



MINISTÉRIO DA JUSTIÇA
E SEGURANÇA PÚBLICA
Assessoria Especial Internacional

TRADUÇÃO DE LEGISLAÇÃO BRASILEIRA RELACIONADA À ÁREA DE JUSTIÇA E SEGURANÇA PÚBLICA PARA O INGLÊS E O ESPANHOL

Instrução Normativa nº 15 de 18 de maio de 2018.

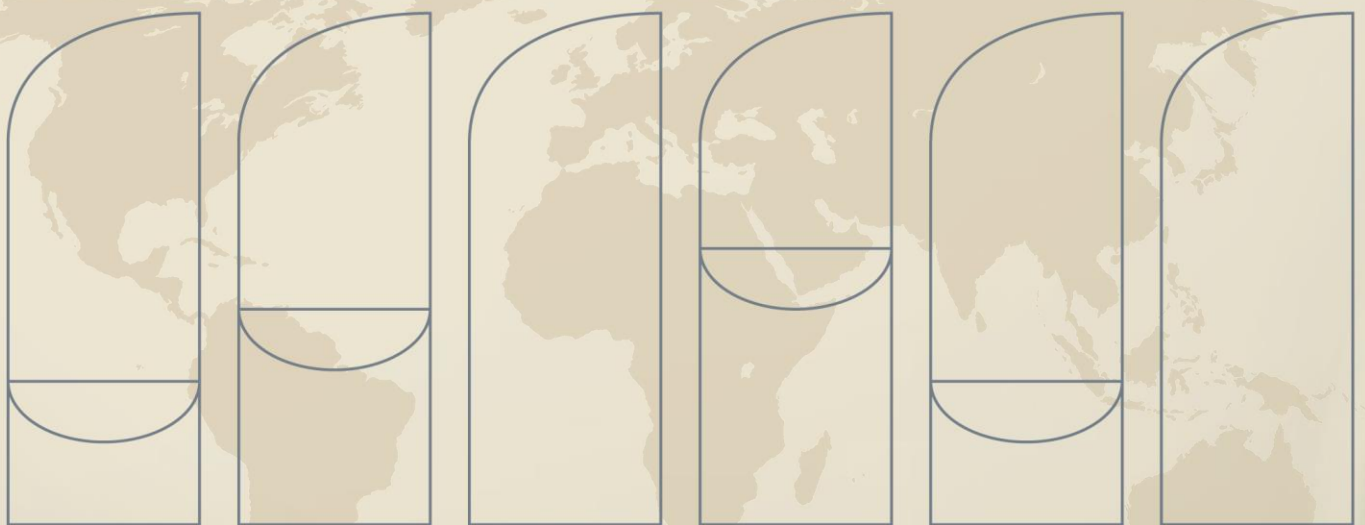
Dispõe sobre as atividades ou empreendimentos desenvolvidos pelos povos indígenas em suas próprias terras, ou de iniciativa do Poder Público em terras indígenas cujos beneficiários são

VERSÃO EM INGLÊS



Projeto da Assessoria Especial Internacional

Como forma de divulgar o arcabouço legislativo brasileiro a autoridades estrangeiras e a Organismos Internacionais e, ainda, de aprimorar a cooperação internacional, em diversas áreas, a Assessoria Especial Internacional do Ministério da Justiça e Segurança Pública desenvolveu projeto para a compilação e tradução¹, para os idiomas inglês e espanhol, de parte das legislações brasileiras relacionadas às áreas de Justiça e Segurança Pública. A seleção das leis traduzidas ficou a cargo das áreas técnicas do Ministério, levando em consideração, igualmente, trabalhos já realizados por outros órgãos brasileiros, os quais serão disponibilizados como link externo no site da Assessoria Especial Internacional.



¹Traduções não juramentadas ou oficiais.

Normative Instruction nº 15 of May 18th 2018

Federal Gazette of June May 21st, 2018 (nº 96, Section 1, pg. 85)

Provides for the activities or undertakings developed by Indigenous Peoples on their own lands, or on the initiative of the Public Authority on indigenous lands whose beneficiaries are indigenous communities, not subject to environmental licensing.

