

Environmental Governance in Collapse: Indigenous Lands on Fire

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Abstract

This article examines the weaknesses of Brazilian environmental policy amid escalating arson attacks on Indigenous lands in the state of Pará. It evaluates the Judiciary's scope as an alternative response to persistent omissions by Executive and Legislative branches. Employing a qualitative, exploratory-descriptive approach, the study analyzes Official Letter No. 186/2024, issued by the Federal Prosecutors Office of Pará to the Attorney General. Findings reveal that these fires represent the materialization of an exclusionary political-economic project driven by economic and political actors who deliberately weaken environmental governance, enabling institutional capture and zones of impunity where illegal practices are normalized and unpunished. The paper underscores the urgent need for structural judicial intervention framed within environmental justice to counteract systemic neglect and protect Indigenous populations.

Key words: Environmental judicialization; Arson; Environmental governance; Indigenous lands; Strategic litigation; Brazil; Amazon

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INTRODUCTION

This article discusses the impacts of arson on indigenous lands. The object of analysis is Report/Official Letter No. 1862/2024 GABPRM1-RMS sent by the Federal Prosecutor's Office in Pará (PRP) to the Attorney General (PGR) regarding the situation of forest fires in the state of Pará¹. The data in this report are treated in the article as environmental emergencies, highlighting five main aspects: judicial control of public environmental policies; hyper vulnerability of indigenous peoples and climate justice; state ineffectiveness and failures in environmental governance; strategic litigation and judicial activism in environmental crises; sociolect-environmental collapse and public health.

Forest fires are complex events whose dynamics go beyond specific or isolated episodes. They manifest as systemic expressions intertwined with social, economic, and institutional structures. Often, they result from deliberate and organized actions linked to the illegal expansion of the agricultural frontier and real estate speculation, particularly in environmentally protected areas and territories occupied by traditional, Indigenous, and quilombola communities (Bolton, 2020; Clerici et al., 2024).

In the state of Pará, these fires are especially critical because of their severe sociolect-environmental impacts, which threaten not only biodiversity but also the

¹ The state of Pará is one of seven states in northern Brazil that make up the Brazilian Amazon. It is the second largest state in the country in terms of land area, covering approximately 1,245,870 km², which represents about 16.4% of Brazil's territory. According to estimates by the IBGE (Brazilian Institute of Geography and Statistics) for the year 2024, the population of Pará is approximately 8.7 million inhabitants, unevenly distributed between urban centers and extensive rural and forest areas, which are also home to several indigenous peoples and traditional communities.

fundamental rights and the social, economic, and cultural survival of local communities. The situation is worsened by structural weaknesses in environmental governance and the lack of effective accountability for the economic and political actors involved in such illegal activities. (Wan et al., 2022).

Goode et al. (2021) warn: environmental damage does not result from isolated failures or exceptional circumstances. It is a predictable consequence of structural weaknesses manifested in the inadequacy of preventive and repressive policies and the precariousness of institutional environmental monitoring systems.

The link between land grabbing², illegal logging, and aggressive expansion of agriculture and livestock farming, often tolerated or carried out in collusion with government sectors, forms the backdrop for environmental crimes, particularly the continued use of fire as a tool of territorial domination. Bolton (2020) and Clerici et al. (2024) assess that, in addition to soil degradation, such practices cause social disruption through forced displacement, physical and symbolic violence, threats, and the murder of forest peoples. In this sense, analyzing the PRP report is of fundamental importance in addressing the issue because, as Kropyvnytskyi et al. (2021) explain, institutional records formalize the concrete dimensions of environmental emergencies, and clarify their relationship with institutional practices.

Thus, the analysis of the PRP Report/Official Letter sent to the PGR clarifies the contours of an environmental problem and sheds light on the processes of exclusion that consolidate the territorial vulnerability historically present in the various cycles of occupation that have occurred in the Amazon. The document provides important information for understanding the sociolect-environmental impacts of fires on the Indigenous populations currently living in Pará and for identifying the institutional dynamics connected to this practice. Its relevance lies in deepening the understanding of the links between environmental degradation and social injustice, offering an objective contribution to defining the responsibility of the State and other actors involved in ecological emergencies.

1. LITERATURE REVIEW

Judicial control of environmental public policies has become a key arena in contemporary environmental law, especially when executive branches consistently fail to protect ecological assets and vulnerable populations. Brazilian constitutional law recognizes environmental

protection as a third-generation fundamental right³, creating both positive and negative state obligations that are subject to judicial oversight when governments fail to act (Cruz & Bodnar, 2012). The principle of environmental prevention should guide the Judiciary to intervene when other branches neglect their constitutional sociolect-environmental duties (Wolkmer & Paulitsch, 2013). By addressing administrative omissions, courts help prevent regulatory gaps and uphold the constitutional principles of human dignity, the socio-environmental function of property, and sustainability (Porto, 2023).

