

DESTRUCTION POLICIES: WEAKENING ENVIRONMENTAL LICENSING IS A STEP BACKWARDS FOR THE CONSERVATION OF BRAZILIAN BIODIVERSITY

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Abstract. Brazil is a leading country in the global environmental arena and has signed numerous agreements to protect biodiversity. The country is extraordinarily diverse, with a multitude of traditional peoples and endemic ecosystems that contribute significantly to societal well-being and economic activities dependent on natural resources. However, the new General Law for Environmental Licensing (Laws #15,190/2025 and #15,300/2025) aims to streamline the licensing process by eliminating technical assessments and restricting the participation of traditional peoples. These measures contradict the Brazilian Constitution and international agreements, which could lead to an increase in socio-environmental disasters. Weakening Brazilian environmental legislation favours strategic economic sectors responsible for most habitat loss and degradation, as well as the irresponsible exploitation of natural resources. The weakening of what is considered one of the world's best environmental laws

undermines legal certainty, biodiversity conservation, public health and socio-environmental rights, threatening the country's future and the well-being of current and future generations.

Keywords: environmental policy; socio-environmental threats; environmental licensing

During the UN's Decade of Restoration, when countries should expand biodiversity protections, Brazil is moving backwards (Fischer *et al.* 2021, Metzger 2025, Rogero 2025), marking the latest step in a long process of weakening environmental legislation that began in the late 2000s with the growing influence of the agribusiness sector and reforms that weakened the Brazilian Forest Code (Galetti *et al.* 2010, Sparovek *et al.* 2011, Santos *et al.* 2015). The new General Law for Environmental Licensing (Laws #15,190/2025 and #15,300/2025), approved with overturned presidential vetoes, marks a setback for environmental governance and threatens biodiversity. Intended to expedite business, it risks ecosystems and public safety. Is economic growth worth sacrificing environmental rights and well-being?

Here, we discuss how Laws No. 15,190/2025 and No. 15,300/2025 weaken environmental licensing in Brazil and highlight their implications for biodiversity conservation, environmental governance, and socio-environmental rights.

Brazil holds 13% of known species, 12% of the planet's freshwater, two biodiversity hotspots (Atlantic Forest and Cerrado), and three additional biomes (Pampas, Caatinga, Amazon) (Lewinsohn & Prado, 2005). The country also contains extraordinary sociodiversity, with 305 ethnic groups, 270 Indigenous languages (Joly *et al.* 2019), and more than 7,000 Quilombola communities - descendants of those who resisted slavery - (IBGE, 2023) whose way of life is deeply rooted in local biodiversity. In addition to climate change, the primary driver of biodiversity loss in Brazil is land-use change, particularly the expansion of agriculture and livestock, with urbanization playing an increasing role in biomes such as the Atlantic Forest (Pimenta *et al.* 2020). As a signatory to and leader of international environmental commitments, Brazil is obliged to obtain the consent of Indigenous and traditional communities for projects affecting their territories. Brazil's economic potential hinges on the conservation of its biodiversity, while its relevance as a country rests more on its irreplaceable

ecosystems' impact on the planet's systems than as a provider of food commodities that depend on those very ecosystems (Leite-Filho *et al.* 2021, Baker *et al.* 2026).

Over 40 years ago, the country established the National Environmental Policy (Law #6.938/1981), which recognized environmental protection as a national duty and created environmental licensing as a key instrument for reconciling economic development with environmental conservation (Brazil 1981). This framework was strengthened by the National Council for the Environment Resolution 01/1986, which introduced Environmental Impact Assessment and Environmental Impact Report (EIA/RIMA) requirements for activities with significant environmental impacts (CONAMA 1986), and later by National Council for the Environment Resolution 237/1997, which standardised licensing procedures across federal, state and municipal jurisdictions (CONAMA 1997). Alongside the Federal Constitution of 1988 - which established the right to an ecologically balanced environment and the duty of both government and society to defend and preserve it -, these instruments formed one of the most comprehensive environmental governance systems in the Global South (Brazil 1988). Environmental licensing authorises the installation, expansion and operation of activities that exploit natural resources or may cause environmental damage, while considering the rights of affected populations and establishing measures to prevent, mitigate or compensate impacts. Although the system has often been criticised for bureaucratic inefficiencies, procedural complexity and political interference, it has played a central role in environmental risk management and environmental governance (Adams *et al.* 2020).

Over the past 50 years, Brazil has tried to strengthen federal laws and monitoring systems, which are vital for good governance, sustainable resource management, and safeguarding socio-environmental rights. Yet, during the second term of President Lula (2007 - 2011), agribusiness and ruralist lawmakers pushed for the weakening of the Forest Code, which was then signed into law by President Dilma Rousseff. Now, the same sector, alongside with other lobbying groups, is pushing for more flexible environmental licensing legislation, while public institutions remain chronically understaffed despite the façade of “environmentally enlightened” administrations (Barcelos 2020). Weakening environmental policy signals a dire future, enabling the degradation of remaining ecosystems for immediate private profit.

