

# LEGAL AMAZON CONSORTIUM: ENVIRONMENTAL PROTECTION

Eliana Maria de Souza Franco Teixeira\*

Patrícia Kristiana Blagitz Cichovski\*\*

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- \* Bachelor's and Master's in Law from the University of Amazonia (Unama) and PhD in Law from the Federal University of Pará (Ufpa). She teaches in the Professional Master's Program in Law and Development in the Amazon and the Stricto Sensu Academic Postgraduate Program in Law at Ufpa, and teaches undergraduate law. She conducts research into educational law, constitutional law (federalism), public management and social development, considering the locus of the Legal Amazon. She writes about social rights and researches theories of justice, federalism, public policies and social and economic development. Vice-director of the Faculty of Law at Ufpa. Coordinator of the research group "Egalitarian Liberalism, Public Policies and Federalism", linked to CNPq. E-mail: eliana.f.t@hotmail.com. Orcid: <https://orcid.org/0000-0002-7979-2404>
- \*\* Graduated in Law from the Federal University of Pará (Ufpa) and holds a Master's and PhD in Law from the Pontifical Catholic University of São Paulo (PUC-SP). Former director of the Administrative and Financial Department and the Teaching and Research Department of the Judicial School of the Pará State Court of Justice. Member of the research group "Consórcio Amazônia Legal: da atuação dos Estados do Pará e do Amapá" at Ufpa. Professor at the Faculty of Law at Ufpa. E-mail: [patricia.cichovski@gmail.com](mailto:patricia.cichovski@gmail.com). Orcid: <https://orcid.org/0000-0002-1499-5905>



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• PATRÍCIA KRISTIANA BLAGITZ CICHOWSKI

- **ABSTRACT:** The Interstate Consortium for the Sustainable Development of the Legal Amazon, hereinafter called the Legal Amazon Consortium, presents as one of its purposes to maintain the sustainability of the Amazon forest. The Consortium was foreseen by the Amendment to the 1988 Constitution (EC No. 19/1998) and has acted to prevent deforestation and monetize the forest. This research seeks to answer the following problem: “How does the Legal Amazon Consortium, created in 2017, propose to provide instruments for environmental protection of the Amazon biome?”. The objective of this investigation is to verify how the Consortium has acted to maintain the *forest standing*, without denying the economic and social development of the region. In methodological terms, the research adopts the hypothetical deductive method, considering a qualitative approach, based on the interpretation of documents and political speeches, and bibliography, in the search for references that approach deforestation in the region in reflective aspects. The hypothesis of the research in which it is stated that the Consortium has already passed from the agenda to the effectiveness of actions was confirmed, as its results demonstrate the realization of several actions, such as the Green Recovery Plan; the commitments of investments in the order of 55 million reais of European countries in COP 27, as carbon credit payment for the State of Pará, commitments brought by the president of the Consortium; and the presentation, for instance, of the Regional Program for the Strengthening of Bio-economy and Low Carbon Productive Chains and the Regional Program for the Prevention and Control of Deforestation in the Amazon.
- **KEYWORDS:** Consortium, Legal Amazon, environmental protection.

## CONSÓRCIO AMAZÔNIA LEGAL: DA PROTEÇÃO AMBIENTAL

- **RESUMO:** O Consórcio Interestadual de Desenvolvimento Sustentável da Amazônia Legal, denominado doravante de Consórcio Amazônia Legal (CAL), apresenta como uma de suas finalidades manter a sustentabilidade da floresta amazônica. O consórcio foi previsto pela Emenda à Constituição de 1988 (EC nº 19/1998) e tem atuado para evitar o desmatamento e monetizar a floresta. Esta pesquisa busca responder ao seguinte problema: “De que maneira o Consórcio Amazônia Legal (CAL), criado em 2017, propõe-ser a fornecer instrumentos para proteção



ambiental do bioma amazônico?”. O objetivo desta investigação é verificar como o consórcio tem atuado para manter a *floresta em pé*, sem negar o desenvolvimento econômico e social da região. Em termos metodológicos, a pesquisa adota o método hipotético dedutivo, considerando uma abordagem qualitativa, a partir da interpretação de documentos e discursos políticos, e bibliográfica, na busca de referenciais que abordem o desmatamento da região em aspectos reflexivos. A hipótese da pesquisa na qual se afirma que o consórcio já passou da agenda para efetividade de ações se confirmou, pois seus resultados demonstram a realização várias ações, como o Plano de Recuperação Verde; os compromissos de investimentos na ordem de R\$ 55 milhões de países europeus na COP 27, como pagamento de crédito de carbono para o estado do Pará, compromissos trazidos pelo presidente do consórcio; e a apresentação, de forma exemplificativa, do Programa Regional de Fortalecimento da Bioeconomia e Cadeias Produtivas de Baixo Carbono e do Programa Regional de Prevenção e Controle de Desmatamento na Amazônia.

■ **PALAVRAS-CHAVE:** Consórcio, Amazônia Legal, proteção ambiental.

## 1. Introduction

The Interstate Consortium for Sustainable Development of the Legal Amazon, hereinafter referred to as the Legal Amazon Consortium (CAL), has been highly prominent on the international scene for seeking the economic and social development of the Amazon region, one of its purposes, and for monetizing the largest tropical forest in the world.

The Amazon has been the focus of attention for the last century since the military government. The environmental issue gained visibility due to the influence of the Stockholm Convention in 1972 on the 1988 Constitution, which is considered the Pact of the democratization of Brazil, written in detail by the mistrust of the return of the regime of exception, which was so recent.

According to Castelo *et al.* (2018), the historical recovery of deforestation levels in the Amazon rainforest, peaks in 2000 and, four years later, falls due to the adoption of an aggressive approach to forest clearing, through policies against indicated deforestation. The rise in deforestation returns in 2014, 2016, 2018, 2019, 2020 and 2021 (Instituto do Homem e Meio Ambiente da Amazônia, 2022).

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Deforestation has multiple motivations, and it is not possible to cover them all, but according to Castro and Castro (2022), the price of meat, grain and mineral commodities, as well as environmental policies, should be observed when increased deforestation occurs.

