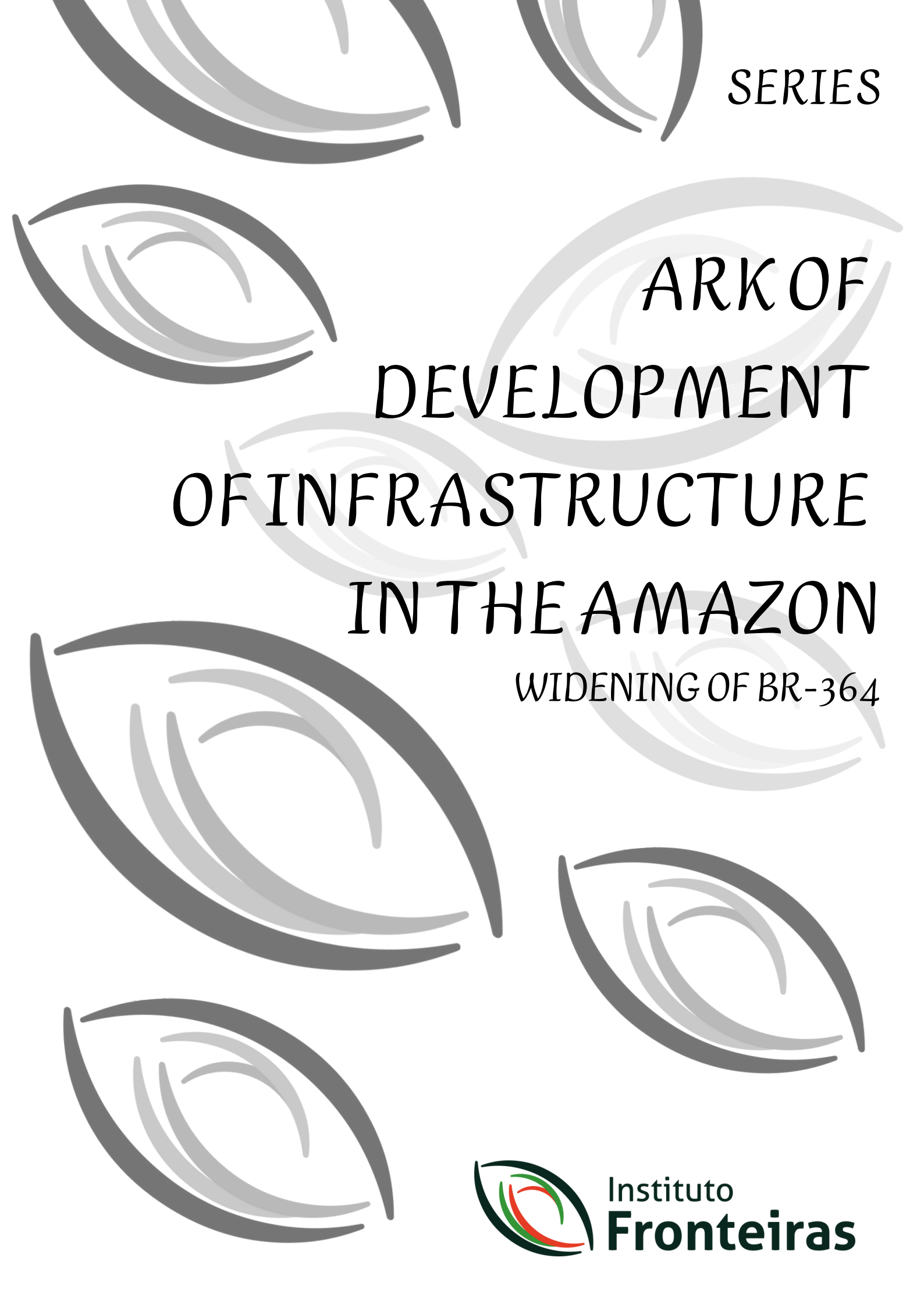


The background of the cover is white and features several stylized, overlapping eye-like patterns. These patterns are composed of concentric, curved lines in shades of gray, creating a sense of depth and focus. They are scattered across the page, with some appearing more prominent than others.

SERIES

ARK OF
DEVELOPMENT
OF INFRASTRUCTURE
IN THE AMAZON

WIDENING OF BR-364



Instituto
Fronteiras

Summary

INTRODUCTION	1
ARC OF INFRASTRUCTURE DEVELOPMENT IN AMAZON - ADIA 2 HISTORY OF THE BR-364	6
BR-364 FROM RIO BRANCO TO MÂNCIO LIMA	6
THE NEW BR-364 EXPANSION PROPOSAL - TOWARDS PERU	8
About data construction	11
The context of BR-364 in the media	11
The local context of the BR-364	16
THE ADMINISTRATIVE PROCESS FOR INITIATING LICENSING	20
REPERCUSSIONS OF THE UCAYALI/ACRE HIGHWAY IN PERU	26
POSSIBLE IMPACTS	28
GREEN ALTERNATIVES	30
CONCLUSION	31

INTRODUCTION

Brazil's indigenous population is approximately 818,000 (FUNAI), and around 60% of Brazil's Indians live in the region known as the Legal Amazon. The participation of indigenous, traditional and riverside communities in the planning of development actions in the current Brazilian political context is constantly diminished. There is a continuous effort by some organs of the Brazilian state to weaken participation in decision-making. Brazil has around 104,508,334 hectares of indigenous land, which represents 12.24% of the Brazilian territory. Major development projects and the expansion of agricultural and extractive activities today constitute a major threat to indigenous peoples. The disproportionate acceleration of these projects, coupled with the lack of environmental impact studies, and the widespread advance of fires in the Amazon and deforestation, is aimed solely at satisfying the business needs of agricultural groups based on monoculture exports, such as soybean growth. Among the development vectors influencing infrastructure projects in the Amazon are export agribusiness, whose profitability is directly related to the degree of accessibility to consumer markets. The widening and paving of roads has been one of the vectors shifting the grain production frontier, which today is moving from the center-west to more northerly regions, reaching Amazonian municipalities. This plan is federally connected to the goals of the national integration project via the Growth Acceleration Program (PAC), the South American Regional Infrastructure Integration Strategy (IIRSA) and, recently, the plans discussed within the scope of the National Amazon Council. The trajectory of the Arc of Deforestation is traced by the Arc of Infrastructure Development in the Amazon, which follows the path of expanding the agricultural frontier to areas with lower opportunity costs, modifying its pattern of land use and occupation, amid intensifying deforestation rates in this new frontier. This step increases pressure on protected areas and impacts the way of life of indigenous peoples and traditional communities.

This development path runs counter to plans to prevent deforestation and fires in the Amazon (PPCDAM), Brazil's international targets for reducing emissions (Brazil's NDC under the Paris Agreement) and international human rights agreements (ILO 169).

ARC OF INFRASTRUCTURE DEVELOPMENT IN THE AMAZON - ADIA

The action of the BR-163 highway (Santarém-Cuiabá highway), which is part of the area of influence of the Arc of Deforestation, is being extended to the so-called Arc of Infrastructure Development in the Amazon (ADIA). A path in this direction is the partnership between Embrapa Territorial and the states of RO, AM and AC, which proposes the creation of the Special Zone for Agricultural Development, called Amacro, a combination of the initials of these states. The proposal is along the same lines as the creation of the Matopiba geo-economic region (Maranhão, Tocantins, Piauí and Bahia), and aims to facilitate public and private investment and incentives for agricultural development, with technical support from Embrapa¹. A range of studies point to the positive correlation between investment in infrastructure and improved transportation logistics and increased deforestation in the Amazon^{2,3,4}, as well as the positive correlation between deforestation and increased production of grains and other commodities^{5,6}. From this follows the positive correlation between deforestation, infrastructure and commodity production.

ADIA's investments are intended to expand grain export alternatives, in addition to expanding production to the Amazon biome, especially in the north and northwest regions of the state of Mato Grosso, and in the states of Rondônia, Amazonas and

¹

EMBRAPA - Brazilian Agricultural Research Corporation. Meeting defines proposal for the creation of AMACRO, 12, Sep. 2019. Available at: <https://www.embrapa.br/busca-de-noticias/-/noticia/47081203/reuniao-definir-proposta-para-criacao-da-amacro> . Accessed on: April 20, 2020.

² REID, J., CABRAL, W.S. Infrastructure and Conservation Policy in Brazil Infraestructura y Políticas de Conservación en Brasil. Conservation Biology. 2005. (<https://doi.org/10.1111/j.1523-1739.2005.00699.x>)

³ BUSH, J., Ferretti-Gallon, K. What Drives Deforestation and What Stops it? A Meta-Analysis. Review of Environmental

4 Economics and Policy, Volume 11, Issue 1, Winter 2017, Pages 3-23, 2017. (<https://doi.org/10.1093/reep/rew013>)

SCHIELEIN, J., BÖRNER, J. Recent transformations of land-use and land-cover dynamics across different deforestation frontiers in the Brazilian Amazon. Land Use Policy, v. 76, p. 81-94. 2018.

⁵ NEPSTAD, D. et al. The End of Deforestation in the Brazilian Amazon. SCIENCE, v.326, p. 1350-1351, 2009

⁶ BARONA, E., Ramankutty, N., Hyman, G., Coomes, O.T. The role of pasture and soybean in deforestation of the Brazilian Amazon. 2010

Acre, given that one of the main bottlenecks for grain production is logistics. Figure 1 shows the map of infrastructure works planned by the National Department of Infrastructure and Transportation (DNIT) and their intersection with the priority areas for conservation defined in an order issued by the Ministry of the Environment (DNIT, 2011; MMA, 2007). There are planned railroads connecting the state of Mato Grosso with the states of Pará, Rondônia and Acre, passing through the capitals and main grain-producing cities.

