

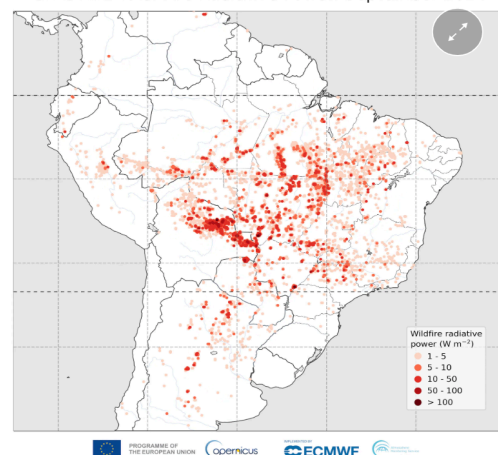
Ecocide in the Amazon? Uncontrollable Forest Fires

In 2024, the fires in the Amazon have caused devastating consequences in Ecuador, Brazil, Bolivia, Peru, and Venezuela.

This year, the Amazon has been wrecked by extreme drought, triggering uncontrollable forest fires that have produced a vast cloud of smoke over most of the region. In August, this smoke spread to other parts of the continent, reaching areas thousands of kilometers away. While most of these fires were human-caused, the dry vegetation, intensified by the drought, fueled fires that quickly became unmanageable throughout the region.

The number of fire outbreaks in the Amazon increased significantly in July, with the situation worsening further in August. In that month alone, 28,697 fires were recorded, raising the year's total to 53,620. This represents an 80% increase compared to the same period in 2023, when 29,826 fires were reported. The accumulated number of fires between January and August 27, 2024, is the highest since 2010, reflecting the gravity of the situation.

GFASv1.2 Total Fire Radiative Power: September 2024



Brazil and Bolivia, two of the most affected countries, have released approximately 210 megatons of carbon dioxide as a result of this devastating wave of fires. In addition to the Amazon, the Pantanal, an ecosystem shared by Bolivia, Brazil, and Paraguay, has also suffered record levels of emissions over the last 20 years.



This environmental crisis is directly linked to the accumulated deforestation in the region, which has reduced the Amazon's ability to generate moisture and precipitation, a vital cycle for its own regeneration.

Experts and authorities indicate that many of these fires were deliberately set, despite prohibitions imposed by some countries regarding the use of fire for agricultural and forestry management. These acts, generally committed by farmers or criminals seeking to clear areas of forest for exploitation, have largely gone unpunished. The combination of this impunity with the worst drought in decades has created an unsustainable situation.



Throughout 2024, South America recorded nearly 400,000 fire outbreaks, almost double those reported in the same period of 2023, according to the Brazilian National Institute for Space Research (INPE). This situation not only affects biodiversity and ecosystem health but also contributes significantly to climate change. Organizations like Mapbiomas have highlighted that when native forests burn, affected trees emit more carbon dioxide than they can absorb over the next decade, weakening the Amazon's ability to mitigate global warming.

The damage caused by these fires not only degrades vegetation but also weakens the forest canopy, increasing solar radiation in the area and making recurring fires more likely. Additionally, it impacts indigenous communities and their homes, forcing them to relocate to avoid becoming victims of the flames. This negative feedback loop reduces the Amazon's capacity to mitigate the effects of climate change, contributing to the proliferation of extreme weather events, which are becoming more frequent and devastating worldwide.

"Incendiary" Laws in Bolivia

Since 2013, Bolivia has implemented a series of laws and decrees that have facilitated the uncontrolled expansion of the agricultural frontier, contributing to an unprecedented environmental crisis in the country. These regulations have been labeled "incendiary" because they have promoted the massive clearing of forests and exacerbated deforestation, intensifying the fire crisis that affects vast regions of Bolivia.

One of the most controversial laws is Law 337, known as the "Law of Support for Food Production and Forest Restoration," which granted amnesty for illegal clearings carried out up to 2011. This law allowed the regularization of previously deforested lands, paving the way for unrestricted agricultural expansion. Law 502 extended the scope of Law 337. Between 2015 and 2022, 460,000 hectares of forest were cleared, of which only 40,800 were used for food production, raising questions about the fate of the remaining deforested lands.

