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Precise Topic:

Social participation threatened by economic development: Brazilian current reality against the national legal principles and the principle of the Rio Declaration X

Thematic Clusters “4. Public Participation”

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ABSTRACT

In Brazil, social participation in decisions and design of public policies that involve environmental issues is guaranteed by constitutional norms that underlie the democratic system and aim to defend and preserve the environment. Environmental licensing process is an instrument of the National Environment Policy Act (Law n°. 6938/1981), regulated by Federal Decree n°. 99.274/1990 and other resolutions of the National Environment Council (CONAMA) and consists of a previous impact assessment mandatory to the installation of any enterprise or activity potentially polluting or degrading the environment. This procedure is the responsibility of state agencies and the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA), which provides development of Preliminary Study of Environmental Impact, guaranteed by Federal Constitution of 1988 and results in an Environmental Impact Report. It is through the public hearings held on this stage that local people know the results of studies and impact assessment reports, answers questions, presents

criticisms, suggestions and discusses the possible impacts of the project. However, despite Brazilian legal system formally provide these tools for participation, Brazilian citizens currently face two core obstacles: 1) lack of effectiveness of existing instruments, which are often unknown or underutilized and 2) the risk of suppression some of those instruments, due to the existence of recent government proposals for changes in legislation aimed to accelerate environmental licensing process of large infrastructure projects, reducing society's participation in technical staff and extinguishing public hearing. It is important to consider large projects as those which offers greater risks to environment and generates major social, economic and especially environmental problems. These handlings were placed by decision makers on the grounds of promoting economic development and restore Brazilian's growth due to current crisis, even though to do so, the environment is harmed. This stance runs counter to fundamental right to an ecologically and balanced environment for present and future generations, provided by Federal Constitution and violates the Rio Declaration on Environment and Development (of which Brazil is a signatory), which in principle X proclaims " States shall facilitate and encourage public awareness and participation by making information available to all." Social participation is essential to environmental licensing process, as the way, in which society exercises its citizenship, expresses opinions and presents their demands to decision makers. We stress the importance of the environmental licensing process founded on society participation, which jointly seek economic efficiency, social equity and environmental quality, and we understand that it needs to be improved and strengthened and not flexibilized.