Such intervention is especially vital in contexts where environmental negligence coincides with systematic human rights violations. While courts cannot replace political institutions, they play an essential role in climate governance by compelling states to adopt or revise environmental policies in line with international commitments (De Queiroz Gomes, 2012). This radicalization creates tensions between judicial activism and the separation of powers, leading to competing positions in jurisdictional debates. Nevertheless, there is growing recognition of the judiciary's legitimacy in public policy matters when intervention upholds third-generation fundamental rights and addresses clear cases of state omission (Jacobsen & Lazzari, 2013). Multilateral agreements further reinforce this approach by emphasizing access to environmental justice and the protection of environmental defenders (Bodnar & Cruz, 2011).

Walkus et al. (2021) and Huaiquimilla-Guerrero et al. (2023) argue that judicial control of environmental policy serves primarily as an instrument of ecological justice, going beyond the mere repression of illegal acts to promote development models that recognize the rights of nature and the communities that depend on it.

The worsening global climate crisis intensifies historical inequalities and increases the vulnerability of communities that practice sustainable resource management. These groups are disproportionately affected by environmental degradation and territorial dispossession. Young (2021) describes this as a climate justice imperative that calls for recognizing diverse knowledge systems and community priorities in decision-making processes.

Boiral et al. (2020) advance the concept of plural environmental justice, encompassing territorial rights, self-determination, and redress for ecological damage. Traditional peoples' vulnerability extends beyond geographic exposure to environmental hazards, manifesting in institutional exclusion, political underrepresentation, and denial of cultural rights.

² Land grabbing is the illegal practice of appropriating public or third-party land, often through the falsification of property documents. The term originates from an old technique of aging false documents by placing them in contact with crickets to give them the appearance of authenticity.

³ Third-generation fundamental rights, also called solidarity or fraternity rights, are those that refer to collective and diffuse interests, aimed at protecting humanity as a whole and specific groups.

This institutional exclusion stems from what scholars identify as environmental racism—the systematic distribution of environmental harms along racial lines (Bullard, 2018; Pulido, 2017). In Amazonian contexts, environmental racism functions by deliberately exposing Indigenous and traditional communities to ecological degradation while excluding them from decisions affecting their territories. This pattern reflects the colonialist of power that structures Latin American environmental governance (Quijano, 2000; Escobar, 2010). The colonial matrix persists in contemporary extractive models that treat Indigenous territories as disposable spaces for capital accumulation (Svampa, 2019). Fires in Pará exemplify this logic, representing not administrative failures but continuations of colonial patterns that position Indigenous lands as frontiers for conquest rather than sovereign territories deserving respect.

Loera-González (2021) shows that climate vulnerability reflects accumulated inequalities in access to resources, territorial security, and social support networks. Although Indigenous and traditional peoples have developed sophisticated adaptive strategies grounded in local knowledge, these strategies falter when faced with existential threats to their lands (Mastaler, 2019). Defending forests and the climate requires amplifying traditional peoples' voices in decision-making spaces and dismantling the extractivist and racist logic that has historically driven environmental degradation and exclusion (Rapozo, 2021).

Confronting this logic demands addressing its structural foundations. Environmental racism, colonialist, and resource-driven rentierism intersect to create mutually reinforcing systems, in which Indigenous peoples bear disproportionate environmental burdens while facing systematic exclusion from governance structures (Rapozo, 2021; Scheidel et al., 2020). This systemic exclusion manifests what Nixon (2011) terms “slow violence”—gradual environmental deterioration that, though less visible than spectacular disasters, produces devastating long-term consequences for marginalized populations. Amazonian fires operate as instruments of this slow violence, incrementally eroding Indigenous territories while generating wealth for distant beneficiaries. Meaningful intervention requires not only technical improvements in fire prevention but also a fundamental restructuring of the political economy that incentivizes destruction.

Territorial precariousness persists due to environmental governance failures and weak state institutions responsible for protection. These shortcomings hinder—and sometimes completely prevent—coordination across local, regional, and global scales that could integrate diverse actors and knowledge systems (Bah & Tegui Kenmegne, 2025). Brazilian environmental policy oscillates between institutionalization and regression, with economic crises and government transitions often coinciding with the

demobilization of environmental initiatives (Freitas Lemos et al., 2019). Although Brazil has developed a relatively consistent legal framework, practical implementation is systematically undermined by a lack of political will and by the weakening of enforcement agencies such as Ibama⁴ and ICMBio⁵.

Increased deforestation coincides with reduced oversight operations, while fire outbreaks align with anti-environmental political rhetoric (Etchart, 2011). Combined with reduced fines and impunity for environmental crimes, these factors create permissive institutional dynamics tolerating destruction.