Thus, this research aims to answer the following problem:

- How does the Legal Amazon Consortium (CAL), created in 2017, propose to provide instruments for environmental protection of the Amazon biome?

The objective of this investigation is to verify how the Legal Amazon Consortium has acted to keep the forest standing, without denying the economic and social development of the region.

The research method used is the hypothetical deductive, having Popper (1972) as reference, in which the scientific investigation adopts the testing of the hypothesis constructed. Regarding the form of approach, the research is qualitative-documentary, considering reference author Godoy (1995), as well as using discourse analysis from the studies of Rocha and Deusdará (2005), in which discourse and extra discourse are examined from the interaction of language and the construction of knowledge.

The hypothesis of the research is that CAL has already passed through the phase of political agendas for referrals for effective action in the field of environmental protection, especially increased at COP 27.

The research is qualitative in terms of the interpretation of documents and political speeches, and bibliographic, in the search for references that outline deforestation in the Amazon region and deforestation data released by the Institute of Man and Environment of the Amazon (Imazon) and the National Institute for Space Research (Inpe). The research strives for debate and scientific reflection without, however, intending to conduct a literature review. The reference publications for the item consider scientific research produced by the Center for High Amazonian Studies of the Federal University of Pará, having as theoretical framework Castro and Castro (2022), considering the descriptor “deforestation”, year 2022, and other bibliographies that deal with paradiplomacy, environmental policy and sustainability, evidencing as references: Branco (2007) and Capelari *et al.* (2020).

The article was divided into three parts: 1) presentation of the Legal Amazon Consortium, its creation, objectives and constitutional consonance in the relationship

linked to the Federative Pact; 2) deforestation of the Amazon Forest in the period from 2017 to 2021, due to the return of increased deforestation of the forest and the adoption of unsustainable policies that created international embarrassments fought by some members of Itamaraty; and 3) environmental policies created by the Legal Amazon Consortium to keep the largest tropical forest, within the scope of the Legal Amazon, *monetized and standing*.

## 2. Legal Amazon Consortium: an instrument of cooperative federalism

The analysis of the performance of the Legal Amazon Consortium for the monetization and preservation of the forest requires an understanding of historical elements and some specific characteristics of Brazilian federalism that have a more direct impact on the competences of the federative entities, in addition to the relationship between federalism and environmental protection, inextricably linked to the system of the Constitution of the Republic of 1988.

On the other hand, historical imperatives imposed the Administrative Reform, disciplined by Constitutional Amendment No. 19/1998, in the context of which public consortia were foreseen as new entities integrating the Brazilian administrative organization, which allowed several federative arrangements and has boosted interstateity, of which the Legal Amazon Consortium is a political, legal, social and economic expression.

### 2.1 Public Consortia, Federative Cooperation and Environmental Preservation

Brazil has formally adopted the federative principle since the consecration of republican constitutionalism in 1891, but its historical trajectory presents difficulties of implementation and discontinuities in the degree of decentralization and regional and local autonomies, mainly due to the alternation of democratic and authoritarian periods.

The 1988 Constitution, in this historical journey, represented, in terms of the territorial division of power, the democratic promise with the consecration of a *sui generis* federalism, characterized by municipal political autonomy, in addition to the broad autonomy of the member states. Alongside federalism, the protection of the environment was established as a fundamental human right, disciplined in a specific

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chapter, in article 225, and several constitutional provisions related to environmental preservation. The provision of the federative principle associated with the protection of the environment is not only an imperative of environmental constitutionalism in a State of continental dimensions such as Brazil, but also raises questions of great complexity about the constitutional attributions of the federative entities in environmental matters, their coordinated and concerted action for the promotion of sustainable development, the possibilities and limits of action of the three governmental spheres in an isolated, consortium and sometimes opposed way.

The sharing of power inherent to federalism gains superlative importance in environmental preservation, due to the constitutional impositions on the obligation of joint state intervention – federal, state and municipal – and the idea of maintaining unity with respect to diversity (García-Pelayo, 1993). The Constitution, in its article 225, § 4, proclaims the Amazon as one of the areas of relevant national ecological interest, a provision that imposes on the Union normative discipline and implementation of national and international public preservation policies. However, regional autonomies and demands allow and require state and municipal federative entities in this region to adopt sustainable development programs concomitantly.

Federalism, as a principle of political organization, implies the dialectical synthesis of spaces of autonomy and interdependence, requiring political and legal instruments of coordination and cooperation.

For Gadelha (2017), the Federative Pact can be characterized in five models, among which, for the present study, three will be highlighted, due to the protagonism of the federated entities, namely: dual, cooperative and competitive. In the dual model, there are two governments (central and subnational) with rigidly distributed attributions, without opening up for cooperation. In the cooperative model, the characteristic is the common and concurrent distribution of competences, which demonstrates a union to achieve common objectives, however, in this model, there is a financial dependence of the subnational units that need transfers of resources from the central government to develop more comprehensive public policies. In the competitive model, there is a loss of central government, in which subnational units occupy the leading role.<sup>1</sup>

1 About federalism models, it is recommended to read the work of Márcia Miranda Soares and José Ângelo Machado (2018), entitled *Federalism and Public Policies*, because, in addition to addressing the federalism models and their responsibilities in an explanatory way, it indicates the relationship between federalism and public policies that directly influence the development of subnational units.

In the field of federative arrangements, the Constitution did not provide, in its original text, for public consortia, establishing cooperation in a broad manner in the sole paragraph of article 23, later disciplined by Complementary Law No. 140/2011. However, such cooperation is under the normative rule of the Union, which is an expression of cooperative federalism with federal protagonism.

Subsequently, Constitutional Amendment No. 19/1998 provided for consortia, disciplined by Federal Law No. 11.107/2005 and Decree No. 6.017/2007, on the basis of which the Legal Amazon Consortium was constituted.

Despite the original provision of cooperative federalism instruments, article 43 on the administrative intervention of the Union in the Regions and article 23 on common competences, it is necessary to improve cooperation mechanisms and horizontal coordination in the Brazilian federative system, a possibility opened up by the constitutional and legal provision of public consortia.

