



Political Bargaining and the Unmaking of Amazon Protection in Brazil

DIE ERDE

Journal of the
Geographical Society
of Berlin

Carlos José Saldanha Machado¹, Rodrigo Machado Vilani^{2*}, Philip M. Fearnside³

¹ Fundação Oswaldo Cruz (Fiocruz), 21040-900, Rio de Janeiro, RJ, Brazil; <https://orcid.org/0000-0001-7642-1379>; carlos.saldanha@fiocruz.br

² Universidade Federal do Estado do Rio de Janeiro (UNIRIO), 22290-240, Rio de Janeiro, RJ, Brazil; <https://orcid.org/0000-0002-8286-1677>; rodrigo.vilani@unirio.br

³ Instituto Nacional de Pesquisas da Amazônia (INPA), 69067-375, Manaus, AM, Brazil; Brazil; <https://orcid.org/0000-0003-3672-9082>; pmfearn@inpa.gov.br

* corresponding author

Manuscript submitted: 02 April 2026 / Accepted for publication: 10 July 2026 / Published online: 16 September 2026

Abstract

This brief communication aims to demonstrate that recent Brazilian setbacks constitute a systemic transformation of environmental governance that weakens constitutional safeguards, undermines Indigenous rights, and elevates climate and zoonotic risks in the Amazon. By reframing environmental licensing and land demarcation as instruments of short-term political and geopolitical bargaining, Brazil jeopardizes domestic ecological stability, global climate security, and public health.

Keywords Indigenous rights, climate change, environmental policy, public health

1. Introduction

In April 2026, the Brazilian political structuring process began in preparation for the elections—for the positions of President of the Republic, governors and senators, federal, state and district deputies—scheduled for October. Within the federal government, Ministers Marina Silva—Environment and Climate Change—and Sônia Guajajara—Indigenous Peoples, for example, left their positions to run for office in the Legislative Branch. In an election year, the focus on this process may weaken government actions to protect the Amazon and guarantee Indigenous territorial rights.

In late March 2026, Indigenous leaders sent an open letter to President Lula denouncing the lack of vaccination for diseases such as whooping cough, measles, rubella, and mumps, the spread of diseases like malaria and tuberculosis, and criticizing the centralized format adopted in the assistance process for Indigenous peoples, which could be improved with greater participation and the regular presence of Indigenous health professionals and agents in Yanomami territory (Portal Roraima, 2026).

This brief communication aims to demonstrate that recent Brazilian setbacks constitute a systemic trans-

Machado, C. J. S., Vilani, R. M., & Fearnside, P. M. (2026). Political bargaining and the unmaking of Amazon protection in Brazil. *DIE ERDE*, 157(x), xx–xx.



<https://doi.org/10.12854/erde-2026-815>

formation of environmental governance that weakens constitutional safeguards, undermines Indigenous rights, and elevates climate and zoonotic risks in the Amazon.

This study adopts a qualitative, interdisciplinary research design combining doctrinal legal analysis, policy analysis, and political-ecological assessment. The objective is to examine how recent legislative and executive measures in Brazil reshape environmental governance, Indigenous territorial rights, and climate security in the Amazon, situating these developments within both domestic institutional dynamics and shifting geopolitical pressures.

First, we conduct a systematic analysis of primary legal sources, including Federal Law No. 15,190/2025, Provisional Measure 1308/2025 (as converted into law), Constitutional Amendment Proposal 48/2023, Decree No. 12,600/2025, and related congressional voting records. Second, we incorporate policy process analysis to understand the interaction between branches of government and the political economy of legislative change. Third, the research contextualizes domestic developments within international geopolitical dynamics. Methodologically, the analysis follows a triangulation strategy. Legal texts, scientific evidence, and political events are cross-examined to ensure analytical consistency and to avoid reductionist explanations. Rather than treating environmental deregulation, Indigenous land policy, and foreign economic pressure as isolated phenomena, the research conceptualizes them as mutually reinforcing elements within a broader governance transformation.

