

NEVER AGAIN

4 YEARS OF ENVIRONMENTAL MAYHEM UNDER JAIR BOLSONARO



OBSERVATÓRIO
DO CLIMA





A scene of war: reputedly overzealous in their concern about national sovereignty, the Armed Forces spend BRL 550 milion on irrelevant operations in the Amazon.

Table of Contents

00. Introduction	06
01. Hollow wood: the Military and the institutional “termite infestation”	10
1.1 Characteristics, description and organization of data and databanks	12
1.2 From the Greek <i>strategía</i>	14
1.3 Contemplating the dismantling	16
02. Fulfilled promises	
2.1 Shutting Ministry of Environment down	25
2.2 Ending the “fining industry”	31
2.3 “Not another inch of Indigenous land will be demarcated”	36
2.4 Withdrawing from the Paris Agreement	39
03. Performance indicators	
3.1 Deforestation and emissions	43
3.2 Mining on Indigenous lands	49
3.3 Bruno and Dom	56
3.4 Violence in the countryside	60
3.5 Embargos and international discredit	65
04. Fake environmental programs	
4.1 Forest +	69
4.2 <i>Lixão Zero</i> , or no more open garbage dumps	71
4.3 The fight against ocean trash	73
4.4 Adopt-a-Park	75
4.5 Green growth program	77
4.6 Carbon market	79
4.7 Air pollution	81

05. Holding down the fort	
5.1 Victories at the Supreme Court	82
5.2 Salles laid off, Bim removed	85
5.3 Further damage halted at Congress	87
5.4 Turning the page	91
5.5 Europe against deforestation	94
06. Next chapters	98

00.

Introduction

Few images capture more effectively the four years of Jair Bolsonaro's administration than the picture of a masked terrorist holding an original edition of the 1988 Constitution, stolen from the Federal Supreme Court during the attempted *coup d'état* of January 8, 2023. Since taking office in 2019, Bolsonaro sought to subvert and tear up the Brazilian constitutional order, trying until the last minute to pave the way for a coup. He did not do it alone: the Armed Forces, defeated by the Constitution and exposed by the Truth Commission, held a majority stake in Bolsonaro's enterprise.

As if the nearly 700,000 people killed by the pandemic were not a sufficiently eloquent testimony, investigations by the transitional government showed the extent of the destruction of the State apparatus, in areas ranging from culture to health, including education, science and human rights and, of course, the Federal Police investigations and the attempt to wreck the electoral system.



A survivor: degraded during the attempted coup against the three branches of government, the Constitution resisted - both physically and symbolically - the four years of destruction of Democracy perpetrated by the Bolsonaro administration

Brazilian environmental policy was hit especially hard by the dismantling efforts of the Bolsonaro administration. Without the political wherewithal to carry out his initial plan to shut down the Ministry of the Environment (MMA) and merge it with the Ministry of Agriculture, Bolsonaro went with his second “best” alternative: he effectively disabled that ministry, turning it into an empty shell. To that end, he handed the helm over to a specialist in the implosion of environmental governance, São Paulo lawyer Ricardo Salles. During his time at the Secretary of the Environment of the State of São Paulo, Salles had toned down the agency’s activities, going as far as trying to sell state conservation units and changing the management plan of a park to favor corporations.

In charge of the Ministry of the Environment and guided by the agronomist Evaristo de Miranda, who had headed the transition into the Bolsonaro administration, Salles executed a plan whose main pillars included the extinction of Brazilian climate governance. The proposal was detailed in the transition team’s report and had the stated purpose of excluding civil society from policy-making. According to reports from members of the transition team, the condition imposed by Bolsonaro’s assistant, the ruralist Nabhan Garcia, to appoint the Minister of the Environment was that the candidate would need to commit to withdrawing from the Paris Agreement.

Salles acquiesced, but the government was ultimately persuaded by representatives of agribusiness it-

self that there was no need for such drastic measure, which would cause unnecessary stress within the international community. All that the new government had to do was lie still and not implement the agreement.

But Bolsonaroists were not content with doing nothing: Salles tied up Ibama and the Chico Mendes Institute, appointed military police officers to occupy high ranking positions and deactivated inspection structures, even when resources were available. He froze the Amazon Fund and the Floresta+ program for four years, which meant that almost BRL 4 billion were not invested in sustainable development and environmental monitoring. He destroyed and engaged in cronyism to fill positions in the National Council for the Environment, the highest environmental collegiate in the country; destroyed Ibama’s environmental penalty-imposing process; introduced a peculiar concept called “environmental conciliation”, which all but guaranteed eternal impunity to violators; revoked the Deforestation Prevention and Control Plans, which were the driving force behind the 83% reduction in the rate of destruction in the Amazon between 2004 and 2012; left MMA with the lowest direct administration budgets in two decades; and handed over forest surveillance to the Armed Forces, who spent BRL 550 million on three operations that had actually been designed not to work.

As we know, the result was the highest percentage growth of deforestation in the Amazon in a single presidential term since the beginning

of satellite measurements: 60% compared to the average rate of the previous four years. International disrepute led to the paralysis of the trade agreement between Mercosur and the European Union, to the interruption of Brazil's entry into the OECD and to specific trade embargoes that, however, did not really impact agribusiness – which strongly supported Bolsonaro in the 2022 election.

The humanitarian dimension of the *'boiada'* government, however, was only fully realized when the imposed silence regarding the health crisis caused by illegal mining in the Yanomami Indigenous Territory was broken in January 2023. In addition to ecocide and an increase in the country's greenhouse gas emissions, Bolsonarism has triggered the genocide of Indigenous peoples. It is necessary to assess the responsibilities and punish those who are guilty of those crimes.

Since 2019, Observatório do Clima has been producing annual reports that diagnose the dismantling of environmental policy. This volume concludes the series, with a final assessment of the last four years.

Over the next few pages, we will show how Jair Bolsonaro diligently fulfilled his campaign promise to dismantle socio-environmental protection in Brazil. We updated the regime's "performance indicators", such as the decline in budget execution, the decrease in the number of fines imposed by Ibama, and the cancellation of public policies.

We also carry out an unprecedented exercise, shedding light on a central dimension of Bolsonarism as a model of

public management: the role of the military in the process of institutional decay that Supreme Court Justice Cármen Lúcia called "institutional termite infestation". In this document, we analyze three hundred legal and executive actions taken by the government against the activities of five public agencies responsible for the socio-environmental agenda (Incra, Funai, Ibama, ICMBio and the Brazilian Forest Service). The study concluded that all of these actions follow an identical logic of subversion, which can be explained using military concepts such as "institutional sabotage" and "conflict by proxy".

Like every historiographical endeavor, this document and the three that preceded it aim to catalog events so that they never happen again.

01.

Hollow wood:

The military and the “Institutional Termite Infestation”

“Now that we are in a quiet moment, with the press focused only on COVID, we need to push through environmental deregulation quickly.”

Ricardo Salles, April 22, 2020

Between the years 2021 and 2022, a research project compiled different monitoring initiatives of the “boiada”, as the socio-environmental dismantling practiced by the Bolsonaro government became known. Reports made by professional associations, NGOs, individuals, socio-environmental cause-related organizations, Indigenous and indigenist organizations were analyzed over three and a half years. The curation of this information, complemented by over 20 interviews with members of these organizations, gave rise to a dynamic database of normative acts underpinning the dismantling.

This effort sheds light on the method used to deliberately implement what Supreme Court Justice Cármen Lúcia called “institutional termite infestation”. And it makes it clear, as if there were still any doubt, that “mismanagement” cannot be deemed the cause of the Brazilian socio-environmental tragedy under the Bolsonaro administration. There is a well-designed strategy behind the dismantling, and it is a military strategy.

According to a technical note by Flávia Schmidt, a researcher at the National Institute of Applied Economic Research (IPEA) (Schmidt, 2022^[1]), the number of military personnel in civilian positions and functions increased by 193% between 2013 and 2021, with higher percentages for level 5 and 6 positions, which have higher decision-making power. According to the author, most of these positions were filled by members of the Army. The occupation of positions is one dimension

of the State. Between 2019 and 2020 alone, there was a jump from 3,515 to 6,157 military personnel holding civilian positions in the federal government administration.

This report analyzes two axes of formulation and implementation of public policies: legal and executive acts related to socio-environmental areas, particularly those related to land use and change, traditional communities and indigenous populations, and agrarian development; and intra-institutional tactics and strategies implemented in the socio-environmental area, with an impact on land use and deforestation.

Given the prominence and increase of military participation in Senior Management and Advisory positions (DAS, the main appointed positions in the federal executive power) described above, part of the analysis and classification method of the collected data considered this unequivocal trend of the Bolsonaro administration.

01. Hollow wood: The Military and the “Institutional Termite Infestation”

1.1 Characteristics, Description and Organization of Data and Databanks

Data on the legal and executive acts axis are organized as follows:

- Laws, Constitutional Amendments (PECs) and Presidential Measures (PR);
- INCRA | MAPA;
- MJ | FUNAI;
- MMA;
- IBAMA;
- ICMBIO.

The main body of information is divided as follows:

- **ID:** Individual identification code of the entry (normative entity) in the database;
- **GENERAL AREA:** overall socio-environmental area to which the entry (normative entity) is associated;
- **ACT:** nature of the normative entity;

- **BODY:** institution responsible for issuing the normative rule;
- **DATE:** date on which the normative rule was enacted, represented in the day/month/year format;
- **YEAR:** base year in which the normative rule was enacted;
- **TOPIC:** summary of the subject of the normative rule, usually contained in the subtitle of the rule;
- **CITATION:** summary of the main characteristic of the rule (action regulated by the rule);
- **LINK TO THE RULE IN THE OFFICIAL GAZETTE OF THE FEDERAL GOVERNMENT (DOU):** electronic address where the rule can be found.

A second set of information is related to the source where the cited rules are described and/or analyzed. This set of information is divided as follows:

- **AUTHOR'S COMMENTARY:** any information provided by the author of the monitoring work regarding the content, possible impact, or characteristics of the rule in question;
- **ORGANIZATION:** entity responsible for monitoring and/or publishing material containing a collection of rules;
- **MATERIAL:** source where the monitoring and/or publication of material containing a collection of rules is found;
- **LINK TO MONITORING MATERIAL:** electronic ad-

dress where the consulted material can be found.

The data in the **intra-institutional tactics and strategies** axis are focused on the following institutions: MMA, Ibama, ICM- Bio, Mapa, Incra, MJ and Funai.

In monitoring intra-institutional tactics and strategies, the data structure is different: the aim was to gather a body of evidence of strategies being implemented in an organized and inter-institutional manner, i.e., in at least some of the socio-environmental agencies within the scope of the federal government. A preliminary classification of the material found was carried out after a first mapping of such tactics and strategies.

01. Hollow wood: The Military and the “Institutional Termite Infestation”

1.2 From the Greek *strategía*

A single term of office would not be enough for the dismantling of the rule of law to be completed. However, at the same time that a democratic veneer was maintained, the foundations for its dismantling were laid down. STF Justice Cármen Lúcia was the reporting justice in charge of Claim of Non-compliance with a Fundamental Precept (ADPF) 760^[2] and of Direct Action of Unconstitutionality by Omission (ADO) 54 – which deal with deforestation in the Amazon Forest –, when she referred to the set of environmental management actions of the Bolsonaro administration as a “termite infestation”. However, the metaphor, in and of itself, does not explain the tactics and strategies that were adopted to allow such infestation to take place.

How to classify the acts and strategies implemented in government agencies by a body of decision makers with a military background or closely aligned with the military, in numbers never seen since the re-democratization? There were no expressions in the public policy formulation lexicon that precisely defined what was witnessed in

terms of environmental monitoring and data compilation.

The analysis of public environmental policies in the Bolsonaro administration revealed the implementation of a set of strategies adapted from non-democratic contexts, military conflicts and wars. After consulting the Glossary of the Armed Forces ^[3], it became clear that using military terminology was relevant in categorizing the government's dismantling actions and tactics. Therefore, terms like "sabotage" and "subversion" were introduced into the current political discourse to illustrate how these actions violated the purpose of laws, positions, and environmental protection agencies when combined with other terms.

Executive acts and intra-institutional strategies were classified according to the items below:

- Legislative Attack
- Normative and Regulatory Attack
- Subversion of Institutions
- Institutional Sabotage
- Subversion of the Constitutional Role of Institutions
- Restrictions on Civil Rights and Society Participation

The items below were used only for intra-institutional strategies

- Rigging/Infiltration
- Disinformation
- Intimidation and Harassment
- Persecution
- Conflict by proxy

A glossary provided context for each term, explaining their origin and how they've been redefined for the current context, and included examples of their application in representative cases.

Additionally, a classification system was developed for executive acts, organized by area and subarea, which is described below. To evaluate the impact of these actions in specific areas, a scale was created with categories ranging from Low to High impact.

- National Policy on Climate Change
- Environmental governance
- Environmental policy
- Environmental crimes
- Water resources
- Oil and gas
- Land reform
- Land regularization
- Forest policy
- Public security
- Indigenous rights and territories
- Quilombolas and other peoples and traditional communities
- Conservation of protected areas

01. Hollow wood: The Military and the “Institutional Termite Infestation”

1.3 Contemplating the Dismantling

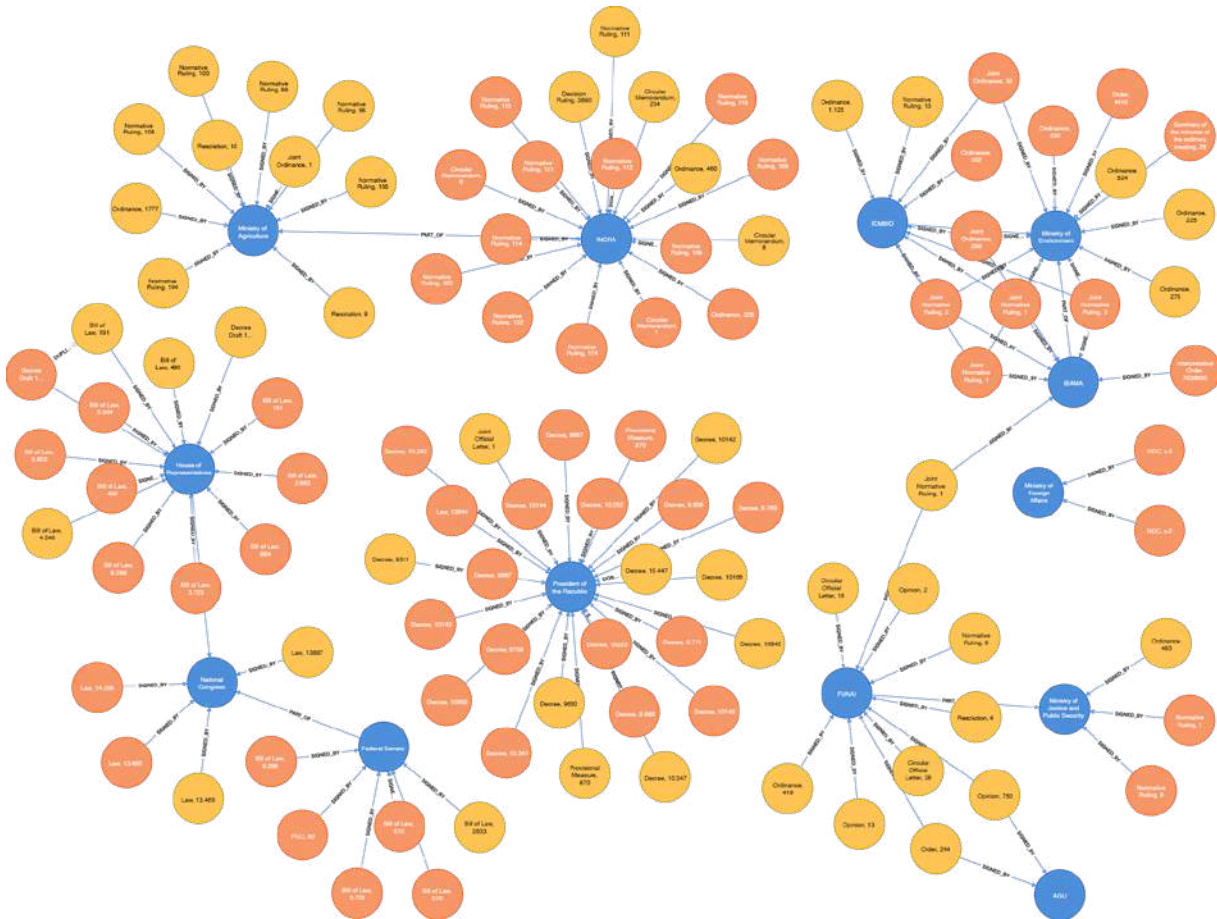
We utilized the Bloom tool^[4], available on the Neo4J^[5] platform, to visualize the relationships among various entities, impact correlations, distribution, and proportions. The tool also enabled us to access specific data for each entity.

In the following sections, we present some of the key findings based on our analysis of 108 executive acts. The corresponding agencies are depicted in blue, while yellow and orange represent medium and high-impact acts, respectively.

The image indicates several significant trends, including the Presidency of the Republic (PR) emerging as the primary source of acts, primarily Decrees, with a greater proportion of high-impact (orange) acts. Additionally, a cluster of three entities, ICMBio, Ibama, and the Ministry of the Environment (MMA), is identified on the upper right side of the image.

In this cluster, the agencies share Normative Instructions, which, as revealed by the analysis of the content

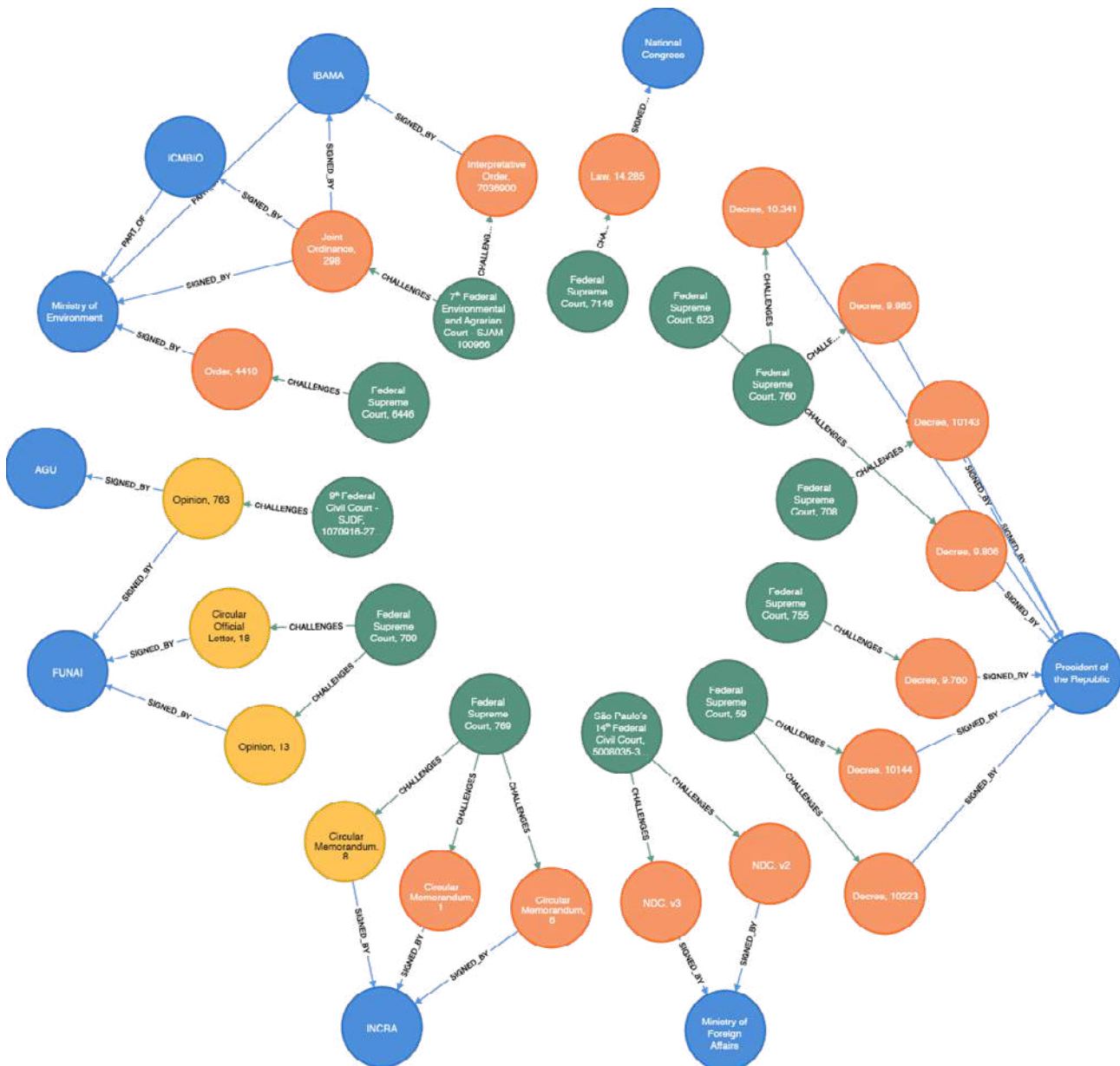
of each act, are related to federal administrative processes for investigating offenses and imposing fines.