As observed by Fernando Abrucio and Hironobu Sano (2001) on the trajectory of the Brazilian federation and the interstate agenda, the redemocratization increased the role of subnational governments and the horizontal dimension of coordination/cooperation became more relevant.

The normative discipline of public consortia, unequivocally, has great importance for coordination and federative cooperation in the vertical and horizontal perspectives, but especially in the latter it plays a decisive role in boosting interstate and intermunicipal associations.

Public consortia were inserted by the Constitutional Amendment of 1998, which operated the administrative reform. Article 241 of the Constitution is now worded as follows:

The Union, the States, the Federal District and the Municipalities shall regulate by law the public consortia and the cooperation agreements between the federated entities, authorizing the associated management of public services, as well as the total or partial transfer of charges, services, staff and essential goods to the continuity of the transferred services.

Based on the new constitutional wording, Federal Law No. 11.107/2005, known as the Public Consortia Law, was edited, which established the various guidelines and legal specifications of consortia and brought the possibility of using these new interfederative people as elements for the associated management of services and

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consolidation of coordinated public policies. The new legislation, observes Negrini (2009, p. 73), having interfederative cooperation as its informing principle, systematically regulated the contracting of consortia, their formalities and their limits.

On the basis of the Law No. 11.107/2005, Negrini (2009, p. 94) defines public consortia as “interfederative associations in charge of the associated management of public services, endowed with legal personality and created by law of each of the consortium entities.” Pursuant to Article 6 of Law No. 11.107/05, consortia may take the form of entities with legal personality under public or private law, and the consortium with legal personality under public law will be part of the indirect administration of all consortium entities (Article 6, § 1). Consortia are, thus, a new entity in the Brazilian administrative organization, called a public association and imbued with the idea of federative cooperation.

Three aspects of consortia are also of particular importance to the analysis of the performance of the Legal Amazon Consortium in the implementation of environmental preservation policies: a) the promotion of interstateity, which is essential for regional sustainable development; b) the expression of federative loyalty; and c) compliance with Sustainable Development Goal (SDG) No. 17, recommended by the United Nations.

The normative provision of public consortia allows the association of member states, as occurs in the Legal Amazon Consortium, in an interstate and regional cooperativism in line with the territoriality of the Legal Amazon. In this respect, consortium action reaches the complexity of Brazilian environmental federalism. This is because the distribution of competences allows the establishment of parameters for the observance of the principle of mandatory state intervention in matters of environmental preservation inscribed in article 225, *caput*: “everyone has the right to a healthy and ecologically balanced environment [...] imposing on the Public Power [...] the duty to defend and preserve it for present and future generations”. However, environmental law offers peculiarities that may become incompatible with the classic schemes of distribution of private and exclusive competences, which originate in dual federalism.

The environment, as a set of natural, artificial and cultural relationships that govern life in all its forms, is integrated by elements that maintain relationships with each other, forming a network of reciprocal interferences, which demands coordinated protective action. The environmental logic is driven by the principle of the connection of environmental goods and processes, refracting human constructions such as



geographical boundaries, traditional legal schemes and isolated, watertight, preservation actions. The breadth of the notion of the environment is therefore combined, in Brazilian law, with the notion of cooperative federalism.

On the other hand, the idea of cooperation integrates the implicit principle of federative loyalty, which brings the concept of integration of federative entities by seeking ethical and procedural harmonization of the interests of diversity for the good of unity. The principle of loyalty implies to the federative entities the commitments of help, support, information and consultation; and the commitments of coordination and collaboration (Horbach, 2020).

Interstate cooperation for environmental preservation, in the case of the Legal Amazon Consortium, also meets the requirements of Sustainable Development Goal 17 of the United Nations Agenda. The Sustainable Development Goals make up a global agenda, adopted by the United Nations Organization, in order to build a fairer and more sustainable world by 2030. SDG 17 aims to strengthen the means to implement and revitalize the global partnership for sustainable development by setting targets for developed and developing countries. In addition, SDG 17 reinforces the need to improve access to science, technology and innovation, as well as addresses systemic issues that indicate that policies adopted by countries must be coherent as they pursue sustainable development.

## 2.2 The Legal Amazon Consortium: legal discipline and purposes

The Interstate Consortium for Sustainable Development of the Legal Amazon, constituted in 2017 by nine Amazonian states, is an interfederative legal entity of an autarchic nature, created to develop the region from national and international actions, in order to seek resources to promote the sustainable development of the region. The Consortium's central office is in Brasília and the presidency is held on a rotating basis between the governors of the national sub units.

The mission of the Legal Amazon Consortium is to accelerate the sustainable development of the region, based on the cooperative action of the consortium's national sub units, which aim to be a global reference in the development of the region (Semas/PA, 2022). For this purpose, a common agenda and priority projects of the consortium states were established, with emphasis on the Green Recovery Plan.

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To understand the Consortium and its activities aligned with the environmental needs of the region, in terms of sustainable development, three documents are analyzed in two stages. From the first stage, which still deals with scheduling, we can highlight the Protocol of Intentions and the Strategic Planning 2019-2030. From the second stage, whose object is already the effectiveness of the scheduling, the Green Recovery Plan is highlighted (Legal Amazon Consortium, 2021).

The Protocol of Intentions indicates the following purposes of the Consortium that are consistent with the search for sustainable development and the monetization and preservation of the dignity of the Amazonian population: 1) economic and social development of the Legal Amazon in a harmonious and sustainable manner; 2) regional strengthening of the Legal Amazon and its political and economic role in the national and international context; 3) the strengthening of rural production policies; 4) the development of infrastructure and logistics projects with a view to regional and international insertion; and 5) acting to attract investment and expand the sources of resources aimed at fostering and developing the Amazon and conserving biodiversity, forests and climate (Legal Amazon Consortium, 2021).

Of the fourteen purposes inscribed in the Protocol of Intent, the five mentioned above are related to sustainable development, forest monetization and improving the living conditions of the Amazonian population.