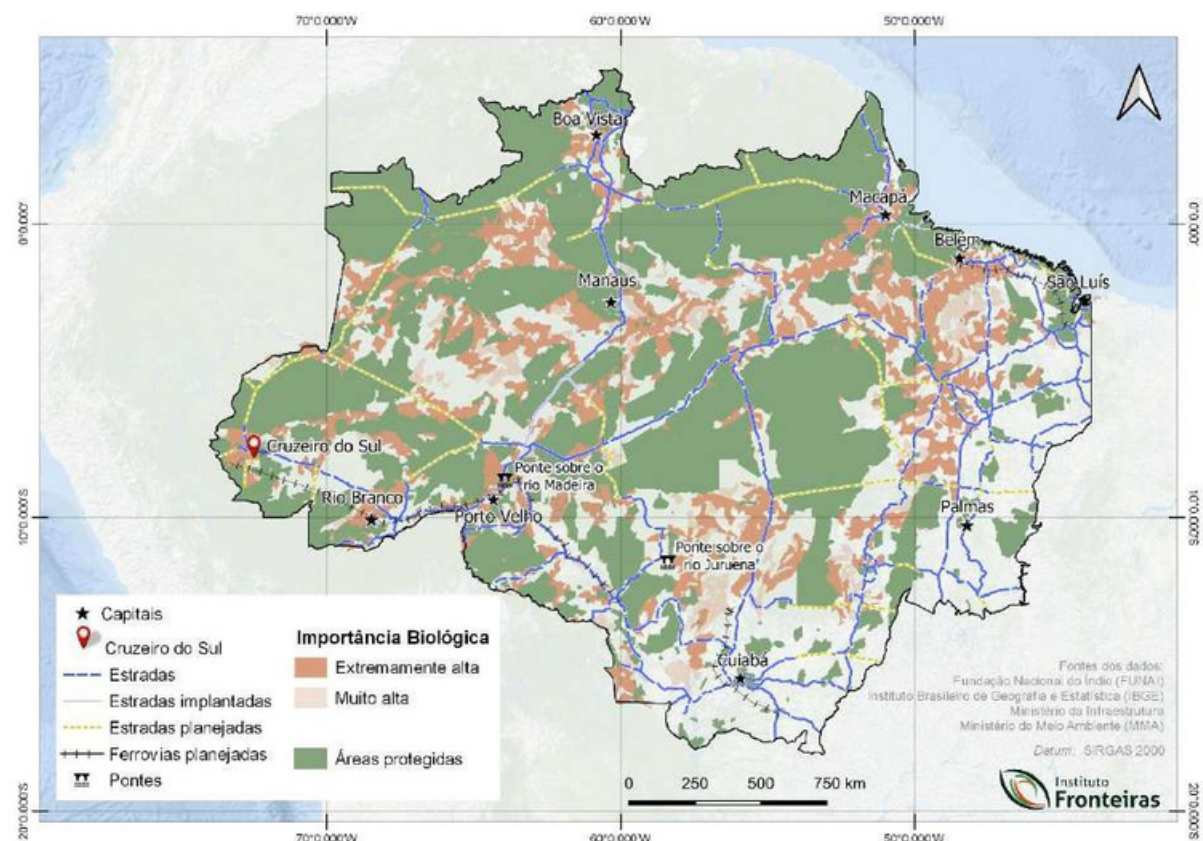


Figure 1. Infrastructure projects planned for the Amazon and areas of biological importance (Source: iFronteiras, 2021).

In addition, the map shows proposals to expand the road network connecting the northwestern region of Mato Grosso to the states of Rondônia, southern Amazonas and Acre. The analysis of areas of high conservation value points to the regions of southern Amazonas, northwestern Mato Grosso, western Rondônia and northern Acre as the regions of greatest conservation value. These are areas with a high density of protected areas, divided between indigenous lands and conservation units.

In Mato Grosso, Brazil's largest grain exporter, production is concentrated especially in the municipalities of Sinop, Lucas do Rio Verde, Sorriso, Campo Novo dos Parecis, among others. The proposed railroad, called Ferrogrão, will transport grain from these municipalities to the port of Miritituba in Pará (yellow line), along with the proposed Teles Pires-Tapajós waterway. From this port, production will be shipped across the Atlantic to the United States, Europe and Asia. There is also a proposal to build the **Trans-Continental Railroad**, linking the Atlantic Ocean to the Pacific, connecting the southeast of the country to the north, passing through Rondônia, Acre, to the exit to the Pacific through Peru; a project that has been planned since 1929. This railroad is considered a strategic route to unite the South American continent from end to end, shifting the transportation of part of Brazil's production through the Pacific Ocean from the Panama Canal⁷. From 2015 to 2018, there were major incentives for the construction of Small Hydroelectric Plants (SHPs) and Hydroelectric Plants (HPPs). Four HPPs were installed on the Teles Pires River alone. According to a report by the National Energy Agency (ANEEL), there are already 25 HPPs under study in the Juruena basin alone, a region with the greatest biological diversity and home to several indigenous ethnic groups, including isolated peoples⁸. All these investments have contributed to an increase in grain production in municipalities in the north and northwest of the state. Grain production is consolidated in municipalities such as Terra Nova, Alta Floresta, Paranaíta, in the north of the state, and in Juína, Juara, Nova Monte Verde, Nova Bandeirantes, Brasnorte in the northwest. In Rondônia, which has seen a considerable increase in the amount of grain produced, especially soybeans and corn, since 2009, when work began on the Madeira River Complex, made up of the Jirau and Santo Antônio HPPs (2009-2016), which heated up the state's economy^{9,10}. In this state, the BR-364 highway, which cuts through the state, is in good condition, but traffic to the states of Amazonas and Acre is still limited in terms of cargo and grain transportation. To this end, the federal government

⁷NETO, T.O., NOGUEIRA, R.J.B. A geopolítica rodoviária no Noroeste: a vertebração da BR-364. Revista de Geopolítica, SPECIAL EDITION, v. 8, nº 2, p. 48 - 62, jul./dez. 2017.

⁸ANEEL. National Electric Energy Agency. HPPs in the State of Mato Grosso - Juruena Basin. 2015. 28 p.

⁹IBGE. Brazilian Institute of Geography and Statistics. Cities. State of Rondônia. At.

<> <https://cidades.ibge.gov.br/brasil/ro/pesquisa/14/10193?tipo=grafico&indicador=10354> Accessed April 22, 2020.

¹⁰Construction of the Jirau and Santo Antônio power plants heats up Porto Velho's economy. **Jornal de Brasília**, 17, jul. 2009. Available at: < <https://jornaldebrasilia.com.br/brasil/construcao-das-usinas-jirau-e-santo-antonio-heats-up-economy-of-porto-velho/> >. Accessed on: 22 Apr. 2020.

invested in the construction of a bridge over the Madeira River (1.9 km), connecting Porto Velho (RO) to Rio Branco (AC) via the BR-364 highway. The work reduced the crossing time, currently done by ferry, which links the two states, connecting Acre to the country's road system¹¹. Investment has also been made in paving the BR-217 highway, which connects the capital to the municipality of Boca do Acre in Acre, and the BR-319 highway, with a future proposal to connect it to Manaus (AM)¹². In addition to the road works, there are also plans for the **Trans Continental Railway**, which will run parallel to BR-364. In Acre, there has been increased investment in grain plantations, especially in Alto Acre, and there are signs of the chain expanding to the Alto Juruá region. In terms of infrastructure development, there is great interest in improving connectivity between Acre and neighboring countries, such as Bolivia and Peru, both to intensify the export market to these countries and to access markets, especially in Asia, via the Pacific route. The first project in this direction was the construction of the BR-217 Pacific Highway, linking the capital Rio Branco to these countries. There is also a project to resume the expansion of the BR-364 highway, connecting the state to Pucallpa, in a new, safer transportation route, without having to go through the tortuous roads of the Andes. As shown above, there are proposals for connecting the Amazon states by road and rail, especially MT, RO, AM and AC. In particular, the states of MT, RO and AC signal the expansion of grain plantations with a focus on exports to the Asian market, as will be presented in the following sections. The historical analysis of infrastructure works, especially in the state of Mato Grosso, predicts that these infrastructure expansion plans will be associated with other works such as hydroelectric dams and waterways, bringing more pressure to convert land use, possibly increasing the rates of deforestation, burning and putting pressure on protected areas.

¹¹DNIT. National Department of Transportation Infrastructure. DNIT finalizes concreting of the bridge over the Madeira River, 04, Jul. 2019. Available at: < <http://www.dnit.gov.br/noticias/dnit-finaliza-concretagem-da-ponte-sobre-o-rio-madeira-em-abuna-ro-1>> Accessed on: 22 Apr. 2020.

¹² DNIT. National Department of Infrastructure Infrastructure Transportation. Available at: < <http://www.dnit.gov.br/download/meio-ambiente/acoes-e-atividades/estudos-ambientais/br-319-ro-ponto-do-rio-madeira-eiv-riv/texto-do-riv-final.pdf>> Accessed on: 20 Apr. 2020.

HISTORY OF THE BR-364

BR-364 FROM RIO BRANCO TO MÂNCIO LIMA

The opening of the BR-364 highway in the state of Acre took place in 1968, as part of the national integration policy, accompanied by the construction of other national integration highways such as the BR-230 (Transamazônica), BR-319, BR-174, BR-163 and BR-401. A decade later, between 1982 and 1984, the paving of BR-364 was completed on the stretch between Cuiabá (MT) and Porto Velho (RO), financed by the Federal Government of João Figueiredo and the World Bank, with the aim of absorbing the migratory flow of the Brazilian "March of the West" in an orderly fashion, through the prior definition of the Ecological-Economic Zoning of the State of Rondônia, and, above all, to pave BR-364. Rondônia has established itself as the main highway in the Western Amazon¹³.

