

The importance of local people and institutional arrangements for forest concessions in Brazil

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Abstract: The advent of forest concessions in the Brazilian Amazon generated the expectation of an increase in the supply of legal timber and concomitant conservation of public forests not yet reached. The aim of this article was to analyze Brazil's experience with forest concessions for private companies since the approval of the Public Forest Management Act (LGFP), Act 11.284/2006, from the perspective of local institutional arrangements. We analyzed documentation related to the implementation of the LGFP combined with information obtained through direct observation and interviews in the field. It was observed that the challenge of guaranteeing rights to local populations has created legal uncertainty for the actors involved. This compromised the continuity of forest management operations already granted and the advancement of new concession processes. Establishing more favorable institutional arrangements will be key for the sustainable management of legal timber to contribute to changing the sector and its stigmas.

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Introduction

A forest concession is an agreement between a forest owner and a third party, allowing the management or harvesting of specific resources in a given area (GRAY, 2002; BRASIL, 2006; BALIEIRO et al, 2010). In Brazil, forest concessions for private companies have taken place under government control through public bidding processes established by the Public Forest Management Act (LGFP), Act 11,284/2006 (BRASIL, 2006), and regulated by Decree 6,063/2007. This was part of the federal government's strategy to boost the economy by attracting private investment into the forest products chain in public forests.

The model of forest concessions established by the LGFP legally ensured the prioritization of the rights of local populations in line with international agreements. It also incorporated part of the lessons learned from concessions in other countries, such as the reconciling the rights of local stakeholders and measures to promote environmental conservation. Africa and Asia have a higher concentration of scientific studies on forest concessions and their relationship with local populations due to a longer history of concessions of their public forests and greater attention from agencies such as FAO and research centers such as CIAT and CIFOR (GRAY, 2002; WORLD BANK, 2002; KARSENTY et al., 2008; HENSBERGEN, 2016; CHAN, 2017; KARSENTY, 2017; KARSENTY; HARDIN, 2017; KARSENTY; VERMEULEN, 2017; TIEGUHONG et al., 2017; FAO, 2018).

The Brazilian government and some states (Pará, Acre, and Amapá) have adopted forest concessions as an alternative to promote economic activities coupled with the conservation of forests and their maintenance as heritage of the federal government and the states. The federal government publicly announced in 2020 the goal of tripling the areas granted, aiming to reach three million hectares by 2022. The process of drafting the Brazilian regulatory framework involved a number of stakeholders in its design, including social movements, environmentalists, and the business sector. The goal was to safeguard collective and diffuse rights considering the economic viability of forestry projects (AZEVEDO-RAMOS, 2015). Nevertheless, the way in which forest concessions were implemented in some Public Forests was questioned by local stakeholders. One of the reasons for the suspension, reduction and postponement of a few concession processes in the Brazilian Amazon is the defense of the rights and interests of local populations.

The purpose of this article was to analyze Brazil's experience with forest concessions for private companies since the enactment of the Public Forest Management Act (LGFP), Act 11,284/2006, from the standpoint of local institutional arrangements, in order to guide public policies for the achievement of better results. To do this, after presenting the methodology, topic 3 provides an overview of the implementation of Public Forest concessions for private forest management in Brazil from 2006 to 2020. In topic 4, disputes over territories and resources are analyzed, the strategies used by local stakeholders having influenced the implementation of Forest Concessions, indicating their relevance for the continuity of the process. In the last topic, ways were pointed out for the integration of local institutional arrangements to formal processes at the national level, aiming at

improving the management of Public Forests for forest management in Brazil.

