically to deal with law enforcement implementation. The new special branch – entitled the Directorate General of Law Enforcement for Environment and Forestry – functions as the main institution responsible for addressing disturbances and threats to environment and forests.

**Affirmative Action.** Public trust in environmental law enforcement will strongly be cemented only if environmental justice is thoroughly upheld, and is capable of generating long-awaited credible deterrent effects. The government has been undertaking measures to realize just law enforcement through, among other things, intensified supervision and monitoring, application of a 'multi-door' approach, as well as certifying environmental judges.

Intensified supervision and monitoring is particularly necessary to improve management and bolster the prevention of violations by both individuals and corporations. In order to create strong deterrent effects, multiple legal instruments have been applied that include administrative and criminal sanctions. In practice, administrative sanctions have always been applied to violators before criminal ones. Applying a hybrid or 'multi-door' approach in criminal law enforcement has also been continuously developed so as to create a strong deterrent effect on perpetrators. This approach enables the application of other related laws, such as anti-corruption and anti-money-laundering laws, together with environmental laws and regulations in prosecuting illegal actions against the environment and forests. Indeed, this approach will require close coordination and collaboration among law enforcement institutions and agencies.

Among other law enforcement work during 2015-2016 were the confiscation of 6,180 m3 of timber, 23,907 logs, and 176 pieces of wood products. Twenty-four cases have been prosecuted at different stages, including six which ended in verdicts. Over 2,250 specimens of wildlife and their products have also been confiscated from 33 legal cases, of which 13 received verdicts.

Forest and land fires have been subjected to extensive affirmative actions. As a result, supported by favourable weather, the extent of fires dropped by 83 per cent in 2016, compared to the previous year. Efforts include: training 5,288 forest fire brigades, plus 150 in Forest Management



Photo: Kadir van Lohuizen / NOOR

## The failures of criminal law in fighting environmental crime result from a lack of political will rather than a lack of regulation.

Units; developing communities against fire involving nearly 10,000 people in over 650 groups; and training nearly 5,000 private company staff and nearly 1,000 military and police officers. Coordination has also been intensified with the military, police, the Ministry of Manpower, and the Ministry of Information (e.g. on the use of cellphones for fire alerts). Joint fire fighting involves the military, police, local governments, the private sector, and communities, together with a fire monitoring system and fire patrols. Fire fighting is carried out on the ground and by planes that can pour 1 million litres of water and 128 tons of salt onto the flames. Over 15,000 canal blocks, over 25,000 ponds, and nearly 1,000 wells have been constructed.

Equipment procured includes vehicles, pumps, GPS, and fire brigade attire. The budget was around 150 billion rupiah in 2015, 250 billion rupiah in 2016, and 170 billion rupiah (\$12.8 million) in 2017. During 2015-2016, 12 forest fire cases were brought to court incurring penalties of up to \$1.2 billion. Also three concessions were revoked; 16 were suspended; 17 were forced to rectify their conduct; and 115 were given written warnings. Rewards have been given as well as punishments, including certificates of recognition. Another scheme for preventing illegal logging is the timber legality assurance system, known as SVLK, which is compulsory for all exported wood products. SVLK certification is credible – being the only one so far recognized by the EU Forest Law Enforcement, Governance and Trade plan – especially for its transparency in involving the public in the process.

Professional certification for environmental judges constitutes another important measure undertaken by the government to uphold environmental justice by creating professional judges fully committed to, and capable of, ruling on environmental laws with the application of the “in dubio pro natura” principle. So far, 577

Indonesian judges have been environmentally certified and the number is increasing.

**Political Leadership.** Political commitment, from the top, is highly important in creating a positive attitude and emphasis, and in consolidating all necessary resources to create an effective law enforcement system. An environmentally oriented political commitment is crucial for orchestrating coherent policies and approaches in various law enforcement agencies as well as in all levels of government administrations.

The current government has been giving examples of a strong political commitment in environmental law enforcement. The presidential office is directly taking a lead on field visits and giving instructions to the ministers, governors and officials involved in them, and in such policy directives as a moratorium of new concessions on peatlands and the Ministry of Environment and Forestry revoking existing concessions on burned peatlands so that they can be restored by the newly established Peatland Restoration Agency. Another bold policy is to give more rights and access for communities, for example through recognising nine “adat” (customary) forests just a couple of months ago, and through allocating 12.7 million hectares for community forestry.

