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# Ecocide in the Amazon: the contested politics of environmental rights in Brazil

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## ABSTRACT

Though a discussion of the 2019 Brazilian Amazon fires, this article examines the contested politics of environmental rights in Brazil. It analyses how the concept of ecocide can offer a useful lens with which to articulate the socio-ecological consequences of President Bolsonaro's extractive imperialism, and the persistent failure of current international governance frameworks to address the continuing widespread destruction of the natural environment. Firstly, the article places the concept of ecocide within the context of the international governance framework of the 2030 Agenda for Sustainable Development and the challenges that natural resource exploitation presents to the achievement of sustainable development in Latin America. Secondly, it presents an overview of the concept of ecocide that includes cultural genocide as a method for undermining a way of life and a technique for group destruction. Lastly, through an analysis of Brazil's environmental politics, contested claims of sovereignty and the recent push for the industrialisation of the Amazon, the article considers whether claims of ecocide in the Brazilian Amazon can be substantiated when using the criteria for the crime of ecocide – namely the size, duration and impact of the extensive damage to, destruction of or loss of ecosystems in the Amazon rainforest.

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It is a fallacy to say that the Amazon is the heritage of humankind, and a misconception ... to say that our Amazonian forests are the lungs of world. Using these fallacies, certain countries instead of helping, embarked on the media lies and behaved in a disrespectful manner and with a colonialist spirit. They even called into question that which we hold as the most sacred value: our own sovereignty ... We stand ready to work together in partnerships and by adding value to our resources so as to sustainably develop all our potentialities ...<sup>1</sup>

Jair Bolsonaro, United Nations General Assembly High Level Debate, 24th of September 2019

## Introduction

In August 2019, wildfires in the Bolivian and Brazilian Amazon reignited claims of ecocide and highlighted the continuing widespread destruction of the natural environment.

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Brazilian President Jair Bolsonaro faced national and international condemnation after the fires were linked to increased deforestation rates and images emerged of the intensity and scale of the fire damage to the ecosystem, biodiversity and communities living in the Amazon region. While Bolsonaro's predecessors promoted the incorporation of the region into the Brazilian economy and consistently championed Brazil's sovereignty over the Amazon, Bolsonaro has intensified the push for its industrialisation, tolerating greater destructiveness and lawlessness, and become openly more hostile towards European governments that have supported conservation efforts in the Amazon. In Brazil, forest fires, alongside illegal gold mining, logging and wildlife trafficking<sup>2</sup> pose a significant threat to more than 20 million people, including one million indigenous peoples, who inhabit the Amazon and who depend on its fertile land.<sup>3</sup> After a state of emergency was declared in the state of Amazonas on 9th August, and images appeared of São Paulo's skies filled with black smoke,<sup>4</sup> protesters in cities including São Paulo, Rio de Janeiro, Brasília, London, Geneva, Paris, Berlin and Toronto joined a growing international outcry in defense of the rainforest<sup>5</sup> and demanded effective action from the Bolsonaro administration to protect the 'lungs of the planet'.<sup>6</sup> On a global scale, the Amazon is the world's largest rainforest and most biodiverse area on earth.<sup>7</sup> Deforestation and associated fires in the Amazon release huge amounts of carbon dioxide into the atmosphere, hindering the world's ability to reach the emissions targets set by the *Paris Agreement on Climate Change* (Paris Agreement),<sup>8</sup> while vegetation loss directly reduces rain across South America and other regions of the world, leading to climate induced drought.<sup>9</sup>

Tensions over national sovereignty, territory and natural resources are not unique in Latin America and are reminiscent of the rhetoric of past and present Latin American populist politics on both the left and the right. As Riethof explains, the question of Brazilian stewardship over the Amazon region has tended to be viewed as an exclusively domestic issue within Brazil, and the country has 'long resisted any form of international Amazonian deforestation monitoring and rejects what it calls the 'internationalisation' of the Amazon.<sup>10</sup> Proclaiming that 'Brazil is like a virgin that every pervert from the outside lusts for', Bolsonaro claims that support from Europe is purely motivated by their desire to exploit the Amazon for themselves.<sup>11</sup> This hostility has also been extended towards nongovernmental organisations (NGOs) defending the environment and the rights of indigenous people, arguing that 'Shia environmentalism' employed by NGOs not only hampers Brazil's economic potential but they also 'exploit and manipulate' indigenous peoples to block the Amazon's development.<sup>12</sup> Framing the issue around sovereignty rather than social and environmental justice appeals to Bolsonaro's core support, in particular, the military who have always feared a foreign takeover of the Brazilian Amazon basin. At the 74th United Nations (UN) General Assembly, held in September 2019, Bolsonaro used his speech as a platform to address his critics, insisting that 'my administration has solemnly committed itself to environmental preservation and sustainable development ... [and] ours is a zero-tolerance policy towards crime, including environmental crime'. While also dismissing 'sensationalist attacks from the international media' and disputing that the Amazon is the lungs of the world, Bolsonaro reaffirmed Brazil's sovereignty over the Amazon which 'is not devastated or consumed by fire'.<sup>13</sup> Reading a letter from an indigenous organisation during his speech and bringing Ysani Kalapalo, an indigenous supporter, with him to the UN, Bolsonaro argued that he was fulfilling the wishes and respecting the agency of indigenous peoples in the Amazon to

bring development to the region. However, indigenous and environmental activists were quick to point out that the President and Ysani Kalapalo do not represent them.<sup>14</sup> Bolsonaro's UN appearance highlighted the contested claims of sovereignty over the Amazon and within environmental politics on both the national and international level. In discussing the social construction of sovereignty, which 'involves territorial control and assumptions of state autonomy and authority', Todd argues that the 'conditions of territory and authority work to produce a national identity based on a state's role in domestic and international affairs through control and use of its land, and thus its people. States are assumed sovereign because they are constructed as sites and receptacles for culture'.<sup>15</sup> In Brazil, contested claims of sovereignty are evident within the government's agenda, which is focused on removing environmental legislation and opposition groups to open up the Amazon for development, despite the social and environmental consequence of such a policy. In the international arena, the importance of protecting the Amazon in order to achieve global climate change targets places the question of sovereignty at the centre of international governance agendas.

