

## **Workshop Briefing Notes and Bibliography:**

### **Threats to Brazilian Environmental Policy: Protecting the Amazon Biome**

**Jerome Greene Annex, Columbia University**

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#### **Submitted by:**

Laura Nora

Thomas J Trebat

Columbia Global Centers | Rio de Janeiro

### **Introduction**

The Amazon basin is center-stage in the debate over the causes of and solutions to global warming. It is the largest tropical rainforest in the world, covering a size approximately equal to the lower 48 United States. Its 6-8 million square kilometers of forest house approximately 10% of the world's biodiversity and 15% of its freshwater<sup>1</sup>. The forest stores untold quantities of CO<sub>2</sub> that would otherwise contribute to global warming. Brazil itself is home to approximately 65% of the Amazon basin.

For many years, Brazil presented an image to the world as a careful steward of the Amazon. The World Economic Forum recently highlighted Brazil's contribution to combating climate change writing as follows.<sup>2</sup>

“Until recently, Brazil had a positive record having reduced deforestation by roughly 80 percent between 2005 and 2012. This did not happen by accident, but rather through concerted public investment in law enforcement, the creation of protected areas that acknowledged the rights of indigenous people, and the restricting of rural credit to law abiding farmers. A moratorium on soy produced in deforested areas after 2006 was also critical.”

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<sup>1</sup> [Global Forest Atlas](#)

<sup>2</sup> [World Economic Forum](#)

It is worth mentioning that Brazil's policies toward the Amazon evolved rather slowly over time. The enlightened approach highlighted above emerged in recent decades, but always competed with contradictory policy impulses. Some of these had their origins in Brazilian nationalistic ideology, especially a fear that the real intent of the international community was to diminish Brazil's sovereignty over the region. The fear fed into concerns about national security given that some 11,000 kilometers of Brazil's borders with other nations are in the Amazon basin where the presence of the Brazilian state was, and remains to this day, minimal to virtually nonexistent. Decades of Brazilian economic policy prior to the 1990s sought to encourage migration into the Amazon area, promote industrial and mineral development, encourage the construction of roads and other infrastructure, and so forth. These policies were driven, at least in part, by fears of foreign appropriation of the Brazilian Amazon region.

### **Actions of the New Government in Brazil**

These deep-seated fears appeared to have ebbed in recent decades, only to re-emerge forcefully as a result of the 2018 presidential elections. The new government of President Jair Bolsonaro of Brazil appears intent on a wholesale dismantling of Brazilian environmental policy. This is occurring through a large number of actions intended to weaken normative, administrative, and legislative practices that underpin environmental policy. The underlying policy impetus is always the same: promoting economic growth and development in Brazil is seen as hindered by an exaggerated concern for the environment. In the government's narrative, the villains are often rapacious foreign companies or foreign governments acting in concert with international and local Brazilian non-governmental organizations. The stated intentions of these agents may appear to be high-minded or even idealistic, the Bolsonaro government narrative goes, but these foreign organizations are simply seeking to seize control of untold mineral wealth in the Amazon.

The consequences of the Bolsonaro government's environmental actions are serious for Brazil and for the world. Measures proposed, or already in place, would transfer public forests to private hands, redraw demarcation lines for indigenous populations, gut the enforcement powers of the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA) and other monitoring agencies, broaden the use of pesticides, and accelerate natural

resource development in environmentally vulnerable areas.<sup>3</sup> Environmentalists are worried that 2019 will probably be one of the worst years for deforestation in the Brazilian Amazon.

## **Warnings from the Scientific Community**

One of Brazil's main defense systems against deforestation has been a technologically sophisticated system of monitoring. Data from Brazil's National Institute for Space Research (INPE) show that deforestation warnings went off in July 2019 when the system detected that an area of 2,254.9 km<sup>2</sup> was reached. In the same month in 2018, this index stood at 596.6 km<sup>2</sup>. The measurement is performed by the Deter (Real Time Deforestation Detection) tool. Its main function is to signal areas of forest devastation to environmental inspection agencies, such as IBAMA. Although the calculation of deforestation as such is not among its functions, historically the trends pointed out by the Deter system are reflected in the government's Amazon Deforestation Calculation Program (PRODES), which is published annually.

