

CONTEMPORARY SOVEREIGNTY FRAMINGS: FIRES IN THE AMAZON AND INTERNATIONAL REACTIONS

Enquadramentos da soberania contemporâneas: incêndios na Amazônia e reações internacionais

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ABSTRACT

The article analyses the challenges of reframing the notion of national sovereignty in the light of contemporary environmental problems. With point of departure in the case of the Amazon fires in Brazil in 2019, the study scrutinizes the Bolsonaro administration's discursive invocation of the concept of sovereignty in response to international pressures. The transborder repercussions of environmental challenges, and in particular, the urgency of the climate crisis will inevitably lead to a reinterpretation of Westphalian sovereignty. However, we argue that this should preferably not be advanced through a top-down imposition, but rather by a reframing of this notion as being contingent upon individual states' willingness to preserve global commons. Albeit private economic sanctions of environmental pariahs might have some short-term effects, internalization of the importance of climatic commitments is bound to produce more sustainable and long-term solutions, as external pressures imply the risk of nationalist backlashes.

Keywords: Brazil; deforestation; sovereignty.

RESUMO

O artigo analisa os desafios de reenquadrar a noção de soberania nacional à luz dos problemas ambientais contemporâneos. Com ponto de partida no caso dos incêndios na Amazônia no Brasil em 2019, o estudo analisa a invocação discursiva do governo Bolsonaro do conceito de soberania em resposta às pressões internacionais. As repercussões transfronteiriças dos desafios ambientais e, em particular, a urgência da crise climática levarão inevitavelmente a uma reinterpretação da soberania de Westfália. No entanto, argumentamos que isso preferencialmente não deve ser avançado por meio de uma imposição de cima para baixo, mas sim por uma reformulação dessa noção como sendo contingente à disposição dos estados individuais de preservar os bens comuns globais. Embora sanções econômicas privadas de párias ambientais possam ter alguns efeitos de curto prazo, a internalização da importância dos compromissos climáticos está fadada a produzir soluções mais sustentáveis e de longo prazo, já que pressões externas implicam no risco de reações nacionalistas.

Palavras-chave: Brasil; desmatamento; soberania.

INTRODUCTION

In August 2019, as surging deforestation and burning of the Brazilian Amazon reached global headlines, Harvard Professor, Stephen Walt, made a provocative contribution to the debate on environmental transgressions and sovereignty, which was published in *Foreign Policy*. In his article, Walt (2019) outlines a hypothetical scenario in which Brazilian official indifference to mounting deforestation reached a level at which it led the United States to conduct an "environmental military intervention". Walt's example appears to have been deliberately exaggerated in order to make the point that environmental issues, and mainly climate change, has gained a strategic dimension within the economic, geopolitical, and diplomatic agendas of major

powers. As the effects of environmental problems transgress the compartmentalizations of national borders, and especially as a range of climatic tipping points draw closer due to anthropogenic activities (Lenton *et al.* 2019), previous conceptions of national sovereignty may be up for debate, - not least if established mechanisms of global environmental governance fail to address this crisis.

In this article, we assess how the notion of national sovereignty has been invoked by the Brazilian government during the diplomatic crisis provoked by the Amazon fires in 2019, and how the imperatives of confronting climate change might lead to its reinterpretation. We highlight that this reframing of sovereignty should not endorse overriding individual states' economic and political concerns, and neither should it come in form of a top-down imposition of an environmental agenda defined by powerful states, thus discarding principles related to national self-determination. Rather, we argue that a more benign - and effective - reframing of national sovereignty in the light of climatic challenges would rely on interpretations of sovereignty as contingent on national efforts to seriously confront this issue, or at a minimum, to refrain from blatant environmental transgressions. Empirically, we chose the case of the Amazon fires of 2019, as it provides a clear-cut illustration of the dilemmas which the serious disregard for existing global climate norms poses for the international community. We thereby review events during this period between July and September 2019 through analysis of news reports and official pronouncements on behalf of heads of state and other central decision-makers. We seek to understand how the notion of sovereignty at different moments has been applied through varying interpretations, and how this is likely to mold its future conceptual interpretations. The article is structured as follows. In the first part, we revise the concept of national sovereignty through a historical analysis of its evolution, and of the more recent alternative interpretations made in response to new global challenges. In the second part, we scrutinize the case of the burnings in the Amazon in 2019, and the diplomatic crisis and wider global repercussions which it provoked. In the third section, we present our final considerations about how a balanced reframing of the concept of sovereignty can lead to greater adherence to global climate norms, but also help to reconstruct the Brazilian position within the global environmental order.

