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The outlook for Brazil's new presidential administration

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

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

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

have a right to the land and that their lack of legal documents is the fault of the inefficient government bureaucracy. In fact, almost all of the area being legalized is for land grabbers and cattle ranchers, not for the traditional Amazonian riverside dwellers who have been living for generations without legal documents. During his previous administration Lula (under the influence of Mangabeira Unger) championed the first “land grabbers’ law” (Law 11.952/2009), facilitating the legalization of illegal land claims. The result was increased deforestation in legalized landholdings¹⁰. Further loosening of restrictions followed under President Michel Temer in 2017 (Law 13,465/2017), and a third “land grabbers’ law” (PL 2633/2020 and PLS 10/2020) is nearing approval in the National Congress. Worryingly, the ruralist congressman who held the key position of rapporteur (“*relator*”) for PL 2633/2020 has now been appointed by Lula as his minister of agriculture. During Bolsonaro’s administration, half (51%) of the deforestation in Brazilian Amazonia was in “undesignated public lands”¹¹. Legalizing these land claims means that future deforestation can be done legally, in addition to a probable “amnesty” for the illegal clearing that has already been done. Making illegal deforestation legal may fulfill Brazil’s promise to end illegal deforestation by 2028 that is part of the country’s Nationally Determined Commitment (NDC) under the Climate Convention¹², but the impacts on climate and biodiversity do not depend on legality. The legalization also encourages future claims to government land and a continuation of the process.

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

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

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

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