This highway is not the right way

One of the last remaining native Atlantic Forest areas is being threatened by a bill which, without having any relevant social or economic reasons, proposes that a highway be built across the Iguacu National Park.

"The present generation can not do a better endowment to future generations than to preserve intact areas, free from iron and fire."

André Rebouças, engineer and the first person to suggest the creation of a national park in the Iguacu National Park area, in 1886. Later, in 1916, Santos Dumont personally requested the governor of Parana for the idea to be turned into reality. The park was effectively created, in 1939, by the then president Getúlio Vargas.

This booklet is dedicated to the memory of journalist, activist and environmentalist, Teresa Urban, who devoted years of her life to fighting for the protection of the Iguacu National Park.

*The logo used on the cover of the booklet was rescued from campaigns to defend the national park, promoted in the 1990’s.
BILL THREATENS WORLD NATURAL HERITAGE SITE, SOCIAL SAFETY AND THE RELIABILITY OF BRAZILIAN LAWS

Bill 7.123/2010 proposed by federal representative Assis do Couto (PT/PR) provides for the construction of a highway on the bed where, between 1953 and 2003, an illegal road existed and had been precariously transformed into the so-called “Estrada do Colono” (Settler’s Road). The road used to cut the Iguaçu National Park through 18 kilometres and divide the reservation in two. The proposal was approved by the Lower House in August and was sent to the Senate.

In order to reopen the road, the bill intends to amend the law of the National System of Conservation Units (Law 9.985/2000), to create the “Park-Road” category, which still does not exist in Brazilian law, and to institute the Settlers’ Park Road in the middle of the national park. This would threaten the park integrity in a serious way and the initiative would set a no return judicial precedent that would impact the structure of other Conservation Units throughout the country.

If this bill passes, one of the consequences will be the loss of World Natural Heritage Site designation, which was applied for Brazil and granted by the Unesco (United Nations Educational, Scientific and Cultural Organization) in 1986. The opening of this highway will ravage a portion of the park that took ten years to be recovered (the definitive closure of the road occurred in 2003, when the last judicial intervention took place), will cause a great impact on the region and irreversible damage to the local flora and fauna, besides impairing the quality of life of dwellers of communities that surround the park, by posing risks to regional public safety.

Among the main damages, as the Federal Police warns, would be the increase of smuggling of goods, weapons, illegal articles, drug-trafficking at a border region, without mention to the countless environmental damages, such as an expressive increase of poaching and the menace of extinction to already endangered species. The area for the proposed highway is located within the region deemed as “untouchable” by the park management plan, which should be kept wholly preserved.

In order to explain those aggressions, environmental preservationist institutions, political and police authorities, sociologists, businessmen, academicians and environmental preservation specialists have contributed to the development of this primer, with the support of the Paraná Public Ministry. It comments – in six points – why the construction of the highway would mean an environmental and social crime and would not bring any substantial benefits to the towns of Capanema, Serranópolis do Iguaçu and Medianeira, which are located in the adjacency of the site.

Check the material, solve your doubts and understand the reasons that show why the construction of a highway in the middle of a national park would mean not only the gradual degradation of a remaining area of Atlantic Forest that Brazil has committed to preserve, but would also tarnish our image before the world.
The closure of the Settlers’ Road had been necessary for the maintenance of the integrity of the Iguaçu National Park and appropriated to its preservation and preservation of the environment, a basic right which is specifically protected by the 1988 Federal Constitution. The restriction imposed to the Brazilian towns that border the road seems minute before the importance of the Iguaçu National Park and the need for maintaining its integrity and the environment function it represents, and the closure of the Settlers’ Road is justified by the principle of proportionality, as well as the sustainable development, a principle of the national legislation that defends to meet the needs of the present time without jeopardizing future generations, thus harmonizing development and environmental protection. By the way, it should be remembered that the defence of the environment is a principle of the Brazilian economic order”.

