



Chapter 3

Relevant Institutional Arrangements
for Elaborating the National
Communication on Permanent Bases

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3.1 Institutional Framework

Brazil has always played a leadership role in the arena of global environmental issues, following the example of the United Nations Conference on Environment and Development, also known as Rio-92, held in Rio de Janeiro, June 3-14, 1992.

Brazil was the first country to sign the United Nations Framework Convention on Climate Change – UNFCCC at Rio-92. Later, 193 other Parties (including the European Union) joined the Convention, which is an indication of its virtually universal nature. The Convention entered into force on March 21, 1994, ninety days after the deposit of the fiftieth instrument of ratification by the countries' parliaments. In Brazil, the UNFCCC was ratified by the National Congress on February 28, 1994, and it entered into force ninety days later, on May 29 of that same year.

Since the beginning of activities related to climate change in Brazil, institutions have been created to address the issue and to coordinate the implementation of the Convention in the country.

3.1.1 The Interministerial Commission on Sustainable Development

In June 1994, the Brazilian government established an Interministerial Commission on Sustainable Development – CIDES¹⁴. CIDES was chaired by the Ministry of Planning and Budget and was composed of representatives from other ministries. The objective of the CIDES was to provide assistance to the President of the Republic in decision-making about national strategies and policies geared towards sustainable development, in a manner compatible with Agenda 21, in light of the complexity of this task and the need to involve a large number of institutions.

3.1.2 The General Coordination on Global Climate Change

The responsibility for coordinating the implementation of commitments resulting from the UNFCCC was given to the

Ministry of Science and Technology – MCT by Presidential Decree nº 1.160/1994. Thus, in response to the mandate granted by CIDES, the General Coordination on Global Climate Change¹⁵ – CGMC, was created, within the structure of the MCT, in August 1994, and to whom this responsibility was given.

During its first years of operations, the main task of the CGMC was to coordinate the preparation of Brazil's Initial National Communication to the United Nations Framework Convention on Climate Change, according to those commitments assumed under the Convention. The elaboration of the National Communication is a multidisciplinary effort, which involved in its first edition around 150 institutions and 700 specialists from every region of the country. The Communication poses a great challenge, taking into account the need to build national capacity in the area, since in many cases it represents pioneer and complex work.

Due to its scope and specificity, and considering that emissions of the main greenhouse gases (CO₂, CH₄, N₂O, HFCs, CF₄, C₂F₆, SF₆) from the energy, industrial, forestry, agricultural and livestock and waste treatment sectors are addressed, the preparation of Brazil's Inventory of Anthropogenic Greenhouse Gas Emissions by Sources and Removals by Sinks of Greenhouse Gases Not Controlled by the Montreal Protocol involves a number of ministries (Ministry of the Environment; Ministry of Agriculture, Livestock and Food Supply; Ministry of Mines and Energy; Ministry of Development, Industry and Foreign Trade – MIDIC, etc.), federal institutions (Petrobras, Eletrobrás, Embrapa, INPE, among others) and state institutions (Cetesb, Cemig, among others), trade associations (ABAL, ABEGÁS, ABIQUIM, Bracelpa, Unica, Copersucar, White Martins, among others), non-governmental organizations (Funcate, Fundação José Bonifácio, among others), universities and research centers (COPPE/UFRJ, USP, UFRS, UnB, among others).

Brazil concluded and published its initial inventory in 2004. National greenhouse gas emissions covering the 1990-1994 period were inventoried, and they were summarized based on 15 reference studies.

The International Energy Agency – IEA compared the inventories from the main developing countries. The IEA evaluation of Brazil's inventory was extremely positive, thus underscoring that the inventory's main qualities are transparency, development of time series (although short) and use of more elaborate national emission factors. From an institutional perspective, this reflects the fact that Brazil was able to set up a competent structure for elaborating inventories.

¹⁴ Presidential Decree nº 1,160, of June 21, 1994.

¹⁵ So called Coordination of Research on Global Changes, when it was created.

The CGMC was also in charge of coordinating activities related to Brazil's Second National Communication to the Convention. In terms of work division for the second inventory, the Ministry of Mines and Energy coordinated the energy sector; Funcate was in charge of the forestry and land use sector; EMBRAPA, the agriculture and livestock sector; CETESB, the waste treatment sector; and the coordination of the industrial sector was up to each of the main trade associations, such as aluminum (Brazilian Aluminum Association - ABAL), cement (National Cement Industry Union - SNIC), steel (Brazilian Steel Institute - IABr), chemical (Brazilian Chemical Industry Association - ABIQUIM) and coal (Brazilian Coal Association - ABCM).