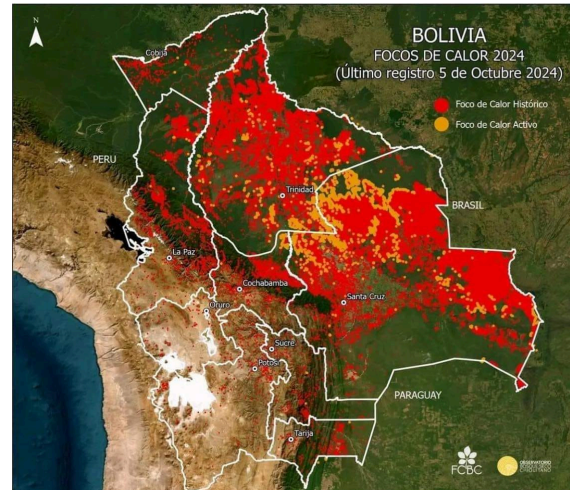
Law 741, passed in 2015, allowed small and medium-sized landowners to clear up to 20 hectares of forest for agricultural and livestock activities. Although its goal was to promote food production, this regulation has been exploited by private interests and land traffickers, resulting in massive, uncontrolled fires, especially in vulnerable areas. These fires have devastated large tracts of forest and severely impacted indigenous communities.

The impact of these laws has been worsened by additional regulations, such as Law 1171, which forgives fines for unauthorized burning, and Supreme Decree 24,253, which imposes a symbolic fine of only 20 cents of a dollar per hectare of illegally deforested land, making Bolivia a "paradise" for illegal deforestation. Adding to this are Supreme Decree 3973 and its subsequent extension with Law 26075, which prioritize livestock and industrial production over forest conservation.

Despite the devastating fires that have consumed nearly four million hectares in just a few months, the regulations allowing these practices remain in force. Supreme Decree 4334, which regulates land clearing in Santa Cruz and Beni, has facilitated what experts call "authorized fires." These fires, far from being controlled, have increased pollution, biodiversity loss, and worsened the environmental crisis in Bolivia.

The productive sector has been identified as the main culprit for forest fires in Santa Cruz. However, the Eastern Agricultural Chamber (CAO) has argued that only 29% of the land in the region belongs to large, medium, and small

producers, while 78.4% of the fires occur on public and indigenous lands.



Faced with this crisis, environmental and civil organizations have urgently called for the revision and repeal of these laws, as they not only contradict the country's Political Constitution but also the Environmental Law and the Law of Mother Earth.

Finally, after two months of devastating fires, which destroyed 56 homes and burned nearly four million hectares, the Bolivian government declared a national disaster on September 30, 2024. This tragedy adds to a history of 10 million hectares burned in the country, representing approximately 10% of Bolivian territory.

The Case of Brazil

In 2024, Brazil has been the country most affected by forest fires, with over 40.2 million hectares burned, exceeding the decade's annual average of 31 million, according to Copernicus. At least a dozen firefighters have lost their lives battling the flames. By July, a



historic record of more than 113,000 square kilometers had been destroyed by fires.

In August, over 80% of the fires were concentrated in the states of Pará (36%), Amazonas (29%), and Mato Grosso (16%). Experts indicate that fires in the Amazon, a biome where natural fires are rare, are deliberately set, mostly for agricultural activities like deforestation and pasture renewal.

Environment Minister Marina Silva explained that the combination of high temperatures, drought, and evapotranspiration has made Brazilian biomes more vulnerable to fire. A study by the NGO World Weather Attribution (WWA) also revealed that drought, climate change, and El Niño significantly increased the likelihood of fires in the Pantanal.

The Climate Observatory emphasized that most of these fires are human-caused. In Brazil, burning pastures and deforested plots is common practice during this period, but this year, the destruction has been much greater. Although deforestation in the Amazon has slowed, it remains a serious problem, while regions like the Cerrado continue to lose vast areas to soybean crop expansion.

The NGO AllRise pointed out that during Jair Bolsonaro's presidency, fines for illegal deforestation dropped by 42%, fostering impunity. Since 2021, Brazil has recorded more than 180,000 fire-related deaths over the last 80 years, a figure that reflects the cumulative impact of environmental destruction.

The Rest of the Region

Across the rest of South America, forest fires continue to severely affect several countries. In Ecuador, authorities evacuated hundreds of families due to fires threatening the capital, Quito, forcing President Daniel Noboa to cancel his participation in the UN General Assembly.

Peru has also been hit hard, with at least 21 deaths caused by fire and smoke, prompting the government to declare a state of emergency in several provinces.