Federal justice Pepita Durski Tramontini Mazini, who in October 2007 pronounced a sentence that demanded the enforcement of the preliminary injunction that decreed the closure of the road, granted in September 1986 and upheld by the High Court of Justice (STJ), in force to this day. Nevertheless, during the judicial dispute, local political leaderships illegally encouraged several invasions in the national park.
In order to keep the integrity of the park, in 1986, when the Paraná Highway Department was preparing to pave the road, the Federal Public Ministry managed to obtain the closure of the road. Some months later, Unesco granted the title of Mankind Natural Heritage to the park, a most valuable recognition of the country before the international community and to tourism. Since then, several illegal attempts at reopening the road have occurred. The most significant occurred in 1997 and 2001 and threatened the recognition of the organization, which has placed the national park on the “List of Endangered World Heritage Sites” (one step before removing the designation) and put the Brazilian government in the uncomfortable position of not complying with the preservation agenda which the country had committed to carry out.

The place ceased to suffer alterations in October 2003, when more than 250 people organized by political interests occupied the areas, which were already virtually recovered by nature. They destroyed the vegetation and an Ibama’s [Brazilian Institute of Environment and Renewable Natural Resources] inspection station using tractors. The institute managed through the Justice to resume possession of the area and assembled an operation together with the Federal Police in order to resume control of the park. The situation was normalized one week afterwards, with the removal of the invaders, and resulted in the definitive closure of the road and the recovery of Unesco’s confidence in Brazil.

In 2012, Brazil once more reaffirmed its commitment to preserve the area with Unesco, during the 36th session of the World Heritage Committee in Saint Petersburg, Russia. The Brazilian delegation pointed out that the road was being kept closed and that the vegetation was recovering.
The Iguaçu National Park was created in 1939 by the then-president of the republic Getúlio Vargas and the “Settlers’ Road” was opened later, in 1953, as a trail in the middle of the forest, already in an illegal way, by machines belonging to companies that were settling in the region. Crimes as poaching, illegal fishing, burns, deforestation and running over of animals still occur in the region and, during the time the road remained open, those were much more recurring.

The access made easy to the park can also compromise the safety of the dwellers of nearby communities. The Federal Police Department of Paraná has admitted, by means of a letter to the Ministry of the Environment in May 2012 that “it cannot be denied that when the road was operating it was widely utilized by criminals as a way to transport illicit goods, weapons, ammunitions and drugs, besides making environmental crimes easier. Also according to the document, that would happen ‘because the criminal would avoid using the BR-277 highway, which has many Federal Police and Internal Revenue Service stations’”. The letter also acknowledges that “by taking into account the human, material and financial resources of the Regional Federal Police Superintendent’s Office and its units in the interior of the state, it would not be possible to strictly control the traffic of vehicles and people through the road, and thus, reopening the road would complicate even more the control we can have on our borders”.

“Federal Police admits that the road can increase crime in the frontier region

Federal Representative Rosane Ferreira (PV/PR).

“The route can be an additional option for smuggling, drug-trafficking and transport of stolen vehicles, besides making it easier to poachers and those seeking to pick palmito-jussara (hearts of palm) and flora species to sell”.

Apolônio Rodrigues, Iguaçu National Park management director.
THE CONCEPT OF "PARK-ROAD" DOES NOT EXIST IN BRAZIL. DEPLOYMENT WILL WEAKEN NATIONAL LEGISLATION

"From a legal standpoint, the unconstitutionality of the proposal is blatant. Even if opening a new road inside the park would be of interest to a minority, closing the 'Settler Road' brought no major disruption to this minority. To the park, however, a genetic impoverishment risk will be created, with irreversible impacts on biodiversity."

Zequinha Sarney, lawyer and federal representative.

"It is my opinion that this bill violates the basic principles of the law. What I see in this proposal is an aggregate of unacceptable violence and lots of technical inconsistency. These are attempts to adjust the legislation in favour of some people's interests. The existence of a last and only significant remaining Atlantic Forest body in Brazilian interior is a situation that, just by itself, should disallow the possibility to have it broken."

Miguel Serediuk Milano, forester and post-doctorate in Forest Science. He was director of IBAMA, CEO of the O Boticario Foundation for Nature Protection and professor at the Federal University of Paraná (UFPR) during 25 years.

Approving the bill is also colluding with the tampering of Brazilian legislation, since the proposal is to amend the law of the National System of Conservation Units (SNUC) and set a precedent with serious consequences for biodiversity conservation. The state interference in federally protected areas, planned in the project, will also be facilitated and should severely weaken the SNUC.