In 1981, a budget was approved for paving BR-364 between Cuiabá and Porto Velho, as well as millions for agricultural development, the creation of INCRA settlements and environmental protection projects¹⁴. The paving of BR-364 on this stretch was completed in 1989, financed initially by the World Bank and, in its final phase, by the Inter-American Development Bank (IDB)(¹⁵).

BR-364 opened up the connection between Acre and the state of Rondônia, but also with the Southeast. However, this network only became viable for traffic after it was completely paved in 1992¹⁶, under the then Collor government, allowing land access to the ports of the Purus River (city of Boca do Acre-AM), the Madeira River (Porto Velho-RO) and the Madre Dios River (Puerto Maldonado-Peru), all tributaries of the left bank of the Amazon River which gives access to the Atlantic Ocean¹⁷.

¹³NETO, T.O., NOGUEIRA, R.J.B. A geopolítica rodoviária no Noroeste: a vertebração da BR-364. Revista de Geopolítica, SPECIAL EDITION, v. 8, n° 2, p. 48 - 62, jul./dez. 2017.

¹⁴OLIVEIRA, R. H. R. A Reforma Agrária e suas Implicações no Processo de Desenvolvimento do Estado de Rondônia. Master's thesis. Rio de Janeiro: Rio de Janeiro. Getúlio Vargas Foundation, Brazilian School of Public Administration, Teaching Department. 1994. 169f.

¹⁵^{idem} Until the early 1990s, it was impossible to travel during the winter months (October-April), as the heavy rains prevented vehicles from passing and the highway was closed.

¹⁶LIMA, D. S. A. The Pacific Highway in South-Western Amazonia and the Regional Integration Process of the Triple Frontier (Brazil, Bolivia, Peru). Thesis (Doctorate). Federal District: Brasília. University of Brasília, Institute of Human Sciences, Department of Geography. 2018. 257 f.

According to the Brazil-Peru interconnection agreement, signed in 1981, the connection between the countries was to be made through Cruzeiro do Sul (AC) to Pucallpa, Peru, via the BR-364 highway¹⁸. In 1989, the Serra do Divisor National Park was created by Presidential Decree No. 97.839/89, which provided for the continuation of the BR-364 to Pucallpa:

"Article 3 authorizes the future construction of the stretch of the BR-364 highway that cuts through the boundaries of this National Park, and for this purpose all environmental protection measures and compatibility of the route with the natural characteristics of the area must be observed."¹⁹

Although the federal government had planned to continue the BR-364 through to Peru, even including its section in the presidential decree demarcating the Serra do Divisor National Park, this work was not continued and the BR-364 ended in the city of Cruzeiro do Sul-AC²⁰. It was the BR-317 that was renamed the Interoceanic Highway and connected Brazil to Bolivia and Peru, where the MAP territory is located (Madre de Dios-Peru, Acre-Brazil and Pando-Bolivia).

After this decision, the BR-364 was abandoned for years. The 672km stretch between Rio Branco and Cruzeiro do Sul was impassable. Only in 2011 did the Acre state government complete the paving of this stretch, enabling road transportation between these cities²¹.

¹⁸CAVALCANTE, O.A. A Integração Rodoviária Brasileira com a América do Sul: O Caso da Estrada do Pacífico Brasil-Peru. Master's thesis. Federal District: Brasília. University of Brasília, Institute of Human Sciences, Department of Geography. 2015. 123 f.

¹⁹BRAZIL. Decree No. 97.839, of June 16, 1989. Presidency of the Republic Casa Civil Subchefia para Assuntos Jurídicos. Brasília, DF, June 16, 1989.

²⁰Recently, President Bolsonaro's government presented plans for the continuation of the BR-364 (<<https://www.agencia.ac.gov.br/ministro-do-meio-ambiente-cumpre-agenda-no-acre/>>), which are also in line with the wishes of the governors of the states of Acre (Gladison Cameli), Amazonas (Wilson Lima) and Rondônia (Colonel Roberto Rocha) and the creation of the Special Agricultural Development Zone - Amacro (<<http://www.ads.am.gov.br/amazonas-acre-e-rondonia-discuss-criacao-de-zona-especial-para-o-desenvolvimento-agropecuário/>>).

²¹VAZ, Roberto. BR 364, which will cost R\$ 2 billion, was classified by the CNT as regular and geometrically geometry. **AC24horas**, Acre, 31, Oct. 2011. Available at: <<https://www.ac24horas.com/2011/10/31/br-364-que-custara-r-2-bilhoes-foi-classificada-pela-cnt-como-regular-e-de-geometria-ruim/>>. Accessed on: April 22, 2020.

THE NEW PROPOSAL TO EXPAND THE BR-364 - TOWARDS PERU

As we have seen, there is a long history related to the project to expand the BR-364 highway to Peru via Pucallpa. After the opening and paving of the Pacific highway, other agreements were initiated to develop this new stretch from Acre to Peru, which ended up being neglected due to lack of funding or public will.

In 2009, discussions resumed on this project, the aim of which is to make a railroad or roadway viable between Cruzeiro do Sul (AC) and Boqueirão da Esperança (AC) and on to Pucallpa, the capital of the Department of Ucayali in Peru. Table 1 summarizes these discussions, based on information collected from the IIRSA website.

Table 1. Timeline of negotiations on the widening of BR-364 reported on IIRSA.

YEAR	ACTION
2009	Project to build the Pucallpa-Cruzeiro do Sul highway was ratified in the Joint Communiqué of the Presidents of Brazil and Peru on 11/12/2009
2012	Memorandum of Understanding between the Parties signed in Lima on 22/08/2012
2013	Working Group in front of the Vice-Ministerial Commission for Border Integration Brazil-Peru which met for the fifth time on 7/03/2013
	The Working Group on Railway Interconnection met for the first time in Brasilia on 31/20/2013
2014	On November 12, 2014 Brazil, China and Peru signed a Memorandum of Understanding that creates a Trilateral Working Group to study the feasibility of a rail connection between Brazil and Peru
2016	National Railway Plan approved on 05/2016 (Peru)
2016	With the support of the Chinese government, studies have been carried out on the rail interconnection between Brazil and Peru.
2017	between Brazil and Peru, which ended in the third quarter of 2017 (Peru)

Source: Modified from IIRSA22.

7

According to the Peruvian government, an investment of US\$3 million is needed for technical feasibility studies to determine which would be the best alternative for the connection (road or rail). To this end, technical aspects such as low forest flood zones and the altitude of the Cordillera must be taken into account.

22

COSIPLAN. IIRSA - Latin American Regional Integration and Infrastructure Initiative. At: <http://www.iirsa.org/proyectos/detalle_proyecto.aspx?h=29&x=9&idioma=PO>. Accessed: 21/04/2020.

of the Andes, which exceeds 4000 m, although this side of the Cordillera is not as high as the places crossed by the Interoceanic Highway, which facilitates truck and trailer traffic²³. Economic aspects such as the profitability of the project, social aspects in relation to the acceptance of indigenous populations and environmental aspects should also be considered²⁴. The proposed route will directly affect the Serra do Divisor Park (840,955 ha) and overlapping indigenous lands, the Indigenous Lands of the Nawa and Nukini peoples, since the highway/railroad will cut through the boundaries of the Park. Indirectly, the project will also affect the Puyanawa Indigenous Land, whose route will pass 5 km from the Indigenous Land. On the Peruvian side, the works could affect the **Sierra del Divisor Reserved Zone** and the **Isconahua** Territorial Reserve, the San Mateu Native Community, protected areas and indigenous people in voluntary isolation²⁵ (Figure 2).



Figure 2 - Projected section of the road that would join the city of Pucallpa and Cruz del Sur (translated)

²³WESLEY MORAES. In Pucallpa, the government participates in the 1st Ucayali-Acre Business Meeting. 08/02/2020. At: <<https://agencia.ac.gov.br/em-pucallpa-governo-participa-do-1o-encontro-empresarial-ucayali-acre-2020/>>. Accessed: 10/02/2020.

²⁴COSIPLAN. IIRSA - Latin American Regional Integration and Infrastructure Initiative. At: <http://www.iirsa.org/proyectos/detalle_proyecto.aspx?h=29&x=9&idioma=PO>. Accessed: 21/04/2020.

²⁵idem
²⁶SERVINDI. Pucallpa - Cruz del Sur: ¿progreso y integración o deforestación y minería informal? IBC.

2015. Available at: <<https://www.servindi.org/actualidad/131708>>. Accessed on: January 20, 2020.

Although Peru already has a road network that connects Pucallpa to roads leading to the Pacific, of approximately 140km, it would still be necessary to invest US\$ 432.6 million²⁷. With the transition of the federal and state governments, both from the Workers' Party, the project stalled again. In 2019, then-president Jair Bolsonaro (no party) and governor Gladson Cameli (PP) resumed discussions about the project. Since the beginning of his term, Cameli has shown an interest in developing the grain and livestock chain in the state. He created the State Secretariat for Production and Agribusiness (SEPA), with the aim of boosting grain production for export and improving livestock productivity²⁸. The government has already raised R\$9 million from the BNDES to build a complex of silos to be installed in Senador Guomard. Together with the states of Amazonas and Rondônia, Acre has proposed to the Ministry of Agriculture the creation of an agricultural development region called Amacro, which is currently under discussion²⁹. In view of its interest in developing commodity chains for export, the Acre government has resumed discussions on the project to widen the BR-364 highway. In 2019, the state government started several agendas related to the resumption of talks with the neighboring country, which involves the completion of the bridge over the Madeira River, improving traffic conditions on the BR-364, and opening an airline between Cruzeiro do Sul and Pucallpa³⁰.

According to information from the state government, the project aims to link Mâncio Lima with a 16 km stretch of land to the BR-364 highway, via the Feijão Inosso branch. From this road, it will be another 30 km until you reach the Sossego Community, on the banks of the Azul River. The next stretch is through closed forest for 60 km to the border with

²⁷COSIPLAN. IIRSA - Initiative for the Regional Integration and Infrastructure of Latin America. At: <http://www.iirsa.org/proyectos/detalle_proyecto.aspx?h=29&x=9&idioma=PO>. Accessed: 21/04/2020.