The Strategic Planning 2019/2030 presents challenges and opportunities for the development of the Amazon region, being parts of this object of research, in what is consistent with environmental preservation, forest monetization and improvement in the living conditions of the Amazonian population. There are challenges that need to be overcome, such as the lack of: attractiveness of private investments; logistics for verticalization of the production chain; low human development; and lack of technical training for the development of certain labor activities.

To overcome the indicated challenges, the Strategic Planning foresees the global trend for innovation to create new business ecosystems, the integration of research and innovation with market demands (Legal Amazon Consortium, 2021).

The Green Recovery Plan established four lines of action: 1. curbing illegal deforestation; 2. sustainable productive development; 3. green technology and training; and 4. green infrastructure. As a reverberation of this plan, some actions that comprise sustainable development, the search for the monetization of the standing forest and the improvement of life of the Amazonian population stand out: 1. creation of banks,

seeds and seedlings (Pará); 2. revitalization of watersheds (Tocantins); 3. strengthening of rural enterprises with potential for achievement (Acre); and 4. development of true tourism in the Amazon (guidelines for all members of the consortium). The actions highlighted are already part of the individualization of actions that must be practiced by the member states of the consortium as a reverberation of the development axes and guidelines to the states.

The actions practiced by the Legal Amazon Consortium have been taking place with the aim of managing the environment in a sustainable way by seeking to monetize the standing forest and improve the lives of Amazonians (Legal Amazon Consortium, 2021).

The international importance of the Amazon has been projected even with the manifest inclusion of the existence and performance of the Consortium foreseen by the Annual Report Brazil (UN, 2022), which establishes that the United Nations has maintained a technical exchange with the Legal Amazon Consortium to support the implementation of the Green Recovery Plan, through a mechanism that provides for the mobilization of internal and external resources to keep the forest standing, as well as employment and income generation for vulnerable populations.

### 3. Deforestation of the Amazon rainforest from 2017 to 2021

The choice of the period of research on the environmental conditions of the Amazon Forest from 2017 to 2021 is in line with the year in which the Legal Amazon Consortium was created, in 2017. The data were collected from the websites of the Institute of Man and Environment of the Amazon (Imazon) and the National Institute for Space Research (Inpe). The reference publications for the item consider scientific research carried out by the Center for High Amazonian Studies of the Federal University of Pará, considering the descriptor “deforestation”, year 2022.

For this research, environmental conditions comprise deforestation and environmental degradation that impact the soil and cause pollution in the Legal Amazon environment. According to Inpe, deforestation can be understood as the removal of forests, which can occur by burning and cutting trees. The reasons for deforestation stem from illegal logging, agriculture, natural disasters, urbanization and mining (National Institute for Space Research, 2022b).

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According to Imazon, deforestation means the complete removal of forest vegetation, while degradation is the extraction of trees, with partial impairment of the land (Institute of Man and Environment of the Amazon, 2013b).

The analysis of environmental conditions for the purposes of the research looks at deforestation and environmental degradation that may be caused from beef cattle farming, grain farming and mining, as well as government environmental policies. Thus, the analysis of environmental conditions considers the intersection of two perspectives: 1. beef commodities, grains and mining; and 2. government environmental policies that may have contributed to increased deforestation and environmental degradation.

### 3.1 Meat, grain and mining commodities

Provisional Measure No. 749/2016, transformed into Law No. 13.465/2017, which aims at land regularization in urban areas, among others, was harshly criticized by parliamentarians who saw the text as facilitating the life of land grabbers throughout the country. It is noteworthy that the Provisional Measure was approved in the Senate Plenary by 47 votes in favor and 12 against, that is, there was massive parliamentary support for this law (“Sancionadas regras para regularização fundiária rural e urbana”, 2017).

The Provisional Measure became known as the MP of land grabbing. According to Castelo *et al.* (2018), the Provisional Measure allowed the massive certification of illegal public areas of up to 2,500 hectares, aggravated the conflict in the Amazon, with the occupation of public lands in the Amazon being the main cause of deforestation in the region, as well as an increase in violence. Therefore, this MP favored environmental degradation, also allowed the resale of land at below market prices and relaxed deadlines for legalization of occupied land.

In 2017, Decree No. 9147/2017 was issued extinguishing the National Copper and Associated Reserve (Renca), which resumed the mineral exploration of gold and other precious metals between Pará and Amapá, in a space equivalent to Denmark (Rossi, 2017; “Decreto que revoga a extinção da Renca é publicado no Diário Oficial”, 2017).

The pressure from environmentalists on the extinction of Renca reverberated in the revocation of the Decree, which had extinguished the Reserve in question.

Frustrated attempt, but with manifest arguments of interest of the portfolio of Mines and Energy in resuming the discussion at the time (“Decreto que revoga a extinção da Renca é publicado no Diário Oficial”, 2017).

In 2018, R\$ 103 billion were allocated to finance the 2018/2019 agricultural harvest, of which R\$ 11.5 billion for companies in the agribusiness chain and R\$ 91.5 billion in rural credit to producers and cooperatives (“Temer: agricultura e agronegócio são sustentáculos de qualquer governo”, 2018).

In the period from 2019 to 2022, the federal government carried out a change of perspective of environmental policy, loosening enforcement and denying scientific data presented by satellite, although there was a finding of increased invasions in Indigenous Lands.

According to Araújo and Campos (2021), a May 2021 report by the Pastoral Land Commission revealed that there was an increase in invasions of Indigenous Lands from 2018 to 2019.

**TABLE 1 • REPORT OF THE PASTORAL LAND COMMISSION ON INVASIONS OF INDIGENOUS LANDS**

Year	Families affected by invasions	Percentage increase
2018	14.757	
2019	26.621	≈ 80,395%
2020	58.327	≈ 119,101% *

\*PERCENTAGE OF INCREASE COMPARED TO 2019.

SOURCE: ELABORATED BY THE AUTHORS BASED ON DATA FROM ARAÚJO AND CAMPOS (2021), PAGE 142.

This shows that the people who do this type of invasion felt comfortable to expand their activities to the practice of invasion on indigenous lands.

