

# Woodlands in the Brazilian Cerrado biome and the proposed EU deforestation-free regulation

## POLICY BRIEF – October 22

The removal of woodlands from the scope of the proposed EU regulation would open 56%% (60. 4 Million hectares)<sup>1</sup> of the remaining native vegetation in the Cerrado to clearing, an area larger than all of France

With other exclusions, 73% of the Cerrado biome would remain unprotected under FAO's definition of forest ecosystems.

**Table 1.** Native vegetation in Cerrado biome and the protected native vegetation under different native vegetation proposed scopes for the EU deforestation-free regulation.

Native vegetation in Cerrado biome in 2021 (hectares)				
EU regulation proposed scope	Forest	Woodland	Other non-forest	Total
	28,025,239	60,452,392	16,910,759	105,388,390
FAO's Forest definition (excluding woodlands)	84%		16%	Protected Native vegetation
	27%	57%	16%	

Source: [Mapbiomas collection 7.0](#), August 2022.

The diversity of Cerrado's vegetation types and its high spatial variability make applying the FAO Forest definition challenging based on height and tree cover thresholds. This would lead to difficulties in implementing the regulation and could give rise to gaps in its enforcement, further increasing the pressure on traditional peoples and communities, given the increasing expansion of soybean and its deforestation footprint in their territories.

As the oldest biome in the country<sup>2</sup>, the Cerrado has a clear intrinsic value. The Cerrado has essential contributions to the regional and global climate balance due to its carbon stocks. It is home to the springs of 8 of the 12 main river basins in Brazil<sup>3</sup>, which makes it fundamental for the national water availability through its rivers and aquifers. Still, beyond this, the Cerrado plays a relevant role in supporting other ecosystems in Brazil and Latin America, such as the Amazon, the Pantanal, and the Chaco, giving rise to transition areas between biomes that are rich in socio-biodiversity and fundamental for the environmental balance of the entire continent. The biome also shelters more than 221 thousand km<sup>2</sup> of communal lands<sup>4</sup> - including indigenous peoples, Quilombolas areas ("maroon") and traditional communities - critical for conserving native vegetation and maintaining carbon stocks.

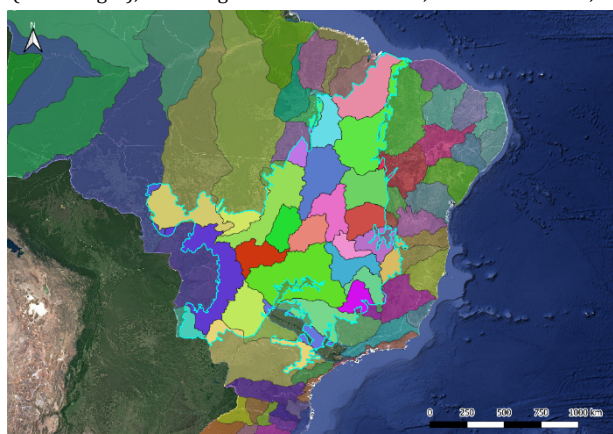
<sup>1</sup> WWF/MapBiomas, "Potential Impacts of Due Diligence Criteria on The Protection of Threatened South American Natural Ecosystems" - Technical report, unpublished, Sep. 2022

<sup>2</sup> Carta dos povos do Cerrado: <https://redecerrado.org.br/carta-dos-povos-do-cerrado-a-uniao-europeia/>

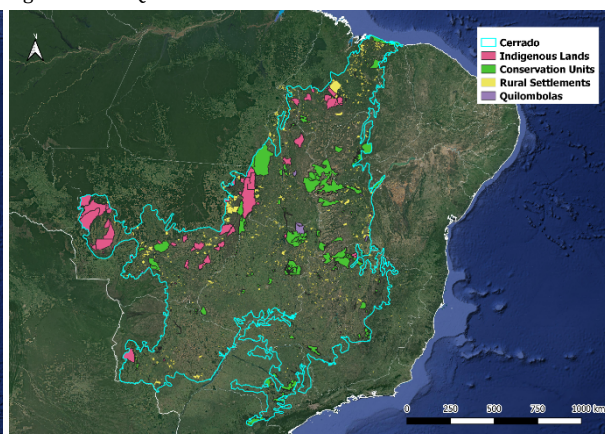
<sup>3</sup> Carta dos povos do Cerrado: <https://redecerrado.org.br/carta-dos-povos-do-cerrado-a-uniao-europeia/>