Methodology

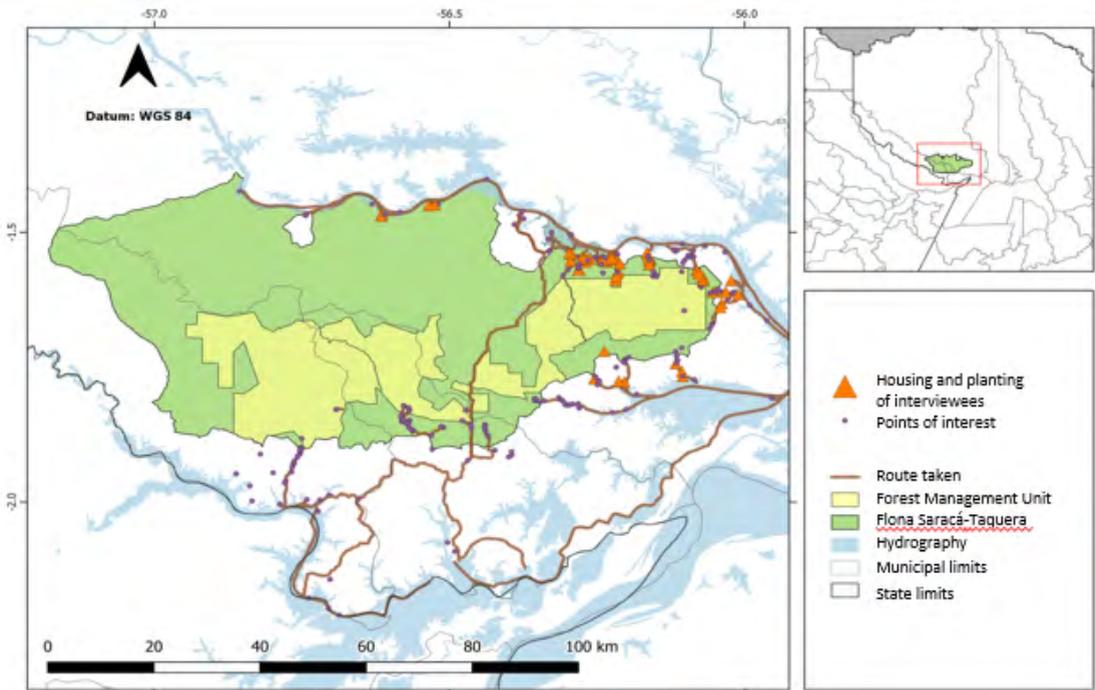
A systematic survey and analysis of documentation related to forest concessions in Brazil has been carried out since the approval of the LGFP in the period 2006-2020. The main documents consulted were the National Registry of Public Forests; the Annual Forest Grant Plan (PAOF); public notices of forest concessions; bidding process documents; forest concession agreements; management plans for National Forests with concessions; minutes of the National Forest Development Fund advisory board meetings; minutes of the meetings of the Public Forest Management Commission (CGFLOP); contract monitoring reports; public reports from independent audits; minutes of hearings; and public consultations.

Field observations and interviews were carried out in the Saracá-Taquera National Forest (hereinafter, Flona, from Portuguese “floresta nacional”), a case study selected due to it being the first Flona granted to traditional populations in its interior. Flona Saracá-Taquera is a Nature Protected Area (PA) created by Decree 98,704 of 12/27/1989, with an area of 429,600 hectares. It is located in the northwestern region of the State of Pará, in the Municipalities of Oriximiná, Faro, and Terra Santa.

Six field data campaigns were carried out in Flona Saracá-Taquera between September 2018 and March 2020. Each of these six trips lasted from 7 to 15 days and aimed to carry out interviews and field observations in 18 communities in and around this Flona.

Data collection also included participation in meetings of the Flona Saracá-Taquera council, CGFlop and the municipal councils of the environment and in events related to the theme. In total, structured interviews were conducted with 46 residents of the selected communities and semi-structured interviews with 84 people, including residents of communities in and around the Flona, civil servants, board members, owners of concessionary companies and their employees (Figure 1). The interviews addressed: profile of the interviewee, network of relationships, interactions of local populations with the forest, changes caused by forest concessions, vision of the future of concessions and public forests.

Figure 1 – Routes traveled and georeferenced points collected in field expeditions in Flona Saracá-Taquera and its surroundings



Source: Political-administrative limits IBGE, 2015; Hydrography IBGE, 2017; Flona MMA, 2019; UMF SFB, 2017; Points of interest and route taken: author's own data.

Overview of forest concessions in Brazil from 2006 to 2020

The LGFP provided criteria in order to prioritize the use of resources by local populations, reduce negative environmental impact, protect the rights of local populations, and generate more local socioeconomic benefits. This forest concession model was supported by the premise supported by international agreements such as the Convention on Biological Diversity (CBD), which recognized sustainable use as a strategy for the conservation of biodiversity (MORAN, 2002).

Only areas already collected (tracts of land without destination, in Portuguese *glebas*) and PAs that include forest management in their management plan can be granted. Moreover, concessions are required to protect the priority of local populations for access, use and management of their territories of customary use. As of June 2020, the federal government had granted 18 Forest Management Units (UMF) in six Flonas in the states of Rondônia and Pará, totaling one million hectares in the Brazilian Amazon, including cases with suspended contracts (Table 1). From January to December 2019, with 805,728 hectares of total area of FMU in operation and 27,880 ha of authorized Annual Production Units (UPAs), the volume authorized by the SFB was 499,851 cubic meters, while the volume transported was 247,187 cubic meters (SFB, 2020).