From the perspective of political ecology and critical geography, these developments can be interpreted as part of wider socioecological conflicts surrounding environmental justice, resource governance, neo-extractivism, and competing territorial projects (Escobar, 2019; Gudynas, 2015; Svampa, 2015). Under this perspective, setbacks in the Brazilian Amazon not only encompass the Amazonian region but also apply to Brazil's environmental and climate policy in general. These policies cannot be understood as a mere regulatory scenario, but rather as an arena of political disputes between different national territorial projects and transnational interests on the one hand, and constitutional guarantees (especially those for Indigenous peoples) on the other.

2. The Systematic Dismantling of Environmental Licensing

The recent reconfiguration of climate security as an instrument of political bargaining in Brazil must be understood against the backdrop of a broader legislative offensive targeting environmental governance. The most concrete and consequential expression of this shift has been the direct assault on Brazil's environmental licensing regime, historically one of the core institutional pillars of precaution, risk prevention, and democratic oversight. On November 27, the National Congress overturned 52 presidential vetoes to Federal Law No. 15,190 (August 8, 2025) and consolidated a model of environmental self-licensing that fundamentally alters the normative logic embedded in Brazilian environmental law.

Under this new framework, licensing ceases to function as a substantive process of technical scrutiny and collective deliberation. Instead, it becomes an expedited administrative pathway designed to facilitate economic ventures with high environmental and social impacts. The reform weakens environmental oversight, restricts cumulative impact assessments, and marginalizes the participation of Indigenous and *Quilombola* peoples (descendants of enslaved Africans living in traditional communities), generating clear tension with constitutional guarantees and with the domestic legal framework implementing ILO Convention 169, which requires consulting these peoples under a strict protocol as specified in the Convention to obtain free, prior, informed consent (FPIC) for all projects or actions that affect them. Environmental licensing is thus reframed from a safeguard of ecological and human integrity into a procedural instrument enabling projects with potentially irreversible socio-environmental consequences (Agência Senado, 2025; Machado et al., 2026; Observatório do Clima, 2025).

This erosion of regulatory safeguards did not occur in isolation. It was rapidly reinforced by additional legislative measures intended to compress decision-making timelines and centralize political control over environmental approvals. In early December 2025, Congress converted Provisional Measure 1308/2025 into law, creating a special environmental license that obliges licensing authorities to authorize projects classified as 'strategic' within a one-year deadline. The determination of strategic relevance is delegated to a politically appointed committee, effectively subordinating environmental evaluation to short-term

political priorities. The mechanism is designed to expedite infrastructure and extractive projects in the Amazon, including offshore oil extraction in the mouth of the Amazon River, the reconstruction of the BR-319 highway (connecting Manaus and Porto Velho and, with planned side roads, opening a vast area of Amazon forest to deforestation), and the expansion of mining activities, including those for critical minerals (Congresso Nacional, 2025; Fearnside, 2022; Machado et al., 2026).

The implications of this deregulation extend beyond ecological degradation and encompass significant public health risks. The systematic weakening of environmental licensing disregards robust scientific evidence linking deforestation, infrastructure expansion, and ecosystem disruption in the Amazon to the emergence and amplification of infectious diseases with pandemic potential (Ferrante, 2024; Ferrante et al., 2025). Researchers from multiple Brazilian institutions warn that setbacks in environmental protection may expose microbial reservoirs previously contained by the absence of high-impact human activities in the Amazon region (Ferrante et al., 2025). By enabling mining operations, road construction, and territorial invasions by land grabbers and squatters, state policy intensifies contact zones between human populations, wildlife, and pathogens. Environmental deregulation therefore undermines not only climate security but also global health, placing the Amazon at the intersection of ecological breakdown, epidemiological vulnerability, and political decision-making (Ellwanger et al., 2020; Ellwanger et al., 2022). More broadly, this case illustrates a recurrent theme in political ecology: Socioenvironmental crises are not simply the outcome of ecological processes but are shaped by power relations, institutional choices, and the unequal distribution of environmental risks and benefits.

