
Paraguay : Deforestation Zero Law in the Eastern Region

On 13 December 2004, the Paraguayan Congress adopted Law No. 2524 “Prohibiting, in the Eastern Region, Activities Transforming and Converting Surfaces with Forest Cover.” This law was subsequently known as Deforestation Zero Law. This Law mentions that its main objective is to “favour the protection, rehabilitation and enhancement of native forests in the Eastern Region, whereby as from the date of promulgation of the present Law and for a two-year period there is “prohibition to issue permits, licences, authorizations and/or any legally valid document authorizing the transformation or conversion of areas with native forest cover to areas assigned for agriculture or livestock use in any of its modalities or to areas assigned for human settlements.”

Paraguay is a country where decrees have their stories and innumerable actions have been declared, prohibited, permitted or promoted by decree, some of them beneficial and others with catastrophic results for the citizenship. Decree Law 2524/04 does not escape from the pattern in which Laws are prepared and accepted in the country. This situation leads us to consider certain points that bear on the effectiveness of this Law to “favour the protection, rehabilitation and enhancement of native forests” and the temporal and social context in which the Law arises.

- On 2 November 2004, one month before the promulgation of Law 2524, the Environmental Secretariat resolved, through Resolution No. 1133, that “Environmental Licences or Declarations of Environmental Impact granted by the Environmental Secretariat (SEAM) in the Framework of the Environmental Impact Law for land use plans, do not contemplate Authorization for Land Clearing proposed in land use plans.” In this way, SEAM leaves the responsibility for granting permits to clear land in the hands of the National Forestry Service (reporting to the Ministry of Agriculture and Livestock).

- The Eastern region of the country has less than one million seven hundred thousand hectares of forests remaining from the over eight million five thousand hectares it had forty years ago. This deforestation was promoted by the Government itself through plans to extend the agricultural frontier, soft credits for large estate-owners and real-estate speculation following the construction of highways and two large dams, all within the framework of plans and credits granted specially for these activities by international funding agencies, such as the Inter-American Development Bank and the World Bank, in most cases with the technical advice of FAO. Many of these plans and projects are still on-going today without any changes having been made to them.

- Initially the Law will be in force for two years, a length of time that does not enable changes to be seen or improvements or rehabilitation of any kind in most of the deforested zones, which today are occupied by large cattle-raising estates or soya-bean monoculture plantations.

- The Law makes no mention of the Western Region of the country (representing 61 per cent of the territory), largely covered by forests on exceedingly fragile soils where deforestation is advancing at a great pace, leaving behind it desertification, poverty and the eviction of indigenous communities from their ancestral territories.

- The Law appears at a time of great social tension and peasant mobilizations seeking to claim their right to the land.

The rapid promulgation of this Law, in addition to the points mentioned above, make us have doubts about the real objective of the decree and above all about its effectiveness in halting deforestation, when the real causes are not analyzed, when today the authorities responsible for promoting and enforcing laws are still the first to violate them.

Examples of the above happen every day and yet another occurred on 28 January this year, a little over a month after the law was adopted, when an “honourable” Member of Parliament from the Lower Chamber of Congress, ordered the liberation of a truck illegally transporting logs. Neither the truck, nor its driver nor the logs had any documents, but even so the MP ordered them to be freed and threatened the attorney who had detained the truck, with dismissal from her post. These actions by the MP have given rise to the reaction by civil society which is now requesting his impeachment. However, this will be a very difficult task as the MP in question belongs to the party in power and with a majority in Congress.

All the above, together with other innumerable cases of abuse of power and negligence of the authorities when addressing environmental and particularly, social issues, leave us with many questions to be asked about the Law and its effectiveness as a mechanism to curb the process of deforestation. No other alternatives are given except prohibition; there is no mention of sustainable use processes, land planning and rehabilitation of those areas that have undergone deforestation.

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