CONCEPTUAL ROOTS AND DEBATES ABOUT THE NOTION OF SOVEREIGNTY

The Peace of Westphalia, signed in 1648, cemented the international recognition of the principle of national sovereignty. Beyond marking the end of the 30-year war, this set of treaties had a direct impact on the emergence of a new international system of states which would replace religious morality with the *raison d'état*³, thus providing an important basis for the future evolution of multilateral diplomacy. The Peace of Westphalia was the first international meeting that legitimized the existence of a society of sovereign states. Yet, it is important to keep in mind that

³ *Raison d'état* is the requirement that governmental actions guarantee and maintain the order and security of the State. This term can be analyzed from two perspectives, the security of the state within the context of interstate relations and within the internal existence of each state.

the concept of sovereignty always changes according to each historical era and context. Bodin, who was one of the first theorists to elaborate this concept, conceived sovereignty as an absolute and perpetual power, recognizing no higher authority, and being limited only in the laws of God and nature. Hereby, sovereignty was focused on the law, and the law was the king's word, placing him in the highest position as the incontestable sovereign figure (Bodin, 2011). Another important early thinker is Thomas Hobbes, who justifies the supreme power of the Leviathan through reason, thus refuting the divine idea presented until then. In the Hobbesian conception, the state does not emerge naturally, but as a way for men to leave the primitive condition of constant war. For that to occur, the concentration of power within a single sovereign ruler becomes imperative, thereby guaranteeing a more peaceful and just society (Hobbes, 1983). However, the process of secularization of national states has to some extent dissolved the limits that Bodin and Hobbes placed on sovereignty, freeing themselves from divine laws and contractual paradigms.

A country's sovereignty hinges on autonomy and its power of political decision-making within its national territory, as well as its mandate to conduct foreign relations. Sovereignty is thereby exercised on the basis of internal and external domains, the first being the authority in relation to the individuals within a nation, and the second being the independent representation of that nation within international relations. Francisco Vitoria defended the idea that the world order is constituted by a natural society of sovereign states, equally free and independent, which externally are subjected to *jus gentium*⁴, and internally to the constitutional laws that they themselves have given (Ferrajoli, 2002). Yet, this image drawn up by Vitoria of a modern society in which all are equally subjected to *jus gentium* is contrary to the historical reality of asymmetrical and unequal international interactions, often placing weaker states in positions of disadvantage. Moreover, there is also a tendency within IR scholarship to ignore the non-western roots of the very principle of sovereignty (Stuenkel, 2016), and thereby implicitly neglect their aspirations to affirm this right.

Sovereignty represents one of the most successful foundational principles of international interactions from Westphalia and up through the 20th century. While it was often not as absolute and uncontested as has frequently been presumed, this principle has nonetheless been a cornerstone in molding the perspectives of both practitioners and observers of international politics throughout centuries (Krasner, 2001). The gradual materialization and densification of the post-war global order did, however, present a series of challenges to the presumption of its absolute character. This happened in parallel with the institutionalization of multilateralism, as the importance of certain universal principles, such as basic human rights, were elevated so that they would no longer be consequently deferred to absolute control by nation states (Ikenberry, 2011). Although the Westphalian conception of sovereignty still remained a central part of the post-war

⁴ The concept of *Jus gentium* first emerged in Roman Law governing relations between men throughout the world, but it was changed in response to different conceptions of sovereignty. In the Victorian vision the idea was that this right should be applied equally between nations, regardless of the will of the states, thereby achieving greater justice and harmony between the different authorities.

order, the right of states to invoke this notion increasingly came to hinge on their ability to comply not only with external, but also internal obligations derived from proliferating universalist norms and principles.