This permissiveness reflects deeper pathologies within resource-dependent economies. Amazonian governance failures can be understood through the resource curse framework, in which abundant natural resources paradoxically weaken institutions, concentrate political power, and undermine democratic accountability (Ross, 1999; Auty, 2001). Brazil exemplifies what Campello (2015) calls “agro-rentierism”—a political economy where rent-seeking coalitions organized around agricultural expansion capture state institutions. These coalitions systematically erode environmental protections to enable land appropriation and commodity production, creating “zones of sacrifice” where ecological destruction and human rights violations become normalized (Santos & Milanez, 2017). Fires on Pará's Indigenous lands are therefore not aberrations but predictable outcomes of this rentier logic, subordinating long-term sustainability and the rights of forest peoples to global commodity market demands.

This dynamic reinforces power asymmetries favoring large extractive projects over ecological sustainability (Walkus et al., 2021). Absent effective democratic mediation reproduces inequalities and marginalizes the most vulnerable (Boiral et al., 2020).

Inefficient or captured justice systems leave environmental violations structurally unpunished, producing a sustainability discourse that, in practice, reinforces exclusionary developmentalist models (Young, 2021; Loera-González, 2021). This contradiction is evident in the absence of effective fire prevention policies and the inadequate protection of forest peoples, exposing state inefficiency rooted in both omission and deliberate political choices (Morales et al., 2012). Strategic litigation thus becomes both pedagogical and political, challenging entrenched power structures while promoting lasting legal and cultural transformation.

The Public Prosecutor's Office is Brazil's primary

⁴ Ibama is the federal agency responsible for implementing the National Environmental Policy in Brazil. Its activities involve licensing, control, inspection, and environmental monitoring, as well as supplementary and subsidiary actions by the federal government.

⁵ ICMBio is a federal agency linked to the Ministry of the Environment and Climate Change, responsible for managing federal conservation units and protecting biodiversity in Brazil.

agent of strategic environmental litigation, possessing the legitimacy to engage the justice system on structural and emergency issues such as illegal burning control, Indigenous land protection, and disaster accountability (Cruz & Bodnar, 2012). In contexts where the state systematically fails to protect traditional communities, as in areas devastated by arson, such litigation may represent the only effective means of access to justice (Wolkmer & Paulitsch, 2013).

The ongoing sociolect-environmental collapse across the Brazilian Amazon is devastating ecosystems and traditional populations—Indigenous peoples, quilombola communities, and riverine groups—particularly in Pará. Arson, deforestation, mercury contamination, altered water regimes, and the spread of vector-borne diseases reveal a crisis that goes beyond ecological degradation to encompass health vulnerability, food insecurity, and psycho social suffering. The interdependence between environment and health is inescapable: forest destruction disrupts ecological balance, reduces biodiversity, and alters the behavior of disease vectors for malaria, leishmaniasis, and dengue (Etchart, 2011). The destruction of forests and contamination of rivers disorganize traditional food networks, alter nutritional patterns, and endanger both the physical and mental health of communities whose survival depends directly on these environments (Mastaler, 2019; Boiral et al., 2020; Loera-González, 2021).

State omission in the face of devastation constitutes structural violence, normalizing the physical, social, and symbolic harm inflicted on racialized and marginalized populations (Morales et al., 2012). The absence of fire prevention policies and the dismantling of Indigenous health systems create what can be described as a *biopolitics of neglect*, in which certain groups' lives are treated as disposable. This crisis has deep structural roots, with its consequences falling disproportionately on forest peoples and threatening the very possibility of viable futures for Amazonian Indigenous communities (Rapozo, 2021).

2. WARNINGS FROM THE PRP REPORT

Figure 1 highlights the fire outbreaks in Pará between late August and mid-November 2024, revealing a spatial pattern that contradicts any notion of randomness. Rather than scattered points, there is a continuous arc of greater intensity running through the south, southeast, and part of the central-east of the state, with strands branching along traffic routes and settlements. In contrast, the northern region, especially Calha Norte⁶, retains extensive forest

cover with few occurrences. This asymmetry, reflecting distinct logics of occupation, access, and territorial management, suggests that fires are not isolated events but part of a structured and persistent process of large-scale environmental degradation, characteristic of human occupation patterns in the Amazon, as noted by Alencar et al. (2023), Gouvêa (2024), and Nunes (2018).

The highest incidence of fires coincides with agricultural frontiers and areas of recent expansion, where land clearing and pasture renewal have historically relied on the use of fire. On an intermediate scale, linear corridors anchored to highways, local roads, and navigable waterways stand out, providing logistics, the movement of people and supplies, and thus opportunities for successive ignitions. The image supports previous findings, such as those of Copertino et al. (2019) and Fearnside (2022), showing that most fire points are located near the edges between forest and open areas. It is at these interfaces that easily combustible organic material accumulates, and where the combination of ventilation typical of deforested zones and higher human activity creates ideal conditions for repeated fires.