THE PRESIDENT OF THE BRAZILIAN INSTITUTE OF ENVIRONMENT AND RENEWABLE NATURAL RESOURCES - IBAMA, in the use of the attributions conferred by items II and V of article 12 of Decree nº 8,973 of January 24th, 2017,

WHEREAS the principles that guide the Government, provided for in article 37 of the Federal Constitution;

WHEREAS it is imperative to optimize human resources, giving greater efficiency to the administrative licensing procedure, in accordance with the specificities of the activities or undertakings listed in the Sole Annex;

WHEREAS Conama Resolution nº 237 of December 19th, 1997, in its article 2, paragraph 2, empowers the competent environmental body to define the criteria for enforceability, detailing and complementing the activities subject to environmental licensing;

WHEREAS the record of case nº 08620.017030/2017-16, resolves:

Art. 1. This Ordinance establishes, in its Sole Annex, the activities and undertakings not subject to Environmental Licensing developed by indigenous peoples on their own lands, or on the initiative of the Public Authority on indigenous lands whose beneficiaries are Indigenous communities, aimed at their subsistence, maintenance of the traditional way of life, or guarantee of human dignity.

Paragraph 1. All current legislation regarding the protection of physical or biotic natural resources, including protection of biological diversity and access to genetic heritage and associated traditional knowledge, must be observed.

Paragraph 2. Activities or undertakings subject to leases or other similar acts are not covered by this Ordinance.

Art. 2. The activities or undertakings not included in the Sole Annex of this Ordinance must be subject to the opening of the environmental licensing process, in accordance with current legislation.

Sole paragraph. Subject to technical criteria and specific manifestation of IBAMA, other activities or undertakings may receive treatment equal to those included in the Sole Annex.

Art. 3. The development of activities or undertakings listed in the Sole Annex of this Ordinance does not discharge the interested party to obtain the other licenses, authorizations, certificates, or grants

legally required in the municipal, state, district, or federal sphere, as well as comply with the municipal, state, district, or federal legislation in force.

Sole paragraph. It is not necessary to issue a vegetation suppression authorization (ASV) for the suppression of native vegetation necessary for the installation or operation of the enterprises or activities listed in the Sole Annex, provided the suppression does not extrapolate the limits determined and that there is no transport of woody material outside the indigenous land.

Art. 4. This Ordinance waives the issuance, by Ibama, of a declaration of non-enforceability of environmental licensing for the activities listed in the Sole Annex, provided the terms of this Ordinance are met.

Art. 5. The procedures that fall under the terms of this Ordinance registered on a date prior to its publication shall be archived.

Art. 6. This Normative Instruction enters into force on the date of its publication.

SUELY MARA VAZ GUIMARAES DE ARAUJO

SOLE ANNEX

ITEM	ACTIVITY DESCRIPTION	UNIT OF MEASUREMENT	SIZE
1	Unit for processing, preservation, and production of juices, canned fruits, and vegetables and juices.	Built area in m ²	Up to 500 m ² per village
2	Unit for: - Production of cassava flour and derivatives; - Processing and manufacturing of rice products; - Manufacture of cornmeal, flour, and other corn derivatives - except oil;	Built area in m ²	Up to 500 m ² per village
	- Manufacture of vegetable flours and starches;		
	- Processing, grinding, and preparation of other products of plant origin; or - Processing of honey and derivatives of apis and meliponini.		

3	<p>Artifacts/articles manufacturing unit:</p> <ul style="list-style-type: none"> - Of cooperage and wooden packaging; - Miscellaneous of wood, cork, straw, and braided material; or - Of wooden structures and/or carpentry. 	Built area in m ²	Up to 500 m ² per village
4	Manufacture of ceramic material including baked clay and refractory material.	Built area in m ²	Up to 500 m ² per village
5	Nursery construction of native seedlings.	Built area in hectare	Up to 1 ha per village
6	Construction, renovation, or expansion of schools, indoor fair, event center, conviviality center, health posts, religious houses, kindergartens, and digital inclusion center.	Built area in m ²	Up to 500 m ² per infrastructure
7	Football field and other sports courts.	Built area in hectare	Up to 1 ha per village
8	Construction of housing for the enjoyment of indigenous people.	-	-
9	Implementation of surveillance posts and/or support for hunting or subsistence collection or extractivism.	-	-
10	Collection of non-timber products for seedling production purposes, such as seeds, nuts, and fruits.	-	-
11	Planting of native species that produce fruit, seeds, chestnuts, and other plant products, provided it does not imply the suppression of existing vegetation or impair the environmental function of the area.	-	-
12	Non-mechanized traditional garden opening	-	-
13	Production and processing of native mushrooms.	-	-

14	Beekeeping	Unit	Up to 50 hives per village
15	Fish farming in dug tanks with the use of native species.	Useful area in hectare (ha)	Up to 5 ha of water blade
16	Fish farming in tank-net with the use of native species.	Volume	Up to 500 m ³ per village
17	Implementation/maintenance of fences, gates, and fenders.	-	-
18	Conservation of roads in natural bed, leveling, grounding, and/or application of soil-stabilizing product for recovery and maintenance of consolidated unpaved roads.	-	-
19	Biomass composting.	Useful area in m ²	Up to 1,000 m ² per village