The discourse of the federal government, especially the international one, suggests that developed countries have devastated their forests, causing damage to their own environment, and Brazil would have to have the right to do so as well, maintaining its sovereignty. According to Exame magazine (“Vocês desmataram suas florestas”, 2020), the then Minister of Economy Paulo Guedes told the Americans:

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We understand your (North Americans) concern because you have cleared your forests. You want to spare us from clearing the forest as you have cleared yours. We know that you had civil wars, you also had slavery and we only ask you to be kind as we are kind. You killed your Indians, you did not miscegenate [he said speaking in English].

It is a fact, according to Miranda (2006), that countries have promoted the devastation of their environment, but in another context and historical moment, when it was not known that this right and diffuse duty, when attacked, could destroy or considerably worsen the lives of all. The solution cannot be the easiest, it must be the most appropriate, monetizing the Amazon and creating sustainable environmental policies. Old alternatives cannot be on the table for debate, as it would be like entering the time machine and returning to the great navigations or to the first Industrial Revolution.

The time frame of the sub item already shows that the conduct of public policies of federal and state governments is being verified, specifically on environmental conduct: in the case of federal governments in the period 2017-2021, considering environmental policies, and in the case of state governments, by the conduct adopted by the Legal Amazon Consortium, which will be a more consistent object of the following item.

Thinking about changes in environmental policies demands proposals that can arise from the Advocacy Coalition Framework (ACF) which, for Capelari *et al.* (2020), means a framework that can provide an alternative approach to traditional public policy analysis, shifting the gaze from the linear process to observe its causes and effects. This differentiated look leads to four conceptual paths to change environmental public policies: 1. external sources – derived from external events, such as crises, disasters or changes in socioeconomic conditions; 2. internal sources – conflicts between coalitions, political scandals, failure of ideas and the rethinking of actor's beliefs based on new views on the problem, causes and implications; 3. agreements negotiated by collaborative institutions; and 4. the result of the experience of learning with public policies, leading to the revision of individual or collective thoughts and beliefs about public policies.

In the environmental policy subsystem, according to Capelari *et al.* (2020), there are four opposing categories: Traditional Developmentalists, Enlightened Technocrats, Socioenvironmentalists and Modern Developmentalists. In the 2018 elections,

the coalition of Traditional Developmentalists won, which is one of the main members of the neoconservative and neoliberal movement, which brings together representations of part of agribusiness, who share beliefs such as anti-leftism and reduction of state action in social public policies and press for a reduction in environmental regulation at the federal level.

The relationships between the four categories, plus the authorities that make up the federal government, reveal internal and external shocks. The internal shocks can be seen from: 1. the denialism of science from the questioning of the data presented by Inpe, which confirmed the growth of deforestation of the Amazon rainforest and consequent dismissal of its head, according to (Barrucho, 2019); and 2. the increase in resources for developmentalists, but without credibility and receiving technical attacks for the negative effects on sales of Brazilian products (commodity prices, below what it should be). The external shocks were two: 1. changes in the ideological orientation of the Federal Executive Branch, characterized by a commitment to economic gains, without considering environmental impacts; and 2). the environmental disasters that occurred in 2019 in Brazil (Capelari *et al.*, 2020).

In terms of the Amazon forest, the federal government, together with the Traditional Developmentalist wing, has provided a veritable *via sacra* to the environment. There is a coincidence between the timing of the discourse on loosening environmental controls and the increase in deforestation in the states of Pará and Amazonas, both in federal and state spaces.

For Castro and Castro (2022), the first researcher at the Center for High Amazonian Studies (Naea), deforestation is the tip of the iceberg, caused by the process of financialization of commodity lands in the Amazon, where thousands of hectares of forest are being reverted to intensive agriculture and meat production. The financing is linked to the great global fortunes of European countries and more recently with the entry of China as a major investor. The advance of cattle ranching, gold mining and mining - the latter in the sub units of Pará, Mato Grosso and Rondônia - has culminated in large areas of deforestation.

It is urgent to realign Brazilian environmental policies, for the sake of Brazilians and all the people of the world, because the impacts of an anti-environmentalist policy affect everyone.



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### 3.2 Underlying issues and deforestation in the Legal Amazon in the period from 2017 to 2021

The underlying questions address: Amazon Fund in the 2017-2022 period<sup>2</sup>; the political speeches of high-ranking government officials from 2019 to 2022; the resistance of Brazilian diplomats, in an attempt to minimize the disruptive impact of environmental policy; and data on deforestation in the Legal Amazon. The Amazon Fund had already been reduced in the 2017-2018 federal government, with changes in environmental policies, and was stagnated in the 2019-2022 federal government, when the country declined to hold COP 25 (“Temer: agricultura e agronegócio são sustentáculos de qualquer governo”, 2018).

It is important for Brazil to be able to create the idea that the standing forest is considered a commodity, which is why the Legal Amazon Consortium has undertaken efforts to have COP 30 take place in the Amazon. The western world needs to understand that the standing forest requires resources, because there is a population in the forests that lacks state services and needs to survive in dignity.

Chade (2022) reported on the resistance of Brazilian diplomats in the Bolsonaro government. The report is based on qualitative studies and field research carried out by researchers Gabriela Lotta (Fundação Getulio Vargas - FGV), Maria Costa (FGV) and Izabela Corrêa (Oxford) on the networking of 13 diplomats to combat the deinstitutionalization of Brazil in the face of agendas such as respect for human rights and the climate agenda. The research shows that the diplomats' actions were aimed at anticipating Brazil's stances and calming the mood, considering the possibility of not continuing the opening of environmental policy to increased deforestation. Specifically in relation to the climate, the research highlights that the expression “climate change” was vetoed, avoided or even deleted from official documents in the past, as verified by the speech of an Itamaraty official, not identified for her safety, who stated: “...had the function of modifying ordinances, speeches, information on the official website and telegrams” (Chade, 2022).

