



# CON STRUCTION



401 ACTS OF THE FEDERAL EXECUTIVE BRANCH  
(2019-2022) TO BE REPEALED OR REVISED TO  
RECONSTITUTE THE BRAZILIAN CLIMATE AND  
ENVIRONMENTAL AGENDA

## Realization



## An initiative



## Support



# RECONSTRUCTION

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401 acts of the Federal Executive Branch (2019 - 2022) to  
be repealed or revised to reconstitute the Brazilian climate  
and environmental agenda

Executive Summary



Read the full  
report

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**Preparation**

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**Warning**

The full report was published on October 31, 2022 and contains acts issued by the federal government until July 31, 2022. It will be regularly updated until December 31, 2022 and will account for all acts relating to the period 2019-2022.

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# About us

**P**OLÍTICA POR INTEIRO was born in 2019 to monitor in real time the political signals of relevant changes announced or carried out by the Federal Government, as well as their effects, on climate and socio-environmental issues. According to its name, the initiative seeks to look at public policies as a whole, both sectoral and transversal, and from the formulation phase to the review phase. We understand that different stages of the public policy cycle are, to a large extent, mirrored in the Federal Official Gazette, which we use as an important data source. In addition, we identify trends and evaluate the conjuncture, cumulatively, through analysis of documents, speeches and others. We

understand that knowledge of national policy decisions with an impact on climate change and socio-environmental issues has public value and can help civil society, the private sector and governments themselves to align behaviors with the Paris Agreement. Therefore, all information we produce is public and free.

POLÍTICA POR INTEIRO is an initiative of the The Talanoa Institute, a non-partisan and independent Brazilian organization that aims to improve the effectiveness, efficiency and effectiveness of national public policies. Based in Rio de Janeiro, the Institute focuses on public policy primarily in the fields of climate change and the environment.

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# Acknowledgements

**T**o all professionals who supported the evaluation of government acts from 2019 to 2022. To all members of the POLÍTICA POR INTEIRO expert panel, who have been engaged in monthly business assessments since September 2020. To the partners of the Center for the Analysis of Freedom and Authoritarianism (LAUT), the Climate Observatory (OC) and the Collaborative Advocacy Network (RAC). To the supporters, without whom we would not have built the most complete base of public acts in the climatic and socio-environmental field ever classified in Brazil.

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# Executive Summary

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It was March 2019. At a dinner in Washington, President Jair Bolsonaro summed up what would be his four years in office: **“we have to deconstruct a lot, undo a lot and then start doing it again.”** The deconstruction had already begun in January of that year: within the reach of Bolsonaro's pen, Executive Orders triggered institutional reforms of wide effect. The climate and environmental sector was one of the priority targets of deconstruction, to use the term chosen by the president, since ideological battles were disguised in it.

In 40 months of Bolsonaro's government, more than 140 thousand acts relating to environmental and climate policies

have been published. From this universe, applying the methodology and typology developed by POLÍTICA POR INTEIRO, we identified 2,189 infralegal acts relevant to climate and socio-environmental policies in Brazil. Federal Official Gazette (DOU). Among them, 855 contributed to the deconstruction process. From this set, we conclude that 401 acts require immediate action, between revocations and revisions. This total contains measures issued at both the presidential and ministerial levels, coming from various cabinets and not only the Environmental one, as we may refer to the 48 acts of the Ministry of Agriculture, Livestock and Supply.

