


Give me back life and allow me to live – Do not destroy me in fire: Environmental and social impacts of fires in the Northern region of Brazil in the light of International Environmental Law

 <https://doi.org/10.56238/sevned2024.007-009>

Marcus Fabiano Gonçalves¹ and Terezinha Azevedo Oliveira²

ABSTRACT

This article has the objective of analyze the environmental and social impacts of fires in the Northern region of Brazil, focusing on the spatial scope of the state of Rondônia, from the perspective of International Environmental Law. To this end, methodologically, the study will be supported by bibliographical research with references on the subject with a view to problematizing the effectiveness of Brazilian and international environmental standards in combating illegal fires, which bring devastating consequences for the environment and society in general. The inestimable value of the northern region of the country – in which the Amazon Forest is located – can be seen due to the richness of its biodiversity. It is considered that the regulations to combat environmental and social damage caused by fire have not been efficient. In this way, the importance of the International Environmental Law for systematizing Brazilian environmental legal protection standards is understood. Only through environmental education inserted in the various social spheres is it possible to change the mentality of society in the sense of attributing value and importance to the environment in which they live.

Keywords: Environmental and social impacts, North region, International Environmental Law, Environment.

¹ Master and Doctor in Theory and Philosophy of Law from the Federal University of Santa Catarina (UFSC), PhD from the École des Hautes Études en Sciences Sociales de Paris, and Professor at the Fluminense Federal University (UFF)
E-mail: fabiano.marcus@gmail.com

² Master's Student of the Graduate Program in Sociology and Law at Universidade Federal Fluminense (UFF)
E-mail: terezinhaazevedo354@gmail.com



INTRODUCTION

Brazil is made up of a mosaic of biomes with a vast diversity in flora and fauna. Especially when it comes to the northern region of the country, it has one of the richest forests in biodiversity – the Amazon Rainforest – representing inestimable value, with thousands of species of animals being recognized: insects, amphibians, mammals and reptiles that are part of a complex and rich food web.

Furthermore, considered as one of the most complete and advanced regulations in favor of the protection of the environment, the Brazilian environmental legislation has included the Amazon Rainforest in the list of assets considered as national heritage, in view of its inestimable value and importance to the world. However, the increase in cases of environmental depredation has mobilized the questioning of the level of effectiveness of these norms, especially when related to the fight against illegal fires and criminal forest fires.

In this context, this article aims to analyze the environmental and social impacts of fires in the northern region of Brazil, taking into account the spatial framework of the state of Rondônia, under the perspective of International Environmental Law. To this end, methodologically, the study is dedicated to the survey of bibliographic and documentary review with reference on the destructive impacts of fires on the environment and on people's lives in general from the perspective of DAI, with a view to problematizing the effectiveness of Brazilian and international environmental standards in the fight against illegal fires.

THE RIGHT TO THE ENVIRONMENT AS A RIGHT OF HUMANITY

The year 2022 was marked by a historic moment for humanity when the United Nations (UN) General Assembly approved a resolution³ And he declared that all people have the right to a healthy environment – that is a right of humanity.

For the UN, climate change and environmental degradation correspond to one of the most urgent threats to the future of humanity. And so it is urgent that all nations should step up efforts to ensure that their people have access to a "clean, healthy and sustainable environment."

The General Assembly document follows an arsenal of similar legal reforms, at the international and national levels, to ensure such access. In this regard, at the national level, declaring a healthy environment as a human right would allow people to challenge environmentally destructive policies under human rights legislation.

According to Fiorillo (2013), the right to an ecologically balanced environment is a good for the common use of the people and, therefore, is a duty of the whole society. The legal voice and its paragraphs ensure that it is the duty of the government and the community to preserve and defend the

³ Available at: <https://digitallibrary.un.org/record/3982508?ln=en> – Accessed on: 06 mar. 2024.



environment, including for future generations, since environmental degradation poses a real threat to the survival of human beings.

In turn, Farias (2016) explains that environmental licensing deals with the correct permission to carry out activities that cause degradation to the environment. These actions are previously analyzed and compatible, with a view to the recovery of environmental quality adequate to the maintenance of life, leading to a dignified protection of human life and other species. Thus, there are many alternatives that can be adopted to mitigate or prevent the occurrence of activities that degrade the environment; However, prevention is the first line of defense against this.

Human rights are a set of rights and guarantees of a human being with the purpose of ensuring the dignity of the human person, establishing basic living conditions and providing protection against abuse and state arbitrariness. These are rights aimed at the value of the person, his dignity and freedom. For the full existence of a society, it is necessary, therefore, that the wishes of all its citizens be respected as fundamental rights, including the guarantee of a dignified life.