The environmental cluster is located below Funai, which shows some level of correlation with environmental agencies. Three other clusters are identified: Senate and Chamber of Deputies, which are associated with Bills, and the National Congress, which deals with legislation approved by both houses. Finally, at the top, we have the Ministry of Agriculture (Mapa) and Incra.

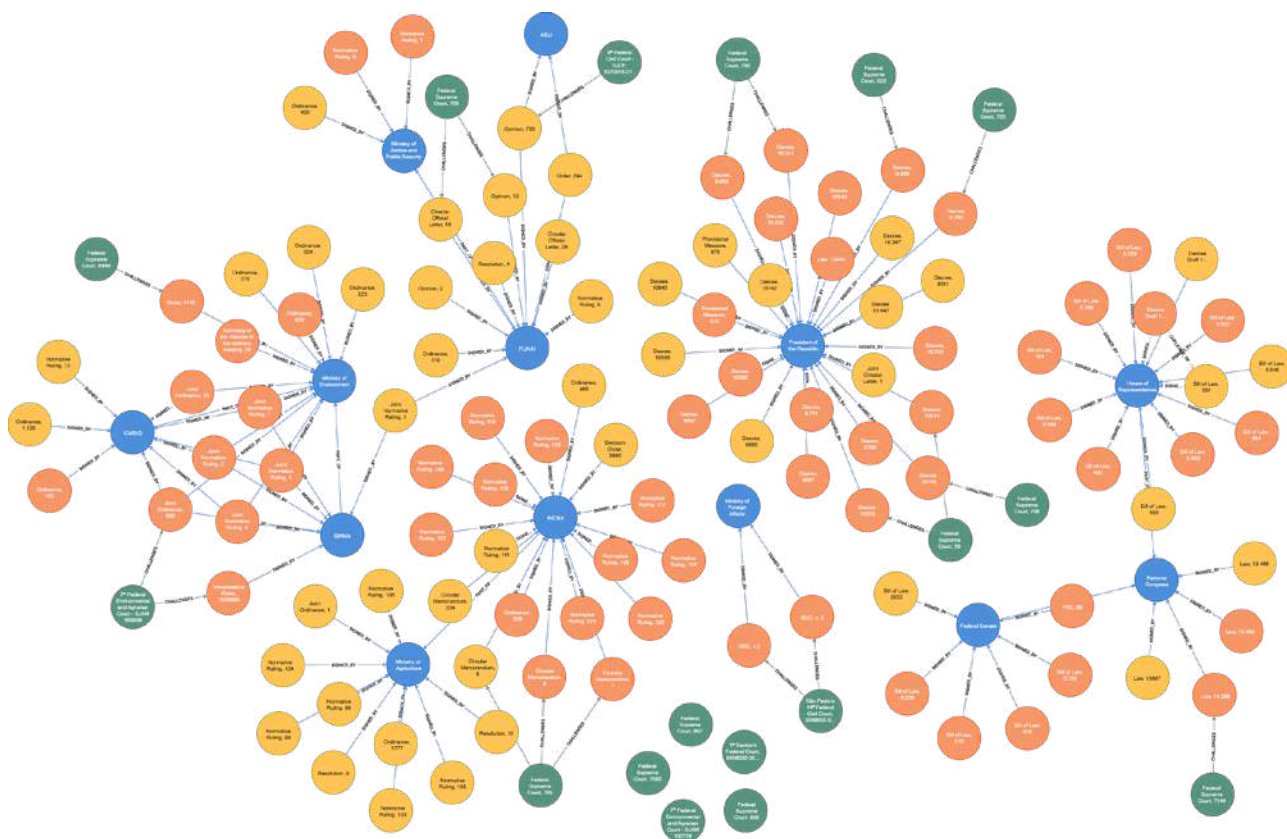
Acts related to the Ministry received a medium impact rating, while those associated with Incra received a high impact rating, particularly those that changed land access and titling procedures for settlers.

When the data was sorted based on the legal acts under litigation, which were fewer in number than other acts, the resulting graph displayed a simpler layout:



The green spheres circle in the image represents cases that are currently in the STF. Only three lawsuits involving the mapped acts are not in the Supreme Court and are distributed among different Federal Courts. Half of the acts under litigation in the STF are Decrees issued by the Presidency of the Republic, while the remaining cases are related to different acts by various entities.

By combining these two pieces of information and exploring the data set, we created the following visualization, which facilitates a better understanding of the location of the primary focus of litigation.



The next graph is obtained from the insertion of one more component in the analysis of executive acts: the years in which they were signed – or, in the case of bills, presented to the legislature/transferred for consideration by one of the houses. In the image, the years are in pink: 2002, 2007, 2017, 2018, 2019, 2020, 2021 and 2022 on the right side.

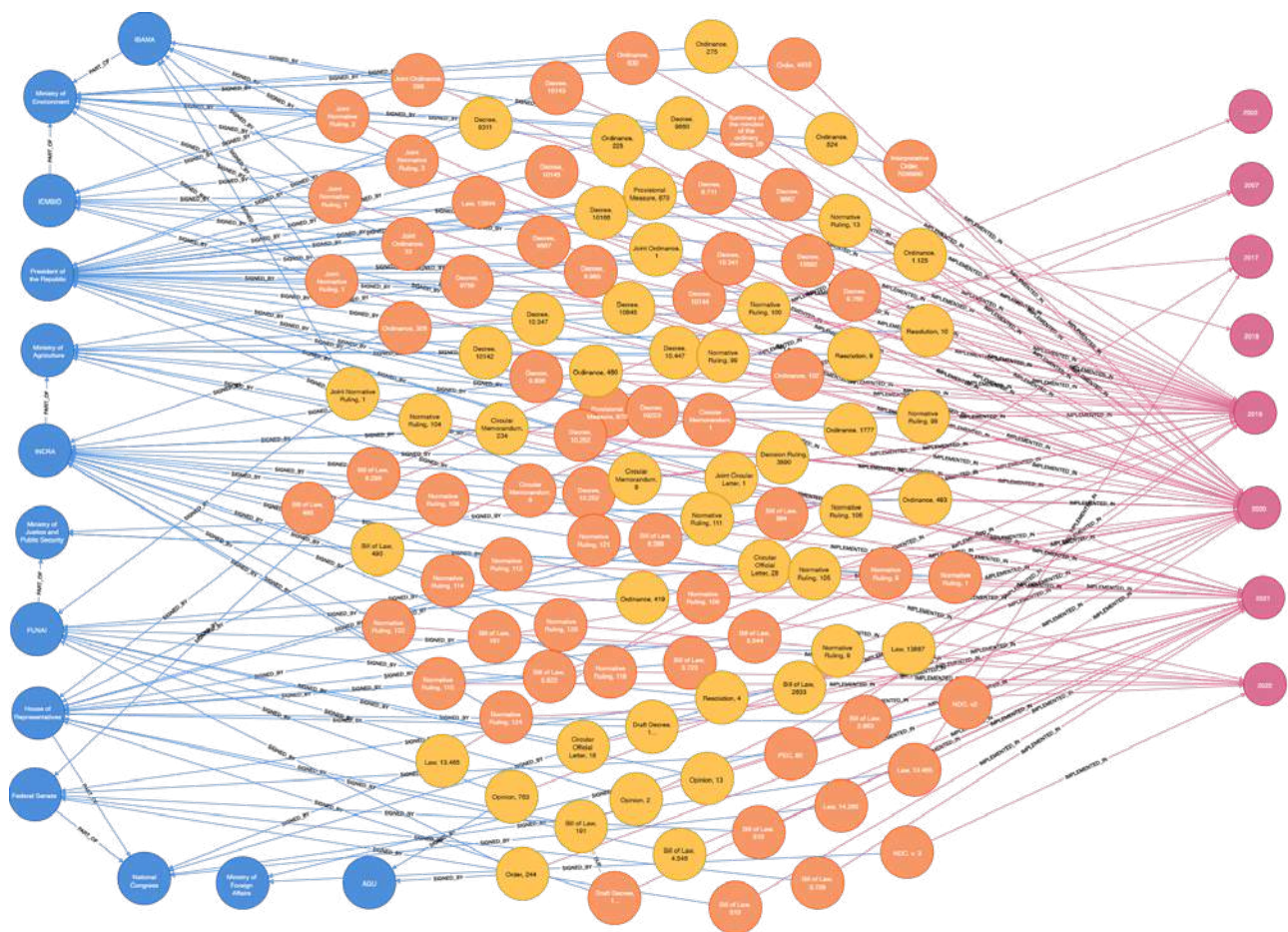
The bodies are on the left side, in the following order: Ibama, MMA, ICMBio, PR, Mapa, Incra, Ministry of Justice, Funai and the package below Congress, ending with the Ministry of Foreign Affairs and the AGU.

It is noted that the periods of greatest activity, for monitored executive acts, were 2019 and 2020 – with emphasis on the Presidency of the Republic, through decrees. These are also the years of the most intense activity in the MMA, ICMBio and Ibama group, which coincides with the period when Ricardo Salles was in office.

For Mapa and Incra, the acts are distributed more homogeneously, with the exception of six Normative Instructions issued by Incra in 2022. This group, classified as having a high impact, brings together changes in the titling

processes that accelerate the individual distribution of land titles (mostly provisional) for small producers and settlers.

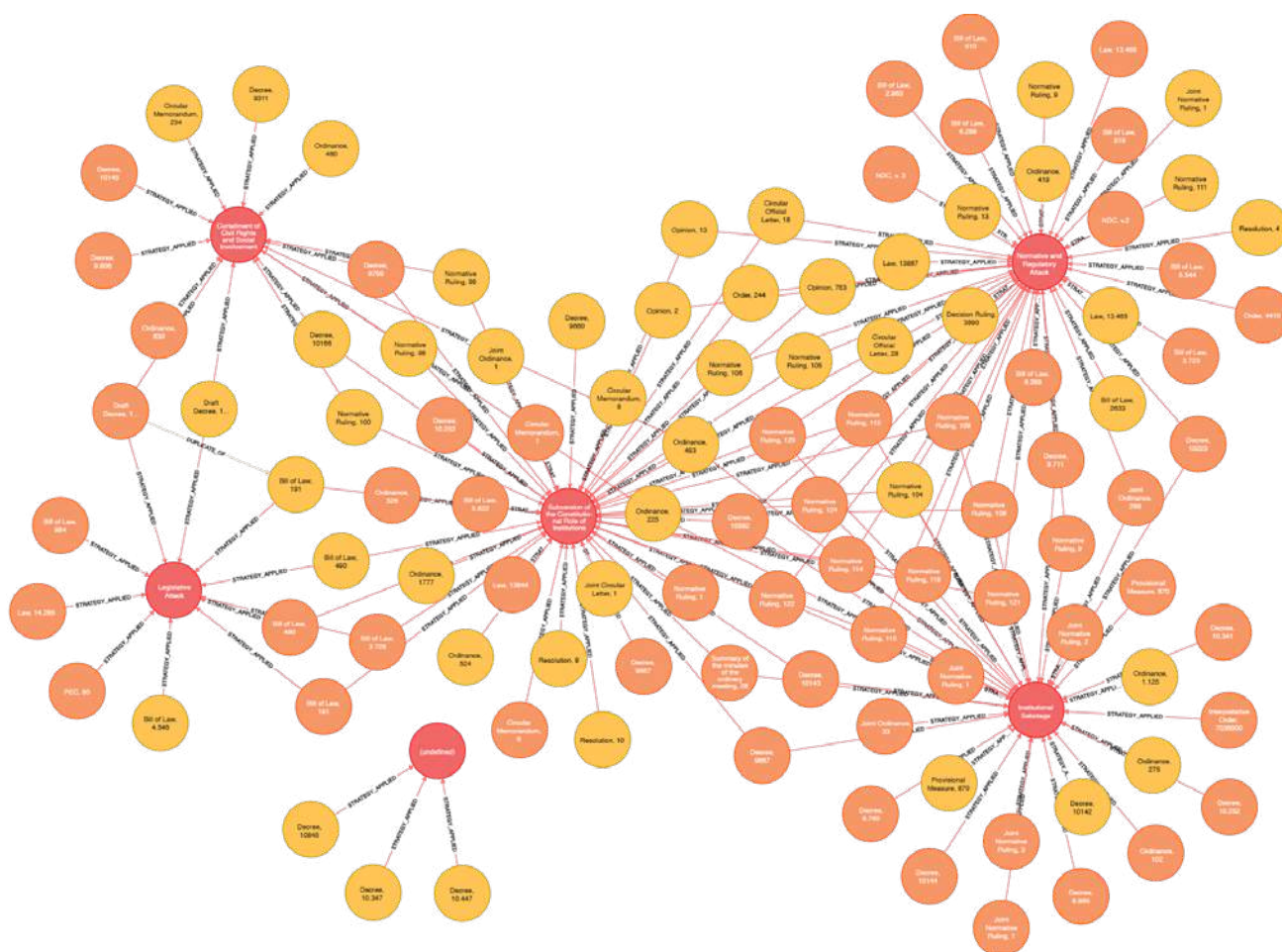
According to Abra (Brazilian Association of Agrarian Reform), the change in the titling model weakens settlers, since a significant part of the titling takes place in areas of interest to large properties or undertakings such as mining. In the medium term, the sale and resale of lots is authorized, allowing the purchase and development of large properties. This change in the regulatory framework aimed at the mass distribution of titles in the pre-election period, according to an investigation conducted by InfoAmazonia^[6].



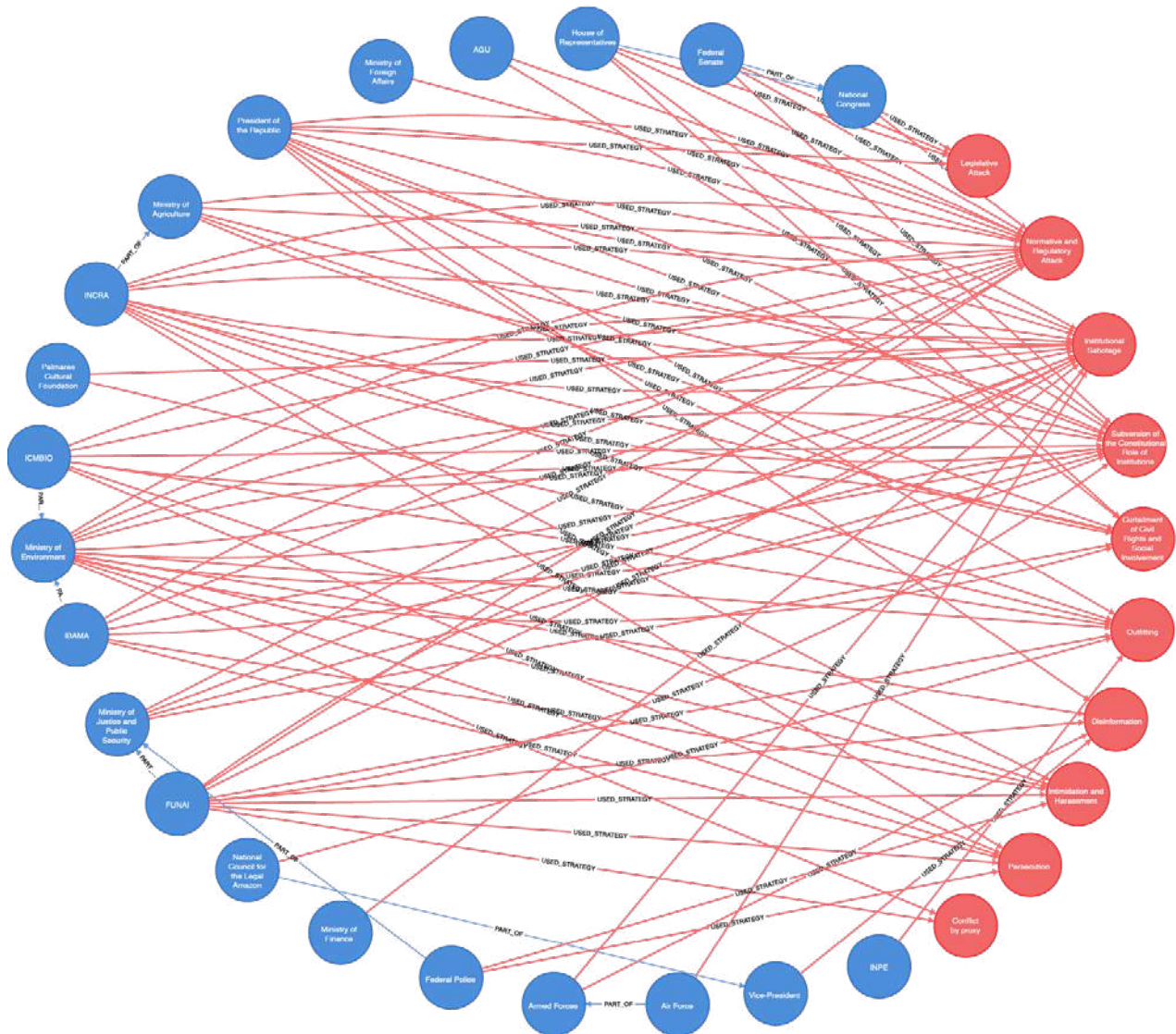
The following figure introduces a new element to the analysis of normative acts and the tactics and strategies employed: the classification of these acts based on the type of strategy they embody. This is where the concept of termite infestation comes into play.

As described in the preceding section, the strategies are classified as Legislative Attack, Normative and Regulatory Attack, Institutional Sabotage, Subversion of the Constitutional Role of Institutions, and Restrictions on Civil Rights and Society Participation.

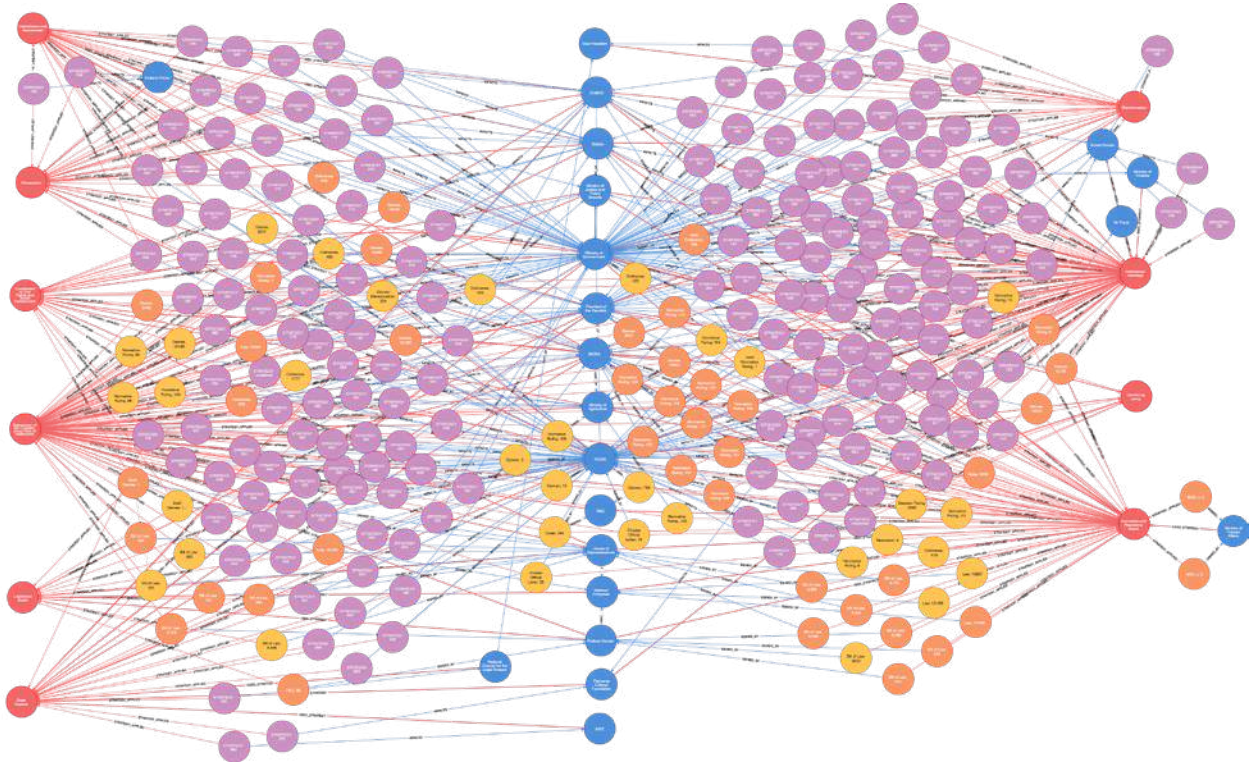
The figure displays the three primary classifications of normative acts: Subversion of the Constitutional Role of Institutions, Institutional Sabotage, and Normative Attack.