### Executive branch database

144.772 acts

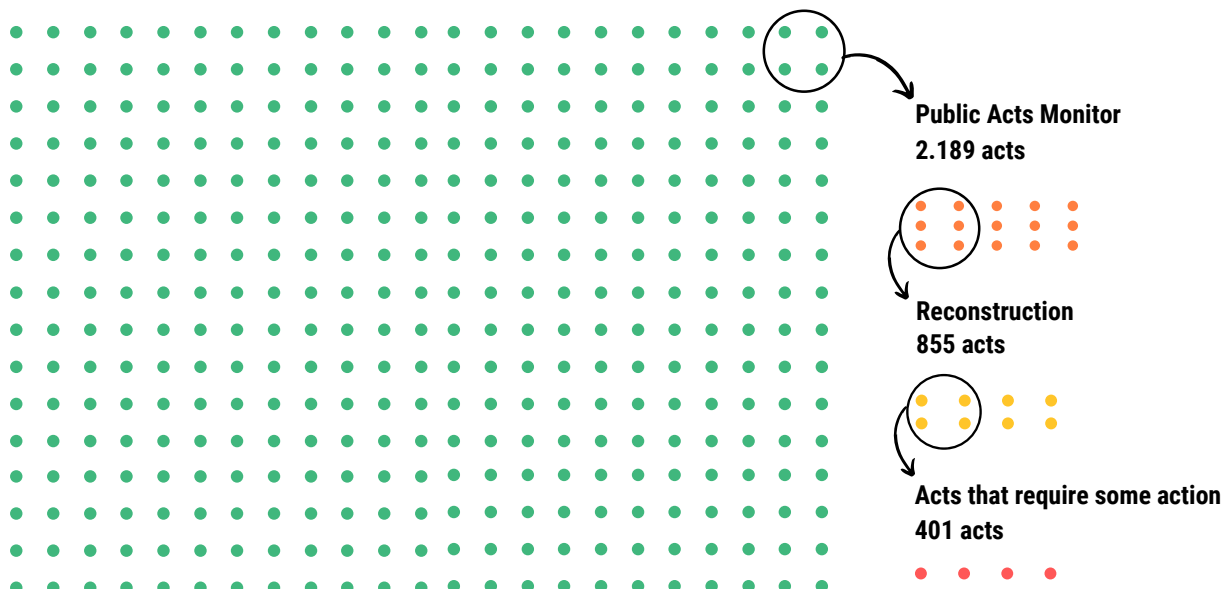


Figure 1. The process of selecting Executive acts for Reconstruction.

Source: Política por Inteiro.

A thorough analysis of these acts, together with official speeches, pointed to a pattern of signals and guidelines from the government of Jair Bolsonaro in relation to the socio-environmental and climate agenda. The document *Reconstruction: 401 acts of the Federal Executive Branch (2019-2022)* to be repealed or revised to reconstitute the Brazilian climate and environmental agenda encapsulates the first four-year cycle of federal administration monitored by the POLÍTICA POR INTEIRO. The production of this report also allowed a reflection on the methodology established to classify climate and socio-environmental policies in Brazil. Understanding the movements of the Federal Govern-

ment captured daily since January 1, 2019, through an algorithm exclusively developed for this purpose and human curation, allowed us to understand the dynamics of The Deconstruction method. And then propose the method of Reconstruction, which permeates various economic sectors and areas of Public Policy.