This article examines the contested politics of environmental rights in Brazil and the consequences of the current push for the industrialisation of the Amazon. Placing the discussion within an historical context by exploring the region's long history of environmental degradation, social instability and land conflicts, this article considers why Bolsonaro's pursuit of extractivist imperialism is now generating concerns, both nationally and internationally, over the socio-ecological impacts of both illegal and legal activities in the Amazon. It does so by analysing the challenges that natural resource exploitation presents to the achievement of sustainable development in the region, including the continued prioritisation of export-led growth within a context of weakening enforcement of environmental protections. The article then moves on to discuss the failure of current international law and governance mechanisms to address climate change and natural resource management in the context of the cartesian model which views nature as an unlimited resource, demonstrating that the campaign to criminalise ecocide emerged as a response to this failure. The second part of the article analyses environmental politics in Brazil through the emergence of contested claims of sovereignty, ecological destruction and disruption of socio-ecological relationships. In discussing the consequences of the recent push for the industrialisation of the Amazon and Bolsonaro's pursuit of extractivist imperialism, it considers whether claims of ecocide in the Brazilian Amazon can be substantiated when using the criteria for the crime of ecocide – namely the size, duration and impact of the extensive damage to, destruction of or loss of ecosystems in the Amazon rainforest. The article concludes by arguing that Bolsonaro's policies and actions, in particular the rolling back of environmental protection and indigenous rights and the opening up the region to agribusiness and extractive development, can be considered as aiding, abetting, counselling and procuring of the systematic ecocide of the Amazon.

### **Barriers to sustainable development in Latin America: natural resource exploitation and ecocide**

The primary international governance response to poverty and environmental issues in the international arena has been the pursuit of sustainable development policies.<sup>16</sup> The *2030 Agenda for Sustainable Development* (Agenda 2030) was adopted by the international

community at the UN in December 2015 and at its core are 17 Sustainable Development Goals (SDGs) and 169 targets that seek to ‘stimulate action over the next 15 years in areas of critical importance for people, planet and prosperity’.<sup>17</sup> The SDGs will guide the world’s economic diplomacy in the coming generation,<sup>18</sup> recognising planetary boundaries in the era of the Anthropocene where human-induced changes are driving the Earth’s physical and biological changes.<sup>19</sup> Agenda 2030 provides a ‘plan of action for ending poverty and hunger and a roadmap for building a life of dignity for all, promising to leave no one behind’<sup>20</sup> and aims to protect the planet from degradation through sustainable consumption, production, sustainably managing natural resources and taking urgent action on climate change.<sup>21</sup> It also explicitly incorporates the commitments expressed in the Paris Agreement, which requires international cooperation to realise low-carbon, climate-resilient and sustainable development, while also rapidly reducing greenhouse gas emissions.

Launched in the UN-commissioned Brundtland report, *Our Common Future* (1987), the term ‘sustainable development’ was defined as ‘development that meets the needs of the present without compromising the ability of future generations to meet their own needs’ and signalled a change in which issues of environment and economic growth would be considered together.<sup>22</sup> It was during the 1992 UN Earth Summit in Rio de Janeiro that the idea that economic growth could be reconciled with environmental conservation gained wide support from countries in the global North and South.<sup>23</sup> The ambiguity of this definition of sustainable development allowed different concerns and interests to meet, and the conversation in the global arena to move beyond the failures of previous foreign development cooperation to address the needs and livelihoods of local populations and vulnerable environments.<sup>24</sup> Under its new conceptualisation, development is no longer viewed as an obstacle to environmental sustainability or global equality but has instead become the route to sustainability<sup>25</sup> though which governments around the world are able to circumvent discussions of the politically challenging issues necessary to reduce poverty and inequity and create more environmentally friendly ways of living.<sup>26</sup>

While sustainable development is an essentially contested concept, its acceptance in the international arena as a normative framework<sup>27</sup> in which climate mitigation policies and a human-rights-based-approach have been mainstreamed, sets the boundaries for the analysis of policy choices.<sup>28</sup> Promoted alongside Agenda 2030, this normative framework includes four basic objectives of a good society: economic prosperity, social inclusion and cohesion (incorporating human rights), environmental sustainability and good governance<sup>29</sup> by major social actors, where private investment for economic development is encouraged<sup>30</sup> within a mixed economy that sees states and markets work in harmony to sustainable ends.<sup>31</sup> However, it has become increasingly apparent that the momentum and progress in achieving the SDGs has faltered, and the world is set to miss the deadline of 2030 ‘amidst deadly conflicts, the climate crisis, gender-based violence, and persistent inequality’.<sup>32</sup> Four years after the adoption of Agenda 2030 by the global community, the UN Department of Economic and Social Affairs (UN DESA) declared that ‘the current worldwide sustainable development model is threatening to reverse years of progress, if strategies don’t drastically change’,<sup>33</sup> while the UN Secretary General Antonio Guterres in his 2019 report on the progress of the SDGs, stated that ‘it is abundantly clear that a much deeper, faster and more ambitious response is needed to unleash the social and economic transformation needed to achieve our 2030 goals’.<sup>34</sup> The report concluded that ‘for this [change of strategy] to happen, all sectors must come together in coordinated

action ... to eschew further loss in social cohesion and sustainable economic growth, curb biodiversity losses, and save a world close to tipping points with the global climate system'.<sup>35</sup> While achieving the SDGs 'fundamentally requires decoupling economic growth from environmental degradation'<sup>36</sup> ... 'achieving human well-being and eradicating poverty for all of the Earth's people – expected to number 8.5 billion by 2030 ... will only be possible if there is a fundamental and urgent change in the relationship between people and nature'.<sup>37</sup>

The international context in which Latin America is undertaking to achieve Agenda 2030 is marked by trade imbalances, rising poverty and environmental degradation caused by globalisation.<sup>38</sup> Additionally, policy makers have warned that with lackluster growth and declining productivity over the past five years, the region is being held back in achieving sustainable development by its production specialisation and disequilibria, and in the case of South America its dependence on raw materials.<sup>39</sup> Two specific major challenges for Latin America come together in Agenda 2030. The first is related to the plateauing of social and economic achievements which have mainly been observed in middle-income countries in the region, meaning that significant inequality persists.<sup>40</sup> The second challenge is the inclusion of environment and natural resources to local and national agendas, to avoid the development of the region jeopardising the sustainability of the planet.<sup>41</sup> While governments are under pressure to resist measures that are considered to be obstacles to growth, they must also subscribe to an agenda on sustainability increasingly addressed by multilateral arrangements.<sup>42</sup> According to the UN Environment Programme (UNEP), environmental rule of law is critical to human health and welfare, ensuring 'adherence to the standards, procedures, and approaches set forth in the laws to ensure clean air, clean water, and a healthy environment ... [as well as] people's rights to access and use land, water, forests, and other resources are respected and protected, thus advancing livelihoods, food security, and dignity'.<sup>43</sup> Despite not yet being recognised in a legally binding global instrument, the right to a healthy environment enjoys widespread legal recognition both internationally and nationally.<sup>44</sup> It connects environmental degradation caused by air pollution, water pollution, noise pollution, exposure to toxic substances, and the failure to enact and enforce environmental laws, to violations of various human rights, including the right to a healthy environment.<sup>45</sup> Additionally, as evident in human rights treaties such as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic and Social and Cultural Rights (ICESCR), and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), there has been a broadening of economic and social rights to incorporate elements of environmental protection in a number of substantive rights, including to a healthy environment, to life and to water, as well as procedural rights of access to information, public participation, justice, and nondiscrimination.<sup>46</sup> This progress, however, is accompanied by a growing recognition that a considerable implementation gap has opened up, in developed and developing nations alike, between the requirements of environmental laws and their implementation and enforcement, often as a result of a lack clear standards or necessary mandates.<sup>47</sup>