In the following visualization, the federal government agency was crossed with the typology of “termite infestation” attack, following the military classification. The thickness of the arrows varies according to the number of acts issued according to each tactic. It is noted, for example, that in the Ministry of the Environment, Institutional Sabotage was the main instrument, while at Funai it shares importance with the Subversion of Constitutional Roles.



Finally, in the last graph, it is possible to visualize all the acts divided by government agency and classified according to the military tactic used:



The graphs produced from the database allow for the visualization and analysis of a complex set of legal and executive acts. To classify these acts according to the type of strategy they represent, language that translates the means of destruction must be used.

Institutional sabotage and subversion of the constitutional role of institutions are the two most commonly applied strategies to both legal and executive acts. Intimidation and harassment strategies are only applied to administrative acts.

By analyzing the correlations between acts and strategies, it is possible to infer the presence of military personnel, strategies, and mentality behind the "termite infestation".

The graphs reveal a coherent, organized, and transversal set of strategies aimed at deconstructing and destroying areas of State policy, organizations, and human resources that had been constructed in the country in the last three decades of democratic rule. The main targets of these strategies are traditional communities, Indigenous peoples, lands, and forests.

- [1] Schmidt, F. H. Presença de Militares em Cargos e Funções Comissionados do Executivo Federal Ipea, Brasília 2022. https://repositorio.ipea.gov.br/bitstream/11058/11211/1/NT_Presenca_de_militares_Publicacao_Preliminar.pdf
- [2] STF – STF começa a analisar as ações constitucionais sobre desmatamento na Amazônia. 30.03.2022 <https://portal.stf.jus.br/noticias/verNoticiaDetalhe.asp?idConteudo=484431&ori=1>
- [3] Glossary of the Armed Forces – MD35-G-01 5a. Edição/2015) https://bdex.eb.mil.br/jspui/bitstream/123456789/141/1/MD35_G01.pdf
- [4] <https://neo4j.com/product/bloom/>
- [5] <https://neo4j.com/>
- [6] InfoAmazonia – O truque de Bolsonaro para dizer que cuida do pequeno produtor rural. 14.10.2022 <https://infoamazonia.org/2022/10/14/bolsonaro-reforma-agraria/>

02.

Fulfilled Promises

2.1 Shutting Ministry of the Environment Down

“We had the idea of merging the Ministry of Agriculture with the Environment, but we came to the conclusion that it wasn’t the best option, after talking to many of you. And today we have an environment minister who is aligned with your interests.”

Jair Bolsonaro, July 4, 2019



A man with a mission: appointed to dismantle the MMA, Ricardo Salles left the ministry under investigation of nine crimes

Dissuaded by agribusiness itself from shutting down the Ministry of the Environment, as he had promised to do in the 2018 campaign, Jair Bolsonaro adopted a different strategy to reach the same place: he promoted what he called an “almost perfect marriage” between MMA and the Ministry of Agriculture. The cupid in this toxic relationship was the anti-Minister of the Environment, Ricardo de Aquino Salles.

The dehydration of MMA under Salles began on the first day of his administration, when a Provisional Measure for restructuring the ministry was published. From the outset, the ministry lost two autarchies under its responsibility: the National Water Agency, which went to the Ministry of Regional Development, and the Brazilian Forestry Service (SFB), which went to the Ministry of Agriculture. SFB controls the Rural Environmental Registry, the main gateway into environmental regularization of rural properties. Putting it in the hands of the Ministry of Agriculture would be the equivalent of appointing a militiaman to head the Federal Police. And that is what happened. The Secretariat for Climate Change was also shut down, as the minister doubted human contribution to global warming and said that the country’s real environmental problem was in the cities.

The beginning of Salles’ term of office was devoted to smoke and mirrors programs (addressing ocean trash, vehicle pollution and “zero dump”, which never went much beyond PDF files on the ministry’s website^{[1][2]}) and to wrecking any

possibility of social oversight over the actions of the ministry.

Following this logic, within 15 days of taking office, the minister tried to suspend agreements with NGOs^[3] (only to find out that he couldn’t), then attempted to institute a witch hunt at the Amazon Fund by inventing a lie – that the Federal Government Oversight Board (CGU) had discovered contract frauds (which CGU itself denied)^[4]. In March, he passed a gag law affecting Ibama and ICMBio communications, prohibiting those agencies’ employees from responding to the press. Within the ministry itself, contact with the press was centralized by the minister – from then on, the phrase “the Ministry of the Environment refused to comment” became standard in news articles. In April, he canceled the environmental fines conversion program that would apply BRL 1 billion in environmental recovery projects in the Northeast. In the same month, in the infamous “wholesale repeal” carried out by the Civil Household^[5], more than 20 collegiate bodies in the environmental area were extinguished, including some that Salles would later need, such as the National Commission for Redd+ and the committee on oil accidents contingency plan. The most prominent victims of the repeal were the steering and technical committees of the Amazon Fund, Cofa and CTFA. Salles proposed to reinstate them with a different composition, excluding civil society. However, the donor countries, Norway and Germany, rejected this proposal, and Brazil was left with BRL 3.2 billion frozen in the BNDES fund for the

four years of government. In addition, another USD 96 million from the Green Climate Fund for payment for environmental services in the Floresta+ program also went unused.

In May 2019, Salles concluded the exclusion of society from environmental oversight by issuing a decree that changed the composition of Conama (the National Council for the Environment), falsely claiming that the collegiate board did not work because it was “too big”. From 96 members, Conama now has only 23, mostly members of the federal government, which now has almost full control of the collegiate board. Thus, in September 2020, Conama approved three resolutions that weakened the protection of coastal scrubland, allowed the burning of toxic waste and limited areas of permanent preservation around dams. The resolutions were later overturned in court.

Once shielded from external gaze, MMA started to do what Bolsonaro ordered it to do: nothing. The Plan for the Prevention and Control of Deforestation (PPCDAm), which had been operating since 2004 and had gone through five presidential terms, was formally revoked in November 2019, but by then, in practice, it was already defunct because the secretariat that controlled the plan had been disbanded. Ibama and the Chico Mendes Institute positions were occupied by military policemen and became incapable of fulfilling their constitutional duties (more about this below).

In 2020, the task of combating deforestation was outsourced to the

Army, with the reinstatement of the National Council for the Legal Amazon, commanded by the then vice-president, Hamilton Mourão.

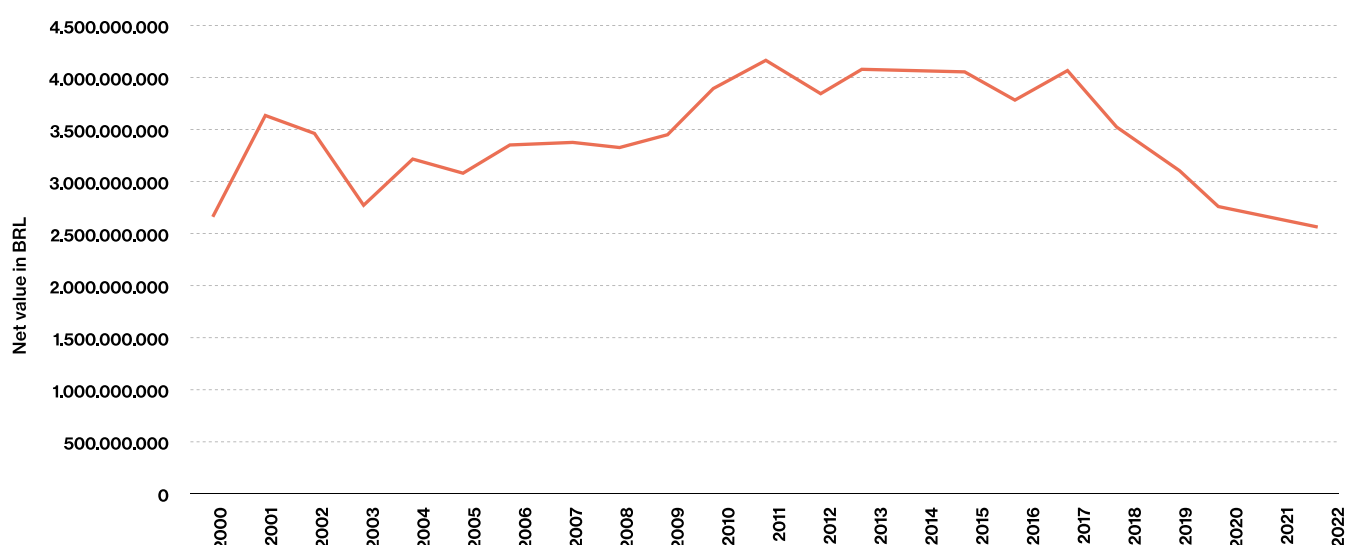
In 2021, Salles was fired by Bolsonaro in the wake of two Federal Police operations that investigated him for facilitating the smuggling of wood and eight other crimes. It was discovered in the process that there was a special advisor to the minister working within the cabinet to favor environmental offenders ^[6]. Salles' replacement, Joaquim Álvaro Pereira Leite, stood out during his year and a half in office for repeating the phrase “we have been acting forcefully” and for skipping international climate negotiations in Egypt to go scuba diving off the Red Sea coral reefs ^[7].

The undeclared deactivation of the Ministry of the Environment becomes more evident when analyzing its liquidated budget, i.e., the money effectively spent in the execution of the environmental policy until December 31 of each year. In 2022, the MMA and its related entities spent BRL 2.53 billion, the lowest amount since the year 2000. This figure was obtained from Siop, the federal government's Integrated Planning and Budget System, and was adjusted by the IPCA to December 2022. The most money effectively paid to implement environmental policy each year had been BRL 4.1 billion, in 2011.

The Bolsonaro administration's average annual budget spent on environmental issues, BRL 2.8 billion, is also the lowest among seven presidential terms analyzed (although the data

series only includes three years of the second FHC term of office). The Federal Government's Oversight Office itself pointed out, in 2020, that the actual money spent by the ministry in three items over the previous year was no more than 14% of the budget and that it was not even possible to assess whether the results were consistent because there was no planning tool^[8]. In the same year, a technical note from the Observatório do Clima showed that, by August 2020, the MMA had spent only BRL 105,000 in its direct administration duties which shows a deliberate choice to avoid public policymaking^[9].

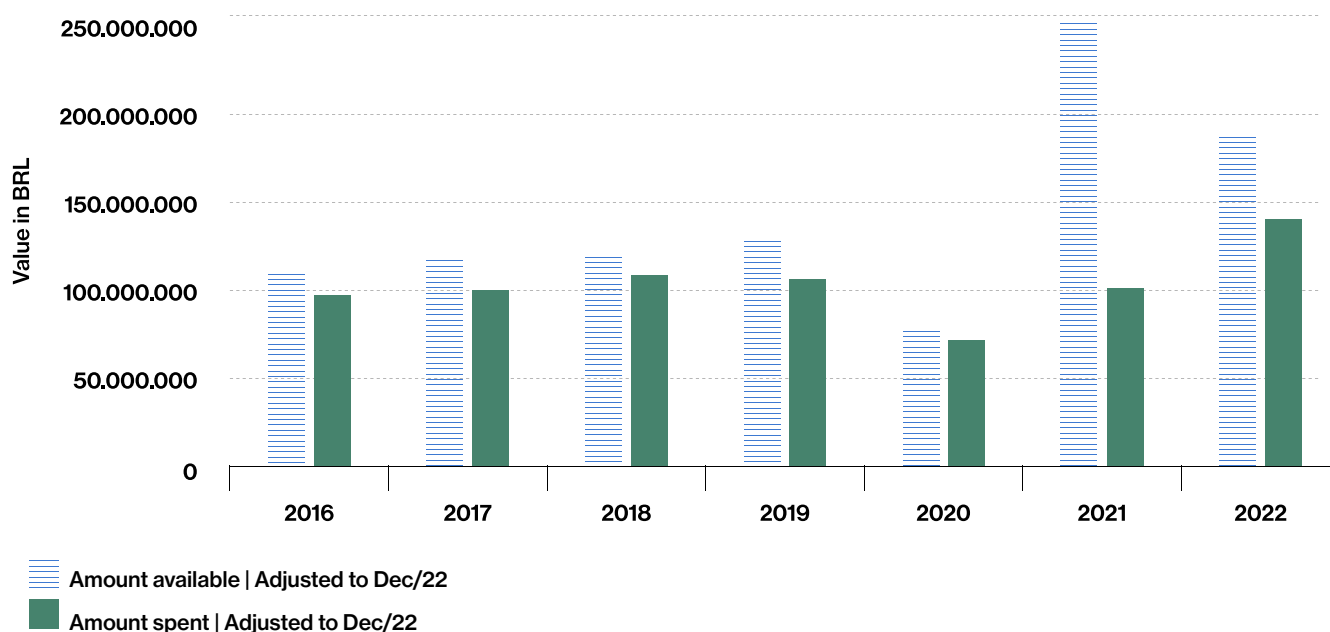
Executed budget of the Ministry of the Environment (amount spent by December 31 of each year)



Source: ME/SIOP. Data extracted on February 22, 2023. Values updated by IPCA. The following budgetary units were considered in the analysis: 44101 - Ministry of the Environment - Direct Administration, 44102 - Brazilian Forest Service - SFB, 44201 - Brazilian Institute of the Environment and Renewable Natural Resources - IBAMA, 44202 - Development Company of Barcarena - Codebar, 44205 - National Water Agency - ANA, 44206 - Rio de Janeiro Botanical Garden Research Institute - JBRJ, 44207 - Chico Mendes Institute for Biodiversity Conservation, 44208 - Brazilian Forest Service - SFB, 44901 - National Environmental Fund - FNMA, 44902 - National Committee on Climate Change. The monetary restatement by the IPCA considered January of the respective year and December 2022, with the indices available through the Citizen's Calculator, of the Central Bank. The reimbursable portion of the National Fund on Climate Change, which is transferred to the BNDES, was not considered, as it involves loans.

The use of funds in inspection actions by Ibama had a strong recovery in 2022, after reaching its lowest level in 2021 (40%) since 2016. It is still lower than that of the Michel Temer government. The highest percentage of execution in the series started in 2016 was reached in the Bolsonaro government, in 2020, but in that year the absolute total of funds authorized for inspection was the lowest in the last six years.

Ibama inspection budget approved and executed



Source: ME/SIOP. Data extracted on January 8, 2022. Covers the period up to December 31, 2021

02. Fulfilled Promises

2.2 Ending the “Fining Industry”

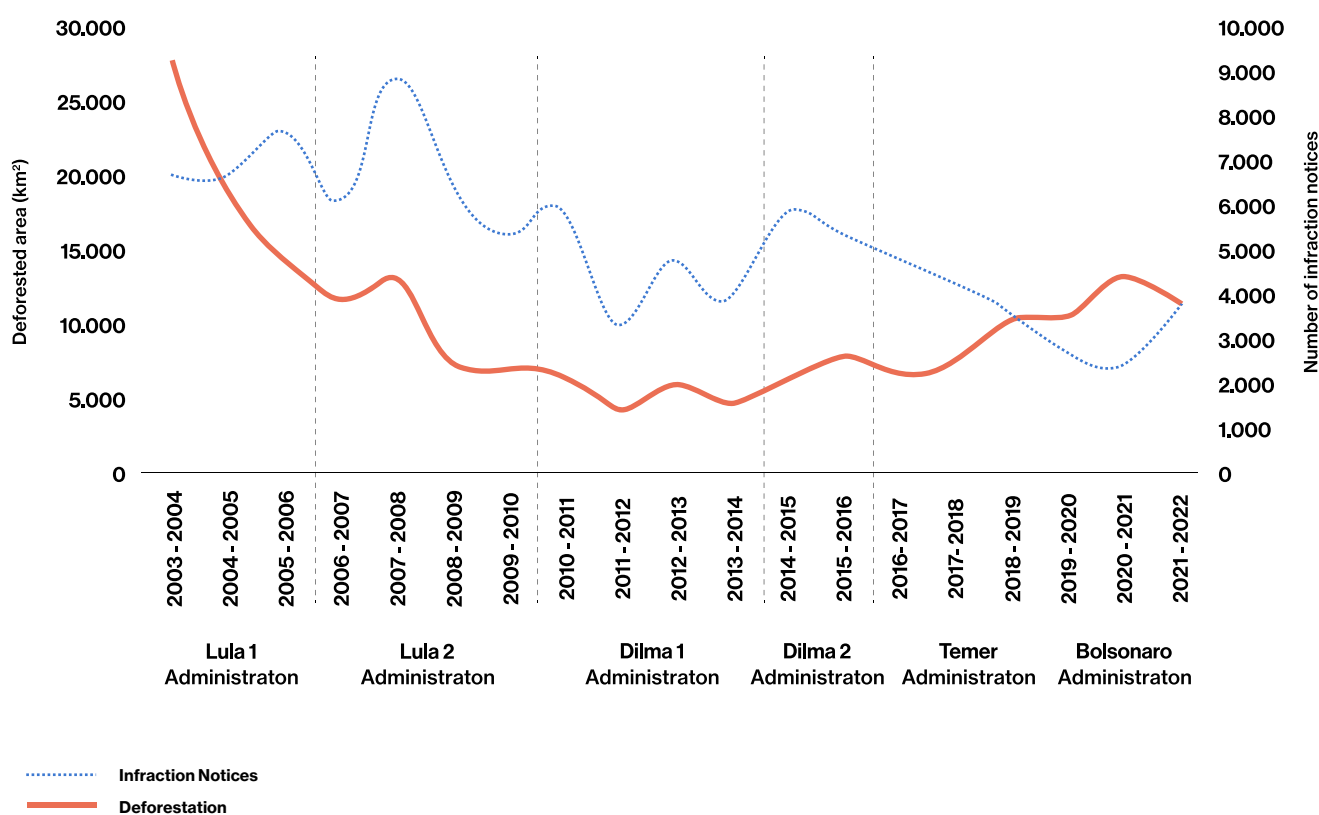
“This has improved a lot since we arrived, though. Even rural people say that the situation of Ibama and ICMBio in Brazil has improved a lot. Things will get even better.”

Jair Bolsonaro, November 10, 2020

The 59.5% increase in deforestation in the Amazon over the four years of the Bolsonaro administration coincides with a 38% drop in fines imposed by Ibama for crimes against flora compared to the 2015-2018 period.

Regarding deforestation, the annual average under Bolsonaro was 11,396 km², against 7,145,000 km² in the previous period. In four years, 45,586 km² were deforested in the Amazon, an area corresponding to the state of Rio de Janeiro.

Amazon deforestation and infraction notices drawn up by Ibama for violations against flora



Source: Inpe (2022) and Ibama (2022). Open data portal (November 29, 2022).

Fines for crimes against flora in the Amazon fell: from an annual average of 5,069 in the Temer and Dilma Rousseff (second term) administrations to 3,146 in the Bolsonaro administration. One of Bolsonaro's campaign promises had been precisely to put an end to what he called a "festival" or an "industry" of environmental fines.

The Bolsonaro government's average fines for deforestation in the Amazon are the lowest in the last two decades

The numbers of infraction notices were obtained from Ibama's Open Data portal. There is a great discrepancy in relation to the numbers presented in the Public Consultation area of the same website. The two databases have been experiencing problems in making information available since the end of 2019, when then Minister Ricardo Salles changed the system used for charging environmental fines.

In the public consultation section, the number of infraction notices for crimes against flora in the last Prodes period (August 2021 to July 2022), which is the interval used by Inpe to calculate the deforestation rate for 2022, was 2,909. In the open data section, the total was 3,776. This more conservative number was used in this analysis.

Ibama's paralysis was not due to a lack of funds, but rather due to the sabotaging of the body's normal functioning and persecution of agents. The Bolsonaro administration issued a wholesale dismissal of the agency's regional superintendents, left key positions vacant for more than a year in the Amazon and appointed military police personnel, loyal to Salles, to command the inspectors. In 2020, the entire supervisory board was fired after a news report aired in the *Fantástico* TV show showed Ibama acting against miners and land grabbers in three Indigenous lands in Pará. The inspector who had fined Jair Bolsonaro in Angra dos Reis in 2012, José Augusto Morelli, also lost his job in a vendetta. In 2021, more than 600 Ibama agents risked their jobs

by signing a letter denouncing a joint normative instruction issued by the president of Ibama, Eduardo Bim, and of ICMBio, the military police officer Fernando Lorencini (who had participated in the Carandiru invasion, in 1992), which in practice paralyzed inspection. According to the norm, inspectors could no longer issue fines when catching an offender in the act – it would first be necessary to issue a report and have it approved by the “hierarchical superior” of the inspector, often a military police officer appointed by Salles.