Strong support has also been given to officials to enable them consistently to do their work in enforcing environmental law in the field, by visiting and giving them direct political support, or “blusukan”. A mechanism of reward and punishment is applied. For example, chief military officers are granted promotion when they have achieved a minimum rate of forest and land fires, and are transferred to less favourable posts when they have not.

Learning from severe forest fires in 2015, the government has undertaken firm action by bringing responsible individuals and corporations before the law for both administrative and criminal sanctions. About 500 cases have already been brought to justice and some of them have received their sanctions, including a historic \$1.2 billion fine to a private corporation proven to have committed crimes against the environment. Anticipatory measures and an early warning system have also been in place enabling the government to prevent the recurrence of similar disasters in 2016, and hopefully in the years to come.

After two years, the government’s hard work in strengthening environmental law enforcement and in realizing better environmental management has started to gain good results. Generally, public trust in environmental law enforcement in Indonesia has so far improved as the government’s work has started to show outcomes and positive impacts towards sound environmental management. Nevertheless, challenges remain. There is no room for complacency. Environmental law reforms and maintaining legal certainty in law enforcement will remain the government’s priorities.

Environmental law enforcement has never been an issue of win or lose. It is part of the government’s vital role in building responsible attitudes among all individuals and entities nationwide, and in creating environmental justice for all, for the benefit of current, and future generations. ▲

# UN Environment at Work

## Strengthening law on endangered species

*Helping countries produce better laws and institutions is vital to countering all kinds of environmental crime*

Photo: Rebecca Hart Media www.rebeccahartmedia.com



Law is one of the most effective means of addressing environmental crime. UN Environment is working with countries around the world to strengthen laws and institutions so that criminal acts in violation of environmental laws can be addressed at national and international levels. For environmental law to be effective, environmental crime needs to be clearly defined and institutions empowered to apply the law and to deal with violations through compliance and enforcement.

UN Environment collaborates with national governments, INTERPOL, the World Customs Organization, the Convention on International Trade in Endangered Species (CITES) and the Lusaka Agreement on

Cooperative Enforcement to strengthen legal responses to environmental crime. Through CITES we assist countries to strengthen weak legislation on trade in endangered species by enhancing the understanding of the links between appropriate domestic legislation and preventing and combating illegal trade in wildlife.

This can include work on prohibiting trade in specimens in violation of the Convention and ensuring there are appropriate legal means of penalization and confiscation in place at national levels. Many of the countries we work with in Africa are making good progress on meeting CITES requirements and include Algeria, Benin, Chad, Eritrea, Ghana, Kenya, and Togo. Some are even at

the stage of presenting draft legislation and UN Environment is supporting them in this work.

Countries also grapple with other national and trans-boundary environmental crime besides illegal trade in wildlife and timber, including pollution from sources within and beyond their jurisdiction, illegal dumping of hazardous waste, illegal trade in chemicals and hazardous substances, illegal fishing, and illegal encroachment into protected areas. UN Environment will continue to engage countries, convention secretariats and other partner organizations to strengthen legal and regulatory frameworks and to address the root causes of these crimes. ▲

# Vidar Helgesen

## A formidable effort is needed

*Fighting environmental crime is also about protecting growth, development and global security.*



**Vidar Helgesen**  
*Minister of Climate and Environment,  
Norway*

**E**nvironmental crime does not only hurt animals or forests. It's dangerous for humans too. Many forms of environmental crime are serious, organized and transnational, weakening the very fibre of our societies. Not only is it the world's fourth largest illegal economy, it is also growing many times faster than the legal one. Many forms of environmental crime are profit driven, no-risk, and contribute to financing terror networks, war and armed conflicts. Let's be straight: we are talking about a global security challenge.

Transnational organized environmental crime is a broad term referring to a number of crimes, including wildlife crime; forest crime; illegally mined minerals; fisheries crime; cultural heritage crime; crime associated with carbon trading; and illegal trade in, and treatment of, chemicals and hazardous wastes. These different manifestations of environmental crime are interconnected and there is a need for a comprehensive international approach.

This is not a matter for law enforcement agencies or specifically mandated international organizations alone. Norway has taken initiatives to ensure that wildlife crime, illegal logging and related crimes are treated as serious transnational organized crimes. At the United Nations Environment Assembly we have encouraged closer cooperation between all relevant actors, such as the United Nations Office on Drugs and Crime, UN Environment, INTERPOL, and other agencies and government bodies.