²⁸LIMA, L. Agribusiness Secretariat plans large-scale grain production. **Notícias do Acre**, January 12, 2020. Available at: <<https://agencia.ac.gov.br/secretaria-de-agronegocio-planeja-producao-de-graos-em-larga-escala/>>. Accessed on: 22 Apr. 2020.

²⁹BRYAN, S. Government articulates creation of agricultural development zone. **Notícias do Acre**, May 31, 2019. Available at: <<https://agencia.ac.gov.br/governo-articula-criacao-de-zona-de-desenvolvimento-da-agropecuaria/>>. Accessed on: April 22, 2020.

³⁰LESSA, N. BR-364, bridge over Madeira and flight to Peru are Gladson's priority agendas in Brasília. **Notícias do Acre**, Feb. 18, 2019. Available at: <<https://agencia.ac.gov.br/br-364-ponte-sobre-o-madeira-e-voo-para-o-peru-sa-so-pautas-prioritarias-de-gladson-em-brasilia/>>. Accessed on: January 12, 2020.

Peru, and another 60 km of closed forest on the Peruvian side, from the border with Brazil. Brazil, a total of 120 km from Mâncio Lima (AC) to Pucallpa (Ucayali - Peru)³¹.

On data construction

The dynamism of the project and the lack of transparency on the part of the official bodies regarding the administrative processes that have begun make it difficult to systematize the official and unofficial decisions and arrangements that have been made regarding the road, as well as to construct a historical and logical line on the current project.

The first effort was to gather news about the project in a clipping. We consider this to be an ongoing effort and one that may show signs of possible parallel movement in relation to the establishment of administrative acts. We have noticed that many of these news items are used to form contexts favorable to BR, or even as "trial balloons" aimed at understanding public opinion's acceptance of the project. Therefore, in many cases the connection between the news and the administrative act was not direct. Taking this into account, the news from the clipping is presented in isolation, referring to the narrative construction to form the context of the BR project, but not as real data that leads to effective action on the development of the project. We consider reliable data to be the product of the triangulation between clippings, information acquired in the field and the scant information on administrative processes, which is still presented in a descriptive manner.

The context of BR-364 in the media

We have drawn up a chronological summary of the media events associated with the BR-364 project in Brazil, which may help in future analysis of the arrangements and interests associated with this process (Table 2).

³¹SAAB, R. Indigenous man vents to environment minister: "We've never been lazy or violent". **Notícias do Acre**, June 28, 2019. Available at: < <https://agencia.ac.gov.br/ao-ministro-do-meio-ambiente-indigena-desabafa-nunca-omos-preguicosos-ou-violentos/> >. Accessed: October 2, 2019.

Table 2. Summary of regional actions related to the BR-364 to PUCALLPA project (Peru).

DATE	ACTION
03/06/2019	The Alto Juruá consortium of mayors held its first meeting with indigenous leaders to present the project to widen the BR-364 highway. Initially, the meeting was to be attended by the Minister for the Environment, Ricardo Sales, who canceled at the last minute. At this meeting, the indigenous people were open to discussion, but at no point did they state that they were in favor of the highway (author's observation). Although the media in the region claimed that the indigenous people had approved the project ³² .
27/06/2019	Minister Ricardo Sales visits the Puyanawa village to present the BR-364 widening project. He was accompanied by senators Sérgio Petecão, Mailsa Gomes, Márcio Bittar and federal deputy Alan Rick. Indigenous leaders say they are against the project. According to the news: "Minister Ricardo Sales defended the end of the isolationism of the Indians in the name of integration, which is the banner of the Bolsonaro government 'Indigenous peoples are important and must have a good quality of life. Our project is to maintain sustainable development and their traditions without the Indians having to do so living in isolation'" ³³ . There was no consensus among the leaders regarding BR.
28/06/2019	The mayor of Cruzeiro do Sul, Ilderlei Cordeiro, receives leaders in his office to discuss the BR project. The institutional media of the city of Cruzeiro publishes an article entitled "Indigenous peoples reaffirm interest in integration between Cruzeiro do Sul and Peru" ³⁴ . The article also includes fragments of phrases from some of the leaders, such as: "What we are saying is what everyone expects: that the construction of the road is for the best for everyone. Development means health and if we have work and production, we have health," said Maná Kaxinawa (São Francisco Village in Feijó/AC).
12/10/2019	Deputy governor Wherles Rocha (PSDB), better known as Major Rocha, took part in the Amazon Business Congress in Pucallpa (Ucayali-Peru) and signed a declaration of interest in building a highway or railroad (230 km). Peru), and signed a declaration of interest for the construction of a highway or railroad (230 km), together with the governor of Ucayali, Francisco Pezo Torres ³⁵ .
24/10/2019	"The Chinese president, Xi Jinping, and the Brazilian president, Jair Bolsonaro, accompanied by governor Gladson Cameli, will sign the agreement on the establishment of strategic cooperation between Acre and the Chinese province of Shandong. The document involves setting up a modern industrial, commercial and services complex in Acre, with an investment of around R\$1 billion and the creation of 20,000 direct jobs. (...) 40 Chinese businessmen have shown interest in investing in the state. The proposal involves the installation of modern factories and a commercial center (...) in the Export Processing Zone (EPZ), in Senador Guimard. (...) With the industrialization, above all, of electronic equipment and components, the intention of the agreement is to (...) Under the guidance of the state government, the Chinese businessmen will be responsible for managing the EPZ; in return, they will benefit from tax incentives. Acre as a new

³² ASSUNÇÃO, S. At a meeting, Juruá Indians are in favor of continuing BR-364 through Pucallpa. **AC24HORAS**, June 3, 2019. Available at: <<https://www.ac24horas.com/2019/06/03/indios-do-juruua-sao-favoraveis-a-continuidade-da-br-364-por-pucalpa/>>. Accessed on: June 3, 2019.

³³ ASSUNÇÃO, S. Indians tell to Minister that are against a road that to a Pucallpa. **AC24HORAS**, 27 Jun. 2019. Available in: <<https://www.ac24horas.com/2019/06/27/indios-de-cruzeiro-do-sul-dizem-a-ministro-que-sao-contra-estrada-que-vai-a-pucalpa/>>. Accessed on: June 28, 2019.

³⁴ CRUZEIRO DO SUL. Indigenous peoples reaffirm interest in integration between Cruzeiro do Sul and Peru. Cruzeiro do Sul AC. 28/06/2019. In: <<https://cruzeirodosul.ac.gov.br/noticia/visualizar/id/1907/?povos-indigenas-reafirmam-interesse-em-integracao-entre-cruzeiro-do-sul-e-peru.html>>. Accessed: 20/10/2019.

³⁵ SILVA, A. Acre and Peru sign declaration of interest for the construction of the highway. **Notícia do Acre**, October 12, 2019. Available at: <<https://agencia.ac.gov.br/aacre-e-peru-assinam-declaracao-de-interesse-pela-construcao-de-rodovia/>>. Accessed on: Feb. 18, 2020.

	corridor for imports and exports via the Interoceanic Highway and the Pacific Ocean, through Peruvian ports". ³⁶ . In this agreement, the state intended to receive 1 billion in Chinese investment for the establishment of the EPZ.
12/11/2019	On this date, the Minister of Transport (Tarcísio Gomes de Freitas) authorized the feasibility study for the road/railway from Mâncio Lima to Pucallpa ³⁷
15/11/2019	"Seinfra's teams of engineers and topographers carried out the first stage of the topographical survey on the AC-405, along a stretch of 18 km, starting in the center of Mâncio Lima up to where it is possible to access it by car, at the location known as the end of the Feijão Insosso branch. The teams are currently blazing a trail and surveying the stretch that runs from the end of the Feijão Insosso branch, Mâncio Lima, to Rio Azul, which corresponds to 36 kilometers, and is expected to be completed by November 15." ³⁸ (FIGURE 3)
18/11/2019	Cruzeiro do Sul received the Minister of Justice, Sérgio Moro, and technicians from the ministry who presented the border security plan. On the same day, the mayor of Pucallpa, the governor of Ucayali and the deputy governor of the state of Acre (Major Rocha) presented the project to widen the BR-364 highway to businesspeople from the municipality. They also presented the Integration Working Group aimed at strengthening the partnership between the business community in both countries. During the presentation, the deputy governor said that he is making an agreement with the Minister for the Environment, Ricardo Sales, to transfer the licensing process to the state, which would allow licenses to be issued by IMAC (Acre's Environment Institute) rather than IBAMA (Brazilian Institute of Environment and Natural Resources). (Source: observation by the author)
08/02/2020	1st Ucayali-Acre Business Meeting, in Pucallpa ³⁹ Suframa's new headquarters is inaugurated during an official agenda of Suframa's Deputy Superintendent, Luciano Tavares, in the Cruzeiro do Sul Free Trade
18/03/2020	Area (ALCCS), in Acre, with the participation of the president of the Commercial Association, Luis Antônio da Cunha, civil servants, service users and local businesspeople. The new location, according to those involved, contributes greatly to infrastructure, security and logistics. The deputy superintendent also took part in another meeting with the deputy governor of Acre, Major Rocha, local businessmen and representatives of the Federation of Industries of the State of and other members, aimed at Acre (Fieac), the Brazilian Micro and Small Business Support Service (Sebrae) and the Cruzeiro do Sul Trade Association presenting the Export Qualification Program (Peiex). The local business community also presented the project to connect the city of Cruzeiro do Sul to Pucallpa in Peru by land. "As mentioned by the businessmen,

³⁶ O Rio Branco. Term of cooperation for installation complex industrial industrial in Acre will be signed this Friday, in China. 24/10/2019. At: <<http://www.oriobranco.net/noticia/geral/24-10-2019-termo-de-cooperacao-para-instalacao-de-complexo-industrial-no-acre-sera-assinado-nesta-sexta-na-china>>. Accessed: 30/11/2019.