Fragmented landscapes disproportionately increase the contour length per unit area, and each new clearing multiplies the opportunities for ignition and for connections with other flammable zones. This “roughness” of the territory is especially evident in southeastern and southwestern Pará, where mosaics of land use and occupation fronts create a multitude of active interfaces. At the other extreme, regions with continuous forest cover show low levels of fire occurrence. Not because fire is impossible, but because they lack the interfaces and connectivity needed to sustain its frequent spread.

The distribution of clusters is also markedly uneven: there are many small clusters and only a few large ones, concentrated in the southern arc of the state. This pattern suggests that much of the problem is linked to a limited number of nodal areas with strong spillover effects on their surroundings. In these areas, individual decisions tend to align due to competitive pressure, productive traditions, and the perception that punishment is unlikely once the practice becomes commonplace, as noted by Alencar, Rodrigues, and Castro (2020) and Gabardo, Sarzedas, and Silva (2020). According to these authors, the result is a self-perpetuating cycle: fires create new edges and openings, which in turn increase the likelihood of further events, as the dry season provides a predictable window in which small shifts in expectation—such as news of operations, rumors about enforcement, or local climate variations—can trigger coordinated outbreaks along these corridors.

Additionally, each municipality has its own dynamics of environmental vulnerability, with some showing a disproportionately high number of fire outbreaks compared to others, as noted in previous studies such as Sales et al. (2019). This suggests not only variations in land use patterns but also differing levels of enforcement,

⁶ Calha Norte, in the state of Pará, refers to a region located north of the Amazon River, covering nine municipalities: Alenquer, Almeirim, Curuá, Faro, Monte Alegre, Obidos, Oriximiná, Prainha, and Terra Santa. This area, covering approximately 27 million hectares, corresponds to 22% of the territory of Pará.

state presence, and local capacity to respond to illegal practices such as burning to renew pasture or clear new agricultural areas. According to Sales et al. (2019) and Menezes (2022), there are patterns indicating links

between socioeconomic factors, agribusiness pressures, land disputes, and the absence of integrated prevention policies, which manifest spatially in certain areas of Pará, making them more vulnerable to arson.

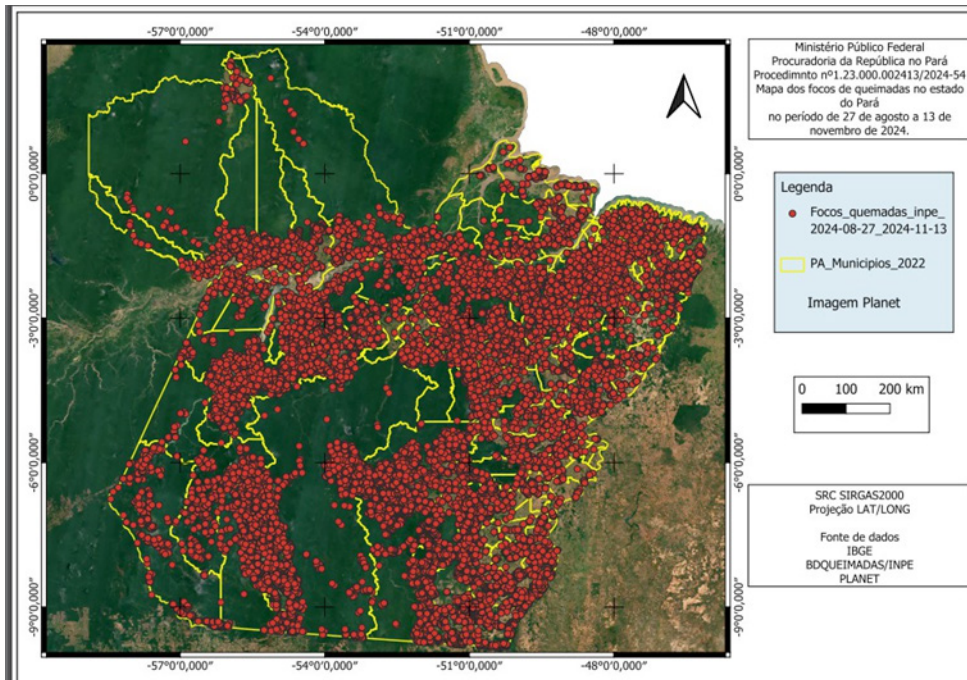


Figure 1
 Distribution of fire outbreaks in the state of Pará based on data collected between August 7 and November 13, 2024.

Source: NUPOVOS/MPF-PA. Report attached to official letter 1862/2024 GABPRM1-RMS, p.12.