The concept of "Park-Road" does not exist in Brazil. It's just a generic name used to designate paths with quite different characteristics. According to João Madeira, biologist, doctor of ecology and environmental analyst at ICMBio (Chico Mendes Institute for Biodiversity Conservation), "the proposed bill does not fit the model of the U.S. parkways", which have great scenic beauty and strict access control.

Even if the speed of traffic on the road is minimal, as the bill proposes, noise impacts, road killings, garbage accumulation and modification of natural water flows would be generated, facilitating the entry of invasive species, hunters and other people interested in removing specimens of flora.

According to Márcio Santilli, coordinator of the Socio-Environmental Institute (ISA), the road will not exist for the park to be visited, but rather for it to be crossed. "In the United States parkways, for example, the setting scenery for the tourist is stunning. This will not be the case here. By opening the path, what we will do will be to insert an extremely detrimental instrument to the conservation purpose into national law", he says.

"Amending the legislation will allow the possibility to reclaim opening roads in any other protected areas in Brazil, regardless if their management plans are against these initiatives. Once more the local population is being used as mass for political manoeuvre, aiming at undermining the entire National System of Conservation Units".

Paulo Pizzi, president of Oscip Mater Natura - Institute for Environmental Studies and a member of the national coordinators of the Network of NGOs of the Atlantic Forest (RMA) and the Brazilian Forum of NGOs and Social Movements for the Environment and Development (FBOMS).
ROAD WILL NOT ENCOURAGE TOURISM AND MUNICIPALITIES NEAR THE PARK MAY LOSE ECOLOGICAL ICMS

Some residents believe the roadway through the park may stimulate the economy and regional tourism. This perspective, however, is unrealistic because of three main factors:

1. **Social and economic independence.** Because they have different economies, municipalities do not necessarily depend on each other in order to survive financially or for progressing socially. Proof of this is the locations Human Development Index, which have significantly increased since 1991. The evaluated conditions relate to the quality of education, to longevity, literacy rate and income. The HDI, computed for all Brazilian municipalities, is analyzed by Ipirães (Paraná Institute of Social and Economic Development) and published every ten years, using methodology of the United Nations Program for Development (UNDP). The data show the progress of the three localities which, in some categories, gets to be greater than 100%. According to sociologist Maria de Lourdes Urban Kleinke, a retired employee of the Institute who participated in 2005 of the technical opinion of the Attorney General of Paraná on the road closure, another aspect that drew attention was the fact that in all conversations with the population of nearby municipalities, no history was found of family relationship disruption caused by the park. “During the research we did not identify any situation which proves that the reservation has impaired relationships or emotional ties,” she recalls.

2. **Tourism will not be fostered.** Besides not stimulating the economy and jeopardizing public safety in the areas, the road will not encourage tourism in the municipalities, since it would not have any tourist attraction and would only be useful to shorten the distance between cities, which are now already integrated by BR-277. In order to provide development alternatives in the Capanema region the government of Paraná also opened, in 1994, the International Bridge over the Santo Antonio river, a road connection with Argentina which significantly shortens the trip.

3. **Loss of the Environmental ICMS.** While threatening the integrity of the national park, the construction of the road endangers the assurance of one of the main sources of income that municipalities have today: the environmental ICMS. It is an important resource granted to cities in order for them to continue investing in environmental conservation. If the bill gets approved, the Environmental Institute of Paraná (IAP) may suspend the provision of this benefit and municipalities will lose support, essential today for the maintenance of the source of income and the functioning of local economies.

“The park should be seen as a common good of all humanity, not just the Brazilians. All human beings benefit, directly and indirectly, from its existence. It now promotes social integration and this needs to be seen by a broader, comprehensive and less individualistic viewpoint.”

Saint Clair Honorato Santos, prosecutor of the Public Prosecution Office of Paraná.

Izabella Teixeira, Environment Minister.

“The Ministry has always taken a position opposed to reopening the road. This is a historical struggle that we have, including decisions in court. We believe it is necessary to help municipalities that are located around the park, in looking for economical alternatives to enhance their development. It will not be opening a road, which has no appeal from a tourist point of view, that we will provide additional income to those locations. We must build sustainable proposals.”