³⁷ EDIMILSON FERREIRA. Minister of Transport authorizes feasibility study for highway from Cruzeiro do Sul to Pucallpa. AC24Horas. 12/11/2019. In: <<https://www.ac24horas.com/2019/11/12/ministro-dos-transportes-autoriza-estudo-de-viabilidade-da-rodovia-de-cruzeiro-do-sul-a-pucallpa/>>. Accessed: 30/11/2019.

³⁸ NEIDE SANTOS. Government takes first steps towards Acre's visionary access to Peru. News from Acre. 15/11/2019. At: <<https://agencia.ac.gov.br/governo-da-os-primeiros-passos-no-visionario-acesso-do-acre-ao-peru/>>. Accessed: 30/11/2019.

³⁹ WESLEY MORAES. In Pucallpa, the government participates in the 1st Ucayali-Acre Business Meeting. 08/02/2020. At: <<https://agencia.ac.gov.br/em-pucallpa-governo-participa-do-1o-encontro-empresarial-ucayali-acre-2020/>>. Accessed: 10/02/2020.

	this would bring direct benefits not only to tourism in the two regions, but also to other economic activities, through the BR-364 link between the Juruá Valley and Peru," Tavares said after the meeting.⁴⁰ On that date, Economy Minister Paulo Guedes, in a meeting with part of the Acre government in Brasília, confirmed the Bolsonaro government's support for the
19/06/2020	construction of the road that will connect the cities of Cruzeiro do Sul and Pucallpa, from start to finish. The Minister said at the time: "We want to reinforce this investment in transnational structures and there's no better example than Acre, because there, crossing Peru, we reach the Pacific Ocean. It's a great project of ours," he added: "We feel it's our duty to repay this support. We're going to start and finish the road. This is a great project of ours and of the Bird's management to increase the investment portfolio in Brazil and also of Bi, where together with the Americans, we want to strengthen this transnational structure and there is no better example than Acre, because we are going to join Peru, and by crossing Peru we will reach the Pacific Ocean. Senator Marcio Bittar and Acre will have our full support!". The meeting was attended by federal deputies Manoel Marcos and Mara Rocha, and deputy Luiz Gonzaga, the president of the Federation of Industries of Acre, José Adriano Ribeiro.⁴¹ The Environmental Institute of Acre (IMAC) says it will be responsible for studies on the construction of the highway linking the municipality of Cruzeiro do Sul to
10/07/2020	Pucallpa in Peru.⁴² Senator Marcio Bittar (MDB-AC) took part in a videoconference meeting with the Minister of Infrastructure, Tarcísio Freitas, to discuss important projects for the state of Acre, with emphasis on the continuation of BR-364, with the aim of linking Cruzeiro do Sul to Pucallpa, in Peru. According to Freitas, the Ministry
21/07/2020	believes there is no need for a study analyzing the technical feasibility of the work, thus allowing it to move on to the next phase, representing a considerable gain in time. He expects services on the highway to begin in 2021. The minister also informed the senator that the contracting of the engineering company has already been authorized, and the tender for the technical projects and environmental licensing will take place in 2020.⁴³ The planning coordinator of the National Land Infrastructure Department (DNIT), Adailton Cardoso Dias, said at a meeting at the headquarters of the State Representation in Brasília with the deputy governor of Acre, Major Rocha, that the bidding notice for the road project to Pucallpa will be issued in 2020. The
10/09/2020	meeting was attended by the coordinator of the Brazil-Peru integration group, Francimar Cavalcante, and Acre's representative in Brasília, Ricardo França. Cardoso Dias said that the call for tenders for the work will be published between December 15 and 20, and that the work is in progress. being well evaluated by the Federal Government.⁴⁴

⁴⁰SUFRAMA. New headquarters in Cruzeiro do Sul - AC has symbolic inauguration. 18/03/2020. At: < <https://www.gov.br/suframa/pt-br/publicacoes/noticias/nova-sede-da-suframa-em-cruzeiro-do-sul-ac-tem-inauguracao-simbolica> > Access: 20/10/2020.

⁴¹Pucallpa ANDRO CHAVES. Paulo Guedes says that Bittar is a great Brazilian and confirms construction of road to 21/06/2020. In: <> <https://contilnetnoticias.com.br/2020/06/paulo-guedes-diz-que-bittar-e-um-grande-brasileiro-e-confirma-construcao-de-estrada-a-pucallpa/> Accessed: 20/10/2020.

⁴²The State of Acre. Imac wants to pass the cattle: license the Juruá-Pucallpa highway. 10/07/2020. At:< <https://contilnetnoticias.com.br/2020/06/paulo-guedes-diz-que-bittar-e-um-grande-brasileiro-e-confirma-construcao-de-estrada-a-pucallpa/> > Accessed: 20/10/2020.

⁴³ Parliamentary Advisor. Bittar meets with Minister of Infrastructure to discuss about works in Acre. 22/07/2020. At:<<https://agazetadoacre.com/2020/07/noticias/politica/bittar-se-reune-com-ministro-da-infraestrutura-para-tratar-sobre-obras-no-acre/>> Access: 20/10/2020.

⁴⁴Acre Agora. Tender to build road to Pucallpa should go out in December, announces DNIT. 10/09/2020. At:< <https://acreagora.com/2020/09/10/edital-para-construir-road-to-pucallpa-should-go-out-in-december-announces-dnit/> > Accessed: 20/10/2020.

16/09/2020	President Jair Bolsonaro has assured Senator Márcio Bittar (MDB-AC) that he will sign a protocol of intent with the Peruvian government in 2020 to build the road linking Cruzeiro do Sul to Pucallpa. ⁴⁵
25/09/2020	On this date, the II Brazil/Peru Meeting took place in Cruzeiro do Sul - the aim of which was to discuss the integration of these two countries via the road between Cruzeiro do Sul and Pucallpa. The event was attended by Governor Gladson Cameli, the Ministers of Foreign Affairs, Ernesto Araújo, of Regional Development, Rogério Marinho and, via videoconference, the Peruvian authorities: Luis Guillermo Hidalgo (Governor of Madre de Dios) and Francisco Peso Torres (Governor of Ucayalli). Senator Márcio Bittar stressed that he has made every possible effort with the federal government and President Jair Bolsonaro to ensure that the project goes ahead, as well as planning future trips to Peru in committees made up of various interested sectors, with the aim of advancing negotiations with Peru. The Minister for Regional Development, Rogério Marinho, reinforced President Bolsonaro's talk of integration with neighboring countries, stressing the existence of a strategic development plan for the entire northern region of the country, and also said: "We are living in a unique moment in our history. We have a president of the National Congress who is from Amapá, a budget rapporteur who is from Acre and a president who is committed to the Northern region in terms of integrating it into South America. Minister Ernesto and I are here to show that the federal government does indeed have a commitment to Acre. The project has already been presented, defined by the president, will have the support of the Executive and we will make every effort to ensure that these resources are included in next year's budget." Chancellor Ernesto Araújo emphasized the importance of Brazil's connection with Peru from the government's point of view. As for the Peruvian authorities, the governor of Ucayalli expressed his desire to integrate the two countries through the Juruá Valley, while the governor of Madre de Dios emphasized the benefits for both countries that such a road would represent. The deputy governor of Acre, Major Rocha, argued that the executive project and the base project are already being finalized and tendered, saying that they will continue to work together with Sebrae, the Federation of Industries and the Associations for the Development of the Juruá Valley. Trade towards the moment of integration. 46

Source: Own elaboration.

⁴⁵Juruá em Tempo. Bolsonaro guarantees construction of highway linking Cruzeiro do Sul to Pucallpa and Bittar celebrates: "Happy and thrilled". 16/09/2020. At:< <https://www.juruaemtempo.com.br/2020/09/16/bolsonaro-garante-construcao-de-rodovia-que-ligara-cruzeiro-do-sul-a-pucallpa-e-bittar-comemora-feliz-e-emocionado/>> Accessed: 20/10/2020.

⁴⁶SAMUEL BRYAN. Acre Government and Ministers discuss with Peruvians Road Integration between Cruzeiro do Sul and Pucallpa. 25/09/2020. At:< <https://agencia.ac.gov.br/governo-do-acre-e-ministros-debtem-com-peruanos-integracao-rodoviaria-entre-cruzeiro-e-pucallpa/>> Accessed: 20/10/2020.

The local context of the BR-364

In view of the strategy to establish commercial relations between Acre and Ucayalli, the state government has been working to open a flight from Cruzeiro do Sul to Pucallpa, a plan that is also aligned with the privatization of the airports in Cruzeiro do Sul and Rio Branco 47. Along these lines, both the Ucayalli government and the Acre government have been holding regular meetings with businesspeople from the region, with a view to integrating businesses and establishing strategic plans and partnerships. In 2020, the last news item on the state government's official website regarding the widening of the BR was precisely the meeting between businesspeople from the two regions, which took place in the city of Pucallpa in February. To ensure this initiative, the Acre government created the Integration Working Group exclusively for "strengthening these partnerships and planning new actions"48. In 2019, according to local media reports, there was the first expedition to establish the route of what would become BR-364 (Figure 3). In addition to this effort, the mayor of Mâncio Lima (AC), with budgetary support from the state of Acre, opened branches in order to facilitate the future process of creating BR-364 (Figure 4). According to information from Mongabay, "the road - which has not been officially approved - should extend to the BR-364 route"49.