Besides coordinating the implementation of Brazil's commitments under the Convention, the CGMC participates in negotiations on implementation issues and technical and scientific aspects that are discussed in the subsidiary bodies of the Convention (Subsidiary Body for Implementation - SBI and Subsidiary Body for Scientific and Technological Advice - SBSTA, and others).

Since 1995, the CGMC has actively participated in the discussions that led to the adoption of the Kyoto Protocol, in December 1997, in Japan, particularly in the document submitted by the Brazilian government to the Convention to subsidize the elaboration of the Protocol. Such a document proposed the creation of a Clean Development Fund, which was modified and then adopted as one of the Protocol's articles (Article 12, on the Clean Development Mechanism - CDM). It also proposed a new criteria for sharing the burden of mitigating climate change based on the historic responsibility of industrialized countries in causing the increase in temperature.

Since then, the CGMC has participated in discussions of technical and scientific issues related to the regulation and implementation of the Protocol, in conjunction with the Ministry of External Relations.

Additionally, Brazil's commitments under the Convention include promoting and cooperating in scientific, technological, technical, socioeconomic and other research, in systematic observations and in the development of a climate system database with a view to explaining and reducing or eliminating the remaining uncertainties related to the causes, effects, magnitude and changes over time of climate change and the economic and social consequences of various response strategies.

Within the scope of the Brazilian government, the CGMC coordinates the review of the scientific assessments con-

ducted by the Intergovernmental Panel on Climate Change - IPCC with the growing support of the scientific community, and it also actively participates, together with the Ministry of External Relations, in the Panel's plenary sessions, providing the Brazilian government's perspectives in the discussion and approval of the IPCC reports.

Another important area of activities of the CGMC is building public awareness of climate change related issues. A homepage on climate change (<http://www.mct.gov.br/clima>) was created within the Ministry of Science and Technology's website to facilitate the integration of all the experts and institutions involved. This homepage serves as a forum for bringing together experts from different sectors that can accompany and contribute to the work, as well as opening up a space for society in discussing climate change related issues¹⁶.

Furthermore, the CGCM promotes and supports events on global climate change in the various areas related to the issue, and publishes and disseminates relevant information, especially regarding the Convention, the Protocol and the IPCC. It thus seeks to develop and disclose legal, technical and scientific information, as well as participate in discussion on global warming, its causes and impacts, aimed at building awareness among opinion leaders, policy-makers, business leaders, students and the general public about the problem.

3.1.3 The Interministerial Commission on Global Climate Change

The perspective of the Kyoto Protocol entering into force and of the regulation of the Clean Development Mechanism - CDM highlighted the importance of establishing an entity within the Brazilian government that could channel this potential towards national development priorities. Furthermore, the concern for greater institutionalization of the climate change issue in the country due to its strategic characteristics, led to the creation¹⁷ of the Interministerial Commission on Global Climate Change - CIMGC, aimed at coordinating government actions in this area.

Given that the Ministry of Science and Technology had already been carrying out national activities related to complying with Brazil's initial commitment related to the United Nations Framework Convention on Climate Change, this body was chosen to chair the Commission and to serve as its Executive Secretariat, since the scientific aspects of global climate change will continue, in the foreseeable fu-

¹⁶ See Part IV, Section 3.4.1, on Official Website on Climate Change.

¹⁷ By Presidential Decree of July 7, 1999, amended by the Decree of January 10, 2006.

ture, to dominate the political negotiations, and scientific knowledge necessary to subsidize the discussions can be facilitated through the support instruments of this ministry. The General Coordination on Global Climate Change serves as the Executive Secretariat of the Commission and the General Coordinator of the CGMC serves as its Executive Secretary. The Ministry of the Environment serves as the Vice-Presidency of the Commission.

The Commission is made up of representatives of the Ministries of External Relations - MRE and of Science and Technology - MCT, which are the political and technical focal points, respectively, on global climate change in Brazil; ministries with specific attributions and responsibilities over important sectors for greenhouse gas emission reduction activities in Brazil, such as Agriculture, Livestock and Food Supply - MAPA; Transportation - MT; Mines and Energy - MME; Environment - MMA; Development, Industry and Foreign Trade - MDIC; and Cities - MCid; as well as ministries with more strategic and long-term vision, such as Planning, Budget and Management - MPOG; Finance - MF; and the Executive Office of the Presidency of the Republic ("Casa Civil da Presidência da República"). The decree also empowers the Commission to request the collaboration of other public or private bodies and representative civil society organizations in carrying out its responsibilities.