2 On the subject, the reading of Teixeira and Cichowski (2020) is indicated, as they address the theme indicating that forest management was inefficient, which would point to the exercise of paradiplomacy by the Legal Amazon Consortium. Paradiplomacy is a form of action by sub national entities to establish international relationships with public or private people, in order to promote the development of those entities (Branco, 2007). It is a recently studied activity, since the 1980s, which has been widely used by the Legal Amazon Consortium in order to provide resources for the sustainable development of the region.



If the opening up of environmental policy were to continue, part of the history of environmental policies would have undergone historical revisionism.

The result of the change in environmental discourse and public and regulatory policies can be seen in the increase in deforestation in the Legal Amazon.

**TABLE 2 • MONITORING OF DEFORESTATION IN THE LEGAL AMAZON IN KM<sup>2</sup>**

Year/ States	AC	AM	AP	MA	MT	PA	RO	RR	TO	Legal Amazon
2017	257	1001	24	265	1561	2433	1243	132	31	6947
2018	444	1045	24	253	1490	2744	1316	195	25	7536
2019	682	1434	32	237	1702	4172	1257	590	23	10129
2020	706	1512	24	336	1779	4899	1273	297	25	10851
2021	889	2306	17	350	2213	5238	1673	315	37	13038

SOURCE: ELABORATED BY THE AUTHORS FROM PRODES DATA, 2022A.

Table 2 shows an increase in deforestation in forest areas under the responsibility of the Union and national sub units, as will be presented in Graphs 1, which deals with the federal area, and Graph 2, which deals with the state area.

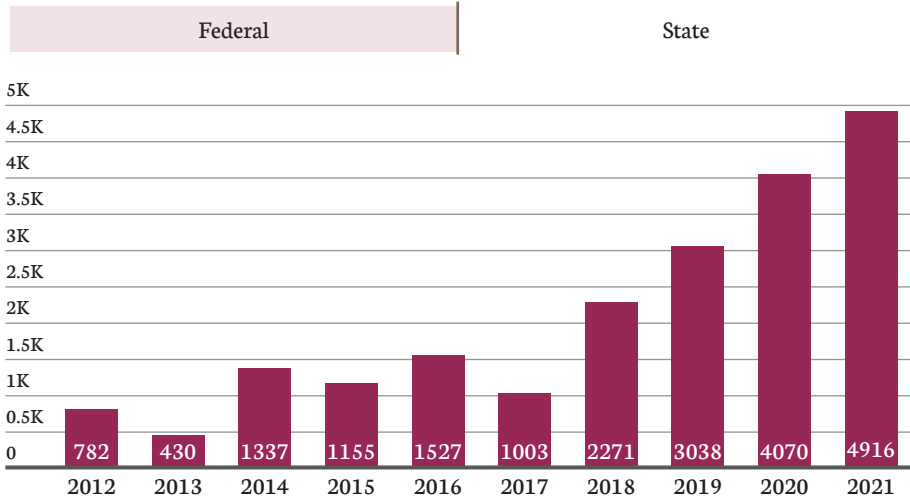
Although the time frame covers the period from 2017 to 2021, on the issue of deforestation because it is secondary data, the cut will be more comprehensive, in order to allow the use of graphs already produced by Imazon.

The criteria that determine the assets of the Union and the member states are determined in articles 20 and 26 of the Republican Constitution of 1988, as well as article 98 and following of the Brazilian Civil Code, such as, by way of example: of the Union - indigenous lands, vacant lands indispensable for environmental preservation, as well as lakes and rivers in lands of its domain; and of the member states - surface or underground waters outside the areas of the Union, river islands and vacant lands not included those of the Union.

With regard to private properties in the Amazon Forest environment, there is the problem of land regularization due to uncertainties in the 1999 re-registration. According to Imazon, the land uncertainty in the country occurs due to the form of registration that was declaratory, creating the possibility for fraudulent registrations at registry offices.

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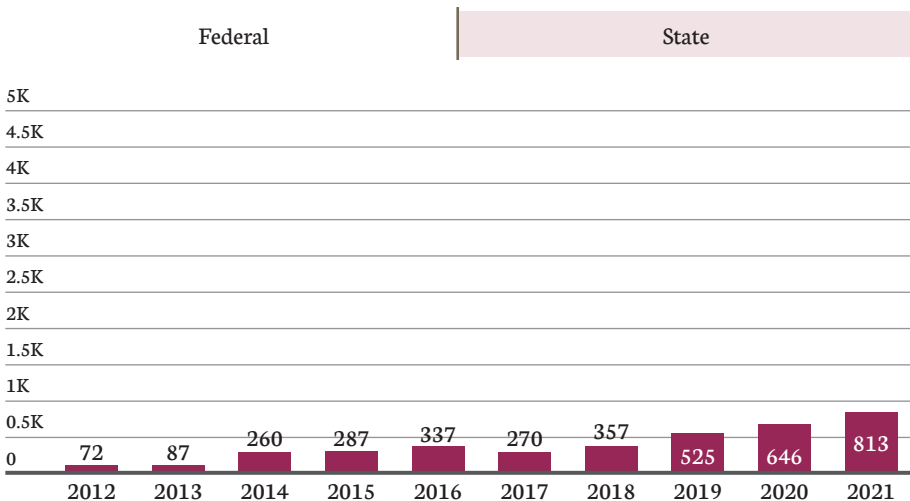
**GRAPH 1 • ACCUMULATED DEFORESTATION FROM JANUARY TO DECEMBER IN KM<sup>2</sup> IN FEDERAL AREAS**



SOURCE: INSTITUTE OF MAN AND ENVIRONMENT OF THE AMAZON DATA, 2022.

The diagnosis of the results of environmental policies shows the growth of deforestation from 2017 to 2021, and may indicate that, in 2022, the increase should continue.

**GRAPH 2 • ACCUMULATED DEFORESTATION FROM JANUARY TO DECEMBER IN KM<sup>2</sup> IN MEMBER STATE AREAS**



SOURCE: INSTITUTE OF MAN AND ENVIRONMENT OF THE AMAZON DATA, 2022.



Despite the increase in deforestation in state areas, which implies the need to ascertain the responsibility of the sub units, it does not come close to deforestation in federal areas.