While sovereignty symbolizes a country's assertion of independence and the international recognition of its national identity, it can nonetheless also provide a shield for practices that infringe issues which by their very nature transgress national borders. Reframing sovereignty can provide an avenue to overcome such tensions. In this regard, Carrie Walling highlights how the supposed dichotomous antagonism between human rights and sovereignty gradually has eroded, and sovereignty has been reconceptualized as the ability to uphold a minimum of respect for the former. In other words, the ability to successfully and legitimately invoke the principle of sovereignty thereby depends on a state's domestic performance within the field of human rights (Walling, 2015). As highlighted by Ikenberry, today "Sovereignty is more contingent, increasingly a legal right that must be earned" (Ikenberry 2011, p.246). Threats within a wide range of issue areas such as the environmental, security-related, and sanitary/biological realms, which have gained increasing salience in recent decades, have also produced a number of challenges for global governance. Because the solutions to these challenges hinge on collective action between states, many have made calls for the "pooling" of sovereignty as a means to confront emergent problems (Krasner, 2004). This has not least been the case in relation to the environmental field, which since the 1970s has seen a myriad of international agreements entangle and redefine the notion of national sovereignty (Litfin, 1997). Furthermore, the sources of legitimacy for sovereignty have also changed, meaning that today, not only other states, but also NGOs and non-governmental actors are important voices in defining legitimate behavior within the environmental field (Hochstetler, 2000).

The area of climate change, perhaps, provides one of the clearest illustrations of global environmental interdependence. Environmental hazard is irrespective of territorial limits. The "classical" Westphalian conception of sovereignty may thereby provide a serious obstacle to the challenge of effectively confronting climate change, as myopic concerns and problems of collective action hamper mitigation efforts (Conversi, 2016; Franchini *et al.*, 2017). Because actions of individual states can alter the dynamics of an entire ecosystem, concerns arise about how far sovereignty should reach, and to what extent the policy of non-intervention should be adopted. This provides a strong incentive to rethink the notion of sovereignty within international law, as global ecological problems cannot be addressed solely from a national perspective.

THE AMAZON FIRES AND THE DIPLOMATIC CRISIS OF 2019

On August 10, 2019, a sudden spike in wildfires was registered in the Brazilian state of Pará. The fires were focused on *Novo Progresso*, an area at the fringes of the Amazon forest where land speculators and local farmers had made deep incursions into the native vegetation in the course of the preceding decades. The rise of around 300% in the occurrences of wildfires compared to previous days was not a coincidence, but a result of concerted efforts by local farmers to signal

their intent to continue advancing on preserved lands, thus, ostensible defying environmental regulations. This so-called Day of Fire was premediated by rural producers that felt strongly encouraged by President Jair Bolsonaro, who repeatedly had challenged the need for preserving the Amazon and the demarcation of indigenous lands. Some of the arsonists furthermore highlighted how this event should serve to demonstrate their willingness to “get to work” to the newly inaugurated president. (Maisonave, 2019).

Throughout August, various Brazilian regions reported extensive fires which in some cases even spread to neighboring countries. A general overview of the occurrences of wildfires in 2019 corroborates the presumption that political signaling had indeed led to a direct increase in illegal deforestation. An 82% increase in the number of recorded fires year-on-year from 2018 to 2019 thus indicates that the change to a more abjectly permissive stance at the Federal level did have clearly tangible effects (Dantas, 2019). Data of deforestation in the Brazilian Legal Amazon also point to an increase from 7229 km² in 2018 to 10.896 km² in 2019, the largest increase and the highest level in more than 10 years (TerraBrasilis, 2020). Thus, while seasonal fires are common in that part of the year, the sudden rise appears to be clearly related to political variables.

