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1 The outlook for Brazil's new presidential administration

2
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6
7 Carlos Peres and colleagues¹ give a good overview of the environmentally
8 disastrous four years of the Jair Bolsonaro presidential administration (2019-2022), the
9 hope of a new dawn for Brazilian Amazonia under the 2023-2026 administration of Luiz
10 Inácio Lula da Silva (known as “Lula”), and the resistance he is likely to face from a
11 strongly antienvironmental National Congress and hostility to environmental measures
12 from the population in the most-heavily deforested parts of Amazonia. In addition to these
13 challenges, it is important to remain mindful of the potential for the incoming
14 administration itself to promote damaging projects and to shy away from needed but
15 politically unpopular environmental measures.

16
17 There are several areas of particular concern. One is hydroelectric dams in
18 Amazonia: during Lula's previous administration he built the disastrous Belo Monte Dam²,
19 and during his 2022 campaign he said he would build it all over again³. He even claimed
20 that the local people had been benefited by the dam because of the large sums spent on
21 social programs⁴. The impacted indigenous people were not consulted in the case of this
22 and several other dam projects as required by International Labor Organization Convention
23 169⁵ and Brazilian law (law 10,088/2019, formerly 5051/2004). Although respecting ILO-
24 169 was not part of the published plan for Lula's administration⁶ or his public discourse, a
25 very positive sign is the inclusion in the 1 January 2023 decree creating the Ministry of
26 Indigenous Peoples of an explicit mention of ILO-169 as a responsibility of the new
27 ministry⁷. Of course, the multiple past violations of ILO-169 indicate that compliance is not
28 guaranteed in practice. Brazil's energy planning agency has made clear that multiple dams
29 would be prioritized in Indigenous areas if a bill introduced by Bolsonaro (PL 191/2020) is
30 passed, opening these areas for dams, mining and other forms of exploitation⁸. The
31 “ruralist” voting block that dominates in the National Congress has announced its intention
32 of passing this bill before the end of 2022, but if this is delayed an even more
33 antienvironmental National Congress that will be seated in 2023⁹ would easily allow the
34 bill to pass.

35
36 Another area of concern is the legalization of illegal land claims in government
37 land. Brazil is probably the only country in the world where one can invade government
38 land, deforest, and expect to obtain a land title, and ending this practice is central to
39 controlling Amazon deforestation in practice. The plan for reducing deforestation
40 announced in Lula's speech at COP27 only included rebuilding Brazil's largely dismantled
41 environmental agencies and instituting command-and-control operations to repress illegal
42 activities. It did not mention ending the practice of legalizing illegal land claims, which is
43 usually euphemistically termed “regularization” – a term that implies that the claimants

44 have a right to the land and that their lack of legal documents is the fault of the inefficient
45 government bureaucracy. In fact, almost all of the area being legalized is for land grabbers
46 and cattle ranchers, not for the traditional Amazonian riverside dwellers who have been
47 living for generations without legal documents. During his previous administration Lula
48 (under the influence of Mangabeira Unger) championed the first “land grabbers’ law” (Law
49 11.952/2009), facilitating the legalization of illegal land claims. The result was increased
50 deforestation in legalized landholdings¹⁰. Further loosening of restrictions followed under
51 President Michel Temer in 2017 (Law 13,465/2017), and a third “land grabbers’ law” (PL
52 2633/2020 and PLS 10/2020) is nearing approval in the National Congress. Worryingly, the
53 ruralist congressman who held the key position of rapporteur (“*relator*”) for PL 2633/2020
54 has now been appointed by Lula as his minister of agriculture. During Bolsonaro’s
55 administration, half (51%) of the deforestation in Brazilian Amazonia was in “undesignated
56 public lands¹¹. Legalizing these land claims means that future deforestation can be done
57 legally, in addition to a probable “amnesty” for the illegal clearing that has already been
58 done. Making illegal deforestation legal may fulfill Brazil’s promise to end illegal
59 deforestation by 2028 that is part of the country’s Nationally Determined Commitment
60 (NDC) under the Climate Convention¹², but the impacts on climate and biodiversity do not
61 depend on legality. The legalization also encourages future claims to government land and
62 a continuation of the process.

63

64 A third area of concern is gas and oil extraction. During his previous administration
65 Lula championed the Pre-Salt offshore drilling project despite substantial environmental
66 risks. Launch of the “new pre-salt” project in the estuary of the Amazon River is rapidly
67 approaching. The massive “Solimões Sedimentary Area” oil and gas project in the western
68 part of the state of Amazonas would be likely to justify roads that would drive deforestation
69 in Brazil’s last large block of intact Amazon forest¹⁸.

70

71 A fourth area of concern is large infrastructure projects in Amazonia, especially
72 roads. During his campaign Lula promised to conclude “stalled” infrastructure projects and
73 said he would allow each state governor to choose one such project, which would become a
74 federal priority. For the governor of the state of Amazonas that project is sure to be
75 Highway BR-319 (Manaus-Porto Velho), which, together with its planned side roads,
76 would facilitate migration of actors and processes from Brazil’s notorious “arc of
77 deforestation” to most of what remains of Brazil’s Amazon forest¹³. The environmental
78 consequences of this would be enormous¹¹. Lula stated during his campaign that BR-319
79 should be reconstructed if the federal and state governments have a commitment to
80 “preservation and inspection”¹⁴. It is wishful thinking to assume that the Ministry of
81 Environment can implant governance and control deforestation while massive projects that
82 promote deforestation are undertaken by other parts of the government, such as the
83 ministries of Infrastructure, Mines and Energy, and Agriculture (which legalizes land
84 claims through INCRA: the National Institute of Colonization and Agrarian Reform).

85

86 In sum, the election of Lula is a great relief, but removing Bolsonaro does not mean
87 that the Amazon is saved. Countries that import Brazilian soy, beef and timber, for
88 example, should not think that environmental restrictions on these commodities are
89 unnecessary.

90

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