The responsibilities of the Commission are:

I – issue opinions, when requested, about proposals for sectoral policies, legal instruments and regulations that contain any relevant component for mitigating global climate change and to the adaptation of the country to its effects;

II – provide support to the positions of the government in negotiations under the auspices of the Convention and subsidiary instruments to which Brazil is a Party;

III – define eligibility criteria additional to those considered by the Convention bodies responsible for the CDM, as called for in Article 12 of Kyoto Protocol to the UNFCCC, according to national sustainable development strategies;

IV – consider opinions about projects that result in reduction of greenhouse gas emissions and that are considered eligible under the CDM, and approve them, where appropriate; and

V – coordinate activities with representative civil society organizations in order to facilitate activities of governmental and private bodies aimed at complying with the obligations assumed by Brazil under the Convention and the subsidiary instruments to which Brazil is a Party.

The Interministerial Commission thus represented an initial effort in the sense of bringing together government actions related to global climate change. Furthermore, it is important to highlight that the Interministerial Commission is Brazil's Designated National Authority - DNA¹⁸, being in charge of evaluating and approving project activities under the Clean Development Mechanism - CDM in Brazil.

CDM project activities shall be elaborated in accordance with the rules defined by decision 17/CP.7 (later, ratified by decision 3/CMP.1) that establishes CDM's procedures and modalities, which were incorporated into the Brazilian legal system through resolution nº 01 of the Interministerial Commission on Global Climate Change on September 11, 2003. The CIMGC has developed and issued resolutions with the objective of incorporating approval requirements for CDM project activities in the country that have been internationally established by the decisions of the Conference of Parties serving as the Meeting of the Parties to the Kyoto Protocol and by its Executive Board, as well as establish additional criteria for approving CDM project activities in Brazil. It should be pointed that the CIMGC, considering that it was the CDM's first DNA to be created in the world, has served as a model for creating many other DNAs, which led to cooperation activities in this regard between Brazil and other developing countries¹⁹.

All of the eligible CDM project activities are duly reviewed by the CIMGC in relation to the projects' contribution criteria towards the country's sustainable development.

All material related to the CIMGC, as well as about all CDM project activities in Brazil, is available on the Executive Secretariat's home page (<http://www.mct.gov.br/clima>), which is the CGMC. Information is also periodically published on CDM's status in Brazil and in the world²⁰.

3.1.4 The Interministerial Committee on Climate Change - CIM

In 2007, the Federal Government created the Interministerial Committee on Climate Change - CIM²¹ with the task of steering the development, implementation, monitoring and evaluation of the National Plan on Climate Change, among other functions.

18 In accordance with Article 3, clause IV, of Presidential Decree of July 7, 1999, amended by the Decree of January 10, 2006.

19 See Part IV, Section 4.10, on South-South Cooperation.

20 See Part III, Section A.4, on the Current Status Of Project Activities Under The Clean Development Mechanism - CDM in Brazil and in the World.

21 Presidential Decree nº 6,263, of November 21, 2007.

The CIM is coordinated by the Executive Office of the Presidency of the Republic and it is composed of seventeen federal bodies and the Brazilian Forum on Climate Change - FBMC²². The federal bodies are as follows: Ministry of Agriculture, Livestock and Food Supply; Ministry of Science and Technology; Ministry of Defense; Ministry of Education; Ministry of Finance; Ministry of National Integration; Ministry of Health; Ministry of Cities; Ministry of External Relations; Ministry of Mines and Energy; Ministry of Agrarian Development; Ministry of Development, Industry and Foreign Trade; Ministry of Environment; Ministry of Planning, Budget and Management; Ministry of Transportation; and the Center of Strategic Affairs of the Presidency of the Republic.

The Executive Group on Climate Change - GEx, under the CIM, which is coordinated by the Ministry of Environment, was in charge of developing, implementing, monitoring and evaluating the National Plan on Climate Change.

22 See Part IV, section 3.3, on the Brazilian Climate Change Forum.

The GEx was given the task of drafting the preliminary proposal of general objectives, principles and guidelines for the National Policy on Climate Change, as well as the preliminary version of the National Plan on Climate Change, following the guidelines established by the CIM. After extensive public consultation, the National Plan on Climate Change was launched in December 2008. The National Policy on Climate Change was enacted into law²³ in December 2009²⁴.

It is worth highlighting that Brazil's National Communication to the United Nations Framework Convention on Climate Change, according to the criteria established by this Convention and by its Conference of Parties, is considered one of the instruments of the National Policy on Climate Change²⁵.

23 Law nº 12,187, of December 29, 2009.

24 See Part III, Section A.3.4, on the National Policy on Climate Change.

25 Article 6, clause IV, of Law nº 12,187, of December 29, 2009.