The Amazon wildfires sparked strong international reactions. While scientific evidence of the hazards related to the impact of deforestation on the global climate has been clear for many decades, IPCC reports from 2017 and 2018 had stressed the ever more urgent nature of this problem, as well as the importance of keeping global temperature rises well below 2 degrees Celsius (IPCC 2017; 2018). Initial reactions from President Bolsonaro, neglecting the importance of the wildfires and blaming NGOs without presenting any evidence to support his claim further spurred international preoccupations (Watts, 2019). The signals emitted appear to have incited a more assertive international rhetoric, as many European leaders went on to threaten that the ratification of a trade agreement between Mercosul – of which Brazil is a member – and the European Union, could be compromised by the Brazilian government’s position.

The climax of these fires occurred in August, as images of burning Amazon forest went viral, causing protests all over the world, demanding that President Bolsonaro contained the burnings. In the face of this situation, public and political figures spoke out about the fires and the way the Brazilian government was handling them. On his Twitter profile, the French President, Emmanuel Macron, stated that: "Our house is burning. Literally. The Amazon rainforest, the lung that produces 20% of our planet's oxygen, is on fire. This is an international crisis. Members of the G7, let's discuss this emergency [...]" (@EmmanuelMacron, 2019).

The Brazilian government’s response to foreign critique of its handling of the crisis was harsh. On social networks, Bolsonaro questioned Macron's supposedly “real interests”, and he stated, "we cannot accept that a president, Macron, should make unreasonable and gratuitous attacks on the Amazon, nor that he should disguise his intentions behind the idea of an "alliance" of the G-7 countries to "save" the Amazon, as if we were a colony or a no-man's land". Adding, further, "other heads of state have shown solidarity with Brazil, after all, respect for the

sovereignty of any country is the least that can be expected in a civilized world" (Mazui, 2019). Invocations of images of colonialism were strongly present within Bolsonaro's statements, as was reflected in one of the president's posts on Twitter, "the French president's suggestion that Amazonian issues be discussed at the G7 without the participation of the countries of the region evokes a misplaced colonialist mindset, which does not belong in the 21st Century," (Gallas, 2019). The issue of economic exploitation of the Amazon has been present since the election campaign, with Bolsonaro repeatedly arguing that the forest constitutes the "economic soul" of the country (Reuters, 2019).

A similar rhetoric was adopted by the Brazilian president at a speech in the UN Assembly. Here, he lashed out against countries to whom he attributed "a colonialist spirit", and affirmed that "they even called into question that which we hold as a most sacred value, our sovereignty" (BBC, 2019). The references to sovereignty as directly opposed to international climate commitments date back to Bolsonaro's days as a president elect, when he in likeness with the Trump administration distanced himself from the Paris Agreement. He then threatened to leave the agreement in case that it was not changed, alleging that it was harmful to Brazilian sovereignty.

The Amazon Fund, which was created in 2008 with the purpose of raising donations to finance projects, aimed at combating deforestation and promoting sustainable and legal development in the Amazon, was also affected by the government's attitudes towards forest preservation. Due to the increase in deforestation and, consequently, the burning, Norway and Germany suspended part of the funds allocated to the project. In reaction to the criticism, Bolsonaro stated "you have nothing to set an example to us, take the money and help Angela Merkel reforest Germany". The way in which the president conducts Brazil's diplomatic relations directly affects investments that help protect the biodiversity of the forest. Norway represents about 93.3% of the fund and Germany 6.2% (BNDES, 2017) and, by disregarding countries that could provide allies in the fight for Amazon conservation, the president shows a clear priority of stirring up nationalist sentiments over concerns related to Brazil's international standing.