Luiz Eduardo Cheida, State Secretary for the Environment and Water Resources of Paraná (SEMA).
The last 2010 census sponsored by the Iguaçu Carnivores project, which formulates strategies to ensure the survival of the jaguar and other wildlife in the region, revealed the existence of 18 jaguar specimens on the Brazilian side of the park. A 1990 survey showed that 64-134 animals were living in the region. “We attribute this decrease to the hunting of the species and of its main prey, the ‘Queixada’ (Peccary),” explains Rodrigues Apollonius, park area conservation and management chief and project coordinator.

According to Fabio Feldmann, environmentalist and authority in the field of climate change, facilitating access to the park will intensify this threat and increase the possibility that the jaguar may disappear from the region and from Paraná. “With this, the entire Atlantic Forest will be deeply impacted. The damage will be general and interlinked.”

Approval of the bill shall, in addition to irreparably compromise the survival of jaguars in Paraná, impact the integrity of habitats and of native species. In a park, biodiversity is not evenly distributed. Each part has unique importance for the whole and is irreplaceable. The road would impact an exclusive environment and cause a biodiversity loss that the rest of the area will not be able to compensate.

“In more than 120 thousand photos taken by cameras equipped with motion and heat sensors installed in the forest, since September 2012, in not even one a jaguar can be seen. This possible road will only aggravate the situation, which is already critical.”

Anne-Sophie Bertrand, French biologist researching the fauna of the park since 2006.

“Approving the bill, we will be complicit in the extinction of species which are symbols of diversity in South America. The jaguars which lived in the Serra do Mar are gone and those which remained in the Iguaçu National Park are dying. We are wiping out the jaguars of Paraná.”

Rafael Ferreira Filippin, lawyer, Master in Law, specializing in Law and Business Management and Water Resources Management and Ph.D. in Environment and Development.
IF BUILT, THE ROAD WILL CAUSE IRREVERSIBLE DAMAGE TO THE ENVIRONMENT

"One of the biggest problems that this road may cause is the contamination of native vegetation by invasive species. Their seeds are more easily carried inside the park by cars that circulate on the highway and the probability of fire will increase, since accidents can happen on the way. Additionally, hunters will probably intensify extermination of seed disperser animals, such as pacas, agoutis, peccaries and tapirs. This will cause irreversible damage to the vegetation, because the seeds of these species depend on these animal species to be scattered. The result will be the impoverishment of the vegetation that makes up the Atlantic Forest."

Fernando Fernandez, a biologist who studies the fragmentation of forest remnants. He is Master's and PhD in Ecology in the area by the University of Durham in England.

"This is not about reopening an old road, but, to be complicit in the felling of over 170 thousand square meters of Atlantic Forest in order to deploy a highway within a Full Protection Conservation Unit. The scar is already healing. The bed of the old road is now covered by a regenerating forest and already has rare species such as palm, cedar and cinnamon, all native, with huge sizes due to their rapid growth. Also impressive is the amount of traces of wildlife in the old roadbed. Many species that pass through there today are threatened with extinction."

Ivan Batiston, forester engineer and ICMBio and Iguacu National Park environmental analyst.

"When a road is built, it has an effect of devastation in the surrounding area ranging from 300 meters to three kilometres. Apart from the serious consequences that the construction of the road itself generates, running over events will increase significantly. Some species that live in the forest are attracted to the highway. These are the most susceptible to being run over. Others stray away and thereby lose their habitat. Carnivorous animals can also be attracted to the road for the dead animals, creating a vicious cycle of trampling. Some species also find their sex mates through sound and the noise of the cars will confuse them. Without finding mates, they will begin to disappear."

Alex Bager, professor at the Federal University of Lavras (MG), coordinator at Brazilian Centre for Studies in Road Ecology (CBEE) and responsible for a study that concluded that 450 million animals each year get hit and die in Brazil.

"This discussion is a huge setback. Conservation is being addressed as a hindrance rather than as everybody's responsibility. We must understand that we can promote the economy of the surrounding regions precisely because we have a park. I walked there, together with the Environmental Police, and realized an atmosphere almost of war with hunters who infiltrate the reservation. We found traces of at least two camps. By opening an official entry, this will become terribly worse. About the damage to flora, trees at the edge suffer from a lack of others nearby and more demanding species, e.g., that need more moisture to survive, will retreat. There are studies showing that forests will shrink because of that."

