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## **Advisory Panel on the Question of South America (APQSA)**

*The question of legislations for  
protecting the Amazon Forests in all  
borders/countries*

DOĐA DENİZ TÜFEKÇİ



RESEARCH  
REPORT



**Forum:** Advisory Panel on the Question of South America (APQSA)

**Issue:** The question of legislations for protecting the Amazon Forests in all borders/countries

**Student Officer:** Doğa Deniz Tüfekçi - Deputy Chair

## Introduction

The Amazon is the world's largest ecosystem that covers eight countries, Brazil, Bolivia, Peru, Ecuador, Colombia, Venezuela, Guyana, and Suriname, as well as French Guiana ("Amazon: Facts"). The Amazon holds around three million species of plants and animals, as well as a population of one million indigenous peoples ("Brazil: Amazon"). Today, there are multiple reasons why the Amazon, the provider of resources such as water and food to the inhabitants of the South American continent, as well as the whole world, is slowly disappearing. For the local communities relying on the Amazon forests, the resources they acquire from the Amazon are crucial. Some of the reasons for deforestation are climate change, everlasting fires, poorly established infrastructure, and lack of sufficient governance of the forest. For example, illegal logging has become a significant reason for forest loss in the Amazon. While there is already legislation that authorizes logging in designated areas, illegal logging is widespread in Brazil and many other Amazon countries (Butler).

The Amazon fires of 2019 have helped draw attention from the international community about the question of protecting the Amazon. According to Douglas Morton, head of the Biospheric Sciences Laboratory at Nasa's Goddard Space Flight Center, most of the fires in 2019 were caused due to consistent and intentional land clearing rather than the common dry season ("The Amazon"). Most of the Amazon is inside Brazil's borders and the country actively takes place in discussions such as the Glasgow Climate Change Conference. Yet, their repeated agenda of ending deforestation has not proven successful, and the law enforcement seem to carry less power, relevant to the past, in terms of tackling farmers and companies breaking environmental law. According to a report published by Brazil's National Institute for Space Research (INPE) on November 18, there was more than 13,000 square km of forest lost between August 2020 and July 2021 (Taylor). This is the highest amount of deforestation since 2006, which shows the dire situation that the Amazon is facing. Many critics believe that the increase in deforestation was caused by the governments' lack of interest towards protecting the Amazon and tolerating unlawful conduct. Changes and additions to the legislation are necessary to mitigate deforestation in the Amazon rainforests.

## Definition of Key Terms

**Agriculture** is defined as "the practice or work of farming" by the Cambridge Dictionary.

**Deforestation** is "the act of cutting down or burning the trees in an area" according to Oxford Learner's Dictionaries.

## General Overview

For the majority of human history, deforestation in the Amazon was mostly for the subsistence of farmers, who grew crops for their families and local communities. However, this changed with the twentieth century, with an increasing amount of deforestation caused by industrial activity and large-scale agriculture. The biggest challenge in protecting the Amazon today is to halt illegal deforestation and avoid the deforestation of Amazon greater than the legal levels. The responsibility falls mainly to the countries sharing the Amazon basin and especially Brazil, since about 60% of the Amazon is within Brazil's borders. Brazil and other countries' legislations are key to reducing deforestation in the Amazon. Brazil passed the first Forest Code in 1965, requiring Amazon landowners to keep 80 percent of their land under "native vegetation". So, although farmers can buy land in the Amazon, they can only farm 20% of it. The Forest Code is a law that ensured our Amazon rainforest to be protected up to some level.

In 2012, an amended Forest Code was created, which rejected penalties to be given to previous illegal deforestation activities in the Amazon. This New Forest Code was upheld by the Supreme Court in 2018, and many environmentalists believed these amendments would lead to a surge in deforestation rates. Farmers and the agricultural side favor this new amendment and think it is pivotal for the growth of the agricultural sector of Brazil. On the other hand, environmentalist organizations such as the Nature Conservancy, are working to find alternatives that both maximize the benefits of farming activities and maintain the forested portions of the Amazon.

Jair Bolsonaro, current President of Brazil, took office in 2019, and the deforestation levels have risen to their highest in more than a decade, although his administration promised to end deforestation. Combating deforestation is not entirely impossible, the Brazilian government could even fulfill the promises it has made. In the past, from 2004 and 2012, deforestation rates dropped 80 percent (Andreoni). In the last COP26 meeting, the Minister of the Environment of Brazil, Joaquim Leite, has stated that they're aiming to eliminate all illegal deforestation by 2028 ("Brazil - High". Whether this will be applied in their legislation poses the real importance. The legislative initiatives that are already in place fall deficient, therefore what the Amazon needs is a new framework of legislation that prohibits the regularization of land being owned by land grabbers. A large portion of the Amazon is not currently designated to be public or private land, therefore no laws apply to those areas. Land grabbers invade such areas, deforest them, and then later claim these areas. Constitutional amendments should be made to protect the rainforests from land grabbers and improve the law enforcement agencies that punish such environmental crimes. Government and law enforcement agencies should be responsible, in general, for funding deforestation monitoring and preventing deforestation, as well as punishing offenders.