Table 1 – Concessionaire companies, extension, agreement signing date, and start of operations in Flonas granted in Brazil as of June 2020

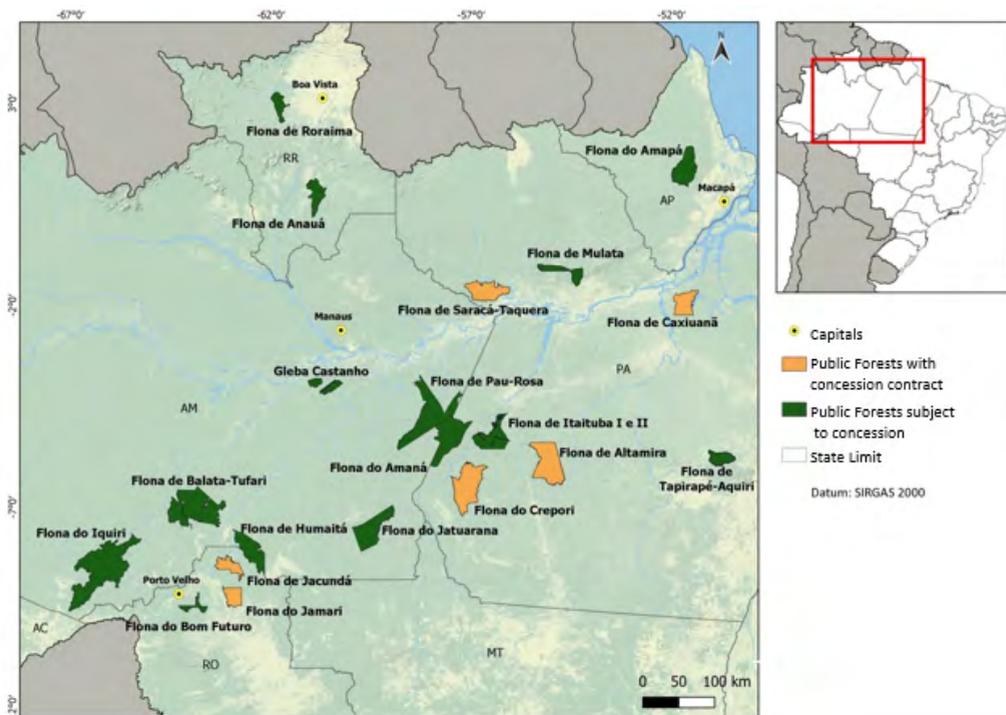
| Flona (state) | Concessionaire companies | extension (in hectares) | agreement signing date | start of operations |
|-----------------------|--|-------------------------|------------------------|--|
| Jamari (Rondônia) | Amata S/A | 46.184,17 | sep/2008 | sep/10 |
| | Madeflona Industrial Madeireira Ltda. | 17.176,37 | oct/2008 | sep/10 |
| | Madeflona Industrial Madeireira Ltda. | 32.294,99 | aug/2019 | abr/20 |
| Saracá-taquera (Pará) | Ebata Produtos Florestais Ltda. | 29.769,82 | aug/2010 | sep/10 |
| | Golf Indústria, Comércio e Exploração de Madeireiras Ltda. | 18.933,62 | aug/2010 | sep/10 |
| | Ebata Produtos Florestais Ltda. | 26.898,00 | mar/2014 | sep/15 |
| | Samise Indústria, Comércio e Exportação Ltda. | 59.408,00 | mar/2014 | jun/15 |
| Jacundá (Rondônia) | Madeflona Industrial Madeireira Ltda. | 55.014,27 | jun/2013 | sep/10 |
| | Madeflona Industrial Madeireira Ltda. | 32.757,96 | jun/2013 | oct/14 |
| Crepори (Pará) | Brasad'oc Timber Comércio de Madeiras Ltda. | 134.148,31 | jun/2014 | Contracts suspended before the start of operations |
| | Brasad'oc Timber Comércio de Madeiras Ltda. | 59.863,91 | jun/2014 | |
| Altamira (Pará) | RRX Mineração e Serviços Ltda | 39.072,60 | apr/2015 | nov/17 |
| | RRX Mineração e Serviços Ltda | 112.994,27 | apr/2015 | oct/16 |
| | Patauá Florestal Ltda – SPE | 98.413,59 | apr/2015 | aug/16 |
| | Patauá Florestal Ltda – SPE | 111.435,98 | apr/2015 | jun/17 |
| Caxiuanã (Pará) | Benevides Madeiras Ltda. – EPP | 37.365,15 | nov/2016 | nov/18 |
| | Benevides Madeiras Ltda. – EPP | 87.067,18 | nov/2016 | aug/19 |
| | Cemal Comércio Ecológico de Madeiras Ltda. – EPP | 52.168,08 | nov/2016 | sep/18 |
| Total | | 1.050.966,27 | | |

Source: SFB, 2020.