In 2025, the National Congress passed the new General Law (Law #15,190/2025) under the premise of simplifying nationwide licensing. However, this law has significantly weakened Brazil's environmental licensing system (Sánchez *et al.* 2019). It has introduced simplified and automatic license approvals, and exempted agricultural activities (the main driver of deforestation and habitat loss) from licensing. Additionally, it has fast-tracked “strategic” (to whom?) projects that pose a high risk of environmental degradation and restricted the rights of Indigenous peoples and Quilombolas through procedural limitations and the exclusion of claims to non-demarcated lands. By introducing self-declaratory licensing and exemptions, the laws allow high-impact projects to bypass prior technical review, contravening constitutional mandates (Sánchez *et al.* 2019).

In August 2025, President Luiz Inácio Lula da Silva vetoed 63 sections of the law, including provisions that restricted consultation with Protected Area agencies and weakened protections for Indigenous peoples and Quilombolas. Congress overturned 52 of the vetoes, arguing that the changes were essential for legal certainty and the future of social, environmental and economic development. Laws #15,190/2025 and #15,300/2025, therefore, represent a regressive milestone, violating constitutional principles and ratified treaties. The approval of both laws contradicts Brazil's constitutional right to a balanced environment (1988) and the government's and society's obligation to defend this right (Candido *et al.* 2020), not to mention threatened species and habitats protected by other legislation and international conventions.

These laws disregard Brazil's international obligations to obtain free, prior and informed consent by affected indigenous and tribal people and ensure public participation in environmental decision-making processes (Secretaria de Meio Ambiente 2021). The influence of the agricultural, real-state, and building sectors on public policy has weakened the rigour of licensing, thereby increasing the risk of disasters (Milanez *et al.* 2019), recalling the active role of the agricultural sector in weakening the Forest Code and the still ongoing environmental consequences (Soares-Filho *et al.* 2014, Azevedo *et al.* 2017, Roriz *et al.* 2017). Therefore, strengthening licensing is essential as it plays a central role in risk management.

Despite well-recognized spatial and temporal limitations in Environmental Impact Assessment (EIA), which is a part of environmental licensing, as documented in studies of road developments (Ritter

et al. 2017), this instrument remains a cornerstone of biodiversity governance. Evidence from the mining sector further indicates that, although environmental compensation measures often fail to achieve full ecological equivalence to biodiversity losses, the quality of environmental assessments directly influences the effectiveness of the mitigation and compensation measures proposed or required (Souza *et al.* 2018). Together, these findings suggest that the effectiveness of biodiversity safeguards across different sectors depends strongly on the robustness of environmental licensing procedures.

By exempting agricultural activities from licensing requirements, expanding self-declaratory procedures and reducing technical scrutiny of high-impact projects, the new legislation weakens the main regulatory mechanism designed to prevent environmental damage before habitat conversion occurs. In a country where agricultural expansion remains the principal driver of ecosystem loss, this reduction in oversight increases the likelihood that native vegetation will be cleared without adequate assessment of cumulative and landscape-scale impacts. The resulting expansion of habitat conversion and fragmentation threatens species, ecological processes and the long-term resilience of Brazil's biodiversity.

In 2016, Minas Gerais' licensing reform (State Law #21.972) weakened mining risk assessment and, alongside poor oversight by the federal regulator, catalysed the 2019 Brumadinho dam collapse under Vale's administration (Mansur 2023). Deregulation, institutional erosion, and corporate financialization contributed to the disaster, which killed over 300 people and left dozens missing (Mansur 2023, Castro & Almeida 2023). Similar concerns have been raised in Bahia, where documented weaknesses in environmental licensing and enforcement coincide with ongoing pressures from agricultural expansion and vegetation suppression in both the Cerrado and Atlantic Forest biomes (Silva 2016, Machado 2018).

Corporations rarely bear proportional costs. From 2019–2024, Vale profited US\$58.7 billion while spending US\$17.6 billion on reparations - a 233.5% margin over remediation (Brasil de Fato 2025a). Environmental disasters caused R\$ 792.7 billion in damage (1991–2023) and over 5,000 deaths (Federation of Industries of Minas Gerais 2024). The World Health Organisation warns health systems must prepare for disaster-related demand; Brazil spent R\$4 billion on related healthcare (2000–2015) (Freitas *et al.* 2020). Weakened laws and underfunded oversight escalate risks and public costs.