<sup>4</sup> Cerrado: The Brazilian savanna's contribution to GHG emissions and to climate solutions, 2018: [https://www.researchgate.net/publication/332223049\\_Cerrado\\_The\\_Brazilian\\_savanna's\\_contribution\\_to\\_GHG\\_emissions\\_and\\_to\\_climate\\_solutions](https://www.researchgate.net/publication/332223049_Cerrado_The_Brazilian_savanna's_contribution_to_GHG_emissions_and_to_climate_solutions)

**Figures 1 and 2.** Brazilian river basis (on the left) and already recognized protected and common-use areas in the Cerrado biome (on the right), including Conservation Units, rural settlements, Indigenous and Quilombolas Territories.



Source: IBGE. Elaborated by Aidenvironment.



Source: INCRA. Elaborated by Aidenvironment.

## Deforestation monitoring in woodlands

There are numerous ways to keep track of woodlands and operationalize the implementation of the proposed EU deforestation-free regulation. Brazilian woodlands (savannas formation in the Cerrado biome) have been monitored by satellite since 2002 by PRODES and since 2018 by DETER, both systems developed and coordinated by the Brazilian National Institute for Space Research (INPE)<sup>5</sup>. Since 2015, a civil society initiative, MapBiomas, monitors all land use and land cover changes in pixels of 30m x 30m in the entire Brazilian territory<sup>6</sup>. Other Earth observation programs like Copernicus are also able to track land use changes in other wooded lands not covered by the FAO definition of forest<sup>7</sup>.

There are also cutting-edge remote sensing techniques that facilitate baseline maps of converted land, which can use a given cut-off date as a basis. Finally, applicable definitions have been recognized by the Accountability Framework initiative (AFi) that can be readily operationalized, utilizing tools such as the above cited MapBiomas and Copernicus, and the ESA WorldCover.

**Figures 3, 4 and 5.** Top images: Brazilian DETER deforestation alerts in a woodland area in the Cerrado biome between 23<sup>rd</sup> February to 30<sup>th</sup> April 2022 (top image). Below images: on the left a “Before” image from November 2021, and on the right an “After” image from April 2022 confirming deforestation in the area, accessed through Planet opensource platform.

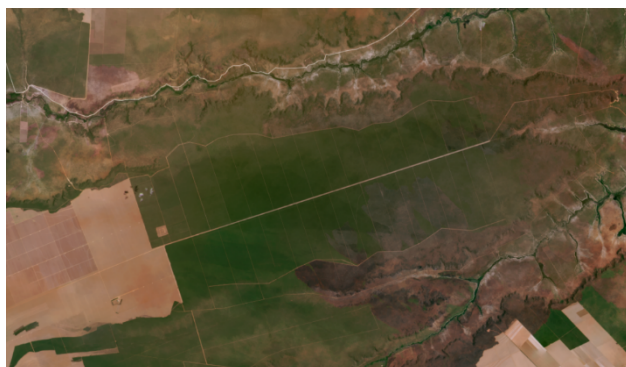


<sup>5</sup> <http://terrabilis.dpi.inpe.br>

<sup>6</sup> <https://plataforma.brasil.mapbiomas.org>

<sup>7</sup> <https://scihub.copernicus.eu>

Source: Deter, 2022. Elaborated by Aidenvironment.



Source: Planet © 2022. Elaborated by Aidenvironment.