Christopher Thomas Blum, Professor of Forest Engineering, Federal University of Paraná (UFPR) and MS and Ph.D. in Forest Engineering in the field of nature conservation.

"Besides the different losses related so far, the most evident ones that the construction of the road in the middle of the Iguacu National Park will generate relate to nature conservation.

According to Tom Grando, biologist, master in zoology and a master's degree in Public Policy for the Environment, roads are also sources of soil export into rivers. "With every rain, they cause the gradual burial of bottom soil ecosystem, creating irreparable losses to the aquatic environment. An 'underwater desert' is created, which will not support the needs of the fish fauna that depend on this habitat to survive, causing an alarming depletion of the species. The oil spill by cars or transport vehicles on the road is another extremely worrisome factor", he explains."
The intended adoption of the Draft Law 7.123/2010, besides changing without sufficient technical basis the law of the National System of Conservation Units (SNUG), will generate countless damage to the Iguaçu National Park and to other Brazilian Conservation Units. The following institutions manifest their support to require public authorities that this threat does not materialize:

- Associação Ambientalista Coupilha (Socorro/SP)
- Associação de Defesa do Meio Ambiente de Araucária - AMAR (Araucária/PR)
- Associação de Defesa e Educação Ambiental de Foz do Iguaçu - ADEAFI (Foz do Iguaçu/PR)
- Associação de Protetores de Áreas Verdes de Curitiba e Região Metropolitana - APAVE (Curitiba/PR)
- Associação Civil Alternativa Terrazal (Fortaleza/CE)
- Associação Civil Greenpeace (São Paulo/SP)
- Associação de Estudos Costeiros e Marinhos dos Abrolhos - ECOMAR (Caravelas/BA)
- Associação de Proteção do Meio Ambiente de Camboriú - APROMAC (Camboriú/SC)
- Associação Guajuru: Ciência – Educação – Meio Ambiente (Cabeceira/PR)
- Associação Hospitalar de Proteção a Infância Dr. Raul Carneiro (Curitiba/PR)
- Associação de Preservação do Meio Ambiente e da Vida - Aprenavi (Atalanta/SC)
- Associação Ecológica Força Verde (Guarapuava/PR)
- Associação Francisco Anselmo para Conservação da Natureza de Mato Grosso do Sul - Fuconams (Campo Grande/MS)
- Associação MarBrasil (Ponta do Paraná/PR)
- Associação Mineira de Defesa do Meio Ambiente - Amda (Belo Horizonte/MG)
- Associação para Proteção da Mata Atlântica do Nordeste - AMANE (Recife/PE)
- Associação Paraibana dos Amigos da Natureza - APAN (João Pessoa/PB)
- Associação SOS Amazônia (Rio Branco/AC)
- Banda INNEXO (Curitiba/PR)
- Bioproteção (Vicosa/MG)
- Buena Vibe (Curitiba/PR)
- Café e Teatro Toucher La Lune (Curitiba/PR)
- Centro Acadêmico de Engenharia Florestal da UFPR - CAEF (Curitiba/PR)
- Centro Acadêmico de Estudos Biológicos da UFPR - CAEB (Curitiba/PR)
- Centro de Estudos, Defesa e Educação Ambiental - CEDEA (Curitiba/PR)
- Coletivo Educador VoS (Magé das Cruzes/SP)
- Crescente Fêrtil (Resende/RJ)
- ECOA – Ecologia e Ação (campo Grande/MS)
- ECOS – Empresa Júnior de Biologia UFPR (Curitiba/PR)
- Estúdio Pinta Gribita (Curitiba/PR)
- Fórum Brasileiro de ONGs e Movimentos Sociais pelo Meio Ambiente e o Desenvolvimento - FBOMS (Brasília/DF)
- Fundação Grupo Esquel Brasil (Brasília/DF)
- Fundação João José Bigarella para Estudos e Conservação da Natureza - FUNABI (Guarapuava/PR)