In addition to the six Flonas already with concession agreements (Table 1), the approved Annual Forest Grant Plan (PAOF) 2020 included fourteen other National

Forests and one tract of land in seven states to be potentially granted by 2022: state of Amazonas (Gleba Castanho, Flona Humaitá, Flona Balata-Tufari, Flona Iquiri, Flona Pau-Rosa, Flona Jatuarana), Pará (Flona Itaituba I, Flona Itaituba II), Amapá (Flona Amapá), Rondônia (Flona Bom Futuro), Roraima (Flona Roraima, Flona Anauá), São Paulo (Flona Capão Bonito), and Santa Catarina (Flona Três Barras) and one in the states of Pará and Amazonas (Flona Amana). These Public Forests total 3.8 million hectares subject to concession. Potentially, the federal government could conduct forest concession processes in 17 Flonas and one tract of land in five Brazilian Amazon states by 2022. The PAOF 2021 includes two other Flonas in Pará – Flona Mulata and Flona Tapirapé-Aquiri. The extension of public forests for total concession provided in the PAOF 2021 was increased to 4.4 million hectares considering the inclusion of two new Flonas in Pará and three in the south of the country and the expansion of the extension of the Flonas that were already included in the previous PAOF (Figure 2).

Figure 2 – National Forests with concession agreements signed by June 2020 and public forests subject to concession in the Amazon according to the Annual Forest Grant Plan 2021



Source: CNPF – Cadastro Nacional de Florestas Públicas, 2018; SFB, 2020.

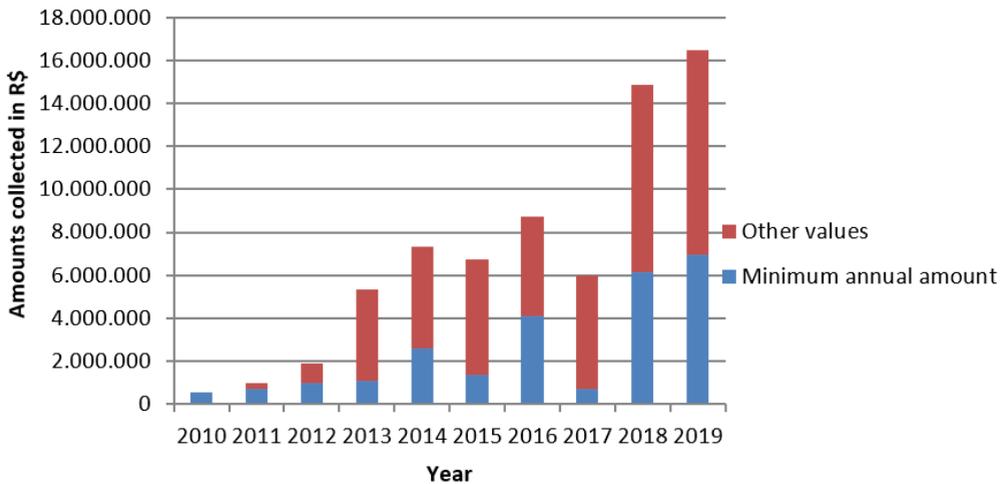
The concession process in tracts of land (glebas) has additional legal requirements, and there were no cases of federal concessions in tract of land as of 2020. The Brazilian

Forest Service (SFB) will be required to carry out a differentiated licensing process that includes the preliminary environmental report and pre-approval from the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA). Gleba Castanho, in the state of Amazonas (AM), was included in the PAOF for concession. It was qualified as a priority project under the Investment Partnerships Program of the Presidency of the Republic (PPI), given the interest in building a forest concession model for forests in tracts of lands without destination (BRASIL, 2020). In that same decree and resolution, Flonas Humaitá and Iquiri were also qualified for the PPI. It is the first time that forestry concession projects have been qualified for inclusion in the PPI. These three projects were among the 106 projects reported in the PPI in June 2020.

It is estimated that forest management in the standards required by forest concessions would require 20 million hectares to supply all the demand for wood from the Brazilian Amazon. This would represent a collection of around R\$250 million in taxes along the chain and a production value of approximately R\$6.3 billion, considering 21 million cubic meters in 2030 (LENTINI; MORGADO, 2017). If the forest concession were implemented to meet the entire demand for wood, about 170,000 to 540,000 jobs could be generated, with an income of around R\$281 million per month in wages (OLIVEIRA, 2013; BONFIM et al., 2016; LENTINI; MORGADO, 2017).