⁴⁷EDIMILSON FERREIRA. Minister of Transport authorizes feasibility study for Cruzeiro highway do South a Pucallpa. AC24Horas. 12/11/2019. In: <<https://www.ac24horas.com/2019/11/12/ministro-dos-transportes-autoriza-estudo-de-viabilidade-da-rodovia-de-cruzeiro-do-sul-a-pucallpa/>>. Accessed: 30/11/2019.

⁴⁸WESLEY MORAES. In Pucallpa, the government participates in the 1st Ucayali-Acre Business Meeting. 08/02/2020. At: <<https://agencia.ac.gov.br/em-pucallpa-governo-participa-do-1o-encontro-empresarial-ucayali-acre-2020/>>. Accessed: 10/02/2020.

⁴⁹ANA IONOVA. Planned road to bisect pristine, biodiverse Brazilian Amazon national park. 03/12/2021. <https://news.mongabay.com/2020/12/planned-road-to-bisect-pristine-biodiverse-brazilian-amazon-national-park/>. Accessed: 15/06/2021.



Figure 3: Start of feasibility work on the BR-364 project (15/11/2019)



Figure 4 - Opening of the Ensosso Bean Branch, which is intended to connect to the future BR-364 route

In an attempt to understand the puzzle of this project and the interests at stake, the main regional and local media were clipped. This material made it possible to identify the main social actors involved in the process (Table 3).

⁵⁰NEIDE SANTOS. Government takes first steps towards Acre's visionary access to Peru. Notícias do Acre. 15/11/2019. At: <<https://agencia.ac.gov.br/governo-da-os-primeiros-passos-no-visionario-acesso-do-acre-ao-peru/>>. Accessed: 30/11/2019.

⁵¹ RAPHAELA BARBARY. Mayor Isaac Lima inspects works to recover the branches. 30/08/2019. In: <https://www.manciolima.ac.gov.br/post/prefeito-isaac-lima-vistoria-obras-de-recupera%C3%A7%C3%A3o-de-ramais> . Accessed: May 15, 2021.

Table 3. Main social actors involved in the new BR-364 widening project.

Presidents	Xi Jinping	Jair Bolsonaro	Martín Vizcarra (Peru)				
Ambassadors	Otávio Brandellu	Ernesto Araújo					
Senators	Sérgio Petecão	Márcio Bittar (MDB)					
	Luiz Gonzaga (Acre)		Jéssica Sales	Mailza Gomes			
Federal deputy		Eduardo Bolsonaro Marcelo Salum (Head	Alan Rick	Manoel Marcos	Mara Rocha		
Ministries	Tereza Cristina (Agriculture)	of the Industry Promotion Division of the Ministry of Foreign Affairs)	Tarcísio Gomes de Freitas (Minister of Infrastructure)	Ricardo Sales (Environment)	Fabiola Muñoz Dodero (Peruvian Environment Minister)	Rogério Marinho (Regional Development)	Paulo Guedes (Minister of Economy)
ICMBIO	Aécio (PNSD manager)						
Federal Departments	Carlos Henrique (DNIT superintendent) Gladson Cameli	Adailton Cardoso Dias (DNIT Planning Coordinator)	Luciano Tavares (Deputy Superintendent of Suframa)				
Governors	(gov.) and Major Rocha (vice) Francimar Cavalcante	Chinese province of Shandong	Governor of Ucayali	Ricardo França - representative of Governor of Acre in BSB	Governor of Madre de Dios		
Integration Working Group (vice Major Rocha's office)							

Mayors	Ilderlei Cordeiro (Cruzeiro do Sul) Idelcleide Cordeiro (former mayor's sister) mayor)	Mayor of Pucallpa	Mayor of Mâncio Lima	Isaac Lima Marechal Thaumaturgo	Sebastião Correia Mayor of Rodrigues Alves,	Marilete Vitorino Mayor of Tarauacá	
Civil Society							
Cruzeiro do Sul Commercial Business Association	Jairo Correa						
Indigenous people							
Village	São Francisco Village in Feijó	RuiKaxinawa Mana Kaxinawa Assis Kaxinawa					
Federation of Industries of Acre	José Adriano Ribeiro						

Source: Own elaboration.

THE ADMINISTRATIVE PROCESS FOR STARTING LICENSING

There is still no clarity on how the licensing process (Conama 01/89 and 237) will take place. The information collected raises some questions:

- a.State environmental licensing instead of federal - what is the justification?
 - b.Environmental Impact Study - carried out by IMAC technicians instead of a third party - what evidence is there of illegality within the case law?
 - c.How to justify the Puyanawa as impacted, who should be included in the compensation process? (area of distance between road route and TI Puyanawa) - research other cases
- Justify the need for the ECI (Indigenous Component Shield) together with the EIA, i.e. before the public hearing, the issuance of the LP and the auction.
- What alternative mechanisms to the PBA-CI do we have for compensating indigenous peoples (see MPF book)

The environmental licensing process is a primary and indispensable element when it comes to undertakings considered to be effective and potentially degrading to the environment, as stipulated in art. 10 of Law 6.938/1981, in verbis:

The construction, installation, expansion and operation of establishments and activities that use environmental resources, are effectively or potentially polluting or capable, in any form, of causing environmental degradation shall depend on prior environmental licensing.

In Brazil, environmental licensing can be carried out by all federal entities, taking into account certain particularities of the project, with the criterion of dominance in relation to a given territory prevailing, as well as the scope of the impact, according to the entry into force of LC n. 140/11. In this sense, environmental licensing should be the responsibility of the Federal Government when (art. 7, XIV, of LC n. 140/11)⁽⁵²⁾ activities and undertakings are: a) located or developed jointly in Brazil, and

⁵²Available at: http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp140.html. Accessed on: 08/05/2021. BRAZIL.

in a bordering country; b) located or developed in the territorial sea, continental shelf or exclusive economic zone; c) located or developed in indigenous lands; d) located or developed in conservation units instituted by the Union, except in Environmental Protection Areas (APAs); e) located or developed in 2 (two) or more States; f) of a military nature, with the exception of environmental licensing, under the terms of an act of the Executive Power, those provided for in the preparation and employment of the Armed Forces, as provided for in Complementary Law No. 97, of June 9, 1999; g) intended to research, mine, produce, benefit from, transport, store and dispose of radioactive material, at any stage, or which use nuclear energy in any of its forms and applications, following an opinion from the National Nuclear Energy Commission (CNEN); or h) which meet the typology established by an act of the Executive Branch, based on a proposal from the National Tripartite Commission, ensuring the participation of a member of the National Environment Council (CONAMA), and taking into account the criteria of size, polluting potential and nature of the activity or undertaking.

Article 9, XIV, of LC 140/11 deals with municipal licensing. In this case, the municipality will be responsible for undertakings and activities: a) that cause or may cause a local environmental impact, according to the typology defined by the respective State Environmental Councils, taking into account the criteria of size, polluting potential and nature of the activity; or b) located in conservation units established by the municipality, except in Environmental Protection Areas (APAs).

As for state competence, art. 8, XIV states that the legislation in question establishes residual competence, i.e. the state will be responsible for "promoting environmental licensing of activities or undertakings that use environmental resources, are effectively or potentially polluting or capable, in any form, of causing environmental degradation, with the exception of the provisions of arts. 7 and 9". Res. 237/97, in its article 10, defines the steps that must be taken in the licensing process:

The environmental licensing procedure will obey the following stages:

I- definition by the competent environmental body, with the participation of the entrepreneur, of the documents, projects and environmental studies necessary for the start of the licensing process corresponding to the license to be applied for;

II- application for the environmental license by the entrepreneur, accompanied by the relevant documents, projects and environmental studies, with due publicity;

III- analysis by the competent environmental body, which is part of SISNAMA, of the documents, projects and environmental studies submitted and the carrying out of technical surveys, when necessary;

IV- the request for clarifications and additions by the competent environmental agency, part of SISNAMA, once only, as a result of the analysis of the documents, projects and environmental studies submitted, where appropriate, and the request may be repeated if the clarifications and additions have not been satisfactory;

V - public public hearing, where appropriate, in accordance with the relevant regulations;

VI- request for clarifications and additions by the competent environmental body, as a result of public hearings, where appropriate, and the request may be repeated when the clarifications and additions have not been satisfactory;

VII- issuing a conclusive technical opinion and, where appropriate, a legal opinion;

VIII- granting or rejecting the license request, with due publicity.

With regard to the construction of the BR-364 highway, which will link the Peruvian city of Pucallpa to Cruzeiro do Sul/AC, there was initially the prospect that environmental licensing would be carried out by IMAC, according to information given publicly by the director-president of the Acre Environment Institute (IMAC), André Hassem, to the mayor of Cruzeiro do Sul, in which he signaled the transfer of competence by IBAMA⁵³. However, following the procedures for registering the information on the project, the National Department of Transport Infrastructure (DNIT) registered the environmental licensing application with IBAMA, filling in the Activity Characterization Form (FCA)(⁵⁴)for the construction of BR-364/AC: Integration

⁵³Available at: <https://folhadoacre.com.br/2020/07/09/ilderlei-comemora-autonomia-do-imac-para-emissao-delicenciamento-ambiental-na-estrada-que-liga-cruzeiro-do-sul-a-pucallpa/>. Accessed on: 10/05/2021.

⁵⁴The FCA refers to the standard electronic form defined by IBAMA for applying for environmental licensing. It is essential for supporting the LAF (Federal Environmental Licensing), especially the first two stages of the process: Analysis of Competence and Definition of Scope of Environmental Studies.

Available at: https://www.ibama.gov.br/phocadownload/licenciamento/GUIA_FCA_v20140523.pdf. Accessed on: 09/05/2021.

Brazil-Peru Highway, in the municipalities of Cruzeiro do Sul/AC, Mâncio Lima/AC and Rodrigues Alves/AC, covering a 151.8 km stretch.