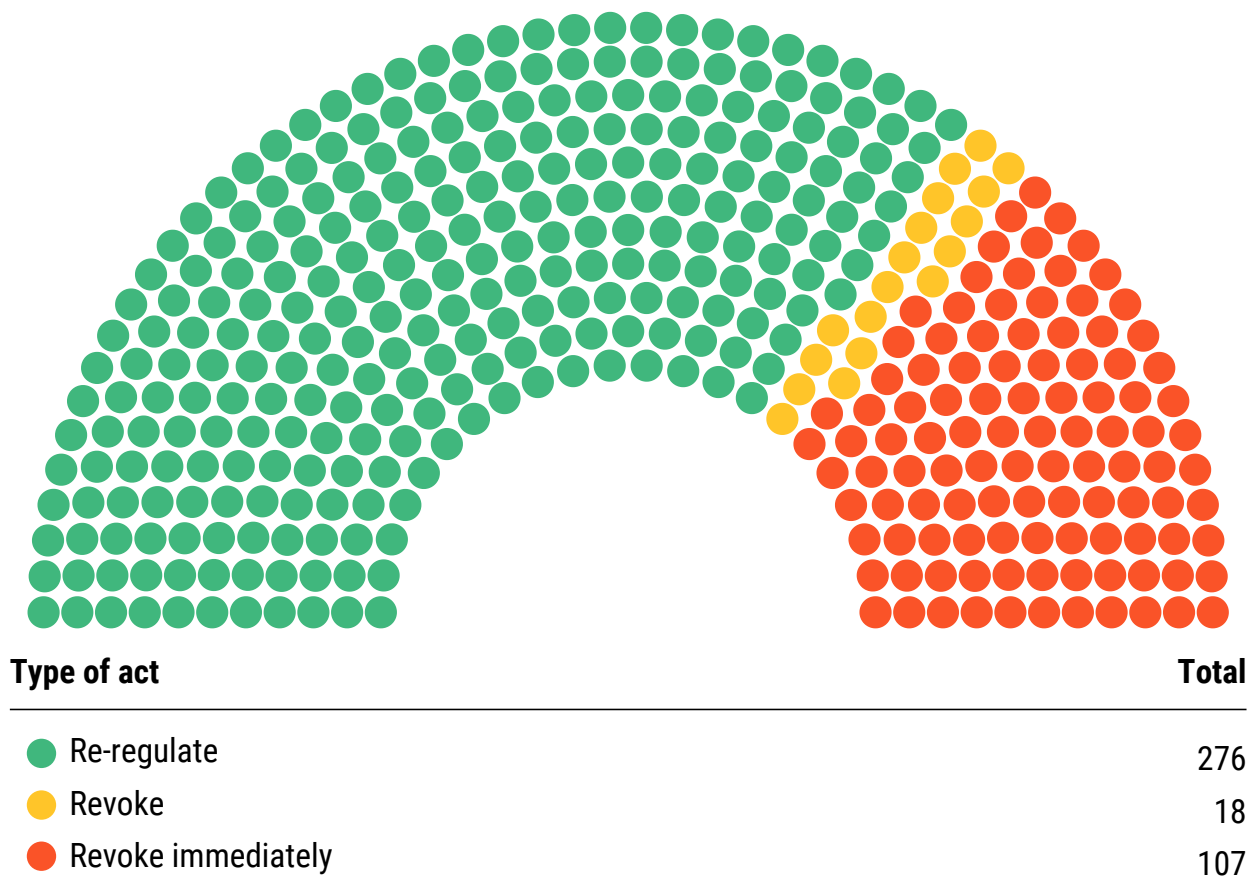
In addition to what has been deconstructed, this work allowed us to observe what remained standing. Some policies were not completely dismantled because they were based on laws and, therefore, were protected from the executive's own devices. In addition, the configuration of forces of the Congress in 2019 and 2020 halted bombs dropped by the go-



vernment. However, in the last two years, this reality has changed, especially in the House of Representatives, causing the deconstruction agenda to advance through legislative proposals as well. The expecta-

tion is that, even with an alternation in the presidency of the Republic, the interest in advancing anti-environmental agendas will continue in the House and Senate.

## THE DECONSTRUCTION METHOD



**Figure 2. Distribution of acts.**  
**Source: Política por Inteiro.**

The National Congress will also be part of the battle for resources to enable the implementation of Brazil's climate commitments. Countering the current lack of expression, disorganization and lack of transparency of public spending on the

climate agenda, we advocate the establishment of a "climate budget" in the formulation of the medium-term planning of the 2024-2027 multi-year plan, to be voted on in 2023 by Congress. In this way, mitigations of greenhouse gas emissions and

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adaptation measures to climate change can be inserted in a transversal way in public policies, in areas such as agriculture, energy, urban mobility and solid waste.

That is, the reconstruction will pass not only through the Planalto presidential palace, but it'll have to count on support at the Congress. And also on the constitutional protection of the Judiciary, activated several times in recent times to ensure that the "ecologically balanced environment" is a fundamental right in our Constitution.

The Reconstruction process must

bring back credibility to Brazil, which means reconstituting our ability to attract international investments and establish trade and economic partnerships beneficial to our society. The dismantling of climate and socio-environmental policies was inserted in a context of erosion of Brazilian democracy. And its Reconstruction involves putting Brazil back on the path to becoming a green power, involving the State, the private sector and the civil society, on a broad front driven by a common purpose, with shared and fair benefits.