Globally, UN Environment and INTERPOL have estimated the value of environmental crime at \$91-258 billion annually – up to twice the global aid budget. With a growth rate of 5-7 per cent annually, environmental crime is outpacing the growth of our global economy by 2-3 times. Environmental crime does not merely pose a threat to biodiversity, clean soil and clean waters. It also hinders economic development – often for the countries and peoples that need it the most. Fighting environmental crime is about protecting not just the environment, but also national, regional and global security, human and social development and sustainable economic growth – prerequisites for achieving the global Sustainable Development Goals.

Illegal logging, and the trade associated with it, remains the largest category of environmental crime – with an estimated annual loss of resource of about \$50-152 billion. It may have devastating ecological consequences in rainforests due to their unique biodiversity. Local, often indigenous, peoples are affected by illegal logging as their livelihoods are dependent on forest food resources. The Norwegian International Climate and Forest Initiative supports many activities carried out by civil society, the UN and government programmes in our rainforest partner countries that aim to fight illegal logging and trade. These initiatives have already shown results in the form of confiscation of illegally harvested wood, successful prosecution, improved forest monitoring and better cooperation amongst law enforcement agencies. Still, much more must be done.

Transnational organized fisheries crime involves the whole fisheries value chain, including illegal fishing, corruption, document fraud, forced labour, tax and customs fraud and money laundering. It involves all continents; has adverse economic, environmental and social consequences; damages the livelihood of coastal communities in developing



**Norway supports initiatives in rainforest partner countries that have led to the confiscation of illegally harvested wood, successful prosecution, improved forest monitoring and better cooperation among law enforcement agencies.**

countries; and affects the planet as a whole. According to the latest report by the Food and Agriculture Organization, about 31 per cent of global fish stocks are fished at biologically unsustainable levels.

Greater inter-agency cooperation is essential to combat organized environmental crime and includes police, customs, taxation authorities and labour inspectors as well as fisheries authorities and coast guards. Norway supports and plays an active part in international initiatives to combat fisheries crime, primarily through the United Nations Office on Drugs and Crime and INTERPOL. These have created global awareness about the problem as well as improved cooperation and information sharing between and within states.

The illegal wildlife trade – estimated by some at \$7-23 billion per year – is regulated under the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Nearly 7,000 different species have been accounted for in more than 164,000 seizures affecting 120 countries. Norway acknowledges the convention's importance and the work done to secure legal – and prevent illegal – trade in endangered species. However, its overall achievements will only be as good as its national follow-up, which is thus crucial for its success. Norway therefore supports measures to secure the best possible follow-up of the convention.

The global waste market is estimated at \$410 billion annually. Illegal transboundary movement of hazardous waste represents a major threat to sustainable development at its destinations, releasing hazardous substances that pollute soil, water and air and affect workers. Human health, the environment and long-term economic development are all adversely affected. The Basel Convention, controlling

transboundary movements of hazardous wastes and their disposal, is key to addressing this; illegal shipments must be returned to the country of origin and the exporters held to account.

Norway has amended its legislation to allow the police wider investigative tools and increased the maximum prison sentence. Customs and environment officials need to cooperate in controlling exports; pilot projects have shown that, with limited resources, we can increase the volume and quality of recycled material – thus providing higher incomes, and reducing environmental and human health impacts to a minimum.

UN Environment has played a fundamental role in assisting countries to put into place legal frameworks to fight environmental crime. It has the capability to identify the environmental consequences of this type of crime.

We need to target illegality in the whole value chain – corruption, document fraud, forced labour, and tax and customs fraud – including overseas tax heavens and money laundering. That way, we will help save the environment, support improved governance in fragile and developing states, strengthen the legal economy worldwide and improve global security. Norway will be open to the development of new international law and politically binding instruments and standards to tackle serious and transnational organized environmental crime.

But even the best legal frameworks will not suffice. Everybody has a role to play – from civil society and non-governmental organizations, the private sector, and international organizations, to government authorities who control borders and make laws. Ultimately, it's about a formidable human effort to protect humane societies. ▲

*With a growth rate of **5-7 per cent annually**, environmental crime is outpacing the growth of our global economy by **2-3 times**.*

# José Sarney Filho

## Cutting down deforestation

*Brazil is focused on curbing deforestation in the Amazon.*



**José Sarney Filho**  
Minister of the  
Environment, Brazil

Amazonia is the largest of the six Brazilian biomes, spanning 420 million hectares – or about 49 per cent of the national territory – of which 320 million hectares are covered by natural forests.