Bolsonaro also sought to garner some measure of international support for his administration's position. The notion of sovereignty was very central in this regard, as it became the centerpiece in a narrative based on the presumption of international violation of Brazilian right to self-determination. A joint statement after a meeting with Chilean President, Sebastian Pinera, in Brasilia in August 2019 thereby highlighted the importance that environmental challenges were confronted on the basis of a clear respect for national sovereignty (DW, 2019). Although the wording on this occasion was relatively moderate, the implicit linking made between international efforts to combat environmental challenges and possible transgressions of sovereignty is noticeable. In a meeting with his counterpart, Mike Pompeo, in Washington D.C. in September 2019, the Brazilian Minister of Foreign Affairs, Ernesto Araújo, also strongly highlighted Brazil's sovereignty over the Amazon in an attempt to ensure US support for the country's position, as Brazil's international isolation became increasingly evident. Araújo had earlier responded

assertively to the French President Macron's critique of Brazil's position in relation to the Amazon, rebuffing alleged attempts to "relativize sovereignty over its territory" (Coletta, 2019).

In Bolsonaro's speeches one can notice the presence of a strong use of nationalist terminology, highlighting his perception that Brazil should be responsible for the Amazon, and that other countries should respect Brazilian sovereignty. A frequent point is the reference to what is represented as the "real interests" of foreign countries in exploiting the supposedly abundant resources of the Amazon. However, with the current agenda of the Jair Bolsonaro government, Brazil's credibility on environmental protection has been clearly weakened, policies have reduced controls on illegal extractions, and strengthened the view that the country does not have the appropriate competence and will to effectively guard the forest (Londoño & Casado, 2019).

FINAL CONSIDERATIONS; REINTERPRETING SOVEREIGNTY

The events reviewed raise a long-standing question as to where the limits of national sovereignty should be drawn. The first noticeable challenge to unrestrained national sovereignty in the post-cold war period concerned a minimum respect for human rights and the refraining from commitment of atrocities against a country's own population. With time, different generations of rights-based international conventions pushed further in the direction of reconsidering the absolutist character of national sovereignty. In recent decades, growing globalization has also brought about an international political scenario in which political stability was sought achieved through cooperation around issues of common global interest. With increasing urgency, the new source of challenge towards the Westphalian conception of national sovereignty appears to derive from environmental problems, with a strong global impact. As such, the gravity of the climate crisis also raises the question of whether juridical instances should be instituted at the level above the multilateral track, as a sort of supranational body with decisional authority to impose existing agreements on states.

As Stephen Walt's hypothetical, provocative, and deliberately far-fetched article highlights, issues of sustainability and planetary health now span beyond political demands by NGO's and postmaterialist consumers: with the accelerating climate change, this has gained a character as a national security issue. Since 2014, the United States defense department has considered climate change as a "threat multiplier" referring to this phenomenon's potential to exacerbate existing global security risks (Lustgarten, 2020). Yet, compared to other global security challenges, institutionalization of measures to ensure mitigation actions still lags much behind the effective need for such a framework. This is rooted in well-know difficulties of advancing the scope of the climate change regime. Yet, considering the effective need for "hard" measures to raise costs of hazardous environmental behavior, it is not unthinkable that groups or coalitions of concerned states would take it upon themselves to impose harsh sanctions on climate pariahs. That does not mean that global environmental concerns categorically will - and neither should they - override national economic priorities. Rather, it is likely that in some cases, national sovereignty will be renegotiated in the light of these challenges, or even reinterpreted as based on an individual

state's ability to properly manage especially climatic problems. While a government must have the freedom to conduct domestic matters autonomously, there are also situations in which either the direct or indirect global consequences of certain policies should be seriously considered. Hence, what is up for debate is not the conception of national sovereignty, but rather its absolutist interpretation.