3. The Concurrent Assault on Indigenous Territorial Rights

The environmental and public health risks outlined above are inseparable from a parallel political process targeting those who have historically acted as the most effective guardians of the forest. Beyond dismantling regulatory safeguards, the National Congress has advanced measures that directly restrict Indigenous territorial rights, thereby weakening one of the most empirically robust barriers against defor-

estation and ecosystem collapse. On December 9, the Senate approved the so-called “temporal framework” (Senado Federal, 2025), despite its prior rejection by the Supreme Court. According to this interpretation, Indigenous peoples would hold rights only to lands they physically occupied or formally disputed on October 5, 1988, the date of Brazil’s current Constitution. Constitutional Amendment Proposal (PEC in Portuguese) 48/2023 seeks to enshrine this criterion for new demarcations, limiting recognition of traditionally occupied territories even when historical documentation demonstrates prior possession or when removals occurred under coercion. It further provides for compensation to illegal non-Indigenous occupants at market value, including the allocation of equivalent land.

The *Articulação dos Povos Indígenas do Brasil* (Articulation of Indigenous Peoples of Brazil, APIB), the main organizing force for Brazil’s Indigenous movement, selected a broad number of bills that put Indigenous rights at risk, such as: 1. Bills 4039/2024 and 6093/2023, which would change the rules for the demarcation of Indigenous lands; 2. Bills 27/2025 and 1570/2023, which would allow the non-Indigenous economic exploitation of Indigenous lands; 3. Draft Legislative Decrees 51/2025 and 47/2025, and Bill 433/2025, which would weaken the National Foundation for Indigenous Peoples; 4. PEC 59/2023 transfers the authority over land demarcation from the Presidency to the National Congress, and PEC 10/2024, which would infringe on the exclusive rights of Indigenous peoples, allowing leasing, contracts with non-Indigenous people, and other economic activities that violate constitutional guarantees (APIB, 2025).

The temporal framework proposal represents a substantial alteration of Brazil’s constitutional framework. It threatens the protection of territories claimed by communities expelled or forcibly removed before 1988 and remains pending consideration by the Chamber of Deputies. The measure contradicts both constitutional mandates and global climate objectives, given that Indigenous territories have repeatedly been demonstrated to function as effective barriers to deforestation. In the midst of this dispute, Brazil’s capacity to present itself as a leader in Amazon protection is weakened. During COP30, Colombia announced a ban on new oil and mining projects in its Amazonian region, declaring the area free of additional fossil fuel and mineral concessions as a political and scientific commitment to its preservation (Hanbury,

2025). By contrast, Brazil's contested domestic landscape has witnessed continued approval of extractive initiatives and legislative backsliding, undermining its credibility in international climate negotiations.

These dynamics are consistent with the literature on neo-extractivism (e.g., Gudynas, 2015), which shows that resource-dependent development increasingly reproduces environmental conflicts even when justified through energy transition discourses. The dispute over Indigenous territorial rights also reflects broader global debates concerning environmental justice and the recognition of Indigenous peoples as central actors in biodiversity conservation and climate governance. Evidence from different parts of the world increasingly demonstrates that territorial security and Indigenous self-determination constitute key conditions for the protection of socioecological systems (e.g., Zanjani et al., 2023).

4. The Enabling Political Context of Institutional Conflict

These developments unfolded within a broader institutional confrontation among the branches of government. The tension between economic expansion and environmental protection is amplified by a visible conflict between the Legislative, the Executive, and the Supreme Court. On the same evening as the Senate vote on the temporal framework, the Chamber of Deputies approved, by 291 to 148 votes, a sentencing adjustment bill reducing penalties for individuals convicted of the anti-democratic acts and attempted coup of January 8, 2023, including former President Jair Bolsonaro (Câmara dos Deputados, 2025). The simultaneity of these decisions reveals the political alignments sustaining the anti-environmental agenda.

Conservative factions have orchestrated legislative maneuvers that intensify disputes with the Supreme Court and place Indigenous land demarcation at the center of political negotiation. Climate security becomes entangled in partisan bargaining. Simultaneously, the expansion of the mining and agricultural frontier to meet international demand exerts additional pressure on domestic legislation. A decisive external factor emerged following the inauguration of U.S. President Donald Trump in January 2025. This U.S. presidential administration has adopted commercial and military strategies aimed at securing access to strategic resources abroad.