According to Mazzuoli (2014), human rights are rights affirmed in international treaties that ensure that each individual has the status of human rights holder, and their existence is enough for that. These rights correspond to the essential needs of the human person, without which he would not be able to exist or be able to develop and participate fully in a dignified life. Thus, the protection of human rights becomes fundamental, insofar as there should be no restrictions or extinction of any of these rights through legal changes or misinterpretations.

Human rights exist, therefore, to be fully enjoyed by all citizens, regardless of social, ethnic, racial, religious, cultural and intellectual differences. In this sense, there is no possibility of the full exercise of such rights without the relationship between man and the ecosystem in which he lives is balanced and healthy, which advocates the emergence of a new right, namely: the human right to the environment.

The issue of human rights protection is transversal to that of the environment to the extent that environmental degradation directly affects the quality of human life (Portela, 2013). Therefore, the protection of the environment and sustainable development are directly related to the protection of human dignity. Thus, according to Gerra (2013), the idea has been developed that a balanced, healthy environment conducive to well-being is part of the list of human rights so that it is possible to achieve decent development for all.

In this sense, the guarantee of the right to a healthy and balanced environment is a fundamental right provided for in article 225 of the Federal Constitution of 1988:

Art. 225, CF/88 - Everyone has the right to an ecologically balanced environment, a good for the common use of the people and essential to a healthy quality of life, and the Public Power and the community have the duty to defend and preserve it for present and future generations.



From these considerations about the definition of human rights and fundamental rights, the inseparable relationship between the environment and human rights is clearly perceived. And this relationship is recognized at the international level and enshrined in Brazilian law in article 225 of the Federal Constitution. Thus, it is a fundamental right and, consequently, also one of the Human Rights directly related to the quality of life of human beings.

It is valid to say that the environmental impact caused by fires in Brazil – especially in the Amazon region – has been discussed by a considerable part of international society. During one of the summits of the G7 (Group of seven countries formed by: Germany, Canada, the United States, France, Italy, Japan and the United Kingdom), French President Emmanuel Macron raised the issue of deforestation and stated that Brazil is committing an environmental crime, arguing that this is not only about a national agenda, rather, it is an international discussion; moreover, the Amazon rainforest is a global concern, as its impacts can affect the world (BBC, 2019).⁴

INTERNATIONAL ENVIRONMENTAL LAW

According to the doctrinal interpretation of International Law, sovereignty is understood as the power that the State possesses within the limits of its jurisdiction, that is, the power over what is in its territory. It corresponds to the "power to organize itself juridically and to enforce within its territory the universality of its decisions within the limits of the ethical purposes of coexistence" (Reale, 1960, p. 127).

From this perspective, it can be inferred that a State is sovereign when it possesses exclusive and coercive power and, in order for this State to be accepted as sovereign, some essential elements cannot cease to exist, namely: territory, population, a government that exercises power over this territory and the recognition of the other member states of the Nation constituting the international society.

On the other hand, in the context of contemporary international law, sovereignty is no longer such as an unlimited, absolute and perpetual power, ceasing to exist when there is extinction of the State itself, since in the current context of Human Rights, individuals are responsible for making sovereignty more flexible. That is, even if the power and authority of a sovereign state are granted to another, it will not be greater than the power, in fact, of the sovereign state that grants it.

In the sphere of International Relations, it is based on the assumption that in order to have a peaceful coexistence between States, it is essential to have international organizations and the formation of agreements and treaties that place limits between them, seeking to maintain a peaceful coexistence in the international system. Therefore, according to this thought, countries have their sovereignties, but they need limits and must obey what they have signed in agreements and treaties,

⁴ Check it out on: <https://www.bbc.com/portuguese/internacional-50933695>



according to what international organizations and institutions propose, since their non-obedience, in some cases, can result in sanctions (Walt, 1998).

Also, the environmental issue is no longer a matter of domestic nature and is now of international interest, being contemplated in the political programs of the States, as well as in the scope of international society, giving rise to environmental protection at the international level. Indeed, measures to safeguard the environment must be taken at the international level. It is, therefore, a planetary ideology that permeates all shades of social behavior.

In this sense, it can be inferred that the environment is no longer only protected by domestic law but is treated within the scope of International Environmental Law (Guerra, 2006), given that the matter can no longer be treated in isolation by States because it is linked to issues of global balance and well-being.