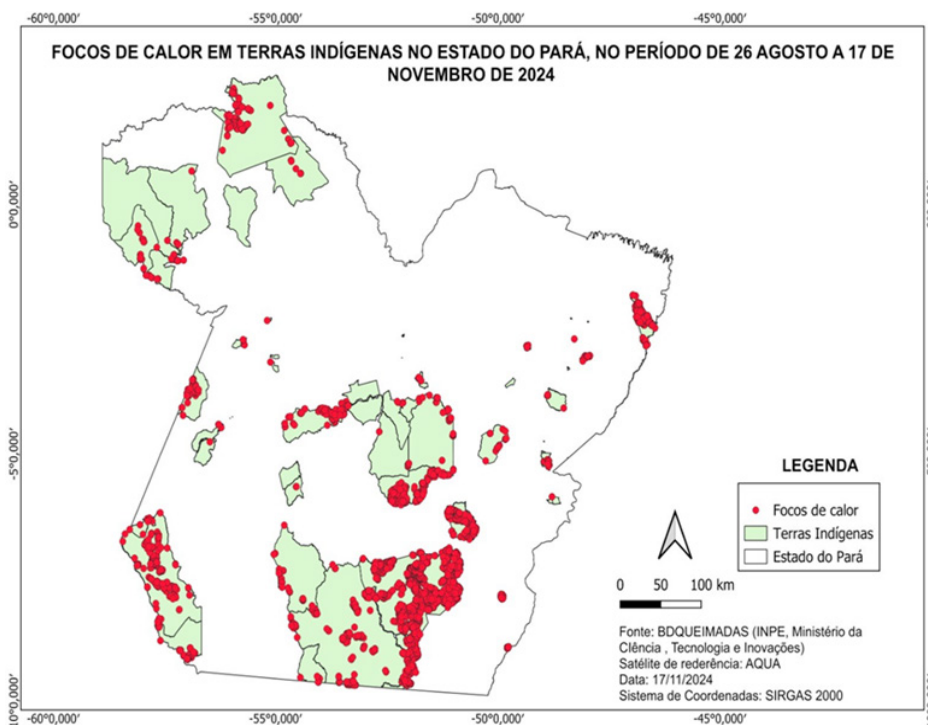


Figure 2
 Hot spots on indigenous lands in the state of Pará (from August 25 to November 17, 2024).

Source: NUPOVOS/MPF-PA. Report attached to official letter 1862/2024 GABPRM1-RMS, p.13

Figure 2 shows the spread of fires on indigenous lands, which, due to their intrinsic condition, are highly sensitive to the damage caused by burning due to the collapse of the control system. The advance of the fires occurs mainly on the Xikrin do Cateté Indigenous Land, the Alto Rio Guamá Indigenous Land, and the Anambé and Turé-Mariquita Indigenous Lands.

The areas shown in green, representing Indigenous lands, are distributed mainly across the south-central, southwestern, western, and northernmost regions of Pará, forming a discontinuous network of relatively preserved forest islands within a regional landscape marked by environmental fragmentation and intensified human activity (Copertino et al., 2019). The fire hotspots, shown as red dots, are most concentrated in contact or transition zones between Indigenous lands and surrounding regions of intensive land use, particularly in the south-central and southwestern sub regions of the state. This pattern underscores the permeability of Indigenous territories to the advance of practices such as burning and deforestation, confirming the findings of Fellows et al. (2021), who note that Indigenous lands are becoming increasingly vulnerable to external incursions and to fires spreading from neighboring areas.

The spatial connectivity of the hotspots suggests that certain Indigenous lands serve as convergence points for environmental pressure trajectories. This is especially evident where territories lie in close proximity to one another or where their boundaries coincide with roads, settlements, and surrounding agricultural activity, forming a chain of successive and interconnected impacts. The concentration of potshots in south-central Pará points to preferred routes for the spread of fires, overlapping with areas historically marked by land conflicts, agricultural expansion, and intense pressure to open new productive zones. The pattern shown in Figure 2 also indicates that even territories relatively distant from major deforestation fronts are affected, expanding the scale of the socio-environmental risks faced by the Indigenous peoples of Pará.

2.1 Structural processes in the judicial control of public environmental policies

The analysis of the PRP report reveals the failure of state actions in prevention, containment, and remediation, as well as an almost complete lack of oversight. At the same time, it underscores the centrality of structural processes in the judicial control of public environmental policies, particularly regarding the protection of the collective rights of Indigenous peoples, as established by the 1988 Constitution and international human rights agreements ratified by Brazil. These findings draw renewed attention to issues previously discussed by Azevedo and Bertazolli (2020) and Nazo and Mukai (2001).

The worsening of fire activity in the state of Pará during the second half of 2024, as recorded in the PRP

document, is particularly concerning because it occurred even after the enactment of State Decree No. 4,151⁷, which declared an environmental emergency and prohibited the use of fire throughout the state's territory. Offenders are therefore deliberately disregarding the regulatory measures and operational control mechanisms established by the decree. The data presented in the report show that the persistence of fires in these areas reflects a chronic deficit in state capacity, as the government is either unable—or unwilling—to guarantee the fundamental rights of Indigenous communities, which are systematically threatened by illegal practices involving the use of fire, often connected to land grabbing, deforestation, and the expansion of the agricultural frontier.