The Bolsonaro administration's sovereignist emphasis on its right to deforest the Amazon stands out as a very clear-cut case of outright disregard for global environmental norms, as the economic benefits of these activities are very negligible. Although much of the Amazon is located in Brazilian territory, the forest performs important social, economic, and environmental functions as a major carbon sink and a vital source of biodiversity and fresh water reserves. The damage caused to this ecosystem does not remain restricted to one country, and neighboring states sharing this watershed would be directly affected by deforestation, as the humidity would be reduced along the Andes, with consequences as far South as Buenos Aires (The Economist, 2019). Economic benefits of deforestation are thus extremely negligible compared to the tangible costs of losing essential ecosystems services. Compared to cases in countries where real difficult economic tradeoffs have to be made in transforming energy systems, the Bolsonaro government's rhetoric stands out as an ideologically motivated defense of the right to deforest "at all costs" with basis in the absolutist invocation of the principle of national sovereignty. While scholarly works on the practical significance of this principle throughout history have highlighted it as a fiction (Krasner, 2001 & 2004), the idea that Brazil unhindered should be able to perpetuate an archaic model of natural resource exploitation in the Amazon without economic and political repercussions is even more delusional. This is highlighted by the cases of boycotts and de-investments in Brazilian assets taking place within global supply chains and financial markets as a consequence of the fires in 2019.

Since World War II, with the increasing spread of industrialization and globalization, the thematic dimensions comprised by international cooperation have been expanding and reaching new areas, amongst which environmental issues are of key importance (Sato, 2010). Today, international agreements and regimes aim at channeling the authority of states towards the protection of common goods, such as the environment (Mello, 1999). Following Krasner's (1982) regime definition, environmental commitments take the form of principles, norms, rules and implicit or explicit decision-making procedures, all pressing from different angles towards a certain degree of alignment with this agenda. Although there is no clear and objective constitutional provision beyond the obligations assumed under the IPCC and the Paris Agreement, there is a commitment, even if implicit, among nations and non-state actors that certain lines of action are necessary to confront wide-ranging global problems. In the Anthropocene, both the environmental agenda in general, and the combatting of climate change in particular, have gained a structural political and economic significance which is irreversible, increasing at an exponential pace. Different from what often appears to be the perception within certain conservative political sectors in Brazil, climate change is by excellence the primary concern for public and private

decision-makers in developed countries. The trillions of dollars invested in a comprehensive energy transition creates a very real imperative to avoid risks constituted by environmentally hazardous behavior in other parts of the world, but also to primarily focus on technically and economically low-cost measures for mitigating greenhouse gas emissions. Halting tropical deforestation clearly falls within this category. Thus, while international responses to environmental pariahs often are neither direct or immediate, the indirect measures to dissociate supply chains from deforestation and the long-term efforts to shield financial assets from climate risks imply potentially enormous economic and political costs. Due to its role as a carbon-sink of utmost importance within the global weather system, political agendas should be increasingly sensitive to the influence that the Amazon forest has within the international climate framework.

As a strategy of economic statecraft, the invocation of sovereignty for “the right to deforest” and pursue an archaic low-productivity extractivist development model may produce a situation of isolation which leads to a need to procure other global partners. As the political signaling and appointments made to far by the newly elected President Joe Biden in the United States indicates that the country will press Brazil to prioritize Amazon preservation, the Bolsonaro administration’s current position could become increasingly untenable. With fewer cooperation alternatives, Brazilian autonomy, and potentially also sovereignty, may thus be compromised by the increased dependence on powers more lenient towards environmental transgressions. Increasing Brazil’s international room of maneuver, especially in a post-Trump world, thereby necessitates a re-engagement with the global environmental agenda. That would also make it possible for the country to present its own experiences, perspectives, and solutions within this highly salient policy-arena, and to direct discussions towards positive-sum outcomes and a conception of sustainability which would be sensitive to the needs of developing states.

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