The persecution of public servants working in the environmental area exploded in the Bolsonaro administration. According to data from the Federal Government's Oversight Board, accusations of harassment increased by 380% over those recorded during the previous government. There were 183 civil servants submitted to disciplinary administrative processes in 2022, against 38 in 2018. In total, 441 employees of Ibama, ICMBio and the Ministry of the Environment were subject to executive acts penalties in the four years of the Bolsonaro administration, against 270 in the previous four years. The climate of terror created by Salles reached a paroxysm at ICMBio when one of the heads of that institute, a Military Police colonel from São Paulo, became infamous for issuing a “code of conduct” that prohibited servants from wearing miniskirts and distressed jeans. The president of Ibama, Eduardo Bim, also issued a “code of ethics” that prohibited civil servants from talking to the press. Another attempt at censorship was made at ICMBio in 2021, this time

against scientists: no research carried out in conservation units by the agency's employees could be disclosed before the approval of the police colonel in charge of the sector.

The paralysis of environmental agencies was compounded by the fact that many positions were left vacant, resulting in a significant hollowing-out of these institutions. Back in November 2018, during a Facebook live stream, the president-elect vehemently rejected the need to hire inspectors to work at Ibama and ICMBio: "You must be kidding me!", He declared. The following year, Minister Salles blamed the gradual reduction in Ibama's staff (which was real, as employees retired and were not replaced by new hires) for the increase in fires and deforestation. In 2020, it was Hamilton Mourão's turn to point out the lack of public servants as the culprit for the high rates of deforestation. And yet, even with the problem diagnosed, no new hires for Ibama would be authorized until September 2021. Minister Joaquim Leite had promised 740 inspectors (i.e., environmental analysts with undergrad degrees), but only 157 analyst positions were offered. All the other vacancies to be filled were classified as mid-level environmental clerks^[10]. And this was not for a lack of funds, since the government spent BRL 550 million in military operations in the Amazon alone.

Today, Ibama has 956 environmental analyst positions vacant, and ICMBio, 608. Together, mid- and higher-level vacant positions at Ibama, ICMBio, the Forestry Service and the MMA amount to 4,100, while 4,914 positions are currently occupied.

Environmental Analyst		
Body	Occupied	Vacant
IBAMA	1.408	956
ICMBIO	992	608
SFB (MAPA)	94	4
MMA	321	99
Total	2.815	1.667

Administrative Analyst		
Body	Occupied	Vacant
IBAMA	167	318
ICMBIO	27	114
SFB (MAPA)	0	2
MMA	1	2
Total	241	474

Environmental Ambiental		
Body	Occupied	Vacant
IBAMA	525	141
ICMBIO	207	56
SFB (MAPA)	0	2
MMA	0	2
Total	732	201

Administrative Assistant		
Body	Occupied	Vacant
IBAMA	14	0
ICMBIO	37	0
SFB (MAPA)	1	0
MMA	0	0
Total	52	0

Administrative Clerk		
Body	Occupied	Vacant
IBAMA	796	1.150
ICMBIO	243	588
SFB (MAPA)	4	3
MMA	0	3
Total	1.074	1.758

Total		
Body	Occupied	Vacant
IBAMA	2.910	2.565
ICMBIO	1.506	1.366
SFB (MAPA)	99	11
MMA	322	106
Total	4.914	4.100

Total positions	
Body	Occupied + Vacant
IBAMA	5.475
ICMBIO	2.872
SFB (MAPA)	110
MMA	428
Total	9.014

Source: ME (2022). Open data portal. Human Resources management (Federal executive Branch) - Vacancies. Updated on November 11, 2022. Accessed on November 29, 2022

02. Fulfilled Promises

2.3 “Not another inch of Indigenous Land Will be Demarcated.”

“I’m not obliged to do it, so there won’t be any more indigenous reservations in Brazil. We will review those that are already demarcated, with reports [due to] lot of suspicion of fraud in the past.”

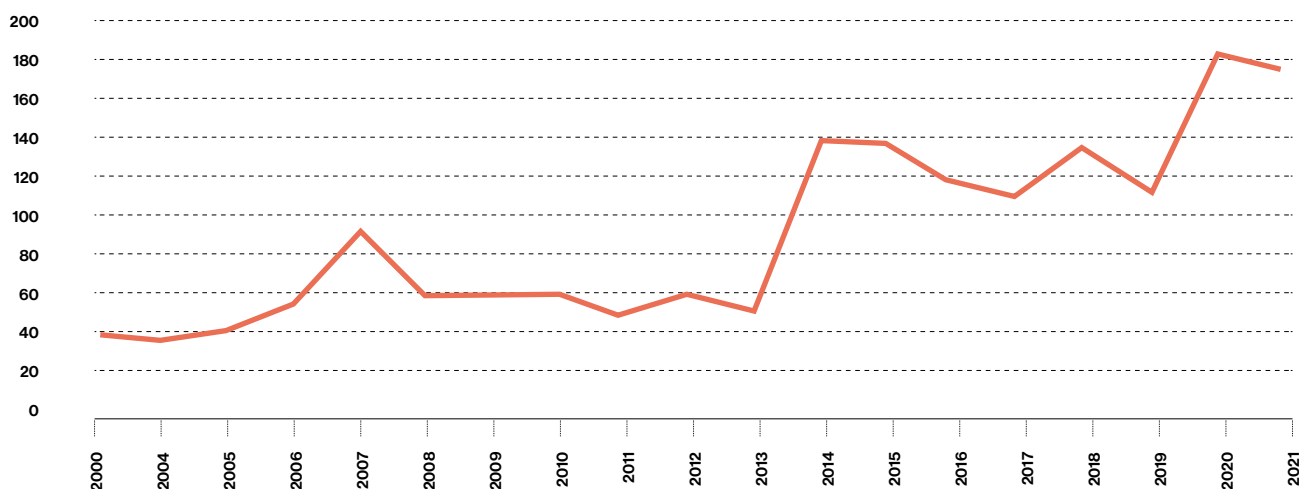
Jair Bolsonaro, August 30, 2019

Bolsonaro was the first president since re-democratization not to demarcate Indigenous Lands, as he warned in his campaign. Violation of the constitutional right of Indigenous peoples to own land would be serious enough, but the regime went further: it encouraged the invasion of already demarcated lands, changed regulations to allow the repossession of these areas, prevented inspection actions and incited hatred against native populations. The result was a record number of invasions, murders and suicides of Indigenous people.

Invasions of Indigenous lands tripled (an increase of 212%, according to a report by the Missionary Indigenous Council - CIMI). The most recent survey includes data up to 2021. From 2019 to 2021, the average was 275 invasions per year, compared to an annual average of 88 in the three years prior to the Bolsonaro administration (2016-2018). In 2021, 305 invasions were recorded. This was the highest number since the survey began in 2003.

The number of Indigenous people murdered during the Bolsonaro government was also the highest ever recorded by Cimi. There were 113 cases in 2019, 182 in 2020 (a record in the historical series) and 176 in 2021, i.e., an annual average of 157. This number is 30% higher than the annual average of 121 recorded from 2016 to 2018.

Murders on Indigenous land - Brazil



Source: CIMI/SESAL. Note: in 2014, Cimi began to record data on murders from public sources, such as Sesal (Ministry of Health), the Mortality Information System and state health departments.

Another record was that of Indigenous suicides. There were 148 cases in 2021. Of the 19 categories of violence against Indigenous peoples systematized by Cimi, there was an increase in 15 categories in 2021, compared to the previous year.

In addition to spreading disinformation and hate speech against Indigenous people – Nabhan Garcia, special secretary for Land Affairs, repeated that

Indigenous people were “the largest landowners in the country” –, the Bolsonaro administration institutionally set the stage for attacks on Indigenous territories, leaders and communities, according to Cimi.

Normative Instruction Nº 9, published by Funai in 2020, allowed private properties on non-homologated Indigenous lands. A survey by Agência Pública showed that, by July 2022, more than 400 farms had been certified within Indigenous territories, covering a total of 239 thousand hectares, or twice the municipality of Rio de Janeiro.

The following year, a Joint Normative Instruction by Funai and Ibama allowed the economic exploitation of Indigenous lands by associations and organizations composed of Indigenous and non-Indigenous people, the so-called “mixed composition” organizations.

In Congress, the government revived and gave priority to Bill 490/2007, which makes new demarcations unfeasible and opens up demarcated lands to predatory exploitation, and presented PL 191/2020, which allows mining in Indigenous Lands. In addition, it stopped all demarcations, including those that were ready to be finalized, during the administrations of Sérgio Moro (now a senator from Paraná), André Mendonça (now a Supreme Court justice) and Anderson Torres (now a prisoner).

Funai, sabotaged and dismantled, reduced protection and monitoring actions, in comparison with the last year of the Temer administration. In 2018, actions were carried out

in 325 Indigenous lands, according to the foundation’s management report. Between 2020 and October 2022, 254 Indigenous lands were covered by territorial protection actions – i.e., an average of 85 per year, which is almost 4 times less actions than those listed in the previous management report. The document highlights a gap in the staff responsible for actions (only 10 people for all Indigenous lands in Brazil, a 56% reduction compared to 2010) and warns that the scenario “prevents a correct gauging of the number of lands covered by protection actions that were actually executed.”

02. Fulfilled Promises

2.4 Withdrawing from the Paris Agreement

“If the Paris agreement were a perfume, it would smell like cow manure.”

Nabhan Garcia, October 19, 2018

In 2018, during the government transition, candidates for Bolsonaro's Environment Minister would need to be approved by Nabhan Garcia, former president of the Rural Democratic Union and a close aide to the president-elect. The condition for being nominated was that the nominee promised Garcia that Brazil would withdraw from the Paris Agreement. One person agreed: Ricardo Salles.

Since his first interview as minister nominee, on CBN radio, during the Katowice climate conference, in 2018, Salles has cast doubt on global warming. First, he said that climate change was due to the "geological dynamics of the Earth", after, that there were doubts^[11] about humanity's role in the climate crisis. At the same COP, Bolsonaro threatened to withdraw from the climate agreement because of fake news spread by the military: that there was an ongoing conspiracy to internationalize a part of the Amazon, the so-called "Triple A corridor", and that this would be discussed at the climate conference.

Agribusiness sectors, led by the Minister of Agriculture, Tereza Cristina, quickly dissuaded the president from this idea. But climate denialism akin to Donald Trump marked the Bolsonaro regime until the end, making Brazil a pariah in international climate negotiations, in which the country had always played a leading role – for being the birthplace of the UN Climate Convention, for its size and for the reduction of deforestation between 2005 and 2012.

In 2019, Minister Ricardo Salles spent two weeks embarrassing the Brazilian delegation at COP25 in Madrid. The conference was held in the Spanish capital under the Chilean presidency, but it should have been held in Brazil. Before taking office, however, Bolsonaro asked Michel Temer to withdraw the Brazilian offer to host the event. Four Abin agents were assigned to spy on the Brazilian delegation, and Salles determined that diplomats could not talk to anyone from civil society (more than one conversation between Brazilian negotiators and journalists and members of NGOs had to be held behind pillars, under stairs and in hidden corners of the convention center).

In Madrid, the minister unsuccessfully tried to blackmail developed countries into putting money in Brazil so that the country would fulfill its commitments to fight deforestation and reduce emissions (a diplomat who reminded Reuters that the climate target from Brazil was not conditional on international funding was exonerated the following year by Chancellor Ernesto Araújo, at Salles' request). Salles also went through the embarrassment of being rebuked by the government of Germany after having lied to the press that the Germans had accepted his conditions for resuming the Amazon Fund.

In 2020, the country dealt a blow to its Paris Agreement commitments. Salles submitted to the UN Climate Convention an update of the country's NDC (Nationally Determined Contribution), reducing its ambitions.

The episode became known as “carbon backsliding” and was questioned in court by six young activists, with the support of eight former ministers of the environment.

Brazil’s original 2015 NDC had a target for 2025 of reducing emissions by 37% compared to 2005, and an indication that it could reduce them by 43% by 2030. In the 2020 update, the government confirmed the indicative commitment, but the calculation basis changed. The first NDC had been calculated based on the Second National Inventory of greenhouse gas emissions. Applying the reduction percentages to the base year emissions derived from this inventory, the country should reach 2030 emitting 1.2 billion net tons of carbon dioxide equivalent (CO₂e).

The 2020 NDC update explicitly used the Third National Inventory as a reference, which showed a much higher emission value in 2005 than the second inventory. But it also opened up the possibility of using more recent inventories as a reference. Applying the values of the third inventory and maintaining the 43% reduction percentage, Brazil would reach 2030 emitting 1.6 billion net tons of CO₂e. In other words, the country gave itself a free pass to emit 400 million tons more than the original target. The value is compatible with deforestation of around 10,000 square kilometers of the Amazon. Even using the most recent Fourth National Inventory as a reference, the backsliding would correspond to 200 million tons. According to the United Nations Environment

Programme, Brazil and Mexico are the only G20 countries to regress in ambition^[12] – and, in the case of Mexico, the backslide was only 14 million tons, which was enough to prompt environmentalists to seek – and be granted – a court injunction annulling the NDC.

In 2021, Brazil presented a second update of the NDC at the Glasgow climate conference, increasing the 2030 percentage cutoff value from 43% to 50% and explicitly using the fourth inventory as a reference. The change reduces the backsliding but does not eliminate it: the country can still emit 73 million tons above the 2015 NDC – a value five times greater than that of Mexico.

- [1] <https://fakebook.eco.br/governo-nao-fechou-645-lixoes-como-afirma-bolsonaro/>
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- [6] <https://www.oc.eco.br/assessor-de-salles-e-acusado-pela-pf-de-interceder-no-ibama/>
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- [8] MMA Annual Accounts Audit Report available at: <https://eaud.cgu.gov.br/relatorios/875381>. Accessed on September 1, 2020
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- [12] <https://www.unep.org/pt-br/resources/emissions-gap-report-2021>

03.

Performance Indicators

3.1 Deforestation and Emissions

“I actually looked up this guy in charge of INPE. He will have to come here to Brasília to explain these data that they passed to the press around the world, which, in our view, doesn’t correspond to the truth. It seems as if he is at the service of some NGO.”

Jair Bolsonaro, July 19, 2019





Efficiency in destruction: Bolsonaro left office with a 59.5% increase in deforestation rates in the Amazon - the highest increase since 1988, when measurements began

The dissolution of the PPCDAm (Action Plan for the Prevention and Control of Deforestation in the Legal Amazon) was decisive for the Bolsonaro regime to produce one of the most efficient indicators of its anti-environmental project: the administration ended with an increase of 59.5% of the deforestation rate in the Amazon compared to the previous four years (Dilma's second term and the Temer administration). It was the highest percentage increase in a presidential term since satellite measurements began in 1988. Bolsonaro surpassed, in percentage terms, even the increase verified in the first FHC term of office, when the strong growth of the economy at the beginning of the Real Plan caused the biggest deforestation of the historical series, of 29 thousand km², in 1995.

The data are from Inpe's Prodes system and were released in November last year. Prodes calculates official deforestation data every 12 months, always measured from August of one year to July of the following year. The devastation promoted by Bolsonaro between August and December 2022, therefore, will be included in the 2023 figure, the first of the Lula administration.

And this is a cursed inheritance: according to another Inpe system, Deter, the area under alert for deforestation in the Amazon reached 4,803 km² from August to December last year, a record for the period in the historical series that started in 2016. This is a 54.14% increase when compared to the same period in 2021. Deter monitors chainsaw activity in almost real time and produces

deforestation alert data to guide inspection (which, in practice, became inoperative under Bolsonaro).

Estimate data for the deforested area, from the Prodes system, show that 11,568 km² were felled in the Amazon from August 2021 to July 2022, an area equivalent to that of Jamaica. Despite the 11% drop compared to the previous period (August 2020 to July 2021), it was the second highest rate in 13 years in the nine states of the Legal Amazon. The annual deforestation average under Bolsonaro was 11,396 km², against 7,145 km² in the previous four-year period (2015-2018).

In the last year of his government, Bolsonaro again hid the rate of deforestation during the climate conference. The Inpe data had been ready since the start of COP27, in Sharm El-Sheikh, Egypt, but the government banned any debate on forests from the official Brazilian pavilion. Governors of the Amazon, who wanted to talk about the subject, had to set up their own stand at the COP. This had already occurred during the previous conference, held in Scotland in 2022. At the time, Minister Joaquim Leite was embarrassingly silent when faced with questions from journalists about INPE data – the ministry already knew that the estimate showed the highest increase in 15 years.

Data for 2022 reveal an explosion in deforestation in Amazonas, the only state to have an increase in clearcutting in 2022. 2,607 km² were deforested, an increase of 13% compared to 2021. Pará state, even with the reduction of 21%, still leads the ranking, with 4,141 km² deforested in 2022.

In addition to Ibama's inaction, the increase in clearcutting in the Amazon can be explained by the expected paving of BR-319 (Manaus-Porto Velho), the highway that cuts through the largest block of intact forests in the Amazon. In July of last year, the Bolsonaro government granted a preliminary license for the work, overruling the advice of technicians from Ibama itself. The current trend in Amazonas, if nothing is done, is for the tragedy that occurred around BR-163 (Cuiabá-Santarém), in Pará, to be repeated on the BR-319 axis. BR-163 became the epicenter of deforestation in the beginning of the century, after the announcement of its paving.

Table: deforestation rates by presidential term

	Annual averages in the preceding period (km ²)	Annual averages during term (km ²)	Fluctuation
Itamar (1993 - 1994)	12.415 (1991 - 1992)	14.896	20%
FHC (1995 - 1998)	13.652 (1991 - 1994)	19.457	42,5%
FHC 2 (1999 - 2002)	19.457 (1995 - 1998)	18.825	-3,2%
Lula 1 (2002 - 2006)	18.825 (1999 - 2002)	21.617	14,8%
Lula 2 (2007 - 2010)	21.617 (2003 - 2006)	9.756	-54,8%
Dilma 1 (2011 - 2014)	9.756 (2007 - 2010)	5.473	-43,9%
Dilma 2 (2015 - 2016)	5.451 (2013 - 2014)	7.050	29,3%
Temer (2017 - 2018)	7.050 (2015 - 2016)	7.241	2,7%
Bolsonaro *** (2019 - 2022)	7.145 (2015 - 2018)	11.396	59,5%

A survey carried out by Instituto Socioambiental (ISA) with data from Prodes revealed that deforestation in protected areas in the Legal Amazon increased by 94% during Bolsonaro's four years in office, compared to the previous four years. In Indigenous Lands, the increase was 157%. In Quilombola territories, it was 13%. And in Amazonian conservation units, the increase in deforestation under Bolsonaro was 111% (in the case of strict protection units) and 116% (in sustainable use units).

Cerrado

In the *Cerrado* region, deforestation increased in the last year of Bolsonaro's term, according to INPE data. As in the Amazon, the rate is measured from August of one year to July of the following year. 10,688.73 km² of native vegetation were cut down, seven times the size of the city of São Paulo, thus resulting in the largest devastated area in six years in the biome.

The State of Maranhão concentrated most of the devastation, with 2,833.92 km², followed by Tocantins (2,127.52 km²), Bahia (1,427.86 km²) and Piauí (1,188.78 km²), a region of agribusiness expansion known as Matopiba.

The four states account for 71% of the deforestation in the biome. The increase in relation to the previous year was 104% in Piauí and 54% in Bahia. Maranhão and Tocantins registered an increase of 24%.

Of the 13 states in the biome, there was only a drop in deforestation in Rondônia and Mato Grosso. The contribution of the two, however, is very small: 0.12% and 6.94%, respectively, of the total deforested areas.

The Bolsonaro government recorded an average annual deforestation rate of 8,361 km² in the *Cerrado* region. This is a virtual tie with the average of the previous four years of the Dilma and Temer governments (8,250 km² per year from 2015 to 2018). However, as in the Amazon, the Bolsonaro regime was the only one to register three consecutive increases in the rate in the same term of office since the beginning of measurements, which started in 2001 for this region.

Emissions

Record deforestation, record emissions. Climate pollution in Brazil has also reached historic levels, boosting the performance indicators of Bolsonaro's ecocide project.