By initiating and instructing urgent protective measures to contain the fires, the Federal Public Prosecutor's Office (through the PRP) grounds its actions in an advanced concept of jurisdiction that extends beyond episodic responses to specific violations and aligns with the paradigm of structural processes. This procedural approach, established by the Federal Supreme Court (STF) in Extraordinary Appeal (RE) 684.612⁸, seeks the institutional and normative reconfiguration of public policies by addressing the systemic causes of state inefficiency. In the case of Indigenous lands, this means breaking with the pattern of repeated omission, aggravated by failures in inter institutional coordination, the under funding of environmental policies, and the absence of integrated territorial governance.

The report's analysis underscores that structural processes are an essential tool for addressing the ecological crisis reflected in the fires, as their logic requires cooperation among justice system bodies such as the STF and the Public Prosecutor's Office, and the direct involvement of affected collective subjects, in this case the Indigenous peoples themselves, who must participate in designing and implementing recovery and prevention measures. By proposing that the implementation of the *Arguição de Descumprimento de Preceito Fundamental* (ADPF) 743743⁹ (Motion for Non-Compliance with a Fundamental Precept) include specific actions directed at traditional communities, the report not only reinforces

⁷ State Decree No. 4,151 of Pará, published on August 27, 2024, declares an environmental emergency and prohibits the use of fire for cleaning and managing areas throughout the state of Pará. This measure aims to combat burning and forest fires, with a focus on prevention and integration.

⁸ The judgment of RE 684.612 established that the Judiciary may intervene in public health policies when there is an absence or serious deficiency in the service, but this intervention must point out the goals to be achieved and determine that the Public Power present a plan to achieve the result.

⁹ ADPF 743 is an Argument of Non-Compliance with a Fundamental Precept, a constitutional action initiated in 2020 by political parties alleging that the Federal Government and the states of Mato Grosso and Mato Grosso do Sul are failing to combat fires in the Amazon and the Pantanal.

this understanding but also exposes the inadequacy of centralized and standardized solutions that become mired in bureaucracy, political maneuvering, and the protection of opaque economic interests.

The failure of current environmental policy, detailed in the PRP document, extends beyond environmental management and denounces what it identifies as a direct affront to the territorial and cultural rights of Indigenous peoples. Its analysis is based on the premise that the systematic destruction of forests within Indigenous territories constitutes an attack on an ecologically balanced environment and a violation of these peoples' rights to self-determination, cultural integrity, and collective existence. For this reason, judicial action cannot be confined to the implementation of emergency measures. In this context, the report points out that the reordering of state priorities and continuous judicial oversight are the mechanisms most consistent with the complexity and urgency of the sociolect-environmental crisis it describes.

The report provides a detailed picture of environmental calamity and points to a new institutional horizon in which the judiciary, together with the Federal Public Prosecutor's Office and affected communities, can lead the transition from a merely reactive model of environmental protection to a preventive, inclusive, and transformative paradigm. It reaffirms what the literature has long emphasized: fires on Indigenous lands are not inevitable natural phenomena, but the result of negligence, omission, and institutional tolerance of advancing environmental destruction. Combating them requires more than decrees and speeches; it demands profound structural change, achievable only through the committed adoption of structural processes as a driver of sociolect-environmental justice, as Mondardo (2022) has argued.

2.2 Hyper vulnerability of Indigenous Peoples and Climate Justice

The PRP report documents the systematic occurrence of fires on Indigenous lands and exposes the protection deficit faced by Indigenous communities amid state omission and institutional failure. It employs the concept of "hyper vulnerability" to move beyond conventional vulnerability frameworks, recognizing historically marginalized collective subjects whose ways of life, traditional economies, and spiritual ties to the land make any environmental disturbance both a material aggression and an existential threat to their cultural identity.

Indigenous hyper vulnerability unfolds across three interconnected dimensions: precarious guarantees of territorial rights, insufficient access to public protection systems, and asymmetric power relations when confronting external pressures on their territories. Indigenous peoples often fight fires with improvised resources and without institutional support, revealing a profound abandonment that exposes the colonial and

radicalized logic underlying contemporary democratic governance. The impacts of climate change are unevenly distributed across social groups, with Indigenous peoples—despite their long-standing contributions to environmental conservation—bearing a disproportionate share of climate-related degradation.