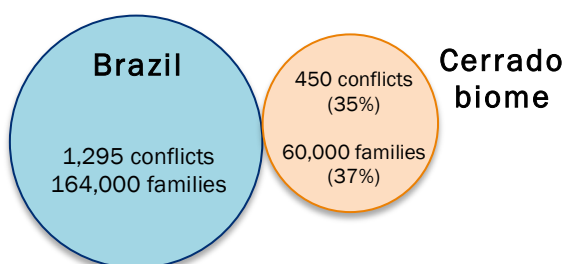
Source: Planet © 2022. Elaborated by Aidenvironment.

## Land conflicts increasing in the Cerrado biome

The exclusion of the Cerrado woodlands from the scope of the regulation wouldn't impact only the environment. It would also put pressure on Indigenous peoples and traditional communities with the livelihood based on their territories, officially recognized or in claiming processes. These populations are being directly affected by land conflicts in the region.

In 2021, the Indigenous Missionary Council (CIMI)<sup>8</sup> registered 118 cases of disputes related to Indigenous territories in Brazil. Among these conflicts, at least 40 were in the Cerrado. The same study identified other 80 cases of invasions, illegal exploitation of natural resources or damage to natural heritage in the region. The Pastoral Land Commission (CPT) 2021 conflicts report<sup>9</sup> shows that at least 450 of the 1,295 land conflict occurrences in Brazil were in the Cerrado biome. These conflicts are directly affecting at least 164 thousand families throughout Brazil and at least 60 thousand families in the Cerrado biome.

**Figure 6.** Land conflicts in 2021, Brazil and the Cerrado biome.



Source: CPT 2021 Rural Conflicts report.

## Legal risks for land and human rights

Land tenure by Indigenous peoples and *Quilombolas* (descendants from runaway slaves who built rural communities in then-remote territories) is a Constitutional right in Brazil. Native Brazilians were granted the exclusive right to occupy their traditional lands, which are a property of the Union. *Quilombolas* territories are titled through a different process. Brazil, however, is lagging behind on both land rights recognition processes: less than 10% of *Quilombolas* territories have been titled<sup>10</sup> and 33% of all

<sup>8</sup> <https://cimi.org.br/wp-content/uploads/2022/08/relatorio-violencia-povos-indigenas-2021-cimi.pdf>

<sup>9</sup> <https://www.cptnacional.org.br/downloads?task=download.send&id=14271&catid=41&m=0>

<sup>10</sup> <https://agenciabrasil.ebc.com.br/direitos-humanos/noticia/2018-05/menos-de-7-das-areas-quilombolas-no-brasil-foram-tituladas>

indigenous lands have not had their claims settled yet<sup>11</sup>. According to the Constitution, all the claims should have been settled and all lands demarcated by 1993.

Besides the delay in recognizing land rights of Indigenous and other traditional populations, there are legal threats to the territories occupied by these populations. Jair Bolsonaro's presidential mandate in Brazil slowed down the titling processes of *Quilombolas* lands and stopped demarcation of indigenous lands altogether – delivering on his 2018's presidential campaign trail promise that “not a single centimetre” would be set for native Brazilians under his government. Now, two bills advance in Congress that may further threaten indigenous peoples with dispossession of their territories. The first one, the PL 490, aims to change the interpretation of the Constitution in favour of the adoption of a time-frame definition (*marco temporal*), a thesis according to which only those populations who have been constantly producing in their territories since 1988 would be granted the land rights. The second one, the PL 191, aims to regulate economic activities in indigenous territories, even without the Indigenous populations' consent. The Brazilian Congress is also discussing whether to denounce ILO Convention 169, a powerful safeguard to traditional peoples' tenure rights.

What today is illegal in Brazil may be legal tomorrow in detriment of environmental protection and human rights. It is of utmost importance that the proposed EU deforestation-free regulation includes land tenure rights as part of human rights criteria.

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<sup>11</sup> [https://pib.socioambiental.org/pt/Situa%C3%A7%C3%A3o\\_jur%C3%ADdica\\_das\\_TIs\\_no\\_Brasil\\_hoje](https://pib.socioambiental.org/pt/Situa%C3%A7%C3%A3o_jur%C3%ADdica_das_TIs_no_Brasil_hoje)