As for the generation of resources to the public coffers, the concessionaire pays an amount per granted hectare and a minimum annual amount even without any operation. Thus, an attempt was made to discourage granted areas from being inactive for a given period. On the contrary, the formulation of the law sought to encourage the efficient use of the area in order to supply the market with wood from forest management, justifying the destination of these territories for concessions. Idleness was observed in Public Forests in countries where the highest taxation was on exported wood and taxes on the extension of the territory granted were either non-existent or very low (GRAY, 2002).

From 2010 to 2019, forest concessions generated a tax revenue of R\$69,018,629.61. The amount collected annually grew, raising from R\$580,000 in 2010 to more than R\$16 million in 2019 (Figure 3). The total amount earmarked specifically for municipalities, whose allocation was autonomously decided by their municipal environmental councils was R\$9,726,501.77 in the period from 2010 to 2020 (SFB, 2020). The same amount allocated to municipalities was granted to state governments, plus an apportionment of R\$9,726,501.77 to the National Forest Development Fund (FNDF), R\$19,453,003.55 to ICMBio, and R\$29,505,290.47 to the SFB.

Figure 3 – Amounts collected from forest concessions in Brazil from 2010 to 2019

Source: SFB, 2020.

Relevance of local stakeholders for the continuity of forest concessions

Forest concessions in Brazil until 2020 have proven to be an effective model for marketing legally-sourced wood on the market, reconciling ecosystem conservation with a sustainable economic alternative (BONFIM et al., 2016; PALMIERI et al., 2019; RIBEIRO et al., 2020; LIMA; AZEVEDO-RAMOS, 2020). Nevertheless, they have not yet gained the scale to serve a significant part of the market, which is still mostly occupied by illegally-sourced wood (AZEVEDO-RAMOS et al., 2015; ARAÚJO et al., 2017; LENTINI; MORGADO, 2017).

Concessions in Brazil had mechanisms to ensure the legally required transparency. The PAOF, bidding documents and other documents related to the concession processes were submitted to representative spaces for discussion and decision (LIMA; AZEVEDO-RAMOS, 2020).

The SFB hoped that the process would have been sufficient to address the multiple interests. The companies expected long-term legal certainty as they had government support and followed all formal and legal procedures. Concessions require a 40-year commitment and investment in the case of Brazil. Therefore, lasting legal certainty is a factor of great importance.

Nevertheless, this legal certainty for companies and support for the granting authority has not been achieved since the first years of concessions in most cases in Brazil, reaching the cancellation and postponement of several concession processes and even the suspension of operations in areas already granted. Reasons include other demands for these territories, such as recognition of Indigenous Lands and Settlement Projects; overlap with sites intended for gathering, hunting, and other uses; and complaints from local populations about the impacts on their way of life (NEPOMUCENO, 2017, pp. 246-253).

Among the eight principles proposed as guidelines for the implementation of forest concessions in the world (FAO; EFI, 2018), principle 6, which addressed the clarity and guarantee of property rights, had an unsatisfactory degree of compliance (LIMA; AZEVEDO-RAMOS, 2020). The insecurity of local populations regarding their rights reflected in the insecurity of other stakeholders and was one of the limiting factors to expand the extent of forests granted in Brazil.

Populations in the Brazilian Amazon have established their own governance systems to define rules for the use of these territories, generally unknown by external organizations and not always considered in formal consultation processes. Public consultation and other forms of hearings carried out did not adequately capture the interests of some stakeholders, particularly those of local populations (NEPOMUCENO, 2017). This has led a number of indigenous peoples, quilombolas (members of communities established by former slaves, known as quilombos), riverine communities and other family farmers to interfere in the judicial process through the Public Prosecutor's Office against the granting agency, companies and other stakeholders. Historically, these agents access the Public Prosecutor's Office when they are unable to institutionalize the space to influence government decisions (FERREIRA; TAVOLARO, 2008), as has occurred in almost all cases of forest concessions in Brazil.

The granting authority stated that local stakeholders actively participated in the process and the concessions respected their claims. Conversely, some residents of the local communities stated that they did not participate properly in the process and their interests were not considered. Opposing viewpoints on the same fact may be a consequence of the plurality of perspectives and interests within that group. Even with formal spaces for participation, other arenas also influence decision-making processes, built by the various centers of power (BECK, 1997; OSTROM, 2005, p. 281; BRONDÍZIO et al., 2009; BISSONNETTE et al., 2018).