Yet this portrayal of vulnerability risks obscuring Indigenous agency and resistance. Even amid ongoing institutional abandonment, Indigenous communities actively defend their territories through organized fire brigades, territorial monitoring systems, and political action at local, national, and international levels. Where state protection fails, they mobilize traditional ecological knowledge alongside contemporary organizing strategies to confront environmental destruction. Indigenous-led forest management demonstrates sophisticated fire prevention techniques developed over generations (Walkus et al., 2021; Boiral et al., 2020). These communities also engage in transnational advocacy networks, bringing their territorial struggles to international forums and using legal mechanisms to demand state accountability. Indigenous resistance represents not merely reactive survival but the proactive assertion of territorial sovereignty and environmental stewardship. Recognizing this agency is essential: Indigenous peoples are not passive victims in need of rescue but political actors whose knowledge systems and governance practices offer vital alternatives to failed state policies.

The report's call to resume suspended proceedings under ADPF 743 and to grant exceptional treatment to Pará gives concrete form to climate justice principles, advocating coordination between higher courts and local judicial bodies to implement and disseminate structural decisions. Recognizing Indigenous peoples as both epistemic and political subjects—and ensuring their effective participation in decision-making processes—elevates their role to an essential element of environmental governance. The report further stresses that fire-driven territorial destruction violates Brazil's international commitments under the United Nations Framework Convention on Climate Change, ILO Convention 169, and the United Nations Declaration on the Rights of Indigenous Peoples. Climate justice must therefore be expressed in practice as the duty to guarantee the ecological survival, dignity, and historical continuity of Indigenous peoples.

Indigenous hyper vulnerability therefore requires not paternalistic protection but active, decisive, and urgent Indigenous participation in structural environmental protection processes. The document warns that combating arson must go beyond extinguishing visible fires to dismantle the underlying structures that perpetuate Indigenous peoples' vulnerability. Without climate justice, justice in all other dimensions of human existence becomes equally unattainable.

2.3 State ineffectiveness and failures in environmental governance

The inability of public authorities to control the spread of fires in protected areas, particularly on Indigenous lands in Pará, as described in the report, reflects a chronic pattern of disorganization, deliberate omission, and the absence of effective accountability mechanisms. This institutional weakness in environmental governance is most evident in the gap between the formulation of regulatory frameworks and their practical implementation. State Decree No. 4,151, which prohibits the use of fire throughout the state, proved insufficient to prevent the spread of fires, even in the period immediately following its enactment. The report notes that, during the decree's validity, destruction persisted across several Indigenous territories, notably within the Xikrin do Cateté and Alto Rio Guamá Indigenous Lands, confirming the ineffectiveness of the regulation and the near total disconnect between the legal framework and the territorial realities in which it is meant to operate.

According to the PRP report, the absence of municipal fire prevention and control plans in municipalities containing affected Indigenous lands—such as Paraphrases—and the lack of any technical or operational support for these communities, which were left to face such emergencies on their own, reveal a systemic failure of federal coordination. This failure means that sub national entities and federal institutions neither share coherent strategies nor exchange the data essential for monitoring and mitigating impacts, as required by the action proposals of the Prevfogo¹⁰ project mentioned in the report, one of Brazil's main national initiatives to combat forest fires. Despite having substantial resources, including contributions from the Amazon Fund¹¹, the project's implementation in Pará has been characterized by a lack of transparency, low efficiency, and limited territorial coverage. Furthermore, reports of fires on Indigenous lands appear not to have prompted any effective action, such as deploying fire brigades linked to the program, once again demonstrating that the mere formal existence of a plan does not ensure its effectiveness—particularly when it is disconnected from mechanisms of social oversight and independent auditing.

This disconnect between plans and practice has long been a hallmark of environmental governance in

the Amazon in general, and in Pará in particular. The case of Pará, described in the PRP report, illustrates how environmental command-and-control structures are grounded in a technocratic rationality that is often insensitive to the sociocultural complexity of these territories and to the institutional arrangements needed to support traditional communities. In this sense, the Brazilian state fails in its duty to guarantee fundamental environmental and cultural rights because it ceases to act as a promoter of justice and instead functions as an agent of qualified omission. The report shows that, beyond administrative inaction, this omission constitutes a form of institutional violence that legitimizes, through negligence, the devastation of collective territories and the lack of protection for entire populations. This is the direct outcome of a political-economic project that subordinates the intrinsic value of Indigenous life and the forest to the interests of the land market and agro-export expansion. The PRP provides evidence supporting the conclusion that recognizing the centrality of the forest as a common good and sociocultural diversity as a pillar of climate resilience can only be achieved through the creation of a new federal environmental pact, one capable of breaking the cycle of institutional failure and ensuring that Brazil's international commitments are translated into real and lasting guarantees of protection for Indigenous territories and populations.