As of 2017, 176 countries have environmental framework laws; 150 countries have enshrined environmental protection or the right to a healthy environment in their constitutions; and 164 countries have created cabinet-level bodies responsible for environmental protection.<sup>48</sup> In this context, Latin America has been at the forefront of advancing

environmental regulations, enacting processes of ‘environmental institutional hierarchisation’ in countries across the region which has included broadening the powers of action of the highest national environmental policy portfolios.<sup>49</sup> Nearly every Latin American country has established cabinet-level environmental ministries that give the environment political power and protection, while new units have been formed to consolidate and direct enforcement efforts.<sup>50</sup> This increase in powers is associated with a more integrated and complex understanding of environmental issues and the strengthening of the capacity to apply and effectively control environmental protection measures. It has also incorporated new understandings of nature originating from the ancestral worldview of Latin American indigenous peoples, with the Kichwa concept of *Sumak Kawsay* or the Aymara concept of *Suma Q’amaña*<sup>51</sup> finding formalised expression through the introduction of some of its principles into the new constitutions of Ecuador and Bolivia. Such understandings are a departure away from a perspective characterised by the economic use of natural resources, towards one that protects the intrinsic value of the environment.<sup>52</sup> It liberates nature from its condition as an object without rights, to operate in a structural and complementary relationship to human rights which recognises the value of all living things as an ontological fact.<sup>53</sup> On this basis, the region is contributing to the establishment of a ‘human right to a risk-free, clean, healthy and sustainable environment’ on a global scale.<sup>54</sup> Additionally, in March 2018, Latin American countries produced the first legally binding agreement stemming from the United Nations Conference on Sustainable Development (Rio+20) (2012). The *Escazú Agreement* (2018),<sup>55</sup> is the region’s first treaty on environmental matters and the world’s first to include provisions on human rights defenders in environmental matters.<sup>56</sup> It is a ground-breaking legal instrument for environmental protection as well as a human rights treaty<sup>57</sup> that addresses key aspects of environmental management and protection from a regional perspective, regulating access rights to information, public participation and justice in matters as important as the sustainable use of natural resources, biodiversity conservation, the fight against land degradation and climate change, and building resilience to disasters as well as including a binding provision on human rights defenders in environmental matters.<sup>58</sup>

Most recently, the *Quadrennial report on regional progress and challenges in relation to the 2030 Agenda in Latin America and the Caribbean* (2019)<sup>59</sup> called for a paradigm shift towards ‘an environmental big push’ as a coordinated response to these challenges, combining environmental policies with ‘a new form of production and consumption in the private sector and society ... [and] a new multilateralism for the provision of local and regional public goods to enhance resilience...’.<sup>60</sup> This paradigm shift incorporates earlier prescriptions for the region to tax natural resources, encourage other economic activities and induce structural change away from these industries towards more knowledge intensive sectors<sup>61</sup> by attracting and investing efficiently and using criteria of social and environmental sustainability to move beyond the ‘extractivist paradigm’ towards productive diversification. It aims to bring about a transformation of capital, moving away from the region’s non-renewable resources and towards human capital, such as education and capacity-building, physical and social infrastructure, and innovation and technological development.<sup>62</sup> This shift is also reflected in the concept of sustainable industrialisation and value addition prescribed in SDG 9, intended to maximise the developmental impact of natural resources for inclusive and sustainable



industrialisation based on increased resource-use efficiency and greater adoption of environmentally sound technologies and industrial processes.<sup>63</sup> Sustainable industrialisation also includes quality and resilient infrastructure to build dynamic, sustainable, innovative and people-centred economies that increase productive capacities, productivity and productive employment and financial inclusion.<sup>64</sup> However, the dependence of developing countries on foreign capital enables foreign direct investment (FDI), which heads disproportionately towards extractive sectors, to retain considerable influence over the terms of debate about the future direction of sustainable development policies.<sup>65</sup> Moreover, making natural resources the centrepiece of development strategies, as in the case of Latin American countries, poses questions about long term sustainability, as resources deplete at an alarming rate and global commodity prices continue to fluctuate.<sup>66</sup> Yet, despite this, many countries, including Latin American governments, have continued to pursue development agendas centred on deepening and extending the extractive nature and reprimatisation of their economies,<sup>67</sup> whether in a continuation of neo-liberal extractive policies, or through increased state control of their natural resource industries. This focus in Latin America on export-led growth has led to the rapid expansion of the extractive frontier in recent decades into territories that were previously isolated or protected and 'biologically fragile environments populated by vulnerable populations who share their land with minerals or energy sources'.<sup>68</sup> Critical to this expansion has been the deployment of a binary notion of territoriality by transnational corporations and governments based on a 'viable/unviable division' which has created two dominant imaginaries: the idea of an 'efficient territory' and the image of 'empty territory' or 'sacrificeable' territory. Furthermore, accompanying the expansion of extractivist activities is the constructed imagery of 'empty spaces' or 'socially empty' territories, characterised as isolated and impoverished spaces with a low population density but rich in natural resources. These 'new modalities that the logic of capital accumulation has adopted' have become highly contested, generating a 'tension of territorialities'.<sup>69</sup>

Under the current development model, the dilemma between exploiting natural resources for socio-economic development and defending both human and environmental rights represents a major challenge for Latin American countries.<sup>70</sup> Schmink and Jouve-Martín remark that, 'Latin America's historical dependency on natural resources, both for local livelihoods and to supply an evolving global market, has made environmental issues central in policy debates and in widespread contests over the meaning and use of natural species and habitats, carried out against the region's persistent legacy of inequality'.<sup>71</sup> Despite, experiencing a downturn in the price of minerals and hydrocarbons over the past few years following the end of the commodity super cycle in 2014, natural resource development has continued to expand within the framework of a 'race to the bottom', as governments have lowered standards and made social, fiscal and environmental procedures more flexible in an attempt to continue attracting investments.<sup>72</sup> Examples from across the region demonstrate that local social and environmental concerns are subordinate to economic concerns for governments trying to harness the wealth of their natural resources for economic growth.<sup>73</sup> Export industries – hydrocarbons, mining, agriculture, and fisheries – that are central to the economic structure of most of the region's economies also have the highest proportion of negative externalities<sup>74</sup> and the pursuit for economic development and growth has not only led to an explosion of socio-environmental conflicts in the region, as communities clash with governments and



multinational corporations over the use and control of the global commons, but has also contributed to the current ecological crisis.