Viewed through the lens of critical geography, these institutional disputes are not merely domestic political controversies. They reveal how environmental governance increasingly becomes embedded within global commodity chains, energy transition policies, and geopolitical competition for strategic resources. Similar dynamics have been documented in different regions of the Global South, where pressures for mineral extraction, infrastructure expansion, and export-oriented development frequently collide with Indigenous territorial rights, biodiversity conservation, and climate commitments (Fearnside, 2022; Vilani et al., 2022; Zanjani et al., 2023).

Against this backdrop, Brazil's position as a commodities exporter becomes geopolitically strategic. Although President Luiz Inácio Lula da Silva ("Lula") uses discourse emphasizing environmental leadership, policy choices reveal persistent contradictions. Decree No. 12,600/2025 included the existing and planned waterways on the Madeira, Tocantins, and Tapajós Rivers in the National Privatization Program, granting concessions to private actors to facilitate commodity exports. Indigenous mobilization followed, including the occupation of a port operated by Cargill on the Tapajós River, leading to the suspension of dredging activities (Brasil de Fato, 2026). On February 20, 2026, President Lula announced his intention to discuss the exploitation of critical minerals and rare earth elements with President Trump (Barreto, 2026). Under the banner of a just energy transition, expanded mineral extraction in the Amazon threatens 45 isolated Indigenous peoples and heightens ecological, climatic, and zoonotic risks (Harari, 2025). In summary, contradictions in Brazilian environmental and climate policy are reflected in the impacts of the energy transition because access to and extraction of critical minerals are structured on historical patterns of territorial dispossession and environmental injustice, even under governments formally committed to climate action.

5. Conclusions

Brazil's launch of the Indigenous Lands Protection Program at the November 2025 COP30 climate summit underscores the centrality of territorial demarcation and autonomous management as instruments of climate justice and recognition of Indigenous rights. Yet this initiative stands in stark contrast to domestic legislative trends. Its effectiveness depends on accel-

erating physical demarcation, overcoming legal and administrative barriers, and ensuring stable funding that enables communities to exercise self-determined governance. Coordination among federal, state, and municipal authorities, Indigenous organizations, civil society, and international partners will be essential to prevent protective commitments from remaining merely token.

The legislative package described above constitutes a coherent challenge to the foundations of Amazonian conservation. It trades long-term ecological security for immediate economic and political gains. The Brazilian Constitution enshrines the right to an ecologically balanced environment, imposing upon the state a duty of protection. The Federal Supreme Court now faces the task of reaffirming that constitutional interpretation cannot legitimize accelerated ecosystem destruction. At stake is not only domestic environmental governance but also Brazil's international posture in negotiations involving strategic resources and global climate commitments. The resilience of Brazilian democracy will be measured by its capacity to resist both external pressures, affirming a national project committed to defending the Amazon, safeguarding Indigenous peoples, protecting public health, and preserving the environment. Beyond the Brazilian context, the developments considered here contribute to broader debates in critical geography and political ecology concerning the governance of socioecological crises in the twenty-first century.

The Brazilian case illustrates processes that extend well beyond national politics and concerns over Amazon conservation. It demonstrates how contemporary environmental governance is increasingly shaped by the interaction between domestic political bargaining, constitutional disputes, and geopolitical pressures associated with global resource transitions. This case shows how environmental deregulation and Indigenous dispossession are not independent phenomena but rather are interconnected effects of extractive expansion for critical minerals.

Acknowledgments

C. J. S. Machado's research is funded by the National Council for Scientific and Technological Development (CNPq; Process 304479/2023-3). P. M. Fearnside's research is funded by the INPA Institutional Research Program (PPI; PRJ15.125), the Brazilian Research Network on Climate

Change (FINEP/Rede CLIMA; Process 01.13.0353-00), the National Council for Scientific and Technological Development (CNPq; Processes 312450/2021-4; 406941/2022-0), and the Research Support Foundation of Amazonas state (FAPEAM; Process 01.02.016301.02529/2024-87).