Environmental public and regulatory policies must resume their course, without discarding any coalition category, but with responsibility and sustainability. The western world, which has cried out so much in journalistic editorials for environmental preservation, must defend and contribute to the monetization of the standing Amazon rainforest.

Sustainability should be observed in two intensities: weak and strong. In the weak intensity, natural resources can be substituted by technological or manufactured goods and services; and in the strong intensity, substitution of natural resources is impossible, because unlimited economic growth conflicts with the limits of nature (Feil, 2022).

The sustainability dilemma refers to the search for the development of weak sustainability, as this will be able to dissipate the conflict between economic growth and the limits of nature.

#### 4. Environmental Policies of The Legal Amazon Consortium

Coordinated action by the state federative entities, in terms of environmental management of the Amazon Region to promote sustainable development, has been consolidated since the creation of the Legal Amazon Consortium and permeates several of its priority actions. It can be seen from the perspective of its strategic planning, paradiplomatic relations and the implementation of internal public policies such as the Green Recovery Plan.

In order to transform the Legal Amazon into a competitive, integrated and sustainable region, the Consortium has defined strategic guidelines and priority projects. According to information collected on its website (Legal Amazon Consortium, 2022), the Consortium has as development axes: 1. green economy, competitiveness and innovation; 2. regional integration; 3. territorial and environmental governance; and 4. management, governance and priority public services. In such axes, projects and objectives are established, among which, for the debate on standing forest and monetization of environmental resources, it is important to highlight as common objectives: the transformation of environmental assets into revenue and income, the strengthening

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of regional production chains, the use of biotechnology and the logistical and energy integration of the Legal Amazon on sustainable bases.

In the paradiplomatic dimension, as a recent example, during the 7th United Nations Climate Conference, COP 27, held in November 2022 in Egypt, representatives of the Legal Amazon Consortium announced the launch of the following environmental policies: 1. Regional Program to Strengthen the Bioeconomy and Low Carbon Productive Chains; 2. Regional Program to Prevent and Control Deforestation in the Amazon; 3. Programmatic-Financial Mechanism to Support Sustainable Development in the Amazon in an Integrated and Cooperative Way in partnership with the UN; 4. Launch of the Bioeconomy Plan of Pará; 5. Amazon Charter - A Common Agenda for Climate Transition; and 6. Regional Program to Strengthen the Bioeconomy and Low Carbon Productive Chains (Legal Amazon Consortium, 2022).

As a regional development strategy, it is worth highlighting the Green Recovery Plan (PRV), launched in 2021 by the governors of the states that make up the Legal Amazon Consortium. It is a set of public policies for sustainability and built to promote changes capable of combating illegal deforestation and reducing CO<sub>2</sub> emissions, using the potential of the standing forest to generate employment and income for the population.

The Green Recovery Plan, according to Alvares *et al.* (2021, p. 104), is inspired by the called Green New Deals and “aims to revive the necessary debate on regional and national development, and reposition Brazil in its leading role in environmental and climate issues”. The PRV has qualified importance as a set of ecodevelopment policies for the Amazon, especially since, in addition to the worsening economic and social crisis resulting from the Covid-19 pandemic, the region has simultaneously and directly suffered the consequences of the predatory exploitation of its mineral, forest and water resources, especially due to the lack of vertical coordination by the Central Power to articulate the solution of regional environmental problems.

The Green Recovery Plan is a comprehensive and regional sustainable development plan for the Amazon that intensifies interstate federative cooperation and concretizes state environmental competencies. It enhances the role of the member states of the Amazon, as the region combines the paradoxical combination of immense biodiversity, strategic environmental assets for Brazil and, at the same time, low development rates. In this sense, according to data provided by the Consortium itself, the Legal Amazon concentrates one of the three largest environmental collections on

the planet, but, if compared to the rest of the country, the region has low economic and social indices, formal jobs, infrastructure and access to basic services (Legal Amazon Consortium, 2022).

On the other hand, the Green Recovery Plan (PRV) considers that illegal deforestation does not contribute positively to the population's quality of life in economic terms. On the contrary, environmental degradation increases inequalities and reduces the capacity to generate formal employment and income for Amazonians, as well as imposing violence and health damage. It is important to note, therefore, that the PRV demonstrates the fallacious nature of the discourse that opposes environmental preservation and economic development, presenting data and explanations that demonstrate just the opposite: rational, planned exploitation committed to quality of life can preserve the standing forest.

The Green Recovery Plan (Green Recovery Plan, 2021) aims to: zero illegal deforestation by 2030; combat inequalities in income, race, gender and access to basic services and infrastructure; generate jobs in the forest, rural areas and urban centers; and transition to a new green economy with greater technological sophistication and export potential.

The PRV projects, according to data from the Legal Amazon Consortium, cover four main axes, namely: 1. curbing illegal deforestation; 2. sustainable productive development; 3. green technology and training; and 4. green infrastructure.

The PRV predicted that in the execution phase R\$ 1.5 billion will be invested, which will be divided among the four axes, with the investment value divided considering population criteria and the size of the forest area (Green Recovery Plan, 2021).

The PRV envisaged R\$ 375 million to curb deforestation and reports that the Legal Amazon receives R\$ 298 million per year in resources from the export of local bioeconomy products (Green Recovery Plan, 2021).

Axis 1 of the PRV, curbing illegal deforestation, covers the projects of inspection and monitoring of illegal deforestation, forest restoration in priority areas, payments for environmental services and land and environmental regularization (Legal Amazon Consortium, 2022).

In conjunction with actions to contain deforestation and repair the forest, axis 2 is related to sustainable productive development, which advocates several policies, such as (Legal Amazon Consortium, 2022): income generation for small producers and local communities; support for non-timber forest cooperatives; support for

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product certification to expand their commercialization; support for fishing, fish farming and ecological tourism; and incentive to agroecology, through public procurement programs.