Besides being the largest remaining tropical rainforest in the world, it plays a significant role in sustaining biodiversity and in regulating the regional climate, among other environmental services. Almost half of the Legal Amazonia territory – covering the states of Acre, Amapá, Amazonas,

the 1970s, triggered by the expansion of cattle farming. At present, Amazonia has more than 25 million inhabitants and holds the largest cattle herd in Brazil. The Brazilian National Policy on Climate Change, legally established in 2009, foresees actions to reduce emissions from deforestation in the Amazonia and the Cerrado biomes. The goal for Amazonia is to reduce them by 80 per cent in 2020, compared to the average between 1996 and 2005: for the Cerrado, the reduction is set at 40 per cent compared to the average emissions from 1999 to 2008. This implies that the annual rate of deforestation in Amazonia should be less than 400,000 hectares by 2020. More recently, Brazil has provided a vision of the importance of continuing to tackle deforestation by including a specific goal of achieving zero deforestation by 2030 in its Nationally Determined Contribution to the Paris Agreement.

The sharp decrease of deforestation in Amazonia since



Photo: © CC BY-NC-ND Vaquerobranais

and other responsible agencies, the government remains fully committed to combating illegal deforestation. Ibama's environmental surveillance activities have been the foremost means of achieving the sustained reduction in deforestation rates in Amazonia.

The strategy to counter illegal deforestation consists of a set of actions focused on inhibiting and combating violations, so as to promote compliance with environmental rules and regulations. The main lines of action include: carrying out direct surveillance of critical areas; eliminating deforestation resulting from supply chains; preventing timber trafficking; developing robust and transparent national forest monitoring systems; combining remote sensing and ground-based forest surveillance; monitoring financial flows resulting from illegal deforestation; undertaking administrative and criminal investigations; and enforcing the civil liability of those responsible for illegal deforestation.

In 2016, government agencies carried out numerous operations following this strategy under the National Environmental Protection Plan, resulting in over 5,500 proceedings regarding violations and fines of over \$700 million.

After a period of systematic decrease in deforestation rates, data for the period August 2015 to July 2016 indicated an increase of almost 29 per cent from the previous assessment (August 2014 to July 2015). Such a rise is a cause of concern. Its causes are related to the fragile political momentum and economic constraints experienced in 2015/16, which impacted the annual budget of monitoring agencies. These constraints, however, have now been addressed. By December 2016, Ibama and the Chico Mendes Institute for Biodiversity Conservation had recovered their budgetary capacity, while the Amazon Fund provided additional funding for implementing command and control activities. It is expected that the deforestation rates in 2017 will revert to a downward trend.

Since 2004, public policies to curb deforestation have had three main pillars: land tenure regularization and territorial management; monitoring and control; and incentives

for sustainable productive activities. For the period 2016-2020, these will be complemented by an additional pillar – developing normative and economic instruments aimed at strengthening incentives for sustainable practices, including sustainable forest management and restoring degraded land that can alleviate the pressure on forests.

The Rural Environmental Registry has been instrumental in regularising land tenure through geo-referencing rural properties, delimiting Areas of Permanent Protection and Legal Reserve, and identifying consolidated rural areas and areas with remnants of native vegetation. Eighty per cent of any privately owned land in Amazonia is required by the Forest Code to be kept with native vegetation, as a "Legal Reserve Area". The Ministry of the Environment has been actively working with the Amazonian states to implement full coverage of the registry through supporting the elaboration of State Plans to Prevent and Control Deforestation.

Combating deforestation is a shared responsibility of the federal government, states and, municipalities and civil society. Given the increasing level of complexity in dealing with deforestation, broader participation of the private sector, civil society, indigenous peoples and traditional communities is being sought, so as to ensure a more inclusive and participatory processes. This is becoming increasingly important as deforestation is reduced and more complex actions, requiring social control and community engagement, are anticipated and envisaged.

Continuing to reduce deforestation is not a simple challenge. As deforestation rates decrease, moreover, it becomes even more challenging and expensive to maintain and enlarge the portfolio of activities that reduce them further. The Brazilian government has signalled that combating deforestation is not only a national priority but one of the most important mitigation contributions towards limiting the increase of average global temperature, as mandated by the Paris Agreement. Maintaining Amazonia's immense biodiversity and the ecosystem services it provides, which have both continental and global benefits, entails an elevated cost to Brazilian society, which needs to be better ascertained by the international community. ▲

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