Although there was an expectation that the licensing process would be the responsibility of the state agency, IBAMA decided that the licensing process for the project should be the responsibility of the Union, under the competence of the federal agency itself, based on the following provisions:

"Complementary Law 140/11:

Art. 7: The Union's administrative actions are:

[...]

XIV

- promoting o environmental environmental
of undertakings and activities:

(d) located or developed in conservation units instituted by
the Union, except in Environmental Protection Areas
(APAs);"

The highway is planned to cut through the Serra do Divisor National Park, making it necessary, as provided for in the aforementioned legislation, for licensing to be carried out by the Federal Government, since the project is located or developed in conservation units established by the Federal Government itself.

Another justification for the Union's competence for licensing is due to Decree 8.437/2015, art. 3:

Art. 3 Without prejudice to the provisions contained in

Art.

7, caput, item XIV, points "a" to "g", of Complementary
Law 140 of 2011, the following undertakings or
activities shall be licensed by the competent federal
environmental agency: I - federal highways: (a)
implementation;

As you can see, the implementation of federal highways requires environmental licensing by the federal government. In this sense, according to a technical opinion

Since the permit is issued by IBAMA, there is no way that the licensing process can be carried out by state agencies. In addition, the licensing process must be carried out in the ordinary way, with the preparation of an EIA/RIMA⁵⁵ due to the fact that the project is located in an area belonging to the Legal Amazon, in order to gauge the scale of the possible environmental impacts caused by the project, and the necessary mitigation measures.

As far as can be ascertained at the moment, the licensing process is at a standstill, awaiting a legal opinion on the feasibility of building the BR-364 highway, as well as a statement from ICMBIO, since it is expected to pass through the interior of the Serra do Divisor National Park, i.e. it will directly affect an Integral Protection Unit, the definition of which can be found in Law no. 9.985/2000, art. 11: "its basic objective is the preservation of natural ecosystems of great ecological importance and scenic beauty, enabling scientific research and the development of environmental education and interpretation activities, recreation in contact with nature and ecological tourism".

Pointing out that there is no legal provision for the construction of projects that affect conservation units of this category, IBAMA asked ICMBIO (the managing body of the Serra do Divisor National Park) for its opinion and legal opinion as to whether there is any impediment to proceeding with the licensing process, since SNUC Law No. 9.985/2000, which classifies National Parks as fully protected Conservation Units, understands that only indirect use of their natural resources is allowed. However, it was pointed out that there was legal provision for the construction of the BR-364 highway in the decree that created the park, Decree 97.839 of June 16, 1989:

Art. 1: The Serra do Divisor National Park is hereby created in the state of Acre, covering lands in the municipalities of Mâncio Lima and Cruzeiro do Sul, with the aim of protecting and preserving a sample of the ecosystems existing there, ensuring the preservation of its natural resources, providing controlled opportunities for public use, education and scientific research.

[...]

⁵⁵ The Environmental Impact Study (EIA) and the Environmental Impact Report (Rima) are required in the prior licensing phase for undertakings and activities that may cause significant environmental impacts, according to Conama Resolution No. 1/1986. Available at: <http://pnla.mma.gov.br/images/2018/08/Procedimentos-de-Licencamento-Ambiental-IBAMA.pdf>. Accessed on: 09/05/2021.

Art. 3 - The future implementation of the stretch of the BR-364 highway that cuts through the boundaries of this National Park is hereby authorized, and for this purpose all environmental protection measures and compatibility of the route with the natural characteristics of the area must be observed.

IBAMA is seeking to resolve this issue so that it can proceed with the licensing process, or decide that the procedure is unfeasible.

REPERCUSSIONS OF THE UCAYALI/ACRE HIGHWAY IN PERU

The discussion about the highway that will connect Ucayali (Peru) to the state of Acre (Brazil) has evolved and won the approval of Bill (PL) No. 6486, with 86 favorable votes from the Peruvian Congress, on May 21, 2021. The Bill declares the sustainable multimodal interconnection of Pucallpa to Cruzeiro do Sul to be a public necessity and in the national interest⁵⁶. Peru's Minister of the Environment, Gabriel Quijandr , lamented the bill and warned of the lack of technical support given the high potential impact of the project, with a view to affecting indigenous lands and protected territories; along with the note, via Twitter, the minister added a study by the University of Richmond on the socio-environmental impacts of the proposed routes between Pucallpa and Cruzeiro do Sul⁵⁷. Also in March 2021, the Peruvian Ombudsman's Office expressed concern about the progress of the bill in question, highlighting the technical and legal shortcomings of the project where the guarantee of the conservation of natural areas and respect for the rights of native peoples was not supported. Under these circumstances, the Ombudsman's Office argued that the initiative deviated from Congress' duty to ensure that the Constitution was respected. In 2018, the Ombudsman's Office took a cautious stance on the implementation of Law No. 30723, which stipulated that "the construction of highways in border areas and the maintenance of carriageways in the department of Ucayali should be a priority and of national interest"⁵⁸. Shortly after the bill was approved, the Regional Organization of the Interethnic Association for the Development of the Peruvian Jungle (AIDSEP) Ucayali (ORAU) made it public that it had not been consulted in the stages leading up to its approval by the Peruvian Congress, meaning that indigenous interests had been excluded from the process. At another point

⁵⁶Peruvian Congress approves construction of Ucayali/Acre highway. **Juru  online**, May 25, 2021
Available at: <<https://www.juruonline.com.br/congresso-do-peru-aprova-construcao-de-rodovia-ucayali-acre/>> Accessed: June 7, 2021

⁵⁷QUIJANDR , G. **The promotion of law projects without technical support implies a huge risk, especially if they have the potential to affect environmentally fragile territories with a presence of indigenous peoples. Ojal  @congresoperu no apruebe esta propuesta en el pleno.**

Twitter: @GQuijandriaA. Available at:
<<https://twitter.com/GQuijandriaA/status/1395539895972769792/photo/2>>. Accessed: 07 Jun. 2021

⁵⁸ PER . Defensor  del Pueblo: proyecto de ley que promueve v  Pucallpa - Cruzeiro do Sul pone en riesgo bosques y derechos de pueblos ind genas. **Defensor  del Pueblo**, 19, mar. 2021. Available at:<<https://www.defensoria.gob.pe/defensoria-del-pueblo-proyecto-de-ley-que-promueve-via-pucallpa-cruzeiro-do-soul-pone-en-riesgo-bosques-y-derechos-de-pueblos-indigenas/>>. Accessed on: 10/06/2021

organization had signaled its regrets, with 10 or more communities of the Shipibo and Ashaninka peoples affected, "in addition to the territory of the Isconahua people, in voluntary isolation"; and the inclination of the routes to foster illegal activities and threats to indigenous leaders. Berlin Diques, an Asháninka leader and president of AIDSESP in the department of Ucayali, publicly opposed the development of the highway and demanded that Peruvian President Francisco Sagasti⁵⁹ take action to stop the project. Together with the Ombudsman's Office and ORAU, the civil association Derecho, Ambiente y Recursos Naturales (DAR) sent President Francisco Sagasti a communiqué requesting attention to PL N° 6486/2020- CR, in June 2021. The vice-president of the civil association DAR, Vanessa Cueto, defended integration and trade as important factors in development, however, she stressed that this must be done through intelligent and less damaging ways supported by studies, in this sense, she asked President Sagasti for "environmental studies that identify the cumulative and synergistic impacts that the project could bring"⁶⁰.

⁵⁹ PIDEN al presidente Sagasti observar proyecto de ley de vía que pone en riesgo a poblaciones amazónicas. **Info región**, 23 jun. 2021. Available at: <<https://www.inforegion.pe/285541/piden-al-presidente-sagasti-observar-proyecto-de-ley-de-via-que-pone-en-riesgo-a-poblaciones-amazonicas/>>. Accessed on: 10/06/2021

⁶⁰ Ibid., 2021.

POSSIBLE IMPACTS

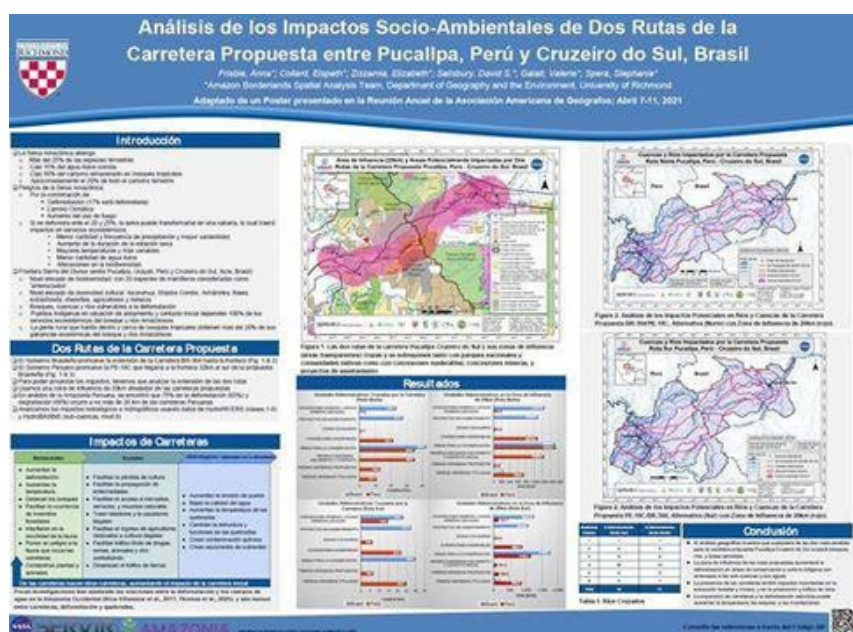
Among the impacts foreseen in the implementation of infrastructure works are problems of: lack of transparency, underestimation of socio-environmental impacts and risks, including cumulative ones, in the preliminary phase of inventory studies, lack of consultation processes and prior, free and informed consent with indigenous peoples, studies disregarding impacts on indigenous peoples and their territories, licensing process lacking transparency and with inconsistencies, lack of effective monitoring of impacts, including compensation and mitigation actions. In addition to these processes, the lack of transparency and confidence that socio-environmental laws and regulations can prevent violations of rights generates conflicts between the affected peoples, the government and developers. Analyzing the impacts of the BR-317 (Pacific Highway) and the impacts related to the expansion of the BR-364 to Mâncio Lima - AC, a contingent of possible impacts related to the expansion of the BR-364 between Mâncio Lima and Pucallpa was drawn up (Table 3).