Internal disputes in the communities intensified disagreement over the most accepted form of decision making. In the midst of this plurality, the SFB, the Public Prosecutor's Office, the certification body, universities, NGOs and other external stakeholders may have privileged the perspective of a group of stakeholders to the detriment of others. Some factors that determine the processes and objectives of participation include tradition and culture of participation, procedures, local needs and expectations of the people involved (BERMEJO et al., 2020). Even if the government has worked with the public good in mind, immediately affected local populations may create resistance in a high-risk society (BECK, 1998). Populations in the Brazilian Amazon have established their own spaces of organization, decision making, and influence. Understanding and using these informally instituted spaces can be efficient and effective in the long run.

Indigenous peoples, traditional populations and other local populations are distributed throughout the Brazilian Amazon. Their places of residence and more intensive management can be more easily mapped. Nevertheless, they access and use much of public forests on an extensive and temporary basis. Some territories are accessed seasonally while other areas are accessed sporadically. This range is related to factors such as

the characteristics of the products they collect, traditions, and market demand.

Official information and other formal documents on the territory of access and use by these populations are incomplete. Despite all efforts, the studies conducted underestimate the extent and diversity of uses made by these populations. In-depth and detailed surveys on access, use and management of public forests by local populations in the Amazon region require greater investment of resources and time. Even with in-depth surveys, populations may intentionally withhold information about the places of use. Coupled with this is the fact that access and use of public forests by local populations change over the 40 years' term of the concession agreement. These changes occur due to endogenous factors that alter the demographic profile of these populations, as well as fluctuations in market demand, leading these populations to carry out collection in more distant areas or to collect new products. Because the forest management activity also requires extensive areas, there is a great chance of overlapping territories of use by local populations, unknown by previous studies, as was observed in almost all concessions in Brazil.

The case of the tracts of land – considering that they are public forests without a destination – are even more subject to dispute, as the purpose of these territories has not yet been defined. Gleba Mamuru-Arapuins, under the domain of the state of Pará, located in the western region of that state and under a forest concession by Ideflor-Bio, had its recognition disputed between the Maró Indigenous Land, State Projects for Agricultural and Extraction Settlements (PEAEX), State Projects for Sustainable Settlements (PEAS), individual property titles, the State Park, and the State Forest.

Tracts of land without destination are public forests in which concessions would bring more benefits from the standpoint of controlling and protecting these areas, as they are the most vulnerable to invasion. They are, however, the ones most subject to disputes by external and local stakeholders. The SFB included the first tract of land under the Federal Government's domain in the PAOF 2020, the latter being included in the PPI. Nevertheless, it will have the additional challenge of disputes related to the final destination of this territory.

As for the resources of public forests granted, the main resource under direct competition is wood. It was the only resource managed for commercial purposes by the concessionary companies until 2020, comprising also an essential resource for building houses, bridges and other structures by local populations and being traded by them on an informal basis. In addition to the direct dispute for wood, some species of commercial interest to the concessionaires were of interest to the communities for non-logging products, such as the collection of uxi, andiroba, and cumaru and the extraction of copaiba oil. Some species comprise food sources for animals that local populations used to hunt. Therefore, cutting down the trees of these species reduces the abundance of hunting resources for the local population. In other countries, the indirect effect of altering the structure of the forest and removing certain trees for wood was also observed, which compromised the obtaining of other important resources for the affected local communities (TIEGUHONG et al., 2017; KARSENTY, 2017; HEINIMANN et al., 2017; KARSENTY, 2017; HEINIMANN

et al. al., 2014; CHAN, 2017; KARSENTY; HARDIN, 2017).

The free, prior and informed consent protocols provided for in Convention 169 of the International Labor Organization (ILO) aim to guarantee the autonomy of peoples and communities in the management of their traditional territories, in situations that may have their territory or their ways of life affected and were considered in the guidelines for forest concession processes (FAO; EFI, 2018). Some peoples defined protocols and rules observing their own way of discussing and deciding on matters of common interest. Examples include stakeholders in concessions, such as the Munduruku indigenous people in the case of the Crepori Flona concession, and quilombolas in Flona Saracá-Taquera. Observing these protocols will give more political sustainability to the concession processes, as it recognizes and uses the spaces of transparency and decision making defined by the local stakeholders themselves, according to their traditions and experiences.

The concessionary logging companies became thus aware that they would need to invest more in the relationship with local communities and established committees composed of representatives of companies, communities and other stakeholders, as was the case in Flona Saracá-Taquera and Flona Jacundá (LIMA; AZEVEDO-RAMOS, 2020). Initially, this behavior was due to the need to manage conflicts already established with populations and the requirement of the FSC certification standard. Subsequently, companies began to anticipate potential conflicts by triggering these committees to contribute in decision making in order to avoid later conflict.