Data from SEEG, the Greenhouse Gas Emissions Estimation System of Observatório do Clima, show that, in 2021, the country emitted 2.42 billion gross tons of CO₂ equivalent, an increase of 12.2% in compared to 2020 (2.16 billion tons). It was the highest increase in greenhouse gas emissions in 19 years, leveraged by emissions from deforestation in the Amazon.

A greater increase was only verified in 2003, the year in which the country reached its historical record of emissions. That year, the increase was 20%, driven by the explosion in deforestation in the Amazon.

In 2021, driven by the third consecutive year of growth in the area deforested in the Amazon and other biomes under Jair Bolsonaro, emissions from land use change and forests rose by 18.5%. The destruction of Brazilian biomes produced 1.19 billion gross tons, against 1 billion tons in 2020.

But almost all sectors of the economy saw a sharp increase in emissions: 3.8% in agriculture, a sector that usually has small fluctuations in greenhouse gases; 8.2% in the sector of industrial processes and use of products; and 12.2% in the energy sector, the highest increase since the "economic miracle" during the military dictatorship in 1973. The waste sector was the only one with stable emissions from 2020 to 2021.

Last November, when the data for the 10th edition of SEEG were released, Tasso Azevedo, then coordinator of the initiative, stated that Brazil had lost a decade to control its climate pollution. "Since the regulation of the National Policy on Climate Change, in 2010, we have been skating. Not only have we not been able to reduce our emissions consistently, but we have increased them in recent years, and significantly so", he highlighted.

03. Performance Indicators

3.2 Mining on Indigenous Lands

“Indigenous people are human beings just like us. They have hearts, feelings, souls, desires, and needs, and are as Brazilianas as we are.”

Jair Bolsonaro, February 5, 2020

“Some data are often exaggerated, such as the claim that there are 20,000 miners [on Yamomami land].”

Hamilton Mourão, May 11, 2022

The terrifying images of malnourished indigenous children and elderly people, released by a report by Sumaúma and by the Fantástico TV show in January of this year, provide a dimension to the humanitarian catastrophe in the Yanomami Indigenous Land, located between Roraima and Amazonas. In the four years of the Bolsonaro regime, 570 children under the age of five died from preventable causes in the reservation, the largest in the country, prompting a state of emergency to be declared by the government.

In addition to malnutrition, caused by malaria and starvation, treatable illnesses such as diarrhea, pneumonia and worms kill the Yanomami. There is a shortage of food and medicine, and health care facilities are attacked. Women and children are victims of sexual violence. Prey is scared away, and contaminated rivers offer less and less fish.

At the origin of the tragedy is mining: the Yanomami territory, where about 28,000 Indigenous people live, was invaded by more than 20,000 illegal prospectors, who had the consent of the Bolsonaro government and the Armed Forces to act freely in the area. Indigenous leaders and organizations have exhaustively denounced the chaos and lack of control in recent years. They sent letters to the federal government, filed lawsuits before the Federal Supreme Court and the Inter-American Commission on Human Rights. The government knew exactly what happened on the Yanomami land.

It would not be fair to say that the Bolsonaro government “did nothing”

in the face of the distress calls. The government did act, but always in favor of miners, fulfilling one more of its campaign promises. It worked towards the approval of Bill 191/2020, which authorizes mining in indigenous lands. Criminals could count not only on the government’s negligence, but also on its encouragement, given the prospect of having their activities regulating in the short term. The bill was not approved, but remains among the threats of the “Destruction Package” in Congress.

A brief timeline helps to understand the structure of an announced catastrophe. In July 2020, Jirair Aram Meguerian, a justice with the Federal Regional Court for the 1st Circuit, which covers the states of the Legal Amazon, ordered the removal of invaders from the Yanomami reservation. He gave five days for the federal government to present a plan to remove miners and combat environmental crimes.

Weeks later, the Supreme Court ordered the federal government to draw up a plan to remove invaders from seven Indigenous Lands, including the Yanomami. The Supreme Court’s decision was a response to ADPF 709, filed by the Articulação dos Povos Indígenas do Brasil (Apib) and six political parties, which pointed out failures and omissions by the federal government in combating the Covid-19 pandemic in indigenous territories. The presence of invaders was one of the determining factors for the transmission of the coronavirus in the Indigenous villages.

Also in 2020, the Hutukara Yanomami Association called upon the

Inter- American Commission on Human Rights (IACHR) to plead with the Brazilian government to adopt measures to protect indigenous peoples, pointing out that “the Yanomami and Ye’kwana populations are dangerously exposed to the disease [Covid-19] due to the intensification of illegal mining activities on their lands since 2018, without the necessary preventive measures being adopted by the Brazilian State”.

The IACHR granted precautionary measures, considering the situation of the indigenous peoples “serious and urgent”. The international body highlighted that Hutukara’s request gathered “comprehensive information, dated between 2019 and 2020, denouncing a growing presence of prospectors”.

Bolsonaro rejected the IACHR’s plea. According to the government, the plea lacked grounds “due to the lack of characterization of a situation of extreme gravity and urgency”. Last year, the Inter-American Court of Rights continued the process, rejecting Bolsonaro’s response and upholding the pleas made by the IACHR and indigenous associations. The precautionary measures were converted into provisional measures, requiring that Brazil act to “adopt the necessary measures to effectively protect the life, personal integrity, health and access to food and drinking water of members of the Yanomami, Ye’kwana and Munduruku Indigenous Peoples”.

Another decision was rendered by the Federal Court of Roraima, which in 2021 gave the Federal Government

ten days to begin the removal of all miners from the Yanomami Indigenous Land. In his ruling, federal judge Felipe Bouzada Flores Viana warned of the risk of indigenous genocide if nothing was done.

Also in 2021, Apib returned to the STF and reiterated the request for immediate actions to remove invaders from Indigenous Lands, especially from the Yanomami and Munduruku lands, the latter located in Pará. The entity highlighted the “increase in violence, environmental degradation and disease outbreaks resulting from mining activities in Indigenous territories”. In response, Justice Luís Roberto Barroso ordered the Federal Government to immediately adopt “all necessary measures to protect the life, health and safety of the indigenous populations that inhabit the Yanomami and Munduruku Indigenous Lands (ILs).”

At the opening of the 2022 Terra Livre Camp, Junior Hekurari Yanomami once again denounced the escalation of violence. “There are more than 25,000 miners working in the Yanomami IL. There are communities that have been without health care for six months because the miners took over health care units. When are the government, the federal police, going to remove the miners? We Yanomami are asking for help”, he pleaded.

Bolsonaro’s attention, however, was still focused on the same issues he holds dear: “Roraima has a periodic table under the ground. If I were the king of Roraima, in ten years I would have an economy close to that of Japan”, he said, still during the





Aerial photo of illegal mining in the Yanomami Indigenous Land, in Roraima

election campaign in 2018. And he repeated this statement, without embarrassment, countless times – including on an official visit to the Persian Gulf in 2021. But the former president's anti-indigenous and pro-mining obsession dates back to earlier days. Still as a congressman, 30 years ago, Bolsonaro presented a Legislative Bill seeking to eradicate the Yanomami Indigenous Land.

In addition to Hamilton Mourão, Ricardo Salles, Joaquim Leite and Damara Alves, vice-president and ministers who were at the forefront of the endeavor, Bolsonaro counted on Marcelo Xavier, appointed to head Funai and given the task of dismantling the agency. At the head of an anti-indigenous Funai, Xavier defended and acted for the liberation of mining in indigenous lands.

Former military personnel appointed as directors of Ibama by former Ministers of the Environment Ricardo Salles and Joaquim Leite, in turn, ignored the action plan for the removal of miners from the Yanomami lands. Samuel Vieira de Souza, appointed to the Board of Environmental Protection at Ibama, and Aécio Galiza Magalhães, appointed to the General Coordination for Environmental Inspection of the agency, halted the execution of rescue actions in the territory.

Meanwhile, other members of the Army working in the region charged bribes and leaked information about actions to combat illegal mining to criminals. Close relationships – including family ones – between the military and miners were revealed by Folha de S. Paulo, which had access to intelligence reports prepared by Funai

employees at the beginning of the Bolsonaro administration, in 2019

The results of Bolsonaro's pro-illegal mining policy are striking, as shown in the graph below. Between 2010 and 2021, mining in Indigenous Lands increased by 625% in Brazil, according to the Annual Mapping of Mining in Brazil report, by Map-Biomas. The most exploited indigenous land was Kayapó, with 11,542 hectares taken over by illegal mining by 2021. The list continues with the Mundurucu territory, with 4,743 hectares, the Yanomami territory, with 1,556 hectares, the Terencerim do Igarapé Preto territory, with 1,044 hectares, and the Apyterewa territory, with 172 hectares.

There has been an increase in mined areas in Indigenous lands every year since 2010. Under Bolsonaro, the numbers have exploded. On an annual average, compared to the previous government (2015-2018), there was a 135% increase in illegal mining in Indigenous lands between 2019 and 2021 (the most recent data). Compared to the average figure of the three years prior to the Bolsonaro administration (2016-2018), the increase was 125%.

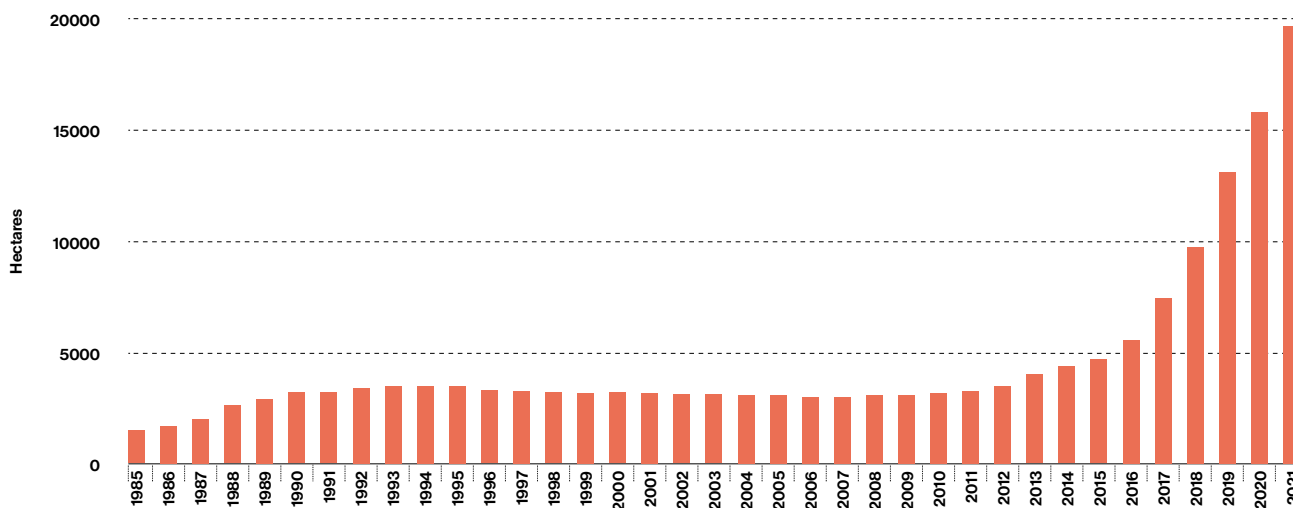
According to the survey, mining expansion took place almost exclusively in the Amazon. And, within the biome, activity is more intense in protected areas, where it is prohibited. In addition to the 625% increase in Indigenous Lands, the study revealed that, in 2021, mining areas in conservation units grew by 352% compared to 2010.

According to the survey, mining

expansion took place almost exclusively in the Amazon. And, within the biome, activity is more intense in protected areas, where it is prohibited. In addition to the 625% increase in Indigenous Lands, the study revealed that, in 2021, mining areas in conservation units grew by 352% compared to 2010. Boletim do Ouro, a survey by Federal University of Minas Gerais, revealed that 23% of these alerts occur in regions where mining (including prospecting) is strictly prohibited, including Indigenous lands. Of the 16,000 hectares under mining alert, 2,873 hectares were specifically recorded as being on Indigenous lands.

A survey carried out by ISA in partnership with the Hutukara Associação Yanomami revealed that, in the Yanomami territory alone, illegal mining grew by 54% between December 2021 and December 2022. No surprises there. The deliberate disregard, which started at the beginning of the Bolsonaro government, forced the STF to determine that the Federal Government had to promote specific actions to aid the Yanomami as early as 2020. In January 2023, indications emerged that the Bolsonaro government not only had failed to comply with the orders, but also provided the courts with false information about the actions taken – in other words, they lied.

Mining on Indigenous lands in Brazil



Source: MapBiomas

03. Performance Indicators

3.3 Bruno and Dom

“Really, just two people in a boat, in that completely wild region is an adventure that is not recommended. Anything can happen.”

Jair Bolsonaro, June 7, 2022

“This Englishman [Phillips] had a bad reputation in the region because he wrote a lot of stories against miners and on environmental issues, so in that remote region, many people did not like him. He had to be even more careful.”

Jair Bolsonaro, June 15, 2022



The outrage over the disappearance of the bodies of Dom Phillips and Bruno Pereira, projected onto Tower Bridge in London

The statements by Jair Bolsonaro show the marks of the necropolitics pursued by his administration when dealing with the barbaric crime at Vale do Javari, in west Amazonas State. Brazilian Indigenous rights expert Bruno Pereira and British journalist Dominic Phillips were murdered on June 5, during a fact-finding trip for Phillips' new book on how to save the Amazon. Felled while doing their job, Bruno and Dom, who were respected professionals in their areas of activity, were labeled "adventurers" by the highest authority of the Republic.

The Bolsonaro administration not only blamed the victims, even before their bodies were found and while family members, friends and co-workers awaited the searches and feared for the worst, but the government also sabotaged the beginning of the investigations.

The Javari Valley is home to one of the largest indigenous lands in the Amazon, on the triple border with Peru and Colombia. It is also an international cocaine trafficking route and threatened by illegal hunting, fishing, mining and logging.

The Army took as long as it could to start the searches, even though there is a huge battalion stationed in the city of Tabatinga. Helicopters were not used, which prompted the Federal Court of Amazonas to determine that the Armed Forces had to deploy boats and aircraft, fulfilling the most basic of their constitutional function – which is to protect the country, and not to make politics. The National Force, under the command of Anderson Torres, also

took a long time to act and, under pressure, ended up deploying the pathetic contingent of 13 agents to the region. The boycott of the federal apparatus was so thorough that the main agent responsible for the searches – and who discovered the place where Bruno and Dom's boat was ambushed – was Univaja (Union of Indigenous Peoples of the Javari Valley). Jair Bolsonaro, in turn, took advantage of the event to exercise his sadism. In addition to swearing and boycotting the search, he was the protagonist of a motorcycle race in Manaus three days after the bodies were found.

Funai washed its hands: "It should be clarified that, although the Indigenous Bruno da Cunha Araújo Pereira is a Funai employee, he was not in the region on an institutional mission, given that he was on leave to deal with personal matters", said the Foundation, in a note, the day after the disappearance.

Marcelo Xavier, the ruralist police officer made president of the body by Bolsonaro, obviously did not mention that Bruno Pereira had been removed from Funai at the beginning of the government, when he coordinated the division of isolated indigenous peoples, a position to which an evangelical pastor would later be appointed. After his dismissal, Pereira took an unpaid leave of absence and started collaborating with Univaja.

In other words: Pereira had to leave Funai in order to continue working to defend the rights of Indigenous peoples. When the crime occurred, he was escorting Dom Philips on trips between communities in the

region. Their canoe disappeared on a stretch of river three hours from the city of Atalaia do Norte.

On June 15, one of the suspects in the double homicide, Amarildo da Costa de Oliveira, known as Pelado, took the Federal Police to the place where he and his accomplices, Jefferson da Silva Lima and Oseney Costa de Oliveira, buried the dismembered and burned bodies. Bruno and Dom were ambushed in the canoe by the trio and shot dead.

In January of this year, the Federal Police of Amazonas State stated that the case was 90% concluded. According to the agency, everything indicates that Ruben Dario da Silva Villar, known as Colombia, ordered the crimes. He is suspected of leading a criminal organization of illegal *pirarucu* fishing in the indigenous land, which had been denounced by Bruno Pereira. In an interview with The Guardian, Federal Police chief Alexandre Saraiva – a former superintendent of the Federal Police in Amazonas, ousted after investigating Ricardo Salles – pointed out that *pirarucu* trafficking can be as profitable as that of arms, drugs and wood, which also occur in the region. The activities are intrinsically linked and those responsible tend to belong to the same group.

A report by the organization Global Witness published in September 2022 revealed that between 2012 and 2021, Brazil had the highest number of environmental activists and traditional community leaders killed in the world. Of the 1,733 murders recorded in the decade, 342 were in Brazil. About a third of those

killed were Indigenous individuals or individuals of African descent, and over 85% of the murders took place in the Amazon – where lightning does strike the same place twice. In 2019, for example, agent Maxciel Pereira dos Santos, who provided inspection services to Funai, was shot dead on the busiest street in Tabatinga, possibly due to his work in the Javari Valley. The crime was never solved.

03. Performance Indicators

3.4 Violence in the Countryside

In his government program for the 2022 elections, defeated candidate for re-election, Jair Bolsonaro, boasted of having “granted more land titles for landless settlers than in the previous ten years.” On several occasions, such as in his speech at the Liberal Party (PL) convention, he claimed to have “liberated” rural workers, who had allegedly left organizations such as the No Land Workers’ Movement and become “friends of the farmers”. “We brought these people into legality, they became citizens, they can go to a bank agency, and they are integrated into family agriculture”, he said at the PL convention.

In addition to lying about the number of land titles issued (it is false that he issued more titles in his government than in the ten years prior to his administration), Bolsonaro omits that 88.8% of the documents delivered in 2019 and 2020 are provisional - and, therefore, do not grant the right to register the property or use it as collateral to access bank credit, for example - and that, under his government, the number of settled families has drastically decreased.

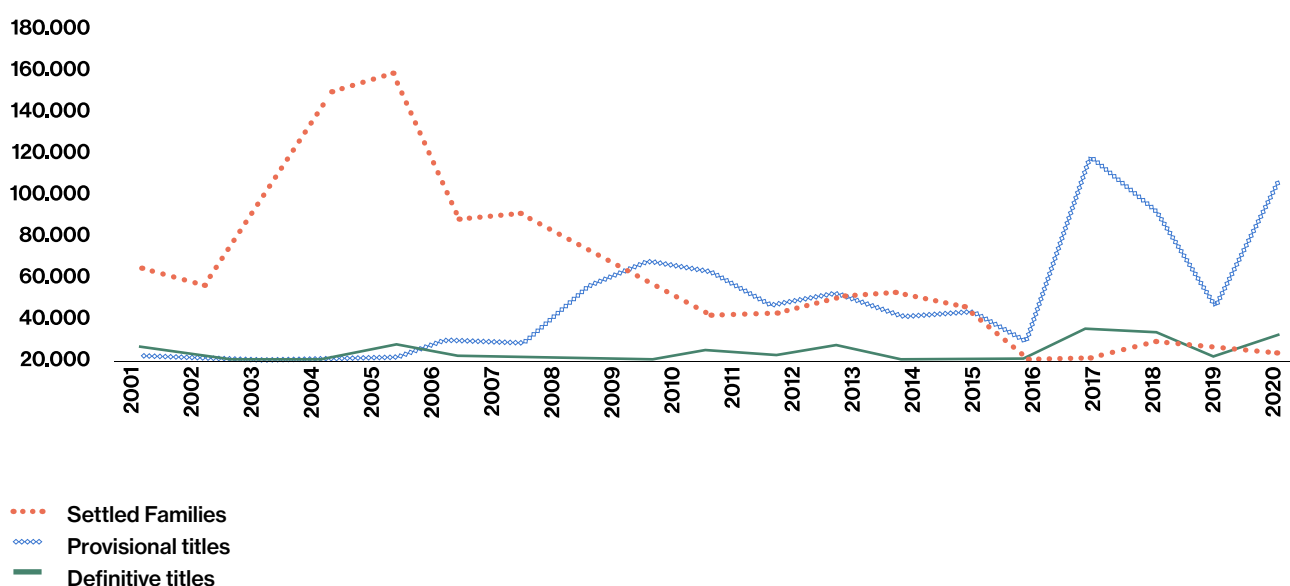
According to data sent by Incra to STF, from 2009 to 2018, 456,636 titles were issued, a figure that exceeds the 326,000 titles mentioned in Bolsonaro's government plan. According to a survey by the Brazilian Agrarian Reform Association (Abra), 453,639 titles were issued between 2009 and 2018, a number also higher than that cited in the plan.

These are the same data from Incra that show that 88.8% of the titles issued in 2019 and 2020 are provisional, the so-called Contracts of Concession of Use (CCU). Unlike titling through the Concession of Real Right of Use (CDRU) or Title of Domain (TD), with CCU the settler does not have definitive right to the land.