References

- Agência Senado (2025, November 27). *Congresso derruba 52 itens de veto a Lei Geral-do-Licenciamento Ambiental* [Congress overrides 52 vetoed items from the General Environmental Licensing Law]. <https://www12.senado.leg.br/noticias/materias/2025/11/27/congresso-derruba-52-itens-de-veto-a-lei-geral-do-licenciamento-ambiental>
- Articulação dos Povos Indígenas do Brasil (2025, July 10). *Exigimos o fim da agenda anti-indígena no Congresso Nacional!* [We demand an end to the anti-Indigenous agenda in the National Congress!]. <https://apiboficial.org/alerta-congresso/>
- Barreto, K. (2026, February 20). *Lula diz que quer conversar com Trump sobre minerais críticos e terras raras* [Lula says he wants to talk to Trump about critical minerals and rare earths]. G1. <https://g1.globo.com/politica/noticia/2026/02/20/lula-diz-que-quer-conversar-olho-no-olho-com-trump-sobre-minerais-criticos-e-terras-raras.ghtml>
- Brasil de Fato (February 7, 2026). Após mobilizações, governo federal suspende dragagem no Rio Tapajós. [Following mobilizations, the federal government suspends dredging in the Tapajós River]. <https://www.brasildefato.com.br/2026/02/07/apos-mobilizacoes-governo-federal-suspende-dragagem-no-rio-tapajos/>
- Câmara dos Deputados (2025, December 10). *Câmara aprova projeto que reduz penas dos condenados pelo 8 de janeiro* [Chamber approves bill reducing sentences for those convicted over the January 8 events]. Agência Câmara de Notícias. <https://www.camara.leg.br/noticias/1231564-camara-aprova-projeto-que-reduz-penas-dos-condenados-pelo-8-de-janeiro/>
- Congresso Nacional (2025, December 30). *Medida Provisória nº 1308, de 2025, Instituição da Licença Ambiental Especial – LAE* [Provisional Measure No. 1308 of 2025 – Establishment of the Special Environmental License]. <https://www.congressonacional.leg.br/materias/medidas-provisorias/-/mpv/169777>
- Ellwanger, J. H., Kulmann-Leal, B., Kaminski, V. L., Valverde-Villegas, J. M., Veiga, A. B. G. D., Spilki, F. R., Fearnside, P. M., Caesar, L., Giatti, L. L., Wallau, G. L., Almeida, S. E. M., Borba, M. R., Hora, V. P. D., & Chies, J. A. B. (2020). Beyond diversity loss and climate change: Impacts of Amazon deforestation on infectious diseases