Integration of local institutional arrangements into formal processes at the national level

The chances of defining negotiated proposals that are sustainable in the long term, including the shared use of public forests to optimize their benefits, will be greater as the government and other stakeholders involved in the concession processes bring together the spaces of governance at the national and local levels and integrate the manner in which rules are designed (Chart 1). It will also reduce the opposition and use of other means, such as the Public Prosecutor's Office, to vindicate one's interests. Judicialization through the Public Prosecutor's Office, as occurred in concessions in five of the six Flonas granted, increased the cost to those involved in resolving the conflict and took longer for the decision, which was of no interest to any of the parties. The local populations took a long time to have their request answered and some concessionary companies were left with uncertainties regarding the continuity of their operations within the Flonas for years. The collection of resources for public agencies and the supply of legally-sourced wood to the market were lower than expected, compromising the expected results with the concessions in Brazil.

Chart 1 – Established spaces and means for drawing up rules related to forest concessions in Brazil

| | Form and context of action | Governance instruments | Rulemaking |
|-----------------------|---|--|--|
| National level | <p>Formal and official CGFlop meetings Publication of notices Public consultations Protocol procedures</p> <p>Informal Lobbying Advertising campaigns</p> | <p>Acts, decrees, resolutions, ordinances, and other normative acts</p> <p>Meeting minutes, Annual Forest Grant Plan, Management Plan, and other plans SFB ombudsman reports, contract monitoring, and other official reports</p> | <p>Residents and users of public forests and companies were represented by federations or other organizations with nationwide representation.</p> <p>Technicians from public agencies prepare rules submitted for public consultation and for appreciation by the CGFlop.</p> <p>All sectors are heard and have access to information.</p> <p>Decisions are the prerogative of the government through SFB (on concessions), IBAMA (on licensing of projects), and ICM-Bio (on Flona management).</p> |
| Local level | <p>Formal and official Flona board meetings Assemblies and other formal meetings of associations, cooperatives, unions, and churches Meeting of municipal councils Claims and complaints via the Public Prosecutor's Office</p> <p>Informal Dialogue within groups aggregated by family relationships or by activity Dialogue between community groups and between communities Formal and informal leadership in contact with external organizations Committees organized by the concessionaires Daily interactions</p> | <p>Company policy</p> <p>PA management plan Forest management plan</p> <p>Environmental licensing for mining and forest management</p> <p>Forest concession agreements</p> <p>FSC certification standards</p> <p>Audit reports of concession agreements, certification audit, SFB ombudsman</p> <p>Free, prior and informed consent protocols</p> <p>Collective action Reciprocity Confidence Commitment to customs and rules established by the closest group</p> | <p>Local stakeholders are consulted by the government through the Flona council, municipal environmental councils, and public consultations. These are open to everyone's participation in terms of accessing information and expressing one's opinions (advisory nature).</p> <p>Local stakeholders are mobilized using the established local spaces and in partnership with external institutions acting in defense of the rights of local populations.</p> |

Source: Authors' own work.

At the local level, the predominant governance tools for local populations were reciprocity, trust, and commitment to customs and rules established by the closest group (Chart 1). The participation of representatives of local stakeholders for the formal spaces created specifically for forest concessions is necessary, as is already being done to bring the formal and informal rules closer together. Nevertheless, the expansion of efforts to use and consider local, informal and formal spaces for participation, already in place, may be more effective than increasing efforts to expand participation in new spaces at the national level. Working in spaces already established locally increases trust and reciprocity both among local stakeholders in relation to stakeholders that are external to that locality and among local stakeholders themselves, as direct participation and transparency is increased at the local level throughout the concession process.

A more favorable environment for the implementation of the next concessions will be achieved to the extent that the formal consultation processes officially recognized are closer to those already recognized by the populations and other local stakeholders, such as the protocols that have been defined and the meetings that are already being held in the communities, associations, and other groups already organized. Increases in terms of personnel, time and budget in these initial stages do not converge with the expectation of some stakeholders to expedite these processes in the coming years. Later problems, however, will be avoided and reciprocity will be established to reconcile interests, resolve conflicts, and minimize losses.

Governments, companies and other stakeholders can take advantage of the lessons learned from the first million hectares granted by the Federal Government, as already observed in favorable results in the concession processes in progress. The SFB has shown to incorporate these lessons into its practices by identifying the best ways for local stakeholders to participate in the process and have their interests considered. ICMBio, as the managing body of the Flonas, has also advanced in approaching local stakeholders by investing more in local offices and participatory management, as well as considering locally established spaces.