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## **The Deconstruction Method and a Roadmap for Reconstruction**

In the document Reconstruction, the application of the Deconstruction Method in public policies in different sectors related to climate and environment is described. For each topic, we show how the Executive Orders were being piled up and led to the dismantling process. We also

point out ways to reconstitute what was destroyed and to advance the agendas. A summary table with the methods of Deconstruction, Reconstruction, and their respective reference acts is shown below. A complete list of all acts is available in the full study.

## The road map for reconstruction

Deconstruction	Reconstruction	Reference acts
Policies decided behind closed doors	Restoring social participation and control	Decree 9.759/2019, Decree 9.812/2019, Decree 10.845/2021, Decree 10.736/2021, Ordinance 630/2019, Decree 10.140/2019, among other ordinances that recreated the collegia.
Institutional Internal Corrosion	Rebuilding institutions	Provisional Measure 870 converted into Law no 13.844/2019, Decree 9.672/2019, Decree 9.660/2019, Current Regiments
Reduced access to information - An opaque government	Increase public transparency	CONABIO Resolution 8/2021, Revisions and Revokes listed in Annex II
Attacks on indigenous people and their allies	Retain the guarantee of indigenous rights	Normative Instruction 9/2020; FUNAI Ordinance 471/2022; Joint Normative Instruction 1/2021; Resolution 4/2021; Ordinance 17/2019; Provisional Measure 1,121/2022
Use of the National Public Security Force on a permanent basis	Implementing a socio-environmental conflict management strategy	Ordinances for use and extension of the National Public Security Force FNSP listed in Annex II
Militarization as a response	Preventing socio-environmental collapse in the Amazon	Federal Decree 10.341/2020; Ordinance 1.804/GM-MD/2020; Ordinance 2.138/GM-DM/2020; Decree 10.421/2020; Resolution 2/2021; Resolution 3/2021; Decree 10.735/2021; CONAVEG Resolution 5/2020; Ordinance 9/2021; Resolution 2/2021; Resolution 12/2022; MMA Ordinance 191/2022

The road map for reconstruction		
Deconstruction	Reconstruction	Reference acts
Acceptance and encouragement of illegalities, with speeches and relaxation of norms	Strengthening command and control actions	Federal Decree 9,760/2019, Normative Instruction MMA/IBAMA/ICMBio 01/2021, Federal Decree 11,080/2022
Weakening of environmental licensing instruments	Improving environmental licensing	Ordinance 667/2022, Resolution 20/2021, Resolution 19/2021, Federal Decree 10,657/2021, Normative Instruction IBAMA 8/2019, Joint Normative Instruction 01/2021, Ordinance 01/2022
Encouraging the invasion of public lands	Eliminating land grabbing from public lands and consolidating land information	Decree 10,592/2020; Ordinance 440/2021; Joint Ordinance 1/2020; Normative Instruction 105/2021
Paralysis in implementation of the Forest Code	Accelerating environmental regulation of private properties	Decree 11,015/2022; Provisional Measure 884/2019; Ordinance 2,866/2019; Inter Ministerial Ordinance 1/2020; Joint Normative Instruction 1.968/2020; Agriculture Ministry Ordinance 121/2021; Resolution 8/2019
Centralization of governance and bureaucratization with paralysis of financial instruments	Retaking implementation of the National Climate Change Policy	Decree 10,145/2019; Decree 10,845/2021; Decree 10,846/2021; Resolution CDSA/MAPA 1/2021, Resolution CDSA/MAPA 2/2021; Resolution CDSA/MAPA 3/2021; Resolution CDSA/MAPA 4/2021; Resolution 2/2021; Resolution 3/2021; Resolution 4/2021; Decree 11,075/2022
Elimination of social control and disqualification of the BNDES (National Economic and Social Development Bank)	Reactivating climate funds and allocating resources strategically	Decree 10,224/2020, MMA Ordinance 191/2022, Ordinance 288/2020, MMA Ordinance 575/2020, Ordinance 353/2020, Decree 9,759/2019
Obstruction of legislative negotiations and publication of diversionary decrees	Regulating the Brazilian Emissions Reduction market	Decree 11,075/2022
Paralyzing the agenda, creative climate accounting and downgrading of the Brazilian Forum on Climate Change	Regain credibility and implement Brazil's NDC	Decree 10,846/2021