María Fernanda Espinosa Garcés, President of the UN General Assembly, warned at the 73rd session high-level meeting on climate and sustainable development in March 2019, that ‘we are the last generation that can prevent irreparable damage to our planet’. Stressing that humanity was at a critical crossroads, she issued the stark warning that ‘eleven years is all we have ahead of us to change our direction’.<sup>75</sup> Despite the rise of environmental issues on both national and international political agendas, environmental protection remains one of the most challenging issues of international law in the twenty-first century.<sup>76</sup> Over the last two decades, human rights law has undergone a rapid greening, whereby the focus has been on reinterpreting universally recognised rights rather than on recognising a non-derivative human right to the environment. This convergence between human rights and environmental protection whereby environmental integrity has been recast as a mechanism of enforcement of human rights, as well as the continued ecological destruction of the planet and increasing levels of socioecological injustices, has promoted calls to develop a new jurisprudence to protect the planet.<sup>77</sup> As Cullinan argues, ‘a primary cause of environmental destruction is the fact that current legal systems are designed to perpetuate human domination of nature instead of fostering mutually beneficial relationships between humans and other members of the earth community’.<sup>78</sup> Such legal systems have been built on the Cartesian rationalistic subject/object dichotomy that lies at the heart of modernity. This Cartesian dichotomy has ‘in the last centuries determined the division between nature and society, a colonial distinction between modern and non-modern indigenous peoples, the myth of progress as a unidirectional linear path, and a strong confidence in Cartesian science’.<sup>79</sup> Therefore, it is difficult to address ecological challenges, such as climate change and natural resource management, and issues such as environmental protection when they are only framed and grounded within the Cartesian epistemological and ontological model which views nature is an unlimited resource, devoid of any rights.<sup>80</sup> Discussing this point, De Sousa Santos notes that:

Evidence of this is found in the ideas of sustainable, integral, or human development, as well as in the environmental policies derived therefrom. No matter how many qualifiers are added to the concept of development, development keeps intact the idea of infinite growth and the unstoppable development of productive forces. Actually, global capitalism has never been so avid for natural resources as today, to the extent that it is legitimate to speak of a new extractivist imperialism. Land, water, and minerals have never been so coveted, and the struggle for them has never had such disastrous social and environmental consequences.<sup>81</sup>

In recognition of the limitations of current international law to protect the environment,<sup>82</sup> an increasing number of academics, activists and legal scholars have campaigned for the criminalisation of ecocide and the need to ‘recognise human-caused environmental damage and degradation (whether committed during or outside of war-time), as a crime of strict liability’.<sup>83</sup> As Crook et al. emphasise, critically, the concept of ecocide invokes a holistic understanding of the problem as an *ecological* crisis, and the concomitant need for the protection of ecosystems, rather than an abstract, and external ‘environmental’ crisis’.<sup>84</sup> Furthermore, the term ‘environmental destruction’ does not capture the environmental embeddedness of humans and non-humans, the full scale of threats to this

relationship, or the role of capitalism and resource extraction in generating such threats'.<sup>85</sup> De Sousa Santos argues that capitalism has reached 'one of most destructive moments in history', causing the mass displacement of poor peasants and indigenous peoples, environmental destruction and ecological disasters and 'in the eternal renewal of colonialism, revealing, in old and new guises, the same genocidal impulse, racist sociability, thirst for appropriation, and violence exerted on resources deemed infinite and on people deemed inferior'.<sup>86</sup> Indeed, processes of transnational capitalist accumulation and the logic of imperial recolonisation have historically perpetrated violence against, as well as the devastation of both human beings and nature.<sup>87</sup> Going further than De Sousa Santos, Valqui Cachi et al., describe capitalism as a 'biosphere cancer' through which its 'relations of exploitation and domination have universalised the devastation of the environment throughout the world'.<sup>88</sup>

Defined as 'the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitant of that territory has been severely diminished',<sup>89</sup> the concept of ecocide has gained traction as a means of addressing the legal loophole whereby environmental destruction exits only as war crime and is not applicable in times of peace to punish all legal entities including nation-states and transnational corporations. Although the concept of ecocide can be traced back to 1970s following the Vietnam War and the extensive environmental destruction caused by the use of chemical warfare by the United States, the need for the inclusion of ecocide in new legal frameworks has become increasingly more urgent as changes to the Earth's processes, underscored by the capitalist mode of production and the anthropogenic rift, become more evident through threats such as climate change. In 2010, Polly Higgins submitted a proposal to the UN Law Commission for an international Law of Ecocide which would recognise human-caused environmental damage and degradation as a crime against international peace and enable crimes against the environment to be prosecuted within the jurisdiction of the International Criminal Court (ICC).<sup>90</sup> While the proposal to amend the Rome Statute has yet to be granted, the ICC recently took an important step forward by widening its remit to assess ecological destruction under existing wartime offenses, declaring that:

[t]he office [of the prosecutor] will give particular consideration to prosecuting Rome Statute crimes that are committed by means of, or that result in, inter alia, the destruction of the environment, the illegal exploitation of natural resources or the illegal dispossession of land.<sup>91</sup>