The release of these warnings from INPE in July sparked criticism from President Jair Bolsonaro, who alleged the alarming numbers damaged the country's image and had no real basis in facts. The episode led to the abrupt dismissal of the then-director of the Institute, Ricardo Galvão. The Government stated that the science behind the INPE was questionable and that, in the future, the job of reading and interpreting satellite data would be outsourced to a private firm, one as yet unidentified. Former Director Galvão, in stepping down from INPE, referred to the government's words and actions as an affront to Brazilian science.

## **Global Reactions to the Crisis in Brazil**

The greatest harm that the government has done to the long-term health of the Amazon has been to turn a blind eye toward infractions and de-emphasizing enforcement. Indeed, in spite of the increases in 2019 in deforestation and environmental crimes in the region, IBAMA applied fewer penalties for environmental infractions when compared to the same period in 2018<sup>4</sup>.

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<sup>3</sup> See "[Letter in Defense of the Environment, Environmental Law, and National Environmental Policy](#)", submitted by members of the Brazilian Association of Environmental Law Professors, May 2019.

<sup>4</sup> [BBC Brasil](#)

The new government seems intent, as well, on weakening Brazil's government institutions overseeing with the environment, most notably, the Ministry of the Environment itself. Environment Minister Ricardo Salles came to office with little background in environmental or Amazonian issues and even less inclination to work collaboratively with the global community. He has alleged that none of the moneys promised to Brazil as part of the Paris Agreement has actually arrived. Reality is more complicated. Brazil did receive \$ 96 million specifically earmarked for actions to combat deforestation and to promote sustainable development, but the money is sitting unused because Salles eliminated the unit within the Ministry that oversaw its investment<sup>5</sup>.

In the case of the devastation caused by fires in the Amazon rainforest, Finland, which holds the European Union's rotating chairmanship, called on the EU to look into the possibility of banning Brazilian beef from its markets. At the same time, Ireland further urged the European Union (EU) to reconsider the Free Trade Agreement agreed to in principle in June between the EU and the Mercosul, which includes a chapter on the compliance of members with the goal of sustainable development.

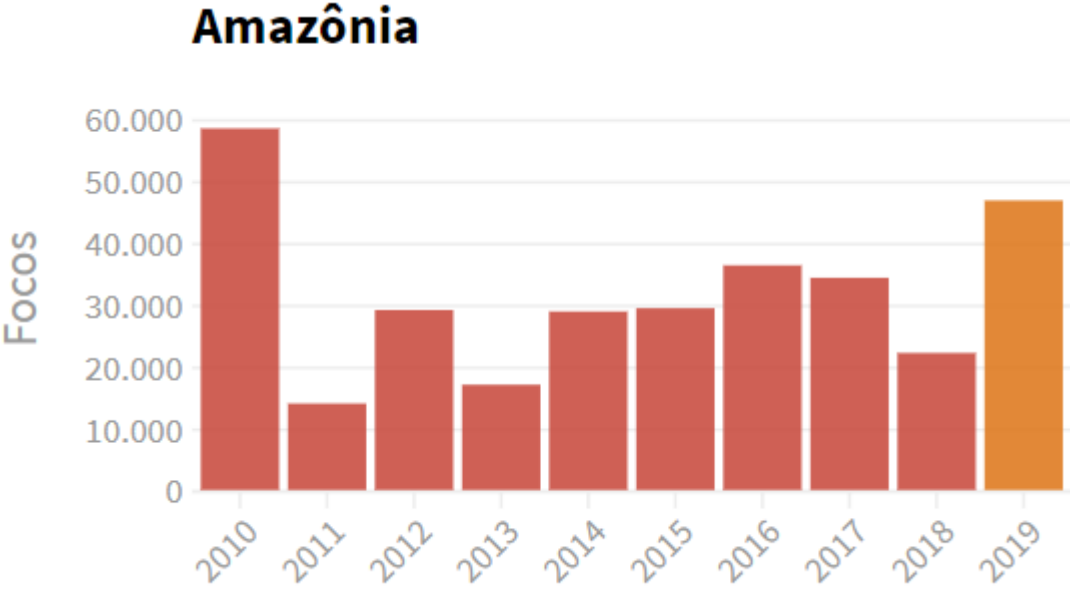
The most recent surge in fires in the Amazon attracted worldwide attention to the environmental crisis created by the burning in Brazil. Recent events in the Amazon have encouraged broader discussions about environmental issues, especially after Sao Paulo's sky was darkened with the smoke from the fires. Maybe because of the idea of universality attached to the rainforest itself, the tragedy in the Amazon has thus enforced the discussion of topics which transcend the national borders of Brazil. It comes as no surprise, then, that the issue was discussed in the last gathering of the G7 in Biarritz that took place late in August.

