Appendix S1- Supplementary Material

 **Brazil’s Highway BR-319 shows crucial lack of environmental governance in Amazonia**

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LEGAL INCONSISTENCIES

Bidding has been opened for one segment of Highway BR-319 (Lot ‘C’: kms

177.8 to 250. Note: BR-319’s km 0 is at the Manaus end of the Highway), even though

it lacks the Environmental Impact Study and Report (EIA/RIMA) that is required by

Brazilian legislation (Brazil, Justiça Federal da 1ª Região 2020, Ferrante & Fearnside

2020). In the case of another section (the ‘middle section’: kms 250.00 to 655.70) the

bidding has not yet been opened, but preparations for the start of the construction are

proceeding quickly despite the EIA/RIMA that has recently been prepared for this

section still being under analysis by licensing agency, the Brazilian Institute for the

Environment and Renewable Natural Resources (IBAMA). The EIA/RIMA must be

approved before either the bidding or the construction work can legally be done, but in

Brazil there is a long tradition of many laws being ignored or circumvented, especially

when powerful interests are involved (e.g., Rosenn 1971).

Neither of these segments could legally be constructed without consulting

affected indigenous peoples as required by ILO Convention 169 (ILO 1989) and the

corresponding Brazilian law (Decree No. 10,088, of 5 November 2019; formerly Decree

No. 5051, of 19 April 2004) (Brazil, PR 2004, 2019). These require the prior, free and

informed consent of Indigenous and Traditional Peoples, and this consent must be

obtained not only before the beginning the construction project itself but also before the

decision on whether or not the project should be built (e.g., Brazil, DNIT 2020, p. 27;

Fearnside 2020a, Ferrante et al. 2020). The project also lacks a Technical, Economic

and Environmental Feasibility Study (EVTEA), which is also legally required (Law 5917/1973 art. 3, paragraph i): Brazil, PR 1973, Brazil, TCU 2016, 2018).

Despite this scenario of legal inconsistencies and environmental risks the

deforestation and the building of illegal side roads are already occurring along the BR-

319 route, even in areas of traditional indigenous use (Fearnside et al. 2020a,b).

Political pressure to rebuild BR-319 is high, and interested parties argue (fallaciously)

that territorial governance would be able to contain the migration of illegal actors, such

as loggers, land grabbers (*grileiros*) and wildcat miners (*garimpeiros*).

A LAWLESS LAND

Migration of deforestation actors to the BR-319 area is occurring in synergy

with the lack of governance. This is particularly worrying along BR-319 because in

2018 gold miners in Humaitá (with the help of local politicians) set fire to the offices of

IBAMA and ICMbio (Farias 2018), once again showing a total lack of governance in

this part of Amazonia.

That same year and in the same municipality (county), migrants who settled

along the BR-319 in Realidade district were interviewed by the *Folha de São Paulo*

newspaper. One of the migrants indicated that, in addition to livestock, he had a forest-

management project with a license issued by the environmental agency of the state

government of Amazonas (IPAAM) and that he did not have a land title (Maisonnave &

Almeida 2018).

Even with clear problems of inspection and punishment of illegal actors. Brazil

is taking the opposite path, decreasing command-and-control in the Amazon. At the

president’s request, the Ministry of the Environment has punished IBAMA officials and

inspectors for carrying out repression measures on illegal mining in indigenous land

(Gonzales 2020).

Figure 1. Diagrammatic map of BR-319 with the administrative sections of the

highway and study site.



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