Varella (2004) proposes that international environmental law is derived from a process of expansion of modern international law, which does not only deal with borders, like classical international law, but also with common problems, a process typical of a period of legal globalization. According to the author, the emergence of this new branch of law is closely linked to current global problems, such as: the disappearance of species of fauna and flora, the loss of fertile soils due to erosion and desertification, global warming and climate change, the depletion of the ozone layer, acid rain, the increasing accumulation of garbage and industrial waste, the collapse in water scarcity in many regions of the globe, the significant increase in the world's population, the depletion of natural resources, all with catastrophic effects for the future of humanity.

With the need to create a system of international environmental protection, environmental awareness began to expand and the consequent creation and consolidation of norms and principles applied in the international legal order of an environmental nature (Guerra, 2006).

For conceptualization purposes, one of the main characteristics of the so-called International Environmental Law is a huge proliferation of international treaties, conventions and protocols, multilateral and bilateral, aimed at environmental protection.

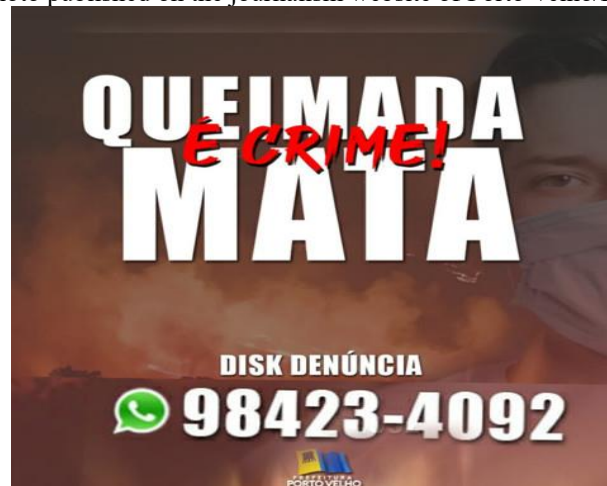
According to Varella (2004), international environmental law consists of a set of complex rules that deserve to be treated in a global and organized manner, so as to allow the democratic participation of all countries, which is done within the framework of the United Nations. On the other hand, Guerra (2006) translates International Environmental Law as a set of norms that create rights and duties for the various international actors (and not only for States), from an environmental perspective, equally attributing responsibilities and roles that must be observed by all at the international level, aiming at the improvement and quality of life for present and future generations.

FIRES AND THEIR DEVASTATING CONSEQUENCES FOR HUMAN HEALTH.

The Amazon rainforest has been the scene of fires and deforestation, causing concern to a considerable part of the Brazilian population and raising a question about what could happen in one of the largest and most important tropical forests in the world. According to the National Institute for Space Research (INPE), there has been a significant increase in deforested areas during the months of January to August since 2018 and 2019, indicating a frightening growth in deforestation, especially in the state of Rondônia, in the northern region of the country.

In this wake, you will see some actions were taken in partnership with the Brazilian Army and the Secretariats of the Environment in the state of Rondônia, such as, for example, the creation of a device for direct contact and reporting of fire outbreaks.

Photo published on the journalism website of Porto Velho/RO.⁵



It is noted that the Municipal Secretariat of Integration (Semi), through the Municipal Undersecretary of the Environment (Sema) is alerting the population about the importance and need to report the fires in Porto Velho/RO, as it was detected that in several parts of the capital, the burning of domestic garbage and in vacant lots is a recurrent practice.

In the same article, he noted-It is necessary to report the smoke from the fires to human health, considering that it causes the aggravation of respiratory problems and, as appropriate, it is requested that it be reported, through the aforementioned complaint hotline.

These communications are an important tool that can be used to provide services to the environment, as they reach communities in the most distant parts of the Amazon, alerting them to the need for everyone's involvement in the search for the preservation of forests and, consequently, in the social transformation of those involved.

⁵ City Hall reinforces the importance of reporting on fires. Available at: <https://www.rondoniagora.com/geral/prefeitura-reforca-importancia-de-denuncias-sobre-as-queimadas>



Under this focus, it will be seen that the mobilization of the entire social body is essential for environmental preservation; however, there are still many challenges to be overcome in the face of the numerous fires in the northern region of Brazil. These challenges affect health and social well-being.