The data sent by Incra to the Supreme Court covers the period up to February 2021. According to Abra's survey, the trend continued after that: until August 2022, the most recent data, 88.6% of the titles issued in the Bolsonaro government were provisional, and only 11.4% were definitive.

The table below, drafted by Incra, shows how the massive issuance of provisional titles to old beneficiaries was accompanied by paralysis in the agrarian reform policy, with a reduction in the number of settled families. The dizzying growth in the delivery of provisional titles – initiated by Temer and resumed by Bolsonaro from 2020 - according to evaluation of the Landless Rural Workers' Movement (MST), does not guarantee any change in the conditions of small titled producers and can force the sale of lands.

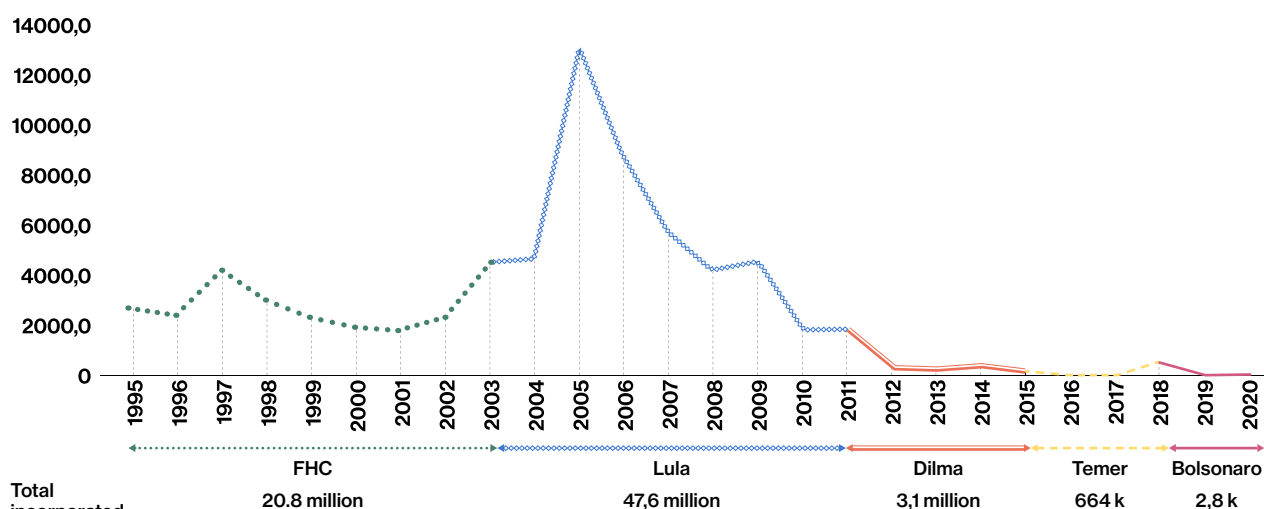
Settled families (nominal) x Titles issued



Source: Incra

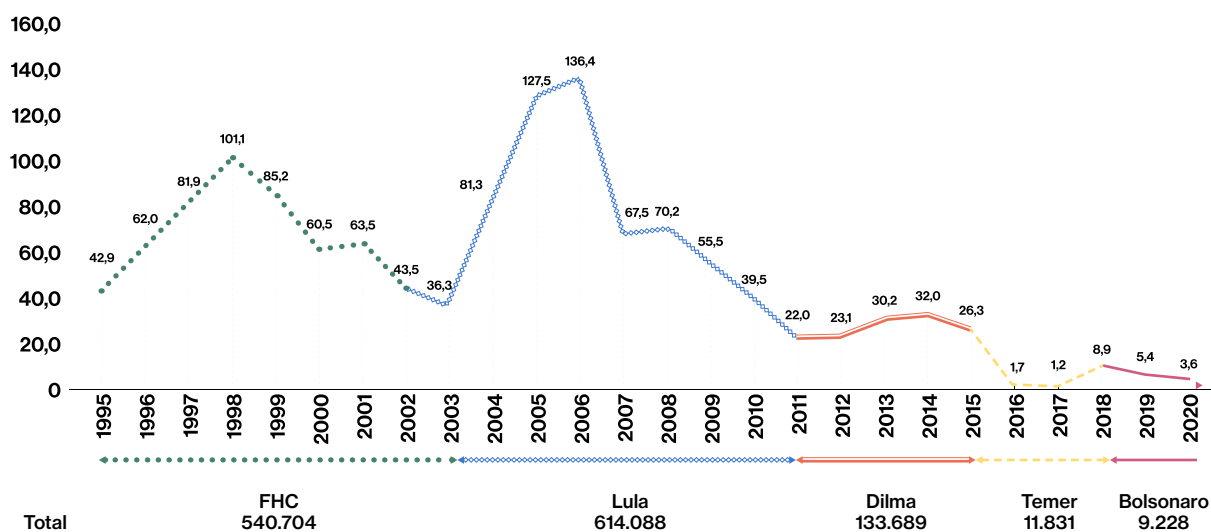
The data shows that the increase in the granting of temporary land titles to former settlers was accompanied by the end of expropriations and land acquisitions for the National Plan for Agrarian Reform, the paralysis in the creation of new settlements, and the decrease in the number of settled families.

Areas included in PNRA over the last 25 years (x1000 hectares)



Source: Incra

Number of families settled per year (x1000)



Source: Incra

The result of dismantling the agrarian reform policy was an increase in insecurity for rural workers and traditional communities, accompanied by an increase in conflicts and violence in the countryside. The number of murders in the countryside broke a record in 2021: there were 36 people, compared to 21 in 2020, an increase of 71%. Deaths due to conflicts in the countryside also had a record increase in the period, rising from 27 in 2020 to 113 in 2021 – an increase of 318%.

The data were compiled from the Pastoral Land Commission (CPT), which publishes a report on rural conflicts in Brazil annually, in April – the data on murders and deaths due to conflicts presented here have been updated in relation to those in the report, incorporating the latest information from the CPT database. Data for 2022 will be known in the report that will be released April 2023.

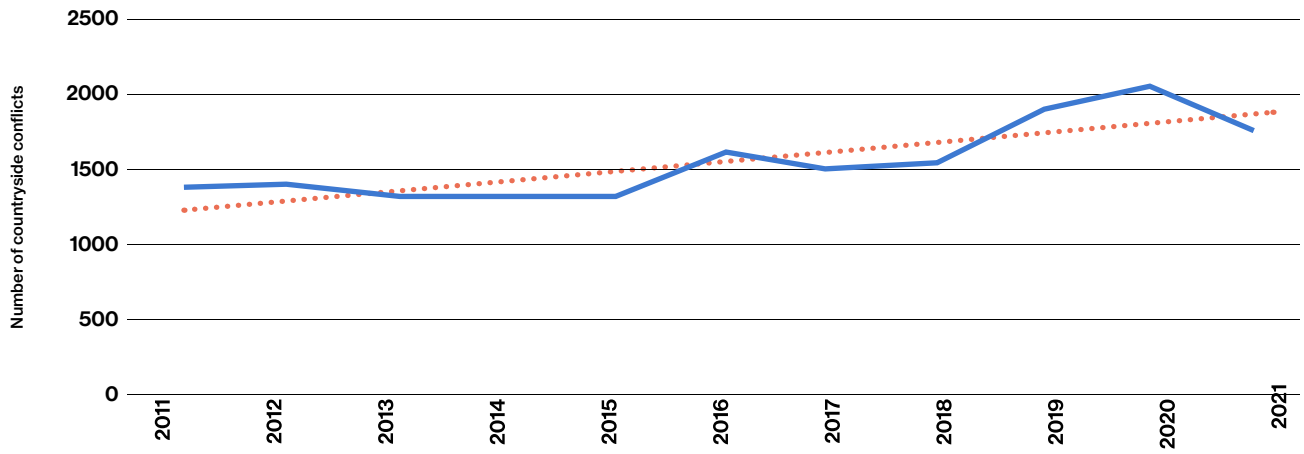
Among the murders, two were massacres. The CPT considers as a massacre any occurrence of violence in which three or more people are murdered together. In one of them, at least three Moxihatëtëa indigenous individuals, classified as “isolated indigenous people”, were slaughtered in the Yanomami Indigenous land, in Roraima. In the other, in August 2021, three landless people or “campers” were murdered in the Ademar Ferreira Camp, in Rondônia. In addition to these data, the report records 75 physical attacks with various injuries and 13 instances of torture committed mainly by landowners (in the text, designated as “farmers”).

The first two years of the Bolsonaro administration were the most violent in the historical series, recorded by the CPT since 1985. In addition to the number of murders and deaths resulting from conflicts, data are collected in several categories, such as conflicts over water, torture, violence against occupations and possessions and others. In 2020, the highest number was registered since the beginning of the surveys: there were 2,054 conflicts involving around 1 million people; in 2019, 1,903 conflicts.

In 2021, there were 1,768 conflicts. Abra highlights that, even if in 2021 the overall number fell compared to 2020, the numbers of conflicts under Bolsonaro are the highest in the entire historical series.

In Abra’s evaluation, the data reflect the years of dismantling and resurgence of exploitation of work and devastation in the countryside. “Accelerating from 2019, the dismantling of inspection bodies (of labor, deforestation, illegal mining, the environment, predatory activities of nature) has certainly contributed to the maintenance and increase of violence and impunity”, assesses the organization in the latest CPT report.

Number of conflicts in the Brazilian countryside, 2011 to 2021



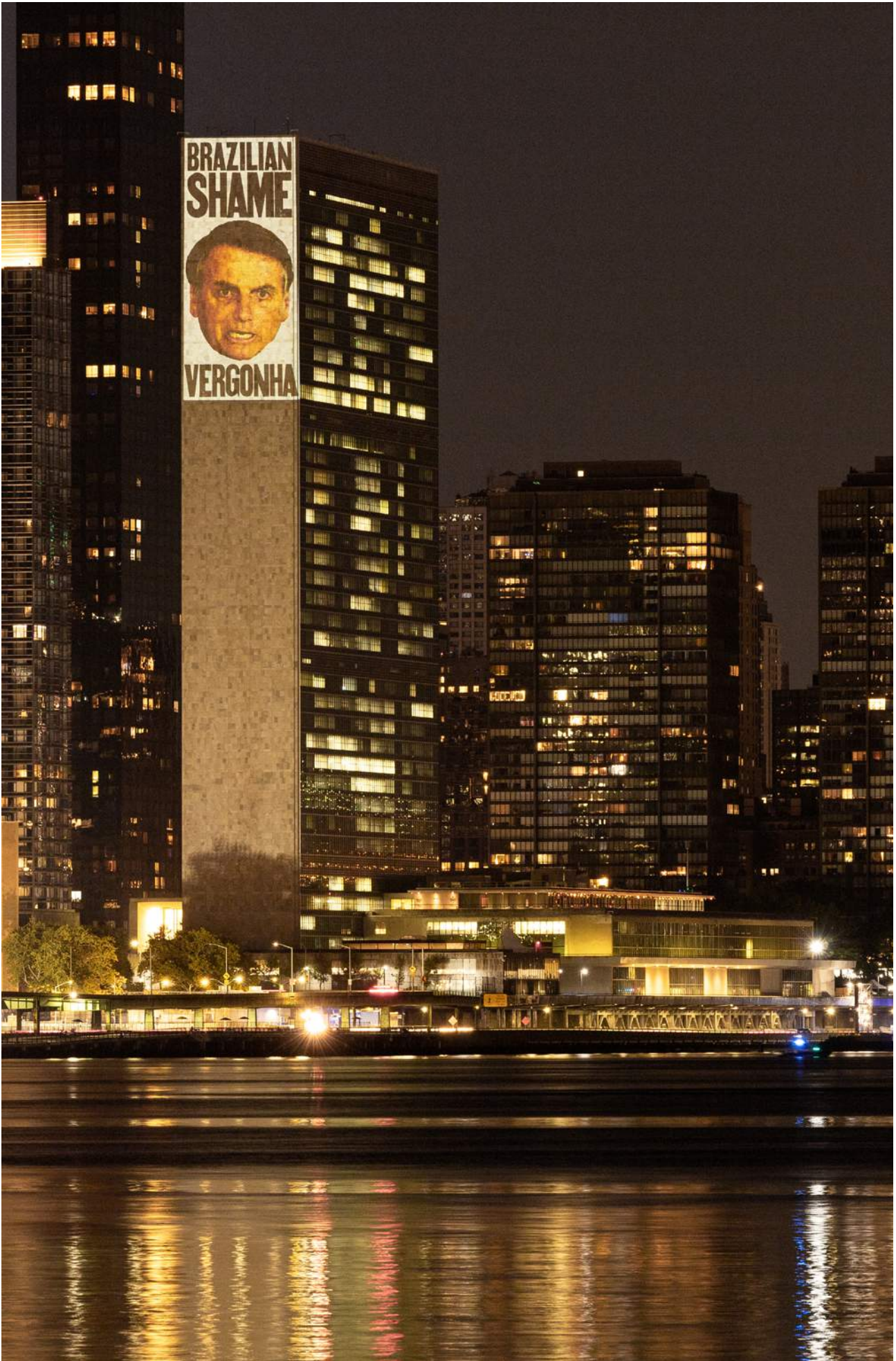
Source: CEDOC Dom Tomás Balduino.

03. Performance Indicators

3.5 Embargos and International Discredit

“What I see in the newspapers is that he insulted Bachelet, he said that Macron’s wife was ugly. She is indeed ugly, that’s not a lie.”

Paulo Guedes, September 5, 2019



International shame: projection made by activist group on the UN headquarters in 2022 during Bolsonaro's visit to the United Nations General Assembly in New York

In June 2019, an optimistic Angela Merkel spoke before the German Parliament in defense of the trade agreement that would be signed in a few days between Mercosur and the European Union. The agreement faced resistance in the European Parliament due to Brazil's anti-environmental policy. Merkel said that it was necessary to engage the Brazilian government in protecting the environment and that not signing the agreement would not save a single tree. Bolsonaro's response came on August 14, when the fire crisis in the Amazon region made the German government suspend a transfer of USD 80 million to the Amazon: "Take this money and reforest Germany, OK?"

Since Fire Day, on August 10, when it became clear to the entire international community that the Brazilian environmental crisis was out of control and that the Bolsonaro government had no intention of solving it, the country has been collecting retaliations, boycott threats, scolding from investors and the sluggishness of international partners in closing important agreements for the country. Brazil has become toxic abroad – and the most eloquent sign of this toxicity was the number of effusive calls from international leaders that Lula received on the night of his election and the rockstar treatment he received at COP27, in Egypt, in November 2022, when he acted as head of state a full two months before his inauguration.

Back in 2019, the country received a reprimand from a group of 200 investors with USD 16 trillion in assets due to the increase in fires^[1]. In the

same year, H&M, the parent company of Timberland, announced that it would suspend the purchase of leather from Brazil.

because of the fires in the Amazon^[2]. The first real and permanent boycott, however, came from a Swedish supermarket chain, Paradis, and took place in June 2019. In the following year, six European supermarkets stopped buying Brazilian meat, for environmental reasons, and a group of three dozen investors with USD 4 trillion in assets asked for dialogue with the Brazilian government – the last step before divestment – about the environmental crisis^[3]. One of them, Nordea, stopped buying Brazilian bonds. A group of 40 European supermarkets also demonstrated in 2021 against the land-grabbing bill^[4], which, if approved, would make controlling deforestation much more difficult.

Due to Bolsonaro's anti-environmental and anti-indigenous policies, the Mercosur-European Union agreement was blocked. Food-producing countries in Europe that compete with Brazil and that subsidize their producers, especially France and Ireland, found the perfect justification for opposing the treaty. As of the publication of this report, the free trade agreement was stalled. Brazil's accession to the OECD (Organization for Cooperation for Economic Development, the rich countries' club) had also been placed on hold, awaiting the change of government.

- [1] <https://oglobo.globo.com/economia/investidores-com-mais-de-us-16-trilhoes-sob-gestao-pedem-aco-es-contra-queimadas-na-amazonia-23956102>
- [2] <https://exame.com/negocios/timberland-kipling-vans-e-outras-marcas-suspendem-couro-do-brasil/>
- [3] <https://www.oc.eco.br/investidores-pedem-reunioes-com-governo-brasileiro-sobre-crise-ambiental/?swcfpc=1>
- [4] https://www.retailsoygroup.org/wp-content/uploads/2021/05/Letter-from-Business-on-Amazon_2021.pdf

04.

Fake Environmental Programs

4.1 Floresta +

“So far, two years in, no concrete results have emerged from the National Program for Payments for Environmental Services – Floresta+”. This is the conclusion of the Federal Government Oversight Office (CGU), in a report published last November.

That office carried out an audit of the program, launched in July 2020, when Salles was still head of the Ministry of the Environment, as one of the main environmental policies of the Bolsonaro administration. The document from CGU makes it clear that Floresta+ is just another empty promise from the Bolsonaro’s Ministry of Environment, which has become known for promoting programs without any tangible actions, goals, or results.

As advertised, the program was supposed to “create, foster and consolidate the market for environmental services”. It was expected to offer payments and other incentives for environmental conservation and recovery activities in areas of native vegetation located in conservation units, indigenous lands, settlements and private properties (permanent preservation areas, legal reserves, adjoining areas and restricted-use areas) in all Brazilian biomes.

The original Floresta+ – a pilot project for the Amazon called Floresta+ Amazônia – was created during the Michel Temer administration and raised USD 96 million (BRL 500 million) from the Green Climate Fund (GCF) in early 2019. The amount was allocated to Brazil due to the results the country had achieved in reducing deforestation in 2014 and 2015, in the Dilma administration.

After Bolsonaro’s election, Floresta+ Amazônia was paralyzed and remained inactive for three years . Still, in social media, the government would falsely affirm since 2021 that it had “allocated” BRL 500 to the payment of environmental services in the Amazon region.

In its conclusion regarding the Floresta+ program, the CGU highlights that “there are no contracts or projects for payment of environmental services established and/or approved under the program, and there are still no registries of environmental service projects.” The auditors also report “deficiencies in defining the roles and responsibilities of the actors involved in the implementation and operation, lack

of criteria for identifying beneficiaries or the target audience, absence of incentives for participation in the program, as well as the absence of identification, documentation, and management of the risks involved in its implementation.”

During Salles’ tenure, the Floresta+ program was overseen by Joaquim Leite, who served as the secretary for the Amazon and Environmental Services at the Ministry. He later became the Minister himself, but the program remained stalled. According to the CGU audit, the program’s components never progressed beyond slides in a PowerPoint presentation that Leite would show during meetings.

04. Fake Environmental Programs

4.2 *Lixão Zero*, or no more open garbage dumps

Heralded as the main result of the Ministry of Environment's so-called "urban environmental agenda", the Lixão Zero Program was another one that existed only on paper. From the Glasgow Climate Conference to presidential debates, and including the message sent by the former president to Congress in early 2022, the numbers were enthusiastically presented by Joaquim Leite and Jair Bolsonaro. By mid-2022, the government claimed to have closed 645 open garbage dumps throughout the country, which would represent, according to the government itself, 20% of the total.

However, this data is not included in any public database. The Ministry of Environment has never presented a list of municipalities that would have ceased the inadequate practices for the disposal of solid waste, and when asked, the entity attributed the data to a private association, Abetre (Brazilian Association of Waste and Effluent Treatment Companies). A survey conducted by Fakebook.eco in the first half of 2022 showed that

at least 195 of the 645 open garbage dumps listed by Abetre (30%) had actually been inactive since 2018.

The survey compared the list presented by Abetre with data from Snis (National Information System on Sanitation), maintained by the Ministry of Regional Development (MDR). Of the 645 cities, at least 195 had already been sending their waste to sanitary landfills since 2018 or before. The *Lixão Zero* program was launched in April 2019. Fakebook.eco contacted the 195 municipalities, and 107 confirmed the MDR's information.

The government itself reaffirms that the main official source of data on urban solid waste in the country is Snis. In the launch document of the *Lixão Zero* program, which has no targets or budgetary forecast, MMA states that Snis data will be used as “indicators for the environmentally adequate waste disposal issue”. When questioned about the discrepancy in the data, the president of Abetre, Luiz Gonzaga, said that the survey used by MMA would be reviewed. “We will conduct an audit to verify the data”, said Gonzaga, who in February 2019 had signed a “technical cooperation agreement” with then-minister Ricardo Salles.

No audit on this subject has ever been made public, but *Lixão Zero* continued to appear in Bolsonaro's regime propaganda. In the second semester, the figures started to go up. In July, at a hearing before the Chamber of Deputies, Leite stated that a new list would be released, with the closure of more than 700 garbage dumps. In the Ministry of

Environment's management report published last December, the government was talking about “807 closed garbage dumps, representing a 25% decrease in irregular waste disposal areas”. The data is credited to the same entity (Abetre) that did not publish the audit as promised.