Although agribusiness depends on ecosystem services that are threatened by the new laws (Lawrence & Vandecar 2015, Smith *et al.* 2023, Liu *et al.* 2025), the initial dismantling of licensing favours its expansion. The legislation enables new areas to be incorporated into large-scale production without proper landscape-wide impact analysis, not to mention the heavy use of pesticides already banned in other countries (Brasil de Fato 2025b). Therefore, as agribusiness is responsible for 90% of deforestation and 50% of water consumption (National Water and Basic Sanitation Agency 2024, MapBiomass 2025), weakening the legislation prioritises short-term economic gains over long-term sustainability (see Figure 1).

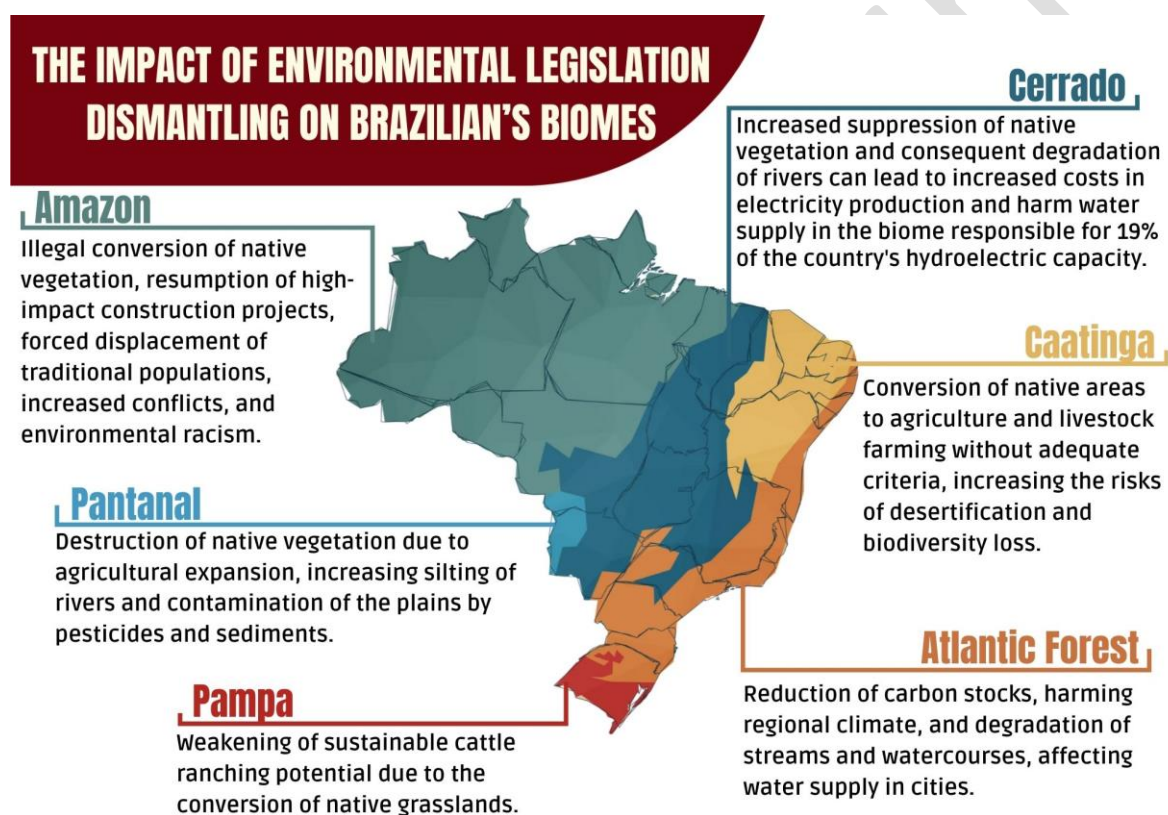


Figure 1. The impact of environmental legislation dismantling on each one of the six Brazilian biomes.

The nation that hosted COP-30 in 2025 is greenlighting environmental destruction under a government that promised democratic renewal and got a vote of confidence despite a checkered past that included not only the new Forest Code but damaging enterprises such as the Belo Monte dam and the paving of the BR 163 road. As nationalist rhetoric rises worldwide, Brazil's biodiversity remains a national treasure, a cradle of ancestral traditions, an engine of domestic markets, and a home to

Indigenous, Quilombola, and traditional peoples. Brazil's heritage extends beyond multinational corporations and dominant economic interests. Protecting native flora and fauna and defending environmental laws are imperative. Who will live and work in megaprojects built atop protected areas when biodiversity can no longer sustain life?

Warren Dean opened his masterful account of the destruction of the Brazilian Atlantic forest by the agricultural and industry sectors (Dean 1995) with the Brazilian old saying “*quem vier depois, que se arranje*”. Looking at the provisions in the new legislation, no one can accuse Brazil of not being coherent with its history.

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