- Fundação Museu do Homem Americano - FUMHAM (São Raimundo Nonato/PI)
- Fundação Padre José Koopmans – FUNPAJ (Teixeira de Freitas/BA)
- Fundação Pró-Natureza - FUNATURA (Brasília/DF)
- Fundação ProNatureza - FUNATURA (Brasília/DF)
- Fundação SOS Mata Atlântica (São Paulo/SP)
- GEBO - Grupo de Estudos em Proteção à Biodiversidade (Naviraí/MS)
- Grupo Ação Ecológica - GAE (Rio de Janeiro/RJ)
- Grupo Ambiental Naturalidade Bela (Itabela/BA)
- Grupo Ambientalista da Bahia - Gambá (Salvador/BA)
- Grupo de Desenvolvimento Humano e Ambiental - INSTITUTO GOIAMUM (Serra/ES)
- Instituto Científico de Estudos Ambientais (Porto Alegre/RS)
- Instituto Ambiental Conservacionista 5º Elemento (Paranaguá/RJ)
- Instituto Amigos da Reserva da Biósfera da Mata Atlântica - IARMA (São Paulo/SP)
- Instituto Curicaca (Porto Alegre/RS)
- Instituto de Biodiversidade e Desenvolvimento Sustentável do Oeste da Bahia - INSTITUTO BIOESTE (Barreiras/BA)
- Instituto de Pesquisa da Mata Atlântica – IPEMA (Vitória/ES)
- Instituto Eco Solidária (São José dos Campos/SP)
- Instituto EKOS para o Desenvolvimento Sustentável (Berti/ MG)
- Instituto Hóu (Belo Horizonte/MG)
- Instituto Terra Brasilis (Belo Horizonte/MG)
- Instituto Os Guardiões da Natureza – ING (Prudentópolis/PR)
- Instituto Silvio Romero de Ciência e Pesquisa - ISRCP (Araucáia/SE)
- Instituto Socioambiental - ISA (Brasilia/DF)
- IPEVS - Instituto de Pesquisa em Vida Selvagem e Meio Ambiente (Cornélio Procópio/PR)
- Matex Nature – Instituto de Estudos Ambientais (Curitiba/PR)
- MOVIER - Movimento Verde (Paracatu/MG)
- Movimento de Defesa de Porto Seguro – MDPS (Porto Seguro/BA)
- Movimento Popular Ecológico - MOPEC (Araucáia/SE)
- Movimento Pró Rio Todos os Santos e Mucuri (Teofilópolis/MG)
- Movimento Roessler para Defesa Ambiental (Novo Hamburgo/RS)
- Nova Ónix Permacultura (Camboriú/SC)
- Organização Ambiental Socio Agro Arte Cultural Brinque e Limpe (Curitiba/PR)
- Organização Bio-Bras - OBB (Mogi das Cruzes/SP)
- Parque das Águas (Foz do Iguaçu/PR)
- Projeto MIRA-SERRA (São Francisco de Paula/RS)
- Rede Ambiental do Piauí - REAPI (Teresina/PI)
- Rede Brasileira pelo Decrescimento (Brasilia/DF)
- Rede de ONGs da Mata Atlântica - RMA (Brasilia/DF)
- Rede Nacional Pró Unidades de Conservação - Rede Pró UC (Curitiba/PR)
- Rede Sul Brasileira de Educação Ambiental - REASul (Itajaí/SC)
- Rede Verde Conservation Network - RVCN (Foz do Iguaçu/PR)
- Sociedade Chauá (Curitiba/PR)
- Sociedade de Pesquisa em Vida Selvagem e Educação Ambiental - SPVS (Curitiba/PR)
- Sociedade Nordestina de Ecologia - SNE (Recife/PE)
- Sociedade Onda Verde - Preservando o Meio Ambiente (Torres/RS)
- Sociedade Terra Viva – STV Brasil (São José de Mipibu/RN)
- TOXISPHERA – Associação de Saúde Ambiental (Curitiba/PR)
- Valor Natural (Belo Horizonte/MG)
- Vitae Civilis Instituto para o Desenvolvimento Meio Ambiente e Paz (São Paulo/SP)
- WWF-Brasil (Brasilia/DF)

**Texts:** Claudia Guadagnin. **Graphic project:** Anna Paula Silva Fernandes and Jessica Gerber. **Revision:** Clóvis Borges, Paulo Pizzi e Aldem Bourscheit. **Photographs:** Zig Koch. **Printing:** Public Ministry of the State of Paraná. This product has been developed by the SPVS (Society for Wildlife Research and Environmental Education) together with the Pro-Environmental Preservation Units Network, Paraná Public Ministry, Ecobarrantes group and other persons and entities that have signed the primer.