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<sup>5</sup> [Brazilian Climate Observatory](#)

Active Fires Detected in the Amazon 2010-2019\*

(January-August of each year.)



\*January-August only. Source: Inpe

Scientists are concerned that the Amazon is perilously close to a tipping-point creating conditions so hot and dry that local species could not regenerate. If 20-25 percent of the tree cover is deforested or burned, the basin’s capacity to absorb carbon dioxide would collapse.<sup>6</sup>

**The Way Forward**

For almost all transnational environmental campaigns, how the issue of nationalism is engaged is crucial to a just and equitable outcome. In Brazil, in particular, the topic of sovereignty over the Amazon area has always been a sensitive area.

The debate between sovereignty over resources and international action on the environment as a collective good has long been central concerns of the Brazilian armed forces. It is worth remembering that President Bolsonaro has long been part of this community and

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<sup>6</sup> [Rainforest Alliance](#)

partakes of the deep suspicion of foreign interference in the Amazon. Moreover, his government is also rooted in the nationalist wave sweeping much of Western world, the skepticism/denial of climate change, and deep suspicion of international bodies like United Nations. In this, Bolsonaro subscribes fully to the environmental hostility of the Trump Administration in the U.S.

Unlike the United States, however, Brazil is highly dependent upon a good international image and significant inflows of foreign investment in order to support growth and economic development. Thus, it seems that the biggest pressure point and window of opportunity for international actors is the reaction of Brazilian agribusiness to global criticism of Brazilian policies. The large Brazilian companies, and their vast networks of suppliers and financiers, are rightly concerned that the decline in stewardship of the Amazon will damage their reputation and, possibly, spark consumer boycotts of Brazilian beef and other commodities.

A growing number of politicians and business leaders in Brazil recognize that the future depends on a more proactive approach to protecting the Amazon. For example, several state governors have publicly rejected the federal government's measures, calling for decentralizing international assistance to the states, and advocating for more cooperation to protect Amazon resources. Eight former environment ministers and a former agriculture minister have come out in opposition to the president's proposals.

Raging fires and deforestation are one key dimension of the Amazon question. Another is how to safeguard vulnerable global commons in a multipolar world. The Brazilian government's narrow interpretation of sovereignty in the face of environmental devastation reveals the existential crisis at the heart of the international state system.

## **Questions for Discussion on November 13**

Some of the issues and questions that we hope to address in the November 13 conference, therefore, include the following:

- A basic objective is to broaden international awareness of the changes that have occurred and are occurring in Brazilian environmental policy. While the

Amazon fires have galvanized global attention, a much broader assault on environmental policy is taking place in Brazil.

- The Workshop will delve into comparative legal responses in the United States and in Brazil to policy measures which weaken the national commitment to sustainable development and climate change mitigation. For example, what has been the role of the court system in the United States in pushing back against the environmental excesses of the Trump Administration? What lessons might this U.S. legal experience hold for Brazil?
- While beginning with the legal approach described above, the Workshop seeks perspectives from the scientific community, especially with respect to the threat to the Amazon. How should evidence-based research inform and temper the efforts of legal challenges?
- Finally, the Workshop participants will be asked to suggest future next steps – conferences, publications, etc. – to move toward the goals expressed above.

## **Bibliography**

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- Here is an article from representatives of two important research institutions in Brazil: Imazon and Igarapé Institute: [The Amazon is reaching a dangerous tipping point. We need to scale solutions now if we have any chance of saving it.](#)
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