04. Fake Environmental Programs

4.3 The Fight Against Ocean Trash

What would be the main action for the preservation of the Brazilian coastline, the Fight Against Ocean Trash Program, has collected only 0.12% of the plastic waste dumped annually on the country's coastline since 2019 - at best. In a panel during the 2nd United Nations Conference on Oceans in Lisbon in June 2022, the Ministry of Environment presented the program and claimed to have carried out 460 beach clean-up efforts that had collected 279 tons of garbage since 2019.

In October, the MMA doubled down and claimed that "about 400 tons of waste" had been collected since the launch of the plan. Interestingly, the numbers related to cleanup efforts have decreased: the new data now shows 200 actions on beaches, rivers, and mangroves.

Even considering the highest amount collected, 400 tons of garbage, the result is negligible: it represents only 0.12% of the 325,000 tons of plastic waste dumped annually on Brazil's coast, according to a

study by Oceana published in December 2020. The number presented in June, 279 tons, represented only 0.03% of the waste dumped annually.

The inconsistency is so great that the data was once again reversed in the MMA's management report released in late 2022. The document states that, by the end of the mandate, a total of 311 tons of garbage had been collected, not 400 tons as stated in October. The number of cleanup efforts (which was 460 in the first disclosure and then dropped to 200 in October) has risen again: according to the government, 554 cleanup actions were carried out between 2019 and 2022.

In June 2022, Fakebook.eco showed that the data on 460 beach cleanup efforts presented by the MMA at the UN conference in Lisbon had been inflated: it included actions carried out by NGOs, other government agencies, and private institutions. Over three years, the federal program had carried out only 41 cleanup efforts.

Spreadsheets obtained by Fakebook.eco showed that the 41 cleanup efforts carried out by the MMA collected only 7.4 tons of garbage and were limited to five of the 17 coastal states, with actions in only 28 of the 279 coastal municipalities. These cleanup efforts were carried out under a technical cooperation project with Germany.

Launched in March 2019, the National Plan to Combat Marine Debris (PNCLM) provided for 30 actions, but at least 25 were abandoned:

the versions of the plan launched in the following years (2020, 2021, and 2022) had only five initiatives planned. In practice, only the clean-up efforts were carried out, without coordinated action for the formulation and execution of public policies.

04. Fake Environmental Programs

4.4 Adopt-a-Park

Criticized by traditional communities, questioned by jurists, and the subject of recommendations from the Federal Public Prosecutors' Office, the Adopt-a-Park program reached the end of the Bolsonaro administration with virtually no results. Only three out of the 132 conservation units that were supposed to be "benefitted" by the program were "adopted" by private initiative until the end of 2022, according to the MMA management report. And even these results are debatable - believe it or not, the document doesn't even provide information on the amounts invested or the names of the participating companies.

Launched in 2021 in a grand ceremony at the Planalto Palace by the then minister Ricardo Salles and by the president of Carrefour, the Adopt-a-Park program was instituted via decree and presented as a way of "attracting resources to defray the conservation and maintenance costs of federal conservation units", starting with the Legal Amazon.

Under the program, the private sector would transfer resources directly to

the conservation units and, in exchange, gain the right to commercially explore spaces in the “adopted” areas.

Populations residing in Extractive Reserves (Resex) were never consulted about their inclusion in the program, which led the Federal Public Prosecutor’s Office to consider that Adopt-a-Park violated the rights of traditional communities. The MPF recommended the exclusion of all Resex from the program. The Bolsonaro administration disregarded the recommendation and kept them all on the list of units made available to the private sector.

There are many problems and criticisms of the project’s logic, but Adopt-a-Park failed even to deliver what it promised. Not even the adoption of the Lago do Cuniã Extractive Reserve, in Rondônia, by Carrefour, announced by Salles at the launching ceremony as the first project of the program, was completed. In the MMA report, the unit is listed among the four that are still “in the process of being adopted”. There are no explanations about the progress of the processes and their stages.

According to documents obtained by Observatório do Clima via the Access to Information Law, the Chico Mendes Institute (ICMBio) was only urged to survey the needs of the “adopted” parks after the execution of the terms of adoption.

On December 22, we asked ICMBio for updated information about the program, with the number and name of parks adopted, amounts invested and names of investors. The answer

was that the program [Adopt-a-Park] is no longer managed by MMA”. According to the ministry’s advisory office, such information could be found at the official website, where the program is still listed under the MMA umbrella. In the report published on December 30, 2022, the program is still listed as one of the actions of the ministry, with no changes noted in its management structure.

04. Fake Environmental Programs

4.5 Green Growth Program

“Now, the goal is to extract this oil as quickly as possible and turn it into education, investment, technology. It has to come out faster. It’s pointless to have a sign saying it’s state-owned if the oil doesn’t come out of the ground.”

Paulo Guedes, October 25, 2021

Launched on the eve of COP26, in 2021, the National Green Growth Program (PNCV) was a joint initiative between Joaquim Leite's MMA and Paulo Guedes' Ministry of Economy. According to the government, its main objective would be to "combine the reduction of carbon emissions, conservation of forests and rational use of natural resources with the generation of green jobs and economic growth", with measures that would contribute to "consolidating Brazil as the greatest green power in the world".

The idea of consolidating the "greatest green power in the world" while records in deforestation and burning were being broken already sounds fake in itself. But the decree that instituted the program is in a league of its own. Generic guidelines, a bunch of vague actions and no reference to deadlines, values, goals, responsibilities and society's participation.

No results were presented. On the program website, there is the announcement of the creation of a governance committee, which would be responsible for "planning, execution and monitoring the results". Documents made available on the website show that the Inter Ministerial Committee on Climate Change and Green Growth (actually just a name change from the Inter Ministerial Committee on Climate Change, which already existed) held its last meeting in June 2022, and set up working groups.

The person responsible for the National Program for Green Growth was among them, but the group only met three times, between May and

July 2022. In its last meeting, it was still discussing the presentation of a "first draft proposal". The PNCV does not even appear among the actions listed in the MMA management report.

04. Fake Environmental Programs

4.6 Carbon Market

According to the Bolsonaro administration, one of his main achievements in the environmental area was the “creation of the most modern and innovative regulated carbon market” in Brazil. Joaquim Leite stated several times that the creation of a carbon market would be one of the most important “environmental conquests” of the administration.

In May 2022, the government instituted what it called a regulated carbon market via decree, setting aside legislative initiatives such as Bill 528/2021, by Congressman Marcelo Ramos (PSD-AM), which had been under discussion in Congress but whose progress came to a halt when Carla Zambelli (PL-SP), a congresswoman known for her gunslinging reputation and the current president of the Chamber’s Environment Commission, made alterations to the previously agreed-upon text.

The government’s decree, in addition to generic and lacking definition as to oversight on sectoral plans to reduce greenhouse gas emissions, left out traditional communities.

Experts point out that the decree did not even create a voluntary carbon market, let alone a regulated one, as the Bolsonaro administration claimed.

In an interview with Agência Pública, Luan Santos, a Federal University of Rio de Janeiro (UFRJ) professor, explained that the existence of a regulated carbon market, such as the European Union, demands more than direct transactions between organizations for buying and selling carbon credits. It requires institutionalization, with State participation, to manage credit movements with public oversight and control mechanisms. None of this was created in Brazil.

According to the professor, what the government did was to establish some procedures for the creation of sectoral mitigation plans, indicating how the sectors should establish their goals. In addition, it created the National Greenhouse Gas Emissions Reduction System, which would gather information on emission reductions by sector. “There is no market, there is some progress, though, but not of the most significant kind, related to how we are going to advance in the carbon market. The claim that we have a global carbon market is simply untrue”, said the researcher.

Besides, according to Leite, the country would have been a protagonist in the agenda also internationally. “Brazil headed the creation of the global carbon market, at #COP26”, he said, on more than one occasion.

In fact, Brazil’s performance at

COP26, in 2021, regarding article 6 of the Paris Agreement was simply to stop deadlocking discussions on the most sensitive article, i.e., article 6.4, which the country had been doing since 2018. The article provides that all carbon credits sold under the so-called Sustainable Development Mechanism will have to undergo “corresponding adjustments”, that is, they will need to be deducted from the buyer’s targets and added to the seller’s targets, so as not to be discounted twice (“double counting”).

Bolsonaro’s Brazil resisted this idea, contributing to a three-year delay in resolving the controversy regarding article 6.4. In addition, it made an immoral demand from the Brazilian industry in the negotiations: carbon credits from the so-called Clean Development Mechanism of the Kyoto Protocol generated up to 2013 may not only be included in the Sustainable Development Mechanism but could also be used by countries to fulfill their NDCs under the Paris Agreement, compromising their target ambition. At least, the volume in tons of CO₂ from these credits is not very large and does not harm the carbon market in general.

04. Fake Environmental Programs

4.7 Air Pollution

Another fruit of the “Urban Environmental Agenda” – together with the *Lixão Zero* and the Fight Against Ocean Trash programs –, the National Pure Air program was launched in 2021 promising that it would “improve air quality in urban centers”. Since deforestation and fires continued to rise, while policies for urban mobility and clean transport remained absent the government resorted to launching an application called the “National Air Quality Management System – MonitorAr”.

Cited as the program’s main deliverable, the tool only compiles air quality data from eight of Brazil’s 27 federative units and makes such data available via an application. Although it may not be a comprehensive solution, it is still an improvement over a handful of PowerPoint slides.

05.

Holding down the fort

5.1 Victories at the Supreme Court

“What are these destructive forces that are at play, these termites? In this case, the termites are authoritarianism, populism, personal interests, and administrative inefficiency. These forces contribute to a situation in which the proper implementation of constitution guarantees cannot be assured.”

Cármén Lúcia, March 31, 2022



Icons: Caetano Veloso and Justice Carmen Lúcia, then chair of STF. During the Covid-19 pandemic, a group of artists visited the Federal Supreme Court to request priority judgement of environmental issues.

Two historic decisions by the Federal Supreme Court, one in July and the other in November 2022, helped to curb the anti-environmental offensives originating from the Executive and the Legislative. In addition to avoiding further damage, the decisions created jurisprudence for future rulings in favor of the environment.

On July 1, 2022, the STF upheld the Claim of Non-compliance with a Fundamental Precept (ADPF) 708, prohibiting the allocation of resources from the Climate Fund and determining that the federal government had to take action to restore the fund's operation.

The action, filed by PSOL, PSB, PT and Rede, denounced the sabotage that the Bolsonaro regime had been attempting behind the scenes. The Reporting Justice, Luís Barroso, stated in his opinion that climate is a constitutionally protected value. Omissions or actions against such value are, therefore, violations of the Constitution and of human rights, subject to penalties to be imposed by the Supreme Court.

In November, by 10 votes to 1 (the latter cast by Bolsonarist Justice Kássio Nunes Marques), the STF ordered the government to reactivate the Amazon Fund, which had been halted since 2019. The court upheld the Direct Action of Unconstitutionality by Omission (ADO) 59, filed by the same parties in 2020, which pointed to the intentional and unconstitutional omission of the government by deliberately failing to use the fund's BRL 3.2 billion while the Amazon rainforest was on fire and suffered record rates of deforestation.

Observatório do Clima provided technical assistance to the parties in preparing the action and is, together with Instituto Alana and Conectas Direitos Humanos, *amici curiae* in the process.

Reported by Justice Rosa Weber, the chair of the STF, ADO 59 is part of the court's so-called "green package", which has five other actions dealing with environmental themes scheduled for judgment at the same time, in the wake of the Stand for the Earth, on March, 9. On that occasion, 50,000 people gathered in Brasília to protest against the socio-environmental dismantling promoted by the Bolsonaro government.

The reporting justice in charge of actions ADPF 760 and ADO 54, which point to deliberate omission by the government in the fight against deforestation, Cármem Lúcia rendered an opinion last April stating that Brazilian environmental governance had suffered an "institutional termite infestation" and that the environmental area of the Bolsonaro regime was a "kakistocracy", i.e., a government run by the worst.

05. Holding Down the Fort

5.2 Salles Laid Off, Bim Removed

“Some officers feel embarrassed by newspaper reports, but not me: I’m a psychopath, I don’t care. Oh, the Federal Police is conducting an operation and they’re asking for my removal. Fine, suspend me for 90 days, I don’t care.”

Eduardo Bim, May 6, 2022

In June 2021, after two and a half years of environmental dismantling in Brazil, Ricardo de Aquino Salles finally stepped down as Minister of Environment, a position he should never have occupied in the first place, on suspicion of involvement in nine crimes (including corruption and wood smuggling).

A month earlier, in May 2021, addresses linked to Salles and the MMA had been the target of a search and seizure operation (operation Akuanduba, conducted by the Federal Police) which investigated crimes of corruption, influence peddling, prevarication and smuggling. The investigations also led to the removal of Eduardo Bim, Salles' right-hand man, from the presidency of Ibama. Bim was the first president of the autarchy founded in 1989 to be ousted by the Courts while in office.

According to the order of STF Justice Alexandre de Moraes that determined the removal, Bim, Salles and 21 other civil servants and businessmen are suspected of being part of what the Federal Police calls "a serious criminal scheme of a transnational nature". Bim would have intervened in favor of timber companies and Aimex (Wood Exporters' Association of Pará) by revoking a normative instruction from 2015 and issuing an order authorizing the export of wood without inspection.

In April, a crime report submitted by the former Federal Police superintendent in Amazonas, Alexandre Saraiva, had accused Salles of protecting loggers investigated by operation Handroanthus GLO. In December 2020, that operation had

prompted the largest seizure of native wood in Brazilian history, in the Amazon region.

After the crime report, the Supreme Court initiated an investigation on Salles. However, after leaving the office of minister, Salles lost access to special jurisdiction. The investigation left the Supreme Court and was sent to the Federal Regional Court for the 1st Circuit. Justice Alexandre de Moraes referred the investigations of the Akuanduba operation to the Federal Justice of Pará. Bim was reinstated as head of Ibama in August 2021, after a 90-day suspension. He would only leave office on January 1, 2023, ousted by the new administration.

Although Salles' dismissal was cause for celebration, he efficiently carried out Jair Bolsonaro's declared objectives: to essentially shut down the Ministry of the Environment and gut environmental agencies. He leaves behind a legacy of two years of increasing deforestation, record-breaking Amazon fires, 26% of the Pantanal wetlands destroyed, inaction in response to the largest oil spill in Brazil's history, rising carbon emissions, and a damaged international image of the country. Salles' ally and former secretary, Joaquim Leite, was left to deal with the aftermath.

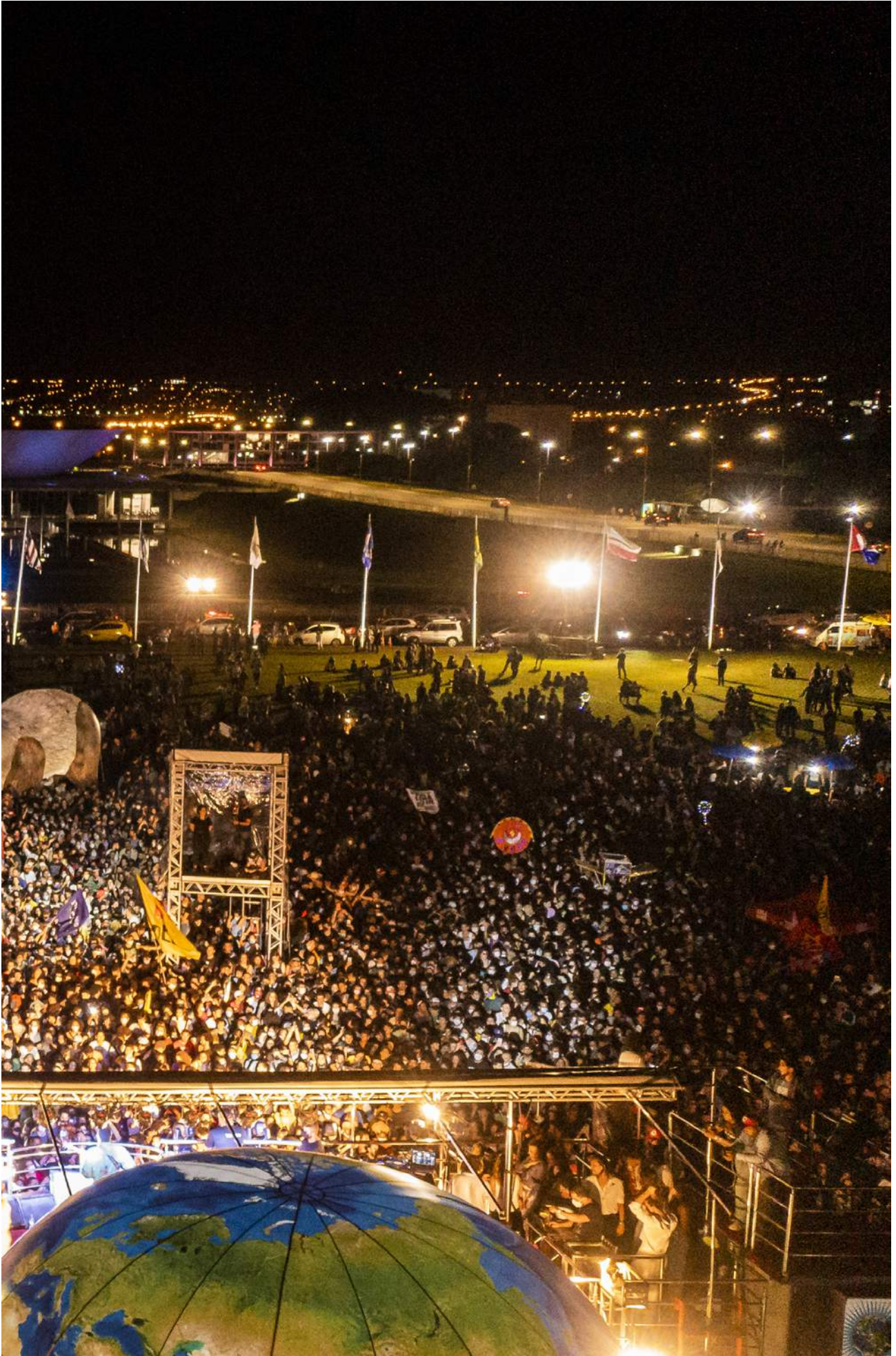
05. Holding Down the Fort

5.3 Further Damage Halted at Congress

The writing was on the wall: Arthur Lira would not give us a single day of peace. The second edition of this report, in 2021, predicted that the election of the powerful congressman from Alagoas (of the PP party) as chairman of the House of Representatives would uncover a veritable anti-environmental and anti-indigenous can of worms in Congress^[1], since Lira was an ally of Jair Bolsonaro. Rodrigo Maia (DEM-RJ), Lira's predecessor, had been blocking bills dealing with mining in indigenous lands and the licensing law, as he had made a commitment to artists and civil society not to advance controversial issues. In contrast, Lira had no such reservations and opened up the floodgates.

In the last two years of the Bolsonaro administration, a set of measures dubbed the Destruction Package was the subject of battles among ruralist groups, the opposition and civil society. Among them, five bills have raised special concern: PLs 2,633 (House) and 510 (Senate), which grant amnesty for land grabbing





Stand for the Earth: a campaign brought together artists, environmentalists, jurists and the civilian population in Brasília to pressure against the “Package of Destruction” being processed in Congress.

and are processed together; PL 490 (House), which makes the demarcation of indigenous lands effectively unfeasible; PL 191, authored by the Executive, which authorizes mining and other activities in indigenous lands; PL 6,299, which removes from Ibama and Anvisa the power of veto over the release of pesticides; and , PL 2,159, the mother of all anti-environmental bills, which virtually abolishes environmental licensing in Brazil.

With the exception of the bills dealing with Indigenous peoples, all the main items of the Package of Destruction were approved by the House plenary, following Lira's usual practice of not announcing the text to be voted on until the moment of the vote. In the Senate, a massive mobilization that even included singer Anitta^[2] pressured Chairman Rodrigo Pacheco (PSD-MG), to halt votes. On March 9, 2022, singer Caetano Veloso took about 40 artists and dozens of representatives of NGOs and social movements to the Senate in the Stand for the Earth, a mobilization against the Destruction Package that gathered 50 thousand people at Esplanada dos Ministérios. It was the biggest environmental demonstration ever held in Brazil outside of UN conferences. While Caetano was addressing the public outside, Arthur Lira approved the urgent motion to have the plenary vote on PL 191^[3].