## The road map for reconstruction

Deconstruction	Reconstruction	Reference acts
Weakening of the management of the Protected Areas	Review inadequate and ineffective management programs of the Protected Areas	Ordinance 102/2020 and the following Ordinances creating the Integrated Management Units and their respective regulations, Decree 10,623/2021, MMA Ordinance 73/2021, MMA Ordinance 472/2021
Biodiversity - Inefficient concession processes for protected areas	Evaluating protected area concessions and developing stronger partnerships with the private sector	Decree 10.147/2019; Decree 10.331/2020; Resolution 79/2019; Resolution 157/2020; Decree 10,673/2021; Decree 10,676/2021; Decree 10,734/2021
Weakening of the instances of biodiversity conservation	Strengthening conservation of endangered species	Ordinance 148/2022, Rectification of Normative Instruction 21/2018; Ordinances of approval of National Conservation Plans; Ordinance 500/2019; Normative Instruction 12/2019
Regulation paralysis and innocuous programs	Regulate the Law of Payments for Environmental Services and review related projects	Federal Law 14,119/2021, Ordinance 288/2020
Structural and institutional racism	Combating environmental racism	INCRA Normative Instruction 111/2021; Ordinance 118/2021; Ordinance 57/2022; Decree 10,458/2020
Ocean - Concentrated governance and neglect of the agenda	Integrating climate and ocean agendas	Decree 9,858/2019, Ordinance 226/MB/2020, Ordinance 235/MB/2020, Decree 10,950/2022, Ordinance SAP/MAPA 115/2021, Decree 10,946/2022
Extension of the deadline for removing subsidies and promoting fossil fueled base-loads	Anticipating fair transition from coal without new incentives and subsidies	Ordinance 461/2020, Ordinance 452/2020, Ordinance 540/GM/MME/2021, Law 14,299/2022
Bringing all nuclear policy under military control	Returning nuclear energy to the competence of the Mines and Energy portfolio	Decree 9,828/2019 and the other related Ordinances and Instructions
Insertion of "jabutis" in the MP that privatized Eletrobras and guarantee of baseload power from fossil fueled plants	Mitigating deleterious effects of standards embedded in the privatization of Eletrobras	Federal Law 14,182/2021; Decree 11.042/2022; Ordinance 46/GM/MME/2022

### The road map for reconstruction

Deconstruction	Reconstruction	Reference acts
Creation of non-technical terms to approve measures whose social license is questioned	Eliminating fracking	Resolution CNPE 28/2021; Decree 10,336/2020; Ordinance 634/GM/MME/2022; Resolution 28/2021
Acting reactively to emergencies and calamities, flexibilizing access to budget resources without transparency	Adopting disaster prevention policies and Climate Risk Management	Decree 10,593/2020; Ordinance 260/2022; Ordinance 3,033/2020; Ordinance 773/2021
Always placing agribusiness in opposition to the environment	Adopting a robust policy to transition agriculture to zero carbon	MAPA Ordinance 323/2021; Resolution CDSA/MAPA 3/2021; MAPA Ordinance 26/2021; Decree 10,828/2021
Facilitation of production, trade and use of pesticides and related products	Adapting pesticides release criteria to the most advanced international standards	Normative Instruction 34/2019; Decree 10,833/2021; Act 42/2020; Ordinance 2.848/2020; Ordinance 43/2020; Ordinance 3,910/2019
Omission on indispensable topics of the climate and socio-environmental agendas	Filling regulatory gaps	---



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### **Timelines:**

Indigenous people

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Climate

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