In the last decade, scholars<sup>92</sup> have begun to link ecological destruction with socioecological injustice through the 'genocide-ecocide nexus'.<sup>93</sup> Such an articulation provides a 'contextual and legal nexus for the understanding, prevention and punishment of ecocide, cultural genocide and physical genocide, all understood as intersecting processes of group destruction'.<sup>94</sup> Examining the Polish jurist Raphael Lempkin's original articulation of genocide, which envisaged a law that addressed the deliberate destruction of a nation or ethnic group either through physical genocide or cultural genocide, Crook and Short conclude that Lempkin's concept of genocide, derived from his notion of vandalism, went further than the racially motivated destruction of people through mass killing and in fact included other means than direct physical extermination. It is Lempkin's articulation of cultural genocide as a method for the undermining of a way of life and technique of group

destruction that critically links ecocide and genocide.<sup>95</sup> Environmental destruction can lead to both cultural and physical genocide, leading in some instances to death of both humans and non-humans as well as causing the destruction of or severe damage to a social groups socioecological relations threatening their culture, identity and way of life. As Lindgren concludes, ‘if ecological destruction disrupts socioecological relationships between humans and nature that are imperative to the social, cultural, spiritual, and physical health of a particular group of people, then the destruction of those relationships can cause the very collapse of the group’s existence through the deprivation of the cultural and material subsistence’.<sup>96</sup> In the light of increased occurrences of wildfire outbreaks, most recently in Australia, Bolivia, Brazil and Indonesia, the concept of ecocide offers a useful lens through which to articulate the persistent failure to address climate change and the ecological crisis within the current international governance framework of the 2030 Agenda for Sustainable Development. According to the criteria set out in the preamble of the Ecocide Act, three main factors determine if ecocide has occurred or not, namely the size, duration and impact of the extensive damage to, destruction of or loss of ecosystem(s).<sup>97</sup> Furthermore, the damage or destruction may occur to such an extent that the peaceful enjoyment—the right to peace, health and well-being—by the inhabitants of that territory may or will be severely diminished and/or cause injury to life.<sup>98</sup> With regards to superior responsibility, the preamble clearly states that ‘any member of government, prime minister or minister in a position of superior responsibility is responsible for offences committed by member of staff under his authority [...] where he fails to take all the necessary measures within his power to prevent or to stop all steps that lead to the commission of the crime of ecocide’, regardless of his knowledge or intent. It also clarifies that any agency purporting to lobby on behalf of those in superior positions and persons other than the superior shall be regarded as aiding, abetting, counselling or procuring of the offence.<sup>99</sup>

### **Contested environmental politics in Brazil and the path to destruction**

Since the beginning of the twentieth century, successive Brazilian governments have sought to industrialise and develop the Amazon in order to gain strategic control of its natural resources and to protect Brazil’s northern border from foreign invasion. As Torres and Branford note, the Brazilian authorities have always adopted a colonial mentality towards the Amazon, wanting to plunder its resources for the benefit of the metropolis.<sup>100</sup> One of the most infamous attempts to colonise the Amazon basin and assimilate indigenous peoples into national society took place during the military dictatorship from 1964 to 1985. Known as ‘*Operation Amazon*’, the colonisation plan envisaged the integration of the Amazon region into the rest of Brazil through the construction of roads, the development of agribusiness and corporate enterprises and also the resettlement of people from the south, southeast and northeast of the country. Viewed as a national security priority, the dictatorship embarked on the project under the motto ‘occupy so as not to surrender’ (*ocupar para não entregar*). Unsurprisingly, the project had a devastating impact on both the environment and local indigenous communities. Nearly 10,000 miles of road were built in seven years, including the BR-153 (*Belém-Brasília*), BR-364 (*Cuiabá-Porto Velho*), the BR-163 (*Transamazônica* – North-Northeast), opening up the Amazon to extractive and

agricultural industries and dramatically increasing deforestation rates. The pacification of the indigenous opposition to the so-called development of the Amazon also resulted in the massacre of thousands of people.<sup>101</sup> Although development during the dictatorship was driven by commercial interests, the rise of the BRIC countries at the beginning of the twenty-first century and a growing middle class has increased consumption capacity, and driven infrastructure, agriculture and hydropower projects in the Amazon. In 1975, the Brazilian Amazon had 29.4 thousand kilometres of roads, of which 5.2 thousand were paved. By 2004, this had increased nearly tenfold to 268.9 thousand kilometres, however, less than ten percent were paved demonstrating the irregularity of road construction.<sup>102</sup> There has also been an explosion of hydroelectric dams which have provoked protests among local communities and international environmental groups.<sup>103</sup> According to Carneiro Filho and Braga de Souza, there are currently sixteen hydroelectric and 67 small hydropower dams operating, five hydroelectric and 21 small hydropower dams under construction with another 177 and 70 planned respectively in the Amazon region.<sup>104</sup>

Supported by agribusiness interests, Bolsonaro's government has once again taken up the dream to colonise the Amazon and has begun the biggest push into the region since the military dictatorship. Under the *Baron of Rio Branco Project*, Bolsonaro plans to further exploit the Amazon's resources and enhance its contribution to the Brazilian economy by connecting the remote northern region of state of Pará with more the industrialised south and also the rest of Brazil through three large-scale construction projects in the area: The *Oriximiná* hydroelectric dam on the *Trombetas* River, a bridge in *Óbidos* extending over the Amazon River and the extension of the BR-163 highway, a critical roadway for Brazilian exports, all the way to the border with Suriname. Difficult to reach and sparsely populated, the northern region of Pará is home to some of Brazil's uncontacted tribes and has some of the most well-preserved tropical forests, with the state having been recognised as a national leader in the fight against deforestation. However, led by the Special Secretariat for Strategic Affairs, which is charged with pursuing Brazil's long-term social and economic growth, and coordinated by the retired Col. Raimundo César Calderaro, the project will likely have a similar impact on the environment and indigenous communities as 'Operation Amazon' had during the dictatorship, given that the project will impact twenty seven indigenous territories and protected areas.<sup>105</sup> Indigenous organisations have stated that the project would have 'destructive and irreversible impacts', and also 'tear in half' indigenous territories currently recognised by the Brazilian state, infringing on their constitutional rights. Furthermore, the government has made it clear that it will not tolerate any opposition to the project, particularly from the 'globalist campaign', led by NGOs, environmentalists and local indigenous and *quilombos* (descendants of African slave communities) populations, to undermine Brazil's sovereignty and restrict the governments 'freedom of action' in the region.<sup>106</sup> Bolsonaro, who's aggressive and racist discourse is very much in line with the more conservative segments of government, agribusiness leaders, hydroelectric and mineral entrepreneurs, has focused on creating the false image that protected areas and indigenous people are a significant threat to Brazil's 'progress' and sovereignty of the Amazon. Pushing ahead with his plans to further industrialise the Amazon, Bolsonaro has made it very clear the Amazon is 'open for business', advocating the opening up of new areas of the Amazon rainforest to agribusiness and industry, and is increasingly looking to the United States to promote private-sector

development of the region.<sup>107</sup> The substantive obligation in international law for states to protect against environmental harm is itself dependent on allowing states to have discretion to strike a balance between environmental protection and other legitimate societal interests, and it does not require states to prohibit all activities that may cause any environmental degradation.<sup>108</sup> However, the *Baron of Rio Branco Project*, clearly demonstrates Bolsonaro's government's commitment to industrialising the Amazon basin and subverting indigenous sovereignty over their land and territory to pursue progress and economic development of the region.