## Treaties and Events

### *Indigenous and Tribal Peoples Convention of the International Labour Organization (No. 169)*

- This is a very important convention that recognizes the rights of indigenous peoples and tribal communities to land and resources. Brazil ratified this convention, therefore, it carries legislative value for the Brazil government.

### *United Nations Declaration on the Rights of Indigenous Peoples*

- Brazil is one of the signatories of the declaration. The declaration recognizes the rights of indigenous peoples and it is the most comprehensive human rights document, by the United Nations, dedicated to indigenous peoples.

### *Convention on Biological Diversity*

- This is a convention that carries the aims of protecting nature and biodiversity. All 8 countries that share the Amazon basin have all ratified the Convention on Biological Diversity,

### *United Nations Framework Convention on Climate Change (UNFCCC)*

- This convention was important to set up a precedent to treaties that discussed the issue of combating human interference with the climate and climate change. All 8 countries have also ratified this convention, which shows their dedication to dealing with climate change.

### *2015 Paris Agreement*

- This treaty was also ratified by the 8 countries, and it is important because countries that have ratified the agreement set a goal of stabilizing greenhouse gas emissions and keeping global warming under 1.5 degrees Celsius by adapting new socioeconomic policies (“The Paris Agreement”).

### *Amazon Cooperation Treaty*

- This treaty was signed in 1978 by the 8 countries, aiming to promote sustainable development of the Amazon. The ACT encourages the preservation of the Amazon rainforests and guides cooperation between the countries sharing the Amazon basin (“Amazon Cooperation Treaty”).

## **Evaluation of Previous Attempts to Resolve the Issue**

One of the biggest contributors to decreasing deforestation rates in the Amazon was through Brazil's project known as Amazon Soy Moratorium (ASM). This project initiated a zero-deforestation commitment, banning traders from purchasing soy produced in the Amazon's deforested land after July 2008 (Paim). Among the most prominent of these policies is the Amazon Soy Moratorium (ASM), an agreement by grain traders not to purchase soy grown on recently deforested land, which was through coordination between different sectors and NGOs.

The Brazilian government has also created the Amazon Fund, which follows REDD+ principles and raises money to invest in combating deforestation, as well as to promote the preservation and sustainable use of the Brazilian Amazon (“Amazon Fund”).

The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (UN-REDD) programme was created in partnership with the United

Nations Development Programme (UNDP) and the United Nations Environment Programme (UNEP). The programme aims to help countries on the implementation of the Paris Agreement and meet the UNFCCC requirements by providing the necessary economic and technical help.

## **Possible Solutions**

Indigenous peoples' communities have shown to be having a positive impact on biodiversity in the forests, also being linked to lower carbon emission levels when their land rights are respected (Tauli-Corpuz, Victoria, et al.). Therefore, recognizing the right to land and self-determination of indigenous peoples is important for future policies. Policies that emphasize political representation, self-governance, and territorial control of indigenous peoples can be helpful for creating a strong platform in which indigenous communities conserve biodiversity, while maintaining their cultural identity and connection to the land.

Zero deforestation policies are also helpful approaches to the issue. Through its zero-deforestation policy, the soy moratorium strengthens climate change commitments. Corporations could also play a significant role, through the use of market-based mechanisms, in achieving forest conservation. Companies could also take their own initiatives by implementing “zero deforestation” policies that clean up their supply chains. Companies should hold their suppliers accountable if they produce their products in a way that encourages deforestation. There is a close link between deforestation and international supply chains. Companies should refrain from buying products such as meat, soy, etc. which had been produced in farms built in deforested areas.

Lastly, countries should implement policies in their legislation to promote education on the topic of deforestation and the Amazon, which is very crucial. Even though the Amazon contains more than a third of the world's rainforests, we do not pay the necessary attention to the issues of the Amazon. The deforestation in Amazon is a big threat to climate change, and if Amazon is pushed beyond the point where it can no longer sustain itself, there could be devastating impacts on climate. Amazon is an important factor if the goal of limiting global warming below 1.5 degrees is going to be achieved. The more we learn about Amazon rainforests – and causes of deforestation - the more we can help bring attention to the issues.

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