Many people in the Amazon have limited access to health services, so the impact on public health is devastating as a result of respiratory illnesses caused by toxic smoke from fires. Official data⁶ on air quality make it possible to quantify the number of people affected by toxic smoke. For example, in August 2019, about three million people, living in 90 municipalities in the Amazon region, were exposed to harmful levels of fine particulate matter – known as PM 2.5 – that exceeded the limit recommended by the World Health Organization (WHO) to protect health. The number increased to 4.5 million people exposed in 168 municipalities in the following month of that year. This pollutant is strongly related to the occurrence of fires in the Amazon and has been associated with respiratory and cardiovascular diseases, as well as premature deaths.

It is worth mentioning that the impact of fires on public health is intensified for indigenous peoples of the Amazon, given that the destruction of the environment affects their health and also their livelihood. Deforestation and subsequent fires often occur in or around indigenous territories, often destroying entire crops and affecting access to food, medicinal plants, and hunting.

Despite the efforts of environmental authorities, the factors presented indicate that fires in the Amazon may be even more intense in the coming years. This is because, due to the advance of global warming, weather forecasts indicate the incidence of extensive periods of drought in much of the North region, which aggravates the incidence of fires.

PERSECUTORY FINDINGS OF THE ANALYSIS OF THE THEME

It is important to mention that fires have a direct impact on the humidity of the climate, since they increase the dry atmosphere. In addition, Nobre (1990) draws attention to the fact that this burning of biomass generates other problems such as the release of greenhouse gases, consequently reducing biodiversity, because it causes the death of flora and fauna.

In this vein, it is understood that by their very nature, the processes of environmental degradation that occur within a geographical space subject to the sovereignty of a State require international regulation, because, in their uniqueness, they extend over the global geography. Therefore, they should be discussed and regulated by international standards

In today's context, the environment is a phenomenon that knows no borders, because ecosystems or protected elements, even located in local spaces, that is, within a country, must have their preservation as the responsibility and interest of all humanity.

⁶ Check it out: <http://meioambiente.cptec.inpe.br/index.php?lang=pt>



A healthy and balanced environment is considered a fundamental right of humanity, bringing it as a diffuse, transindividual right, of indivisible nature, being the duty of the community and the public power to defend and preserve the environmental balance. In this context, it can be said that the protection of the environment is directly related to Human Rights to the extent that it ratifies relevant international treaties on these rights.

In view of all that has been exposed in this study, it can be inferred that environmental preservation cannot be left to the care of a single nation. The environment is presented as one of the great themes of globality, giving rise to a special and differentiated attention of the whole society – national and international.



REFERENCES

1. BRASIL. Constituição da República Federativa do Brasil de 1988. Disponível em: <http://www.planalto.gov.br/ccivil_03/constituicao/Constituicao.htm> Acesso em: 30 nov 2014.
2. FARIAS, T. Ponto relevantes do licenciamento ambiental. In: PHILIPPI JR, A.; FREIRAS, V. P. de SPÍNOLA, A. L. S. (ed.). Direito ambiental e sustentabilidade. Barueri: Manole, 2016.
3. FIORILLO, Celso A. P. Curso de Direito Ambiental Brasileiro. 14ª ed. São Paulo: Saraiva, 2013.
4. GUERRA, Sidney. Direito internacional ambiental. Rio de Janeiro: Freitas Bastos, 2006.
5. GUERRA, Sidney. Direitos humanos: curso elementar. São Paulo: Saraiva, 2013.
6. MAZZUOLI, Valerio de Oliveira. Curso de Direitos Humanos. Rio de Janeiro: Forense; São Paulo: Método, 2014.
7. NETO, A. P. M. et al. Avaliação dos focos de calor e da fórmula de Monte Alegre no parque Nacional da Chapada dos Guimarães. Pesquisas florestais brasileiras, v. 37, p. 535-543, 2017.
8. NOBRE, Antônio D. O Futuro Climático da Amazônia: relatório de avaliação científica. Belém: Articulação Regional Amazônica (ARA), 1990. 42 p. Disponível em: <https://www.socioambiental.org/sites/blog.socioambiental.org/files/futuro> - Acesso em: 06 mar. 2024.
9. PORTELA, Paulo Henrique Gonçalves. Direito internacional público e privado. 5 ed. Salvador: JusPODIVM, 2013.
10. REALE, Miguel. Teoria do Direito e do Estado. 2 ed. São Paulo: Martins, 1960.
11. VARELLA, Marcelo D. Direito internacional econômico ambiental. Belo Horizonte: Del Rey, 2004.
12. WALT. Stephen, M. International Relations: One World, Many Theories. 1998. Chicago. Disponível em: <<https://www.jstor.org/stable/1149275?seq=1>> Acesso em: 06 mar. 2020.