Bolsonaro's push to 'remove obstacles' and open up the amazon for economic development is part of his wider anti-environmental politics that advocates the expansion of mining and agro-business in protected areas<sup>109</sup> and a retreat from Brazil's role as a protagonist of international environment and climate change agendas. On his first day in office, Bolsonaro enacted Provisional Measure 870,<sup>110</sup> in which the portfolio of the Ministry of Agriculture was expanded to include the responsibility for demarcating indigenous lands, previously under the jurisdiction of the Department of Indigenous Affairs (FUNAI).<sup>111</sup> The regularisation of *quilombos* territory, previously regulated under the Agrarian Reform Institute (INCRA) was also moved to the Ministry of Agriculture. Furthermore, in June 2019, the government drafted a bill to reduce the size of around 70 reserves in order to facilitate mining in indigenous territories.<sup>112</sup> While these policies run contrary to the Brazilian Constitution, which clearly states the federal governments must demarcate indigenous lands, and protect indigenous peoples' sovereignty over land, territory and resources as outlined in international law, they are in line with the demands of Bolsonaro's key political allies, the *bancada ruralista* (agribusiness lobby), to facilitate access to environmental licenses and to reduce restrictions on large investment projects. These policies can be seen as a continuation of the measures introduced under Michael Temer's government (2016-2018), which also received significant support from the *bancada ruralista*, to the way in which indigenous lands were recognised. Prior to Ministerial Order 870, indigenous lands and borders were recognised and established through a technical process conducted by experts within FUNAI. However, following the introduction of the order, new bodies were incorporated into the decision-making process, allowing professionals with no specialist indigenous knowledge and others openly hostile towards indigenous and traditional communities into the procedure. Like Bolsonaro, Temer adopted a hard-line stance on the allocation of land to indigenous peoples', stating that no more land should be given to the Indians and beginning the process of limiting indigenous rights through the restructuring of FUNAI. Temer abolished 87 of 770 primary managerial positions in FUNAI which principally dealt with the demarcation of indigenous land and the provision of environmental licences for infrastructural projects, and created barriers to the appointment of replacements.<sup>113</sup>

As a climate change skeptic, Bolsonaro has filled government ministries with opponents to environmental conservation and climate change policies while also threatening to withdraw Brazil from the Paris Agreement.<sup>114</sup> The Ministry of Environment, headed by Ricardo Salles who is currently appealing against a sentence for illegally altering maps of a conservation reserve to benefit mining companies<sup>115</sup> and who considers climate change 'of secondary importance', has cut funding for the implementation of Brazil's National Climate Change Policy by 95 percent. At the same time Bolsonaro

has eliminated the climate sections of both the Ministry of Foreign Affairs and the Ministry of the Environment<sup>116</sup> and frozen \$92 million of budget funding allocated for climate change mitigation.<sup>117</sup> As one of the world's greenest countries, Brazil has one of the world's most stringent land usage regulations, known as the forest code.<sup>118</sup> However, in his election campaign Bolsonaro spoke of environmental protection and indigenous rights as a hindrance to economic development<sup>119</sup> and his presidency has seen the dismantling of Brazilian environmental regulation, funding and ministerial authority.<sup>120</sup> During his presidential campaign Bolsonaro labelled the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) and the Chico Mendes Institute for Biodiversity Conservation (ICMBio) 'industries of fines' and vowed to end their 'festival of sanctions for environmental crimes'.<sup>121</sup> Despite maintaining in his UNGA speech in September 2019 that 'ours is a zero tolerance policy towards crime, including environmental crime',<sup>122</sup> after failing to close down the Ministry of Environment, Bolsonaro cut its discretionary budget by \$46.34 million (23 percent), resulting in the funds for IBAMA environmental control and inspections being cut by \$6.14 million (26 percent), and funds for ICMBio fire prevention and control by \$1.33 million (20 percent).<sup>123</sup>

Following up Bolsonaro's order to 'clear out' IBAMA and ICMBio, Salles removed 21 of the 27 regional directors as well as the head of enforcement and the head of air operations.<sup>124</sup> This clear agenda to undermine the enforcement of environmental regulations has also included an internal review of all fines issued by IBAMA in the last five years as well as the review of all pending environmental fines at conciliation hearings, which have the authority to offer discounts or eliminate fines altogether as well as suspend the process of imposing fines and deadlines to pay while the proceedings are pending. As a result of these measures and the reduction of anti-logging operations due to insufficient resources, the number of new fines issued by IBAMA nationwide dropped by 37 percent from January to August 2019, compared to the same period in 2018, reaching the lowest number in the last two decades.<sup>125</sup> An analysis by *BBC Brazil* reported that in the nine states that make up the Brazilian Amazon, the drop in fines relating to flora (deforestation) over the same period from 2018 to 2019 was 42 percent.<sup>126</sup> Furthermore, Bolsonaro has ordered that environmental agents should not burn loggers' equipment, a key practice carried out by environmental officers, while demanding an investigation into officials who burned tractors and trucks belonging to illegal loggers operating in the Jamari National Forest. Salles has also openly met with loggers suspected of burning a fuel truck delivering gas for IBAMA operations and stated that the timber industry needs to be respected.<sup>127</sup> Alarmingly, the Brazilian Forest Service, tasked with expanding forests, has been moved into the Agriculture portfolio,<sup>128</sup> traditionally controlled by the *bancada ruralista* which has always opposed forest protection and is currently presided over by Bolsonaro's Agriculture Minister, Tereza Cristina Dias, who was the head of the Agriculture and Livestock Parliamentary Caucus (FPA).<sup>129</sup> Bolsonaro continued attack on government agencies and NGOs, especially FUNAI and ICMBio which defend indigenous and environmental rights<sup>130</sup> have effectively given the green light to an increase in agricultural activity as well as to the criminal networks involved in illegal logging and forest clearing to create land for mining,<sup>131</sup> putting both the Amazon and those who live there at greater risk.<sup>132</sup>