Amidst all this movement, and despite a correlation of forces that was frankly unfavorable to the socio-environmental agenda, the Bolsonaro regime ultimately obtained relatively few parliamentary wins in environmental issues. The most important were the privatization of Eletrobras,

which was accompanied by a “*jabuti*” (as a provision that is added to a bill, but which has no direct relation to the main subject matter is known) requiring the inclusion of 8 gigawatts of energy originating from natural gas in the country's electric matrix (which, according to IEMA calculations, will increase by 30% the carbon emissions from the sector^[4]), the “sustainable coal” program in Santa Catarina, which will allow Brazil to build new coal-fired thermoelectric plants until 2040, and Law 14,285, which allowed municipalities to reduce urban permanent preservation areas (APPs)^[5].

05. Holding Down the Fort

5.4 Turning the page

Lula was elected President on the greenest platform among all candidates. After Marina Silva joined the campaign, conditioning her support to the inclusion of environmental commitments in the platform, progress was made in items such as low-carbon agriculture, demarcation of indigenous lands, creation of conservation units and strengthening of environmental bodies.

Environment and climate issues gained prominence in Lula's campaign addresses, interviews and speeches and, still as president-elect, he "Brazil's return" to the climate agenda during COP27. On the occasion, he demanded the fulfillment of promises of funding by rich countries and said that the fight against climate change would hold "prize of place" in the structure of his government.

The promises faltered during the transition, when a group within Lula's Labor Party tried to roast Marina Silva and give the ministry to neophyte (and historical ruralist) Simone Tebet. But Marina was ultimately



Fresh Start: Lula's election marked the end of Bolsonaro's government, but not of Bolsonarism, which lives on in the devastating scenario of Amazon destruction.

appointed Minister of Environment, and hers was the highest-attended swearing-in ceremony among all 37 of Lula's cabinet members.

On his first day in office, Lula signed a series of decrees to resume environmental policies that had been halted by Jair Bolsonaro and to revoke acts passed by the last administration, such as the one that encouraged mining in protected areas. The new government acted to reinstate the operation of the Amazon Fund, transfer the Rural Environmental Registry (CAR) from the Ministry of Agriculture to the Ministry of Environment, and incorporate the words "Climate Change" into the name of the ministry.

The Ministry of Indigenous Peoples was created and Funai (formerly the National Indian Foundation) was renamed the National Foundation for Indigenous Peoples. Sonia Guajajara became the first indigenous woman to be appointed Minister in Brazil, and Joenia Wapichana became the first to preside over Funai. The Action Plan for Prevention and Control of Deforestation in the Legal Amazon (PPCDAm), abolished by Bolsonaro in his first year of government, was resumed.

05. Holding Down the Fort

5.5 Europe against Deforestation

In the early hours of December 6, 2022, the European Union passed a regulation prohibiting the entry into the European market of commodities produced in areas deforested after December 31, 2020. The historic victory for forests was especially auspicious for the Brazilian Amazon: Europe is the second largest consumer market for Brazilian commodities, and a strict regulation on deforestation by the bloc tends to be used as a reference by other importers, such as China and the United States.

Less than a week had passed since the annual data from Inpe's Prodes system had finally been released, revealing a 59,5% increase in deforestation in the Amazon during Bolsonaro's four years in office, when compared to the four years of the previous governments (Dilma and Temer administrations).

The new legislation was a defeat not only for the former government, but also for its allied base, which continues to be organized and active in the new presidential administration.

Under the new regulation, the private sector tends to move towards meeting the goal of zeroing deforestation in the country by 2030 announced by Lula.

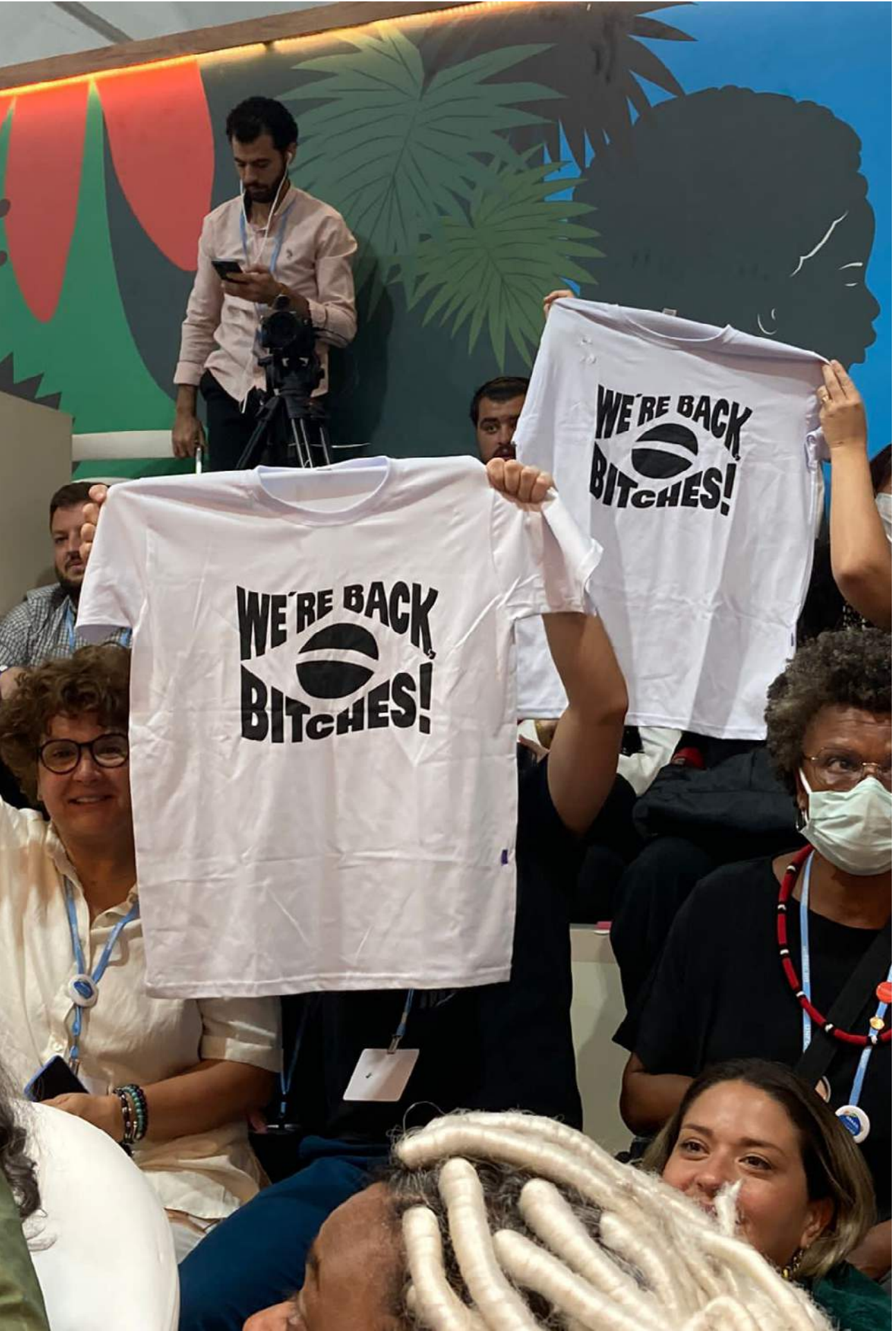
Although it contains a series of flaws – such as leaving the Brazilian *Cerrado* unprotected –, the new regulation is a historic milestone: for the first time, commodity buyers will be able to audit sellers and reject meat, soy, wood, rubber, cocoa, coffee and palm oil coming from any property where deforestation or degradation is found to exist, whether legal or illegal.

The text promises to revise the law one year after its entry into force to assess the inclusion of other wooded land; and, in two years, the inclusion of other biomes. The issue of holding banks and other institutions accountable for financing deforestation was also deferred to the revision stage. European banks, for instance, conducted €401 million worth of business with companies that engaged in tropical forest deforestation between 2016 and 2020.

The issue of human rights was another point that was weakened in the final agreement. The original proposal presented by the European Commission in November 2021 did not include any mention of human rights, and it was only after intense pressure from the Indigenous movement that Parliament made progress on this issue. However, during the final negotiation with the European Commission and the European Council (which represents Member States), the item lost steam.

The December 2020 cut-off date for the legislation means that due diligence will require buyers to reject products grown or raised in areas deforested after that date. This will reward, for example, producers who deforested halfway through Bolsonaro's disastrous administration. In Brazil, the soy moratorium has been auditing properties since 2006 and it was technically possible to move the cutoff date back to before 2020. The original proposal of the European Commission prevailed over that of the European Council, which intended to set 2023 as the cutoff date.

- [1] <https://www.oc.eco.br/wp-content/uploads/2021/03/Passando-a-boiada-1.pdf>
- [2] https://cultura.uol.com.br/noticias/20041_atencao-para-a-boiada-da-grilagem-anitta-se-posiciona-sobre-pl-5102021-no-twitter.html
- [3] <https://www.oc.eco.br/milhares-se-unem-pela-terra-e-lira-passa-a-boiada/>
- [4] Iema's technical note makes reference to 24%, but it is based on a 6 GW gas installed power, lower than the one approved by Congress. <https://energiaeambiente.org.br/produto/questionamentos-a-insercao-de-termoeletricas-a-gas-natural-na-medida-provisoria-1-031-2021>
- [5] <https://www.oc.eco.br/partidos-questionam-no-stf-lei-que-alterou-as-apps-urbanas/>



Activists display T-shirts celebrating Brazil's return to the climate agenda at COP27 in Sharm El-Sheikh.

06.

Next Chapters

The Lula government swiftly began undoing the legacy of Bolsonarism.

On his first day in office, January 2, the president implemented 13 socio-environmental measures to advance the agenda and repeal the atrocities of Ricardo Salles and Jair Bolsonaro^[1]. These measures included recreating PPCDAm, resuming the Amazon Fund, recomposing Conama, abolishing “environmental conciliation”, and annulling the exotic “artisan prospector” figure created by the previous government to make things easier for criminals. The transition of government also ensured a budget respite for the Ministry of the Environment, restoring half a billion reais in funds and returning the Budget to pre-Bolsonaro levels^[2].

However, Bolsonaro’s page in history showed that it could not be turned so easily. A week after the inauguration, the Esplanada dos Ministérios was invaded by a Bolsonarist mob, supported by the Armed Forces and complicit with the Military Police of the Federal District, which destroyed the headquarters of the three

branches of government. Bolsonarism is alive and well in Congress, allied with ruralism and still entrenched in the Armed Forces, which will pose problems for the climate and environmental agenda in the next four years.

The government acted correctly in deploying Ibama with the National Force to remove the miners from Yanomami land without waiting for the Ministry of Defense's report, which wanted to carry out a "diagnosis" of the situation beforehand. Other indigenous territories, notably the Kayapó and Munduruku, will need the same impetus - as well as the Apyterewa Indigenous Land of the Parakanã Indigenous people, where land grabbers are attempting to create a fait accompli and seize a chunk of the territory

Given the scope of the dismantling and the diversity of the forces that make up the ruling coalition, the current government already deserves credit just for stopping the indigenous genocide and putting the Ministry of the Environment on its feet again. But the climate crisis will not wait for Brazil, as shown by the rains on the north coast of São Paulo during the 2023 Carnival. Lula will need to advance crucial points of the agenda and stop crucial setbacks. Civil society has made a series of recommendations to the new government, summarized in the first volume of the OC's Brazil 2045 strategy, and in part accepted by the transitional government. But there are three things that Lula still needs to do in 2023 to show that his speech in Egypt was for real:

- **REVIEW BRAZIL'S NDC:** The new government urgently needs to eliminate the NDC backsliding, ensuring the end of the setback - and then start a debate with civil society to build a goal compatible with Brazil's role in limiting global warming at 1.5°C. Observatório do Clima has shown that the country can adopt an emission reduction target of 81% by 2030, reaching that year with zero deforestation and net emissions of around 400 million tons of CO2 equivalent.
- **BARRING THE DESTRUCTION PACKAGE:** Controlling emissions with the end of environmental licensing or with amnesty for land grabbing will be extremely difficult and costly. The government needs to commit its political strength to bury the ecocide bills that are being processed in Congress.
- **CANCEL THE PRIOR LICENSE GRANTED TO BR-319:** The Porto Velho-Manaus highway received an irregular prior license from Ibama, which went against technical advice from the institute itself, under pressure from the then Minister of Infrastructure and current governor of São Paulo, Tarcísio de Freitas. The road cuts through the largest block of untouched forests in the Amazon, and studies by Raoni Rajão, the current director of the Anti-Deforestation department of the Ministry of Environment, have shown that its paving would quadruple deforestation, by opening up access to land grabbers and loggers to the Amazon forests. In 2009, the Ministry of Environment imposed a series

of conditions on the licensing of BR-319. These conditions must be fulfilled before a prior license is issued.

[1] <https://www.oc.eco.br/revogaco-ambiental-acaba-com-conciliacao-fake-reativa-fundo-amazonia-e-tira-car-da-agricultura/?swcfpc=1>

[2] <https://www.oc.eco.br/orcamento-do-mma-tem-recomposicao-de-meio-bilhao-e-retorna-aos-valores-pre-bolsonaro/?swcfpc=1>

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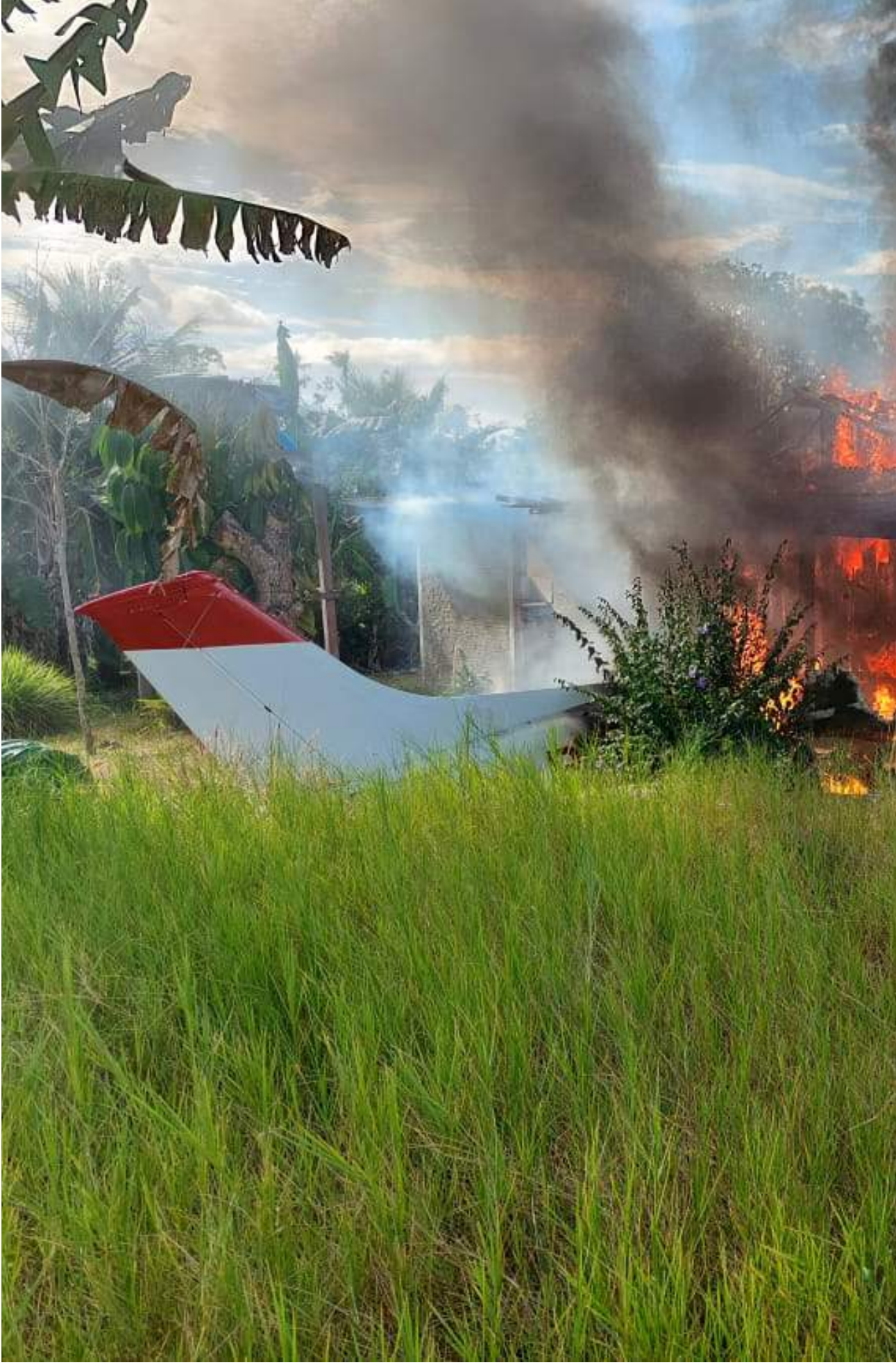
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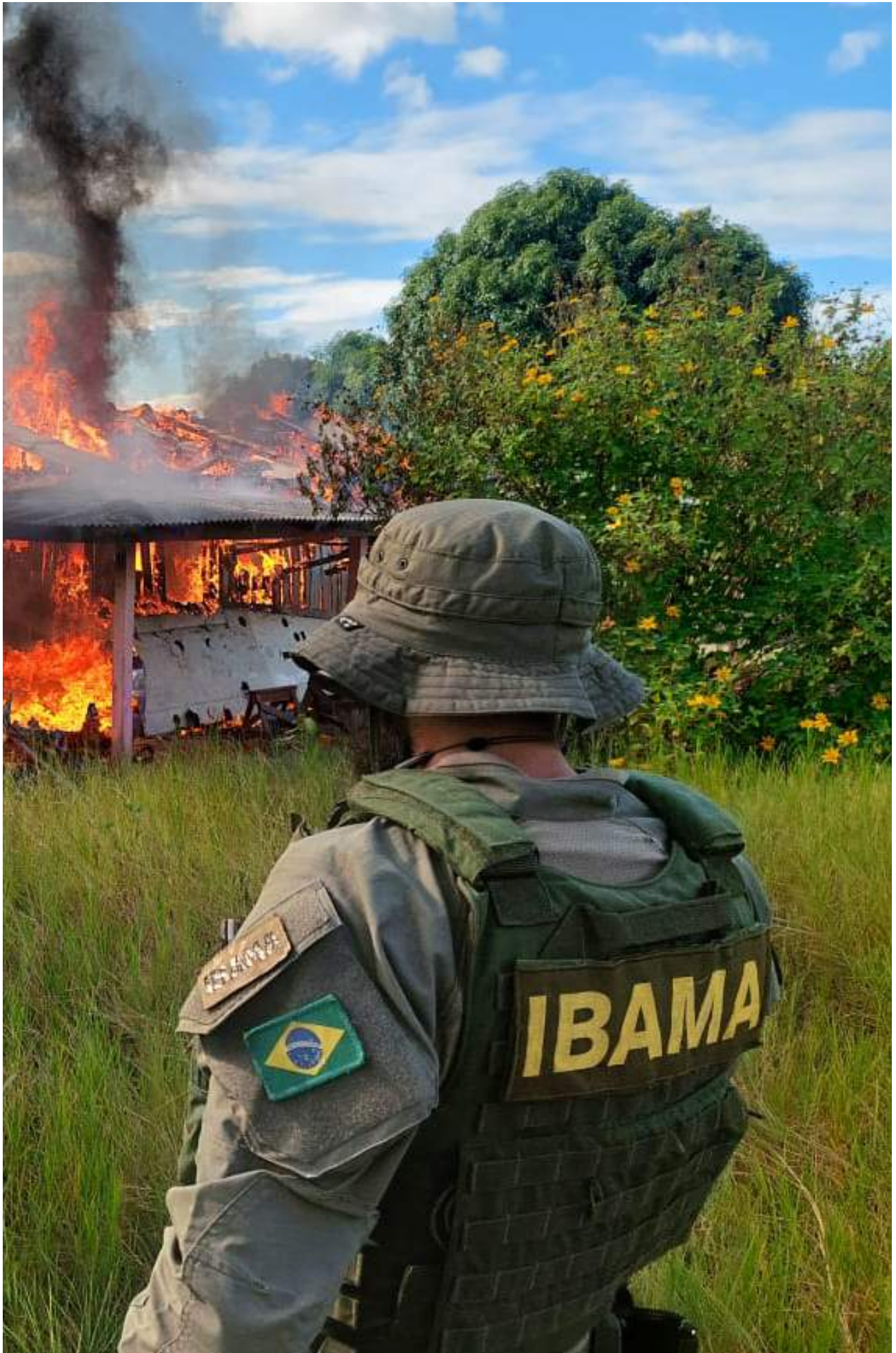
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At the Yanomamis reservation in Roraima, an Ibama agent looks on as a plane used in illegal mining burns down: after four years of dismantling, the agency was brought back into operation.



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