Argentina faced active fires in the province of Córdoba, in the central region, while in Colombia, fires primarily affected the department of Huila, located in the southwest. Paraguay, meanwhile, saw fire sweep through more than 353,000 hectares, including 14,119 hectares belonging to indigenous communities, according to satellite data.



Ecocide? International Responsibility

The fires that have ravaged the Amazon in 2024, mainly attributed to human activity, raise serious questions about state responsibility and the possibility of classifying these events as ecocide. The massive deforestation, intentional fires, and ineffective

enforcement of national and international environmental laws reveal clear state negligence in protecting this crucial ecosystem for the world.

The concept of ecocide has been proposed in international forums as a crime under international law comparable to crimes against humanity or genocide. Although it has not yet been formally incorporated into the Rome Statute of the International Criminal Court, many jurists and activists argue that large-scale environmental destruction, like that occurring in the Amazon, meets the criteria of severe and systematic harm necessary to be considered ecocide.

The right to a healthy environment has been recognized in multiple international human rights protection systems. Environmental degradation not only affects this right but also other fundamental rights, imposing obligations on states to respect and ensure the protection of their citizens from such harm.

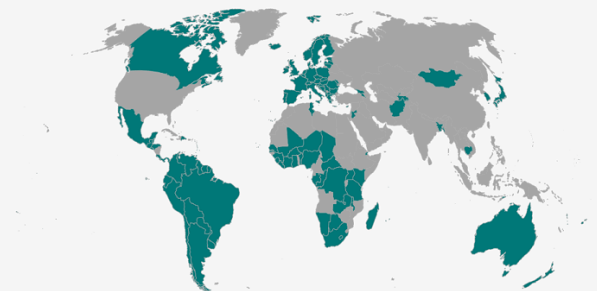
State responsibility arises from their obligation to prevent environmental destruction, within the framework of international treaties like the Paris Agreement and the Convention on Biological Diversity. The failure to effectively implement or enforce these norms, combined with policies that indirectly incentivize deforestation, could render states responsible for facilitating or failing to prevent these environmental crimes. Thus, the fires in the Amazon, mostly caused by human intervention and the lack of effective state protection, could be considered a case of ecocide, given their potential to cause

irreversible damage to one of the planet's most valuable ecosystems.

In 2021, the Collective for Human Rights Defense, the Arms Commission, and the Articulation of Indigenous Peoples of Brazil (APIB) denounced President Jair Bolsonaro's administration before the International Criminal Court for ecocide due to its destructive policies in the Amazon. Although this complaint was dismissed at the time, it set a precedent for discussions on environmental crimes in the international legal field.

124 países podrían reconocer al ecicidio como delito internacional

Estados miembros del Estatuto de Roma de la Corte Penal Internacional



Fuente de datos: ICC • Gráfico: Diálogo Chino

Nota: Las modificaciones al tratado para reconocer el ecicidio como delito requerirían el apoyo de dos tercios de los miembros.

It is crucial that the international community continues to push the debate on the classification of ecocide in international law, to hold both state and non-state actors accountable for perpetuating this type of environmental destruction. In September, the UN Secretary-General, António Guterres, emphasized before the General Assembly that the world is in an unsustainable situation due to impunity, inequality, and uncertainty. The fires in the Amazon exemplify this reality: provoked by human actions, they go unpunished and exacerbate the conditions of



inequality, affecting communities that lose their homes and livelihoods.

Conclusions

The forest fire crisis affecting the Amazon and other regions of South America highlights the connection between human activity, environmental degradation, and climate change. The devastation caused by these fires, mostly attributable to irresponsible agricultural practices and a permissive regulatory framework, raises serious questions about the responsibility of states to protect vital ecosystems.

The magnitude of the fires, resulting in the loss of millions of hectares of vegetation and massive carbon dioxide emissions, underscores the urgent need to strengthen environmental laws and ensure their enforcement. The ineffectiveness of current policies and the impunity of those responsible for causing these fires not only exacerbate the climate crisis but also violate the rights of communities reliant on these ecosystems.

The concept of ecocide has emerged as a critical element in the debate on environmental

protection, and the global community must work towards its integration into international law. The crisis in the Amazon should serve as a catalyst for effective international cooperation and the implementation of sustainable policies to reverse damage and secure a viable future for upcoming generations. In this regard, restoration and conservation efforts must be prioritized, ensuring that economic development does not come at the expense of natural resource protection and the well-being of affected communities.

The world stands at a critical juncture with COP16 on biodiversity, a pivotal event now threatened by the Amazon fires, where States have the opportunity to fulfill their commitments.

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