## The push for the industrialisation of the Amazon: A case of ecocide?

Although eight countries and one overseas territory share responsibility for the Amazon,<sup>133</sup> nearly 60 percent of the world's largest tropical forest is located in Brazil, covering around 4.2 million square kilometres, the equivalent to 49 percent of Brazil's territory.<sup>134</sup> Despite unresolved historic issues of land, Brazil has made great progress in its official recognition of indigenous lands in the last 20 years, particularly in the Amazon. It is estimated that around 2.1 million square kilometres or just over 43 percent of the Legal Amazon is situated in protected areas, with Conservation Units accounting for 22 percent of the Amazon territory and Indigenous Lands for 21 percent.<sup>135</sup> Carneiro Filho and Braga de Souza explain that while 'demarcation of extensive territories, formation of mosaics of protected areas and large socio-biodiversity corridors have changed the region's spatial layout', recognition of indigenous territories has also shifted indigenous concerns and claims from the historical struggle for land to their management and protection.<sup>136</sup> These vast areas have 'no structures for institutional governance or political representation at the national level, or economic and tax collection instruments capable of meeting the increasingly diversified demands which increase in scale'.<sup>137</sup> Increased transport infrastructure and communication networks have connected areas and indigenous communities in the Amazon previously considered isolated and inaccessible a few decades ago to the rest of Brazil and global markets, 'turning what was once the 'end of the world' into passage routes between different worlds'.<sup>138</sup>

While the Brazilian Amazon has found itself at the centre of global conservation discussions due to its vital role in mitigating climate change, it has also attracted attention because of its abundance of natural resources such as timber, gold, and oil. The Amazon is increasingly finding itself under pressure from agricultural expansion related to increasing market demand for agricultural commodities such as beef and soy as well as infrastructure development, in particular the construction of hydroelectric dams on the Madeira River and the Transoceanic Highway as part of the Initiative for the Integration of Regional Infrastructure in South America (IIRSA), timber extraction, land speculation and fiscal policies. Rising business and economic interests have impacted negatively on indigenous lands and communities which are constantly under pressure and threat from illegal occupation of lands, the plundering of natural resources, degradation of ecosystems, concentration of wealth, insecurity, and violence.<sup>139</sup> Since colonial times, the Amazon has been both the source of Brazil's resource wealth and of conflicting political, social and economic dynamics. As Ungar comments, 'from the search for El Dorado in the 1500s to the rubber barons of the 1800s to the ranchers of the 1900s, the Amazon has been coveted as a source of boundless riches and subject to an endless blood-letting of exploitation'.<sup>140</sup> Capitalist exploitation and the commodification of nature has shifted the value of natural resources from use value to exchange value, resulting in the creation of new resource frontiers and the explosion of socio-environmental conflicts which highlight the different conceptualisations of nature and development. Environmental sovereignty and competing claims to sovereign authority over natural resources are at the core of these ideological differences in the Amazon between indigenous communities and the state.<sup>141</sup> As Todd remarks, 'Brazilian state discourse regarding the meaning of sovereignty socially constructs human relationships with the environment based on development of resources'.<sup>142</sup> While exploiting this relationship is critical to the



government's economic ambitions, the state's, as well as multinational corporations', infringement on resource rich indigenous territories, clashes with indigenous notions of nature and value of the Amazonian ecosystem. This 'reflects the global hegemony of economic priorities and renders protection of ecological and indigenous sovereignty impossible'.<sup>143</sup> Furthermore, the protection of the Amazon is severely weakened by the state's consistent prioritisation of economic growth over ecological protection. This is carried out through the continued authoritative state control over indigenous territories and the region's economic integration to the rest of Brazil through ecological management policies which are designed 'to evade structural changes in the control and distribution of resources in the Amazon region'.<sup>144</sup>

As Raftopoulos comments, 'protecting the large revenues associated with extraction often requires high levels of violence and repression in the extractive enclaves as multinational companies and governments seek to guarantee the supply of natural resources though the opening up of remote frontiers and networks of connectivity'.<sup>145</sup> Brazil has become one of the most dangerous places for human rights activists and environmentalists in the world. According to Global Witness, of the 164 defenders killed globally in 2018, more than half took place in Latin America with 20 murders reported just in Brazil, making it the fourth most dangerous country in the world after the Philippines, Colombia and India.<sup>146</sup> Moreover, Human Rights Watch reported that the Pastoral Land Commission in Brazil had logged more than 300 killings since 2009, of which only 14 had ultimately made it to trial.<sup>147</sup> During this same period, in the state of Pará only four out of 89 cases made it to trial, in Rhondônia only three out of 66, in Maranhão only two out of 46, and of 16 cases in Mato Grosso and eight in Amazonas, no cases made it to court. The lack of convictions has been equated to the police failure to conduct proper investigations and collect sufficient evidence to secure prosecution as well as the lack of resources and difficulties in conducting investigations in remote areas of the Amazon region.<sup>148</sup> There have also been reports of the police being complicit in the illegal activities of those responsible for the violence and threats against indigenous and local communities. As one federal prosecutor reported 'local people may respond to the economic interests of local elites, which are made up of people involved in land grabbing or illegal logging ... The police in conflict areas are an ally of local powers'.<sup>149</sup> Operating with relative impunity, the use of violence and intimidation by criminal networks against communities, individuals as well as public officials who pose a threat to illegal logging and gold mining activities has become a widespread problem in the Brazilian Amazon. The failure of police to investigate crimes properly and fear of reprisals, has made indigenous communities, who are particularly vulnerable because their lands contain some of the best-preserved forests, reluctant to report any suspicious activities. This impunity surrounding threats and attacks has undermined the fight against illegal logging which has relied on local communities to provide information to the authorities and to help patrol the forests.<sup>150</sup> Furthermore, it undermines the rights of individuals to public participation and justice in relation to the sustainable use of natural resources, biodiversity conservation and land degradation as laid out in the *Escazú Agreement* and in the right of Free Prior Informed Consent (FPIC), recognised under UNDRIP and also the International Labour Organisation No. 169.<sup>151</sup>