The analysis of axes 1 and 2 shows the commitment of the Green Recovery Plan to ecological balance which, as already established doctrinally, is not a static, purely natural balance, not intended to maintain nature in its original state, under the mantle of simplistic preservationism, but a balance that enables the development of society in the present and in the future, ensuring the intergenerational contract, that is, the durability of the environmental heritage that is threatened by predatory development policies.

The PRV, implemented, will be able to ensure the sustainability of the Amazon. Juarez de Freitas (2012, p. 41), on the concept and implications of sustainability, whose transcription is inevitable, states:

It is a constitutional principle that determines, with direct and immediate effectiveness, the responsibility of the State and society for the solidary realization of material and immaterial development, socially inclusive, durable and equitable, environmentally clean, innovative, ethical and efficient, in order to ensure, preferably in a preventive and precautionary way, in the present and in the future, the right to well-being.

Ecological balance has a multifaceted character, as sustainability goes beyond the concept of preserving natural resources to encompass broader economic and social aspects. In the global risk society, according to Freitas (2012, p. 50), “it is non-renounceable that the concept of sustainability inserts the multidimensionality of well-being as a deliberate option for dynamic rebalancing in favor of life”.

The imperative of sustainable development, therefore, nowadays goes beyond the preservation of the goods that are part of the environmental heritage, from the goods of the original nature – such as water, atmospheric air, soil, fauna and flora –, through cultural goods and urban values, to the broader economic and social balance, to determine social inclusion, education, health policies and the adequate provision of public services in general.

The PRV has axis 3 related to Green Technology and Training, which includes training of labor in the forest and in urban centers, investments in Research and Development in green technologies and biotechnology, interlocution with universities and research institutes. (Legal Amazon Consortium, 2022).

In Axis 4, finally, regarding Green Infrastructure, the PRV covers projects related to: basic sanitation and river depollution; connectivity and digital inclusion; renewable energy; social housing; urban mobility; sustainable intercity and interstate transportation; care services; and Green Tourism Infrastructure. In this last axis, the concern with the inseparable relationship between social and economic living conditions and forest preservation is also evident (Legal Amazon Consortium, 2022).

Studies conducted on the Green Recovery Plan corroborate its potential to promote regional development and bring the discussion about the role of the Amazon Region and the Brazilian State in environmental preservation. In this sense, the PRV, as highlighted by Alvares *et al.* (2022, p. 104), consists of:

[...] regional development proposal for the Amazon, which seeks to respond to what we consider the main challenges of the region: the generation of employment and income for the almost 30 million Brazilians living in the Amazon, combined with the valorization of the standing forest and with scientific, technological and infrastructure development on a sustainable basis.

The implementation of strategic planning and specifically the Green Recovery Plan, based on the elements presented, combined with the consistent paradiplomatic action, which is at the historical and political root of the creation of CAL, allows us to affirm the concrete existence of sustainable development policies in line with the pillars of environmental constitutionalism advocated by the Brazilian Constitution, the so-called Environmental Rule of Law, through the promotion of the mitigation of regional and social inequalities, economic growth and the maintenance of satisfactory levels of quality of life. From this, the Consortium's work has contributed, in the five years of its operation, to the affirmation of horizontal cooperation and coordination of an unprecedented dimension in Brazilian constitutional history, capable of consolidating the construction of environmental and democratic federalism in Brazil. In 2023, CAL elected 33 priority projects that were taken to the federal government for the purpose of seeking the development of the region. The priority projects deal especially with infrastructure, bioeconomy and health (Legal Amazon Consortium, 2022).

Marques *et al.* (2022) simulate the application of the amount of R\$ 1.5 billion in the four axes of the PRV and conclude that, considering the calculations for prospecting new jobs for 2015, 25,114 new jobs would be generated, considering the existing

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productive structures at the time. Of this total result, 86.5% (21,717) would be new direct or indirect jobs created in the Legal Amazon.

In percentage terms, the increase would be 0.17%, which may seem not much, but, in absolute numbers, considering the economic outlook, it is a considerable increase in new jobs in the region (Marques *et al.*, 2022).

## 5. Final considerations

The deforestation of the Amazon rainforest increased in the research period (2017-2021), coinciding with the loosening of environmental enforcement and the increase in the exploitation of meat, grain and mining commodities, as well as the ideological change in environmental policy. Concomitant with these changes and events, the Legal Amazon Consortium organizes the subnational federative entities to face problems pertaining to the states, at least in the state territorial areas.

After conducting the studies, the proposed research problem is resubmitted: “How does the Legal Amazon Consortium (CAL), created in 2017, propose to provide instruments for environmental protection of the Amazon biome?”. The finding is that CAL has brought several actions for the maintenance of the standing forest, such as the Green Recovery Plan and the fact that the newly elected president of the Consortium has brought investment commitments in the order of R\$ 55 million from European countries at COP 27. It is possible to verify that, effectively, the Legal Amazon Consortium has acted to keep the forest standing, without denying the economic and social development of the region.

Public consortia, which were included in the Brazilian Administrative Reform of 1998, in the context of managerial administration, emerged with the aim of combining the efforts of different federative entities to provide adequate management of certain public services. From a pragmatic perspective, these interfederative entities have contributed to the reconfiguration, even if partial and gradual, of Brazilian federalism, increasing the rates of association, integration and cooperation.

In view of this political and legal scenario, the Legal Amazon Consortium, since its creation in 2017, in a process that can be said to be historically accelerated, has been implementing a broad and effective program of environmental preservation and economic development, in strict accordance with the constitutional schemes for the distribution of competences designed by the 1988 Republican Constitution. In particular,



the objectives of the Consortium's Strategic Planning, its paradiplomatic action with foreign states and international organizations and the Amazon Green Recovery Plan concretely demonstrate the "will of the Constitution" (Hesse, 1991) in terms of environmental federalism and a degree of associativism of territorial and economic scope, unprecedented in Brazilian constitutional history.

The Consortium's work is important to stop deforestation, monetize the forest and keep it standing, based on the application of the promised resources of the Green Recovery Plan, which also prioritizes in its actions the increase in the number of jobs in the Amazon region. This increase, considering the number of jobs in 2015, would increase by 0.17%, equivalent to 25, 114 new jobs.

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