- and public health. *Annals of the Brazilian Academy of Sciences* 92, e20191375. <https://doi.org/10.1590/0001-3765202020191375>
- Ellwanger, J. H., Fearnside, P. M., Ziliotto, M., Valverde-Villagas, J. M., Veiga, A. B. G. D., Vieira, G. F., Bach, E., Cardoso, J. C., Müller, N. F. D., Lopes, G., Caesar, L., Kulmann-Leal, B., Kaminski, V. L., Silveira, E. S., Spilki, F. R., Weber, M. N., Almeida, S. E. D. M., Hora, V. P. D., & Chies, J. A. B. (2022). Synthesizing the connections between environmental disturbances and zoonotic spillover. *Annals of the Brazilian Academy of Sciences* 94, e20211530. <https://doi.org/10.1590/0001-376520220211530>
- Escobar, A. (2019). Desde abajo, por la izquierda, y con la Tierra: SUReando desde Abya Yala/Afro/Latino/América [From below, on the left, and with the Tierra: SUReando from Abya Yala/Afro/Latino/América]. *Suclear* 2(2), 36–49.
- Fearnside, P. M. (2022). Amazon environmental services: Why Brazil's Highway BR-319 is so damaging. *Ambio* 51, 1367–1370. <https://doi.org/10.1007/s13280-022-01718-y>
- Ferrante, L. (2024). A road to the next pandemic: the consequences of Amazon highway BR-319 for planetary health. *Lancet Planet Health* 8(8), e524–e525. [https://doi.org/10.1016/S2542-5196\(24\)00163-3](https://doi.org/10.1016/S2542-5196(24)00163-3)
- Ferrante, L., Schiesari, L., Haddad, C. F. B., Morellato, L. P. C., Williams, E., Leão, J., Celestino, A., Pereira, L. S., Reis, L. S., Vassão, R. C., Sátyro, N., Marenco, A., Losekann, C., Lui, L., Grin, E. J., Tupinambás, U., Fearnside, P. M., Farias, I. & Hrbek, T. (2025). *Nota Técnica: Consolidação da BR-319 e mineração de potássio impulsionarão a emergência de novos microrganismos patogênicos na Amazônia Central* [Technical Note: The consolidation of BR-319 and potash mining will drive the emergence of new pathogenic microorganisms in the Central Amazon]. Centro de Pesquisa em Biodiversidade e Mudanças do Clima & Instituto Nacional de Ciência e Tecnologia Qualidade de Governo e Políticas para o Desenvolvimento Sustentável. https://qualigov.pro.br/_files/pasta/1/6962464dab29c.pdf
- Gudynas, E. (2015). *Extractivismos: Ecología, economía y política de un modo de entender el desarrollo y la naturaleza* [Extractivisms: Ecology, economy and politics of a way of understanding development and nature]. Cochabamba: Centro de Documentación e Información Bolivia (CEDIB), Centro Latino Americano de Ecología Social (CLAES).
- Hanbury, S. (2025, November 18). *Colombia bans all new oil and mining projects in its Amazon*. Mongabay. <https://news.mongabay.com/short-article/2025/11/colombia-bans-all-new-oil-and-mining-projects-in-its-amazon/>
- Harari, S. (2025, October 23). *Minerais críticos 'cercam' 45 povos indígenas isolados na Amazônia* [Critical minerals 'surround' 45 isolated Indigenous peoples in the Amazon]. Repórter Brasil. <https://reporterbrasil.org.br/2025/10/minerais-criticos-indigenas-isolados-amazonia/>
- Machado, C. J. S., Vilani, R. M., & Fearnside, P. M. (2026). Brazil endangers global climate and health. *Science* 391, 774–775. <https://doi.org/10.1126/science.aee6316>
- Observatório do Clima (2025, November 27). *Congresso recria PL da devastação e mata licenciamento ambiental no Brasil* [Congress revives devastation bill and kills environmental licensing in Brazil]. <https://oc.eco.br/congresso-recria-pl-da-devastacao-e-mata-licenciamento-ambiental-no-brasil/>
- Portal Roraima (2026, March 30). Lideranças indígenas cobram Lula e apontam falhas após três anos de emergência na Terra Yanomami [Indigenous leaders call on Lula and point out failures after three years of emergency in the Yanomami Territory]. <https://roraima1.com.br/liderancas-indigenas-cobram-lula-e-apontam-falhas-apos-tres-anos-de-emergencia-na-terra-yanomami/>
- Senado Federal (2025). *Proposta de Emenda à Constituição nº 48, de 2023* [Constitutional Amendment Proposal No. 48 of 2023]. <https://www25.senado.leg.br/web/atividade/materias/-/materia/160148>
- Svampa, M. (2015). Commodities Consensus: Neoextractivism and Enclosure of the Commons in Latin America. *South Atlantic Quarterly* 114(1), 65–82.
- Vilani, R., Ferrante, L., & Fearnside, P. M. (2022). Amazonia threatened by Brazilian President Bolsonaro's mining agenda. *DIE ERDE – Journal of the Geographical Society of Berlin* 153(4), 254–258. <https://doi.org/10.12854/erde-2022-622>
- Zanjani, L. V., Govanb, H., Jonas, H. C., Karfakise, T., Mwa-midif, D. M., Stewart, J., Walters, G., & Dominguez, P. (2023). Territories of life as key to global environmental sustainability. *Current Opinion in Environmental Sustainability* 63, e101298. <https://doi.org/10.1016/j.cosust.2023.101298>