Nevertheless, leaders who took over the federal government in 2019 stated that legal restrictions to protect biodiversity, such as those affecting Flona, and the recognition of the rights of local populations in the Amazon region, as provided for in the LGFP, were responsible for the economic problems: regional underdevelopment, lack of employment, and income opportunities. They also acted to concentrate discussions and decisions in national spaces and reduce the participation of civil society. These antagonistic actions by the federal government undermine the security and stability desired by companies, local populations and the government itself, as they do not contribute to the fulfillment of the LGFP itself and to the implementation of the concession processes.

The first 14 years of the LGFP have shown that forest concessions can be an effective strategy to boost a forest economy coupled with greater protection of Public Forests and recognition of the rights of local stakeholders. Nevertheless, there will still not be the legal certainty expected by the government and concessionary companies as long as local stakeholders continue to use means other than those conducted by the government

to claim their interests and rights. Local stakeholders will use spaces already established before the concessions when they do not trust the effectiveness of spaces created by the government.

Expanding the extent of public forests granted converges with the expectations of the productive sector and municipal governments in favor of new employment opportunities and the resources generated for investments at the local level (MORGADO et al., 2016). Nevertheless, the protection of ecosystems and guarantee of the rights of populations in the Amazon – a key part of the success of forest concessions – did not receive the same attention. On the contrary, the administration started in 2019 reduced inspections and actions to combat deforestation and intensified the dichotomy between conservation and development by approaching protected areas as obstacles to development. It also extinguished collegiate bodies and reduced the participation of civil society in consultation and decision-making spaces on the formulation and implementation of public policies (ADAMS et al., 2020; SEIXAS et al., 2020). Such actions can generate an environment in which new forest concessions are unlikely and seem to disregard the lessons learned from federal concessions in Brazil until 2020.

For concessions to gain the announced scale and provide the market with legally-sourced wood, it is expected that public managers and decision makers will expand their efforts to establish institutional arrangements that incorporate informal and formal local spaces and bring the process closer to the level national to the local level. The federal government will also need to align the discourse and actions of the president, ministries and autonomous agencies with the policies and regulatory framework in force for the management of public forests. The national regulatory framework, in accordance with international agreements to which Brazil is a signatory, established that the conservation of ecosystems and the recognition of the rights of local populations must be ensured and has priority over corporate forest management interests in legally protected areas such as the Flonas.

Considering that the concessions require private investments for a period of 40 years, that is, 10 presidential terms, the business sector needs to have legal and institutional certainty regarding the conditions to operate, irrespective of the views of each administration. Otherwise, it will not be possible either to meet economic interests or to conserve ecosystems, while safeguarding the rights of local stakeholders.

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A importância das populações locais e dos arranjos institucionais para as concessões florestais no Brasil

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Resumo: O advento das concessões florestais na Amazônia Brasileira gerou expectativa de aumento de madeira legal no mercado e concomitante conservação das florestas públicas. Contudo, ainda não ganharam a escala necessária. O objetivo desse artigo foi analisar a experiência do Brasil com concessões florestais para empresas privadas desde a sanção da Lei de Gestão de Florestas Públicas (LGFP), lei 11.284/2006, sob a perspectiva dos arranjos institucionais locais. Foi analisada a documentação relacionada à implementação da LGFP combinada com as informações obtidas por meio da observação direta dos acontecimentos e entrevistas no campo. Observou-se que o desafio da garantia de direitos às populações locais gerou insegurança jurídica aos atores envolvidos comprometendo a continuidade do manejo das florestas já concedidas e novos processos de concessão. Estabelecer arranjos institucionais mais favoráveis será determinante para que a política pública contribua à mudança do setor florestal e seus estigmas.

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Palavras-chave: Concessões florestais; Amazônia; manejo florestal; políticas públicas; análise institucional.

La importancia de las poblaciones locales e institucionalidad para las concesiones forestales en Brasil

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Resumen: Las concesiones forestales a la Amazonia brasileña generó expectativas en el aumento de la disponibilidad de madera legal en el mercado y conservación de los bosques públicos. El objetivo de este artículo es analizar la experiencia de Brasil respecto de las concesiones forestales con la promulgación de la Ley de Gestión de Bosques Públicos (LGFP), Ley 11.284/2006, desde la perspectiva de las instituciones locales. Fue analizada la documentación relativa a la implementación de la LGFP combinada con información obtenida mediante la observación directa y entrevistas. Se observó que el desafío de garantizar los derechos de las poblaciones locales generó inseguridad jurídica para los actores implicados, comprometiendo la continuidad de la gestión de los bosques ya concesionados y nuevos casos. El establecimiento de acuerdos institucionales más favorables será determinante para que el manejo sostenible de la madera contribuya a cambiar el sector y sus estigmas.

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