Despite Brazil positioning itself as a protagonist in the environmental agenda under the Workers Party (*Partido dos Trabalhadores*, PT), setting itself an ambitious target to stop

illegal deforestation and restore 4.8 million hectares of degraded Amazonian land by 2030,<sup>152</sup> deforestation in the Amazon has been rising steadily in the last few years and has surged since Bolsonaro became president in January 2019.<sup>153</sup> Between 2004 and 2012, deforestation declined significantly following the introduction of a number of government measures that sought to reduce clearing in the Amazon such as the Terms of Adjustment of Conduct agreement, the Soy Moratorium, and the prohibition of the commercialisation of timber from newly cleared areas, and the end of subsidised financing from government banks for agriculture and ranching, the increase in environmental fines and the improvement of satellite monitoring system.<sup>154</sup> However, despite deforestation rates reaching a record low in 2012, annual clearing rates have increased steadily, increasing by 29 percent between 2015 and 2016. According to official deforestation data released by Brazil's National Institute for Space Research (INEP) in November 2019, deforestation rose to its highest in over a decade in that year, jumping 30 percent from 2018 to 9,762 square kilometres. Additionally, data released in January 2020 by the INEP showed that the organisation had marked 9,166 square kilometres of rainforest with deforestation warnings across 2019, compared to 4,946 square kilometres in 2018, an increase of 85 percent marking the first year of Bolsonaro's tenure in office.<sup>155</sup> An estimated 125,000 hectares that were deforested in 2019 later burned between July and September of that year,<sup>156</sup> with more than 2,500 fires burning in the Amazon by the end of August 2019.<sup>157</sup> Evidence shows that the number of fires was not in line with those normally reported during the dry season,<sup>158</sup> and that the timing and location of the fires were more consistent with land clearing than with regional drought,<sup>159</sup> especially given the lack of any abnormal climate activity<sup>160</sup> (drought) and rainfall being just below the regional average for that time of year.<sup>161</sup>

There is widespread legal recognition of the right to a healthy environment that links environmental degradation and a failure to enact or enforce environmental laws to the violation of various human rights. As stated by the UN Special Rapporteur on the Right to a Safe, Clean and Healthy Environment, environmental harm has both direct and indirect negative implications on human rights, and there are substantive obligations of the state to 'adopt legal and institutional frameworks that protect against environmental harm that interferes with the enjoyment of human rights'.<sup>162</sup> This ecological destruction of the environment has negative consequences for the health and livelihoods of those living in the Amazon,<sup>163</sup> which is a threat to the rights of indigenous peoples as recognised by the Inter-American human rights system as 'a material and spiritual element which they must fully enjoy ... to preserve their cultural legacy and transmit it to future generations' (*Awás Tigni V Nicaragua*, 2001). Territory is 'a fundamental basis for the development of indigenous communities' culture, spiritual life, integrity and economic survival (ACHR, 1969 art. 21). It encompasses the use and enjoyment of natural resources and is directly related, even a pre-requisite, to enjoyment of the rights to an existence under conditions of dignity ...' (IACHR, 2009 para. 2).<sup>164</sup>

## Conclusion

Since assuming the Presidency in January 2019, Bolsonaro has continually backtracked on Brazil's international commitments while his domestic policies have encouraged an increase in agricultural activity, land seizures and logging. These combined actions have

led to increased deforestation rates and fires in the Amazon, threatening both the lives, livelihoods and culture of indigenous communities as well as putting Brazil's Paris Agreement targets of reducing its emissions by 37 percent below 2005 levels by 2025 and 43 percent by 2030, at risk.<sup>165</sup> The current situation has been deemed so critical that after Bolsonaro's first 100 days in office, eight former Environment Ministers from different political parties released a joint declaration encouraging civil society and the official institutions to pay close attention to the government's detrimental decisions on the environment.<sup>166</sup> The environmental consequences of the Bolsonaro administration's assault on Brazil's environmental institutional hierarchisation, through a dismantling of environmental regulation, funding and ministerial authority, has led to significant increases in illegal land-seizures, deforestation and fire outbreaks in the Amazon. This is contrary to environmental rule of law, which the UNEP maintains is critical for human health and welfare and the new multilateralism required for an environmental big push to achieve Agenda 2030. It is also indicative of Bolsonaro's nationalist politics and his administration's distrust of multilateral decision-making processes which he views as a threat to Brazil's sovereignty. This position has been defended by the President's National Security Adviser General Augusto Heleno when asked in February 2019 about the Pope's plans for an Amazon Synod later that year that would bring together Catholic bishops, indigenous leaders and environmental advocates from nine South American countries within the Amazon region to develop a unified strategy for preserving the Amazon rainforest and protecting the region's indigenous peoples. Heleno stated that 'there are foreign NGOs and international authorities who want to intervene in our treatment of the Brazilian Amazon. ... I'm worried that this Synod is going to interfere in our sovereignty ... it's worrying and we want to neutralise it'.<sup>167</sup> The global outrage to the Brazilian government's lack of effective response to the Amazon fires in the summer of 2019 showcased once again these contested politics of sovereignty over the natural environment. State sovereignty is the cornerstone of the international governance system, however the responsibility to protect the natural environment in order to mitigate climate change in the face of ecological crisis, globalises environmental governance. In Brazil, where environmental conservation of the Amazon has traditionally been seen as a purely domestic issue, contestation over claims of territory and land demarcation for indigenous groups, conservation initiatives and agricultural activity have once again brought sovereignty claims to the forefront of Brazilian politics.

Polly Higgins' proposal for an international law of Ecocide that covers 'the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitant of that territory has been severely diminished', provides an alarmingly accurate description of what has and is taking place in the Brazilian Amazon, despite the international push for a more sustainable industrialised development model. Although environmental degradation and social instability, often accompanied by land conflicts, has long been common place in the Amazon basin, the intensified push to industrialise the region under Bolsonaro, highlighted by the recent wild fires, has generated concerns both nationally and internationally, over the socio-ecological impacts of extractivist imperialism. As this article has shown, Bolsonaro's policy, supported by Brazilian business sectors, to open up the region at any cost, is in line with the criteria set out in the

preamble of the Ecocide Act with regard to the aiding, abetting, counselling and procuring of the systematic ecocide of the Amazon. While the raging wildfires in the Amazon rainforest, labelled by the former Minister of the Environment and presidential candidate Marina Silva as a ‘crime against humanity’, have caused mass ecological destruction as evident in recent figures on deforestation, Bolsonaro’s policies, which have seen environmental protection rolled back, as well as his blatant dismissal of indigenous culture and territories, have led to a significant increase in illegal land-seizures and the expansion of agribusiness and extractive development. Operating under a culture of immunity, both illegal and legal activities in the Amazon have not only caused significant environmental destruction but have also caused death, breaching the human right to life, and extensive disruption to indigenous and traditional communities’ relationships between humans and nature, threatening the very collapse of their existence and their right to a cultural life. However, while the world has been quick to draw attention to Bolsonaro’s policies and discourse following the wildfires, it should also be noted that successive Brazilian government’s efforts to colonise the region and to assimilate indigenous nations into national society by unleashing economic development in the Amazon, has often ended with devastating effects on indigenous communities and the environment.

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No potential conflict of interest was reported by the author(s).

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