Table 3. Possible impacts generated by the expansion of the BR-364, based on the impacts raised in the process of paving the BR-317.

	Impact	Phase		
		Planning	Installation	Operation
Physical Environment	1) Emission of Particulate Matter, Noise and Gases		x	
	2) Changes to the Local Landscape		x	x
	3) Modification of the Natural Drainage System	x	x	x
	4) Induction of Erosive Processes		x	x
	5) Loading of Solids and Siltation of the Drainage Network		x	x
	6) Interference in Areas with Mining Authorizations and Concessions		x	
	7) Interference with Surface and Groundwater Quality		x	x
	8) Interference with Water Sources		x	x
	9) Waste Generation		x	x
	10) Disposal of Waste Material		x	
Biotic Environment	11) Changes in Vegetation		x	
	12) Increase in Hunting, Wildlife Collection Loss or trampling; Scaring of Fauna			x
	13) Increased Anthropogenic Pressure on Flora and Fauna Resources		x	x
	14) Risk of Fires		x	x
	15) Formation of Environments Conducive to the Development of Vectors		x	

Anthropic Environment	16) Creation of Expectations and Uncertainties	x	x	x
	17) Changes in the Population's Daily Dynamics		x	x
	18) Change in the Demographic Framework		x	x
	19) Change in the Current Level and Trend of the Accident Rate		x	x
	20) Increased Demand for Goods and Services		x	x
	21) Increase in Local Income and Public Revenue		x	x
	22) Reduced fuel consumption		x	
	23) Change in the Public Health Framework		x	
	24) Improved local accessibility		x	x
	25) Interference in the Agricultural Production Area		x	x
	26) Employment and Income Generation		x	x
	27) Regional Development Expectations		x	x
	28) Increased traffic of vehicles and machinery		x	x
	29) Possibility of Accidents with Dangerous Loads		x	x
	30) Interference with Historical, Cultural and Archaeological Heritage		x	x
	31) Interference with Indigenous Populations			x

The analysis carried out by the university's geography and environment department concludes that the road will cross rivers and sensitive areas; it asserts that there will be an increase in deforestation, mining activity, threats to river basins and coca trafficking; moreover, the combination of impacts could result in a rise in temperature and worsening of flooding in the region (Figure 5).



GREEN ALTERNATIVES

The guide to good practices for environmentally friendly roads, supported by the Latin American Conservation Council (LACC), points out that by 2050 around 25 million kilometers of roads will be built, 90% of which will be in biodiversity-rich regions in developing countries⁶². Road construction has a direct impact on wildlife, creating noise disturbances, dust emissions, pollutants in the soil and vegetation and altering habitats near construction sites. Vehicle collisions, which have been well documented, often occur when migration routes or access to food and water are blocked. In this case, one of the alternatives is the Vulture System developed by the Brazilian Center for Road Ecology at the Federal University of Lavras (CBEE) in Minas Gerais together with the Auto Raposo Tavares Concessionaire (CART) - responsible for an 834-kilometer corridor between Bauru and Presidente Epitácio. The system has a driving fence, speed cameras in places identified as crossing areas, signs, signals and inspectors on standby for possible rescues. In addition, the company has another initiative which consists of creating a passage under the asphalt for wildlife⁶³. In view of these externalities, the guide has created a plan to be followed in the development of the road project, with a view to integrating the environmental issue from the outset. The mitigation hierarchy can cooperate in environmental management, as it seeks to avoid, minimize, rehabilitate, compensate and contribute⁶⁴ (Figure 6).

⁶¹

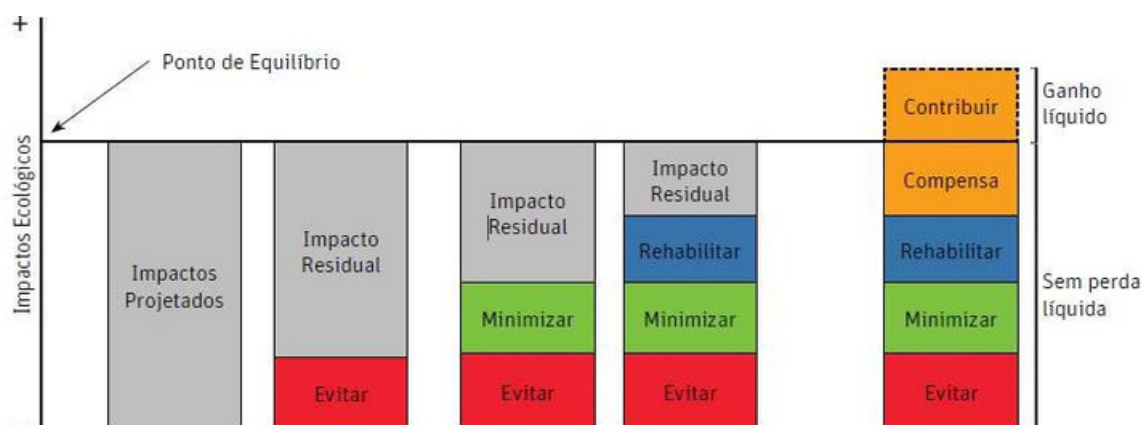
Frisbie, A., Collard, E., Zizzamia, E., Salisbury, D. S., Galati, V., Spera, S. (2021). **Analysis of the Socio-Environmental Impacts of two Routes of the Proposed Highway between Pucallpa, Peru and Cruzeiro do Sul, Brazil**. Adapted from a Poster presented at the Annual Meeting of the American Association of Geographers, April 7-11, 2021. Virtual, Seattle, WA, USA. Available at: <https://scholarship.richmond.edu/absat_posters/2/>. Accessed on: 13/06/2021

⁶²UFSC. Sustainable roads are the way forward for the conscious development of cities, 04, Sep. 2017. Available at: <<http://projetoescola.labtrans.ufsc.br/projetoescola/noticias/estradas-sustentaveis-sao-o-caminho-para-o-desenvolvimento-consciente-das-cidades>>. Accessed on: June 13, 2021.

⁶³*Ibid.*

⁶⁴QUINTERO, J.D. Guia de boas práticas para estradas ecologicamente corretas:

<<https://doczz.com.br/doc/34867/guia-de-boas-pr%C3%A1ticas-para-estradas-ecologicamente-corretas>>. Accessed on: June 13, 2021.



Fonte: Adaptado de BBOP 2009; PricewaterhouseCoopers 2010.

Figure 6: Mitigation hierarchy

An environmentally friendly road not only provides for mitigation mechanisms, but also establishes safe mechanisms in the construction structure of the plans, such as a prior study for early identification of impacts; planning the role of land use and natural resources; incorporating ecosystem services into the road project cycle; use of permeable paving, among other indicators included in the good practice guide.

Another daring alternative: present in the study that used real options theory to analyze whether or not part of the Mangrove Park, in Recife-PE, should be used for highway construction, showed the "suspended highway" option, in this research, as the best alternative considering the value of the biodiversity of the site and the environmental impacts mitigated in the process that made the option, even if higher financially, advantageous⁶⁶.

CONCLUSION

There is clearly a dispute between narratives about the position of indigenous peoples in relation to the road. The institutional media, both from the state and municipal governments, and the local media try to push the project forward, with headlines that exalt the project and bring a consensus understanding of the work. The national media and much of the

⁶⁵ Ibid.
⁶⁶ MARTINS; MELO. The Value of Preserving the Mangrove Park in Recife-PE: A Use of the

Method Method Real Options Method. Available
<<http://www.anpec.org.br/encontro2007/artigos/A07A146.pdf>>. Accessed on: June 13, 2021.

local, national and regional non-governmental institutions are still oblivious to this process. The indigenous peoples, on the other hand, have a controversial discourse. The lack of transparency about the process of planning and studying the project and the lack of information about possible impacts are points of attention. Without an understanding of the real significance of such a huge project, and without assessments of the social, economic, environmental, institutional and safety costs, those who may be impacted will be forced to make circumstantial decisions based on narratives. So far, there has been no information about a possible process of prior, free and informed consultation for the indigenous peoples and traditional communities affected. It is necessary to create a process of broad and collective discussion, setting out the positive points, impacts and possible alternatives, so that indigenous communities can make an informed decision on the way forward.

O Instituto Fronteiras gerencia redes de
zoogeográficas, criando soluções
inovadoras, promovendo o diálogo entre
comunidades locais e globais para enfrentar
os desafios socio-ambientais e territoriais.

O Instituto Fronteiras atua em parceria com o poder público e a sociedade civil para promover o desenvolvimento sustentável e a conservação do meio ambiente.

O Instituto Fronteiras atua em parceria com o poder público e a sociedade civil para promover o desenvolvimento sustentável e a conservação do meio ambiente.

O Instituto Fronteiras atua em parceria com o poder público e a sociedade civil para promover o desenvolvimento sustentável e a conservação do meio ambiente.

O Instituto Fronteiras atua em parceria com o poder público e a sociedade civil para promover o desenvolvimento sustentável e a conservação do meio ambiente.

O Instituto Fronteiras atua em parceria com o poder público e a sociedade civil para promover o desenvolvimento sustentável e a conservação do meio ambiente.

O Instituto Fronteiras atua em parceria com o poder público e a sociedade civil para promover o desenvolvimento sustentável e a conservação do meio ambiente.



INSTITUTO
Fronteiras