2.4 Strategic litigation and judicial activism in environmental crises

Given the repeated failure of executive bodies to protect Indigenous territories from arson and the chronic weakness of environmental governance, strategic litigation and judicial activism have emerged as essential tools for institutional response and the defense of threatened fundamental rights (Zaneti Jr., 2015; Engelmann, 2006; Dantas, 2023). The PRP report emphasizes that the judicial arena represents a decisive space of political, normative, and civilization contestant, and that strategic litigation—conceived as a coordinated process grounded in systemic diagnoses and guided by transformative goals—can possess extraordinary intervention potential. The document further suggests that reactivating judicial measures suspended in the wake of ADPF No. 743 should be regarded as a crucial step in this direction, since the action already contains normative and factual elements capable of supporting decisions that move beyond a merely preparatory logic.

In this context, judicial activism—often criticized for alleged judicial overreach, is re conceptualized as a legitimate jurisdictional responsibility in the face of serious state omissions. According to Freitas (2013) and Bastos Junior (2015), when the executive and legislative branches fail to uphold basic constitutional precepts—such as the right to an ecologically balanced environment, the protection of Indigenous territories, and the right

¹⁰ Prevfogo is one of the projects developed by Ibama whose objective is to prevent and combat forest fires and unauthorized burning. The purpose of this project is to coordinate with other institutions to reduce the environmental, social, and economic impacts caused by these events.

¹¹ In addition to promoting conservation and sustainable use of the Legal Amazon, the Amazon Fund is a Brazilian financing mechanism for projects to prevent, monitor, and combat deforestation. It operates with donations from countries and international organizations, which are directed to projects in these areas.

to a dignified life—the Judiciary ceases to function merely as an interpreter of the law and assumes the role of guarantor of constitutional order. Accordingly, the Judiciary should not confine itself to imposing sanctions or annulling administrative acts but should also order corrective conduct, oversee government programs, and build institutional bridges to ensure the effectiveness of rights. The PRP document further suggests that environmental radicalization, when guided by a strategic perspective, must incorporate local knowledge and the lived experiences of Indigenous peoples as legitimate parameters for evaluation and judgment. Acting in this way allows the courts to shift their frame of reference, from a vertical jurisprudence insensitive to the sociocultural diversity of the territories in dispute, to one centered on the interests of forest peoples and what they embody in terms of civilization progress and social justice.

The PRP report suggests that when litigation becomes an arena for democratic deliberation—with the participation of multiple actors, procedural transparency, and mechanisms of social oversight—it creates the possibility of a audiological jurisdiction capable of producing responses genuinely committed to the effectiveness of collective rights. In this sense, strategic litigation and judicial activism emerge as legitimate expressions of democratic resistance in the face of the collapse of conventional environmental policies. The document emphasizes that the climate crisis allows no room for neutrality; it demands a choice—and, from the PRP’s perspective, that choice must be in favor of the rights of Indigenous peoples and the ecological integrity of the Amazon.

2.5 Socio-environmental collapse and public health

The consequences of the worsening fire crisis on Indigenous lands extend to public health dynamics in regions far beyond the fire sites themselves. Fire acts not only as an agent of vegetation degradation but also as a force that infiltrates the daily lives of communities and affects small and medium-sized urban centers, disrupting essential ecological cycles and undermining the well-being of forest peoples. According to Nascimento et al. (2020), the destruction of forest cover by fire leads to local micro climatic changes, such as higher temperatures, lower relative humidity, and intensified drought, all of which contribute to the recurrence of new fire cycles.

The PRP report observes that the massive release of particulate matter and toxic gases directly affects the respiratory health of urban and rural populations located at short and medium distances from the fire sites, contributing to rising cases of acute respiratory illnesses, particularly among children, the elderly, and individuals with preexisting conditions. On Indigenous lands, where access to health services is structurally limited, these

impacts take on dramatic proportions, exacerbated by remoteness from urban centers, precarious health logistics, and the absence of protocols adapted to the sociocultural realities of these communities. The sociolect-environmental collapse also manifests in less visible but equally devastating ways, such as the erosion of food and nutritional security. Fires disrupt traditional agricultural systems, render fields and gardens uncultivated, and hinder access to essential forest resources, including medicinal plants, fruits, and subsistence animals.

For Indigenous peoples, the destruction of their territories is equivalent to the destruction of the material and symbolic foundations of life, creating a cycle of widespread illness in which physical and mental health are simultaneously compromised. Added to this is the collective trauma caused by recurring fires and by the resulting feelings of insecurity, fear, and loss that are not fully addressed by conventional models of psychosocial care. The report repeatedly proposes that Indigenous peoples should be recognized not merely as passive victims of this crisis but as holders of knowledge and practices that can contribute to the design of integrated and resilient health strategies. In this sense, the scenario described in the PRP document represents a call to the historical responsibility of democratic institutions, revealing a direct link between the destruction of forests and the illness affecting both Indigenous communities and populations in rural and urban areas. Confronting this reality demands a reconfiguration of public policy paradigms, accountability for state and private actors who contribute to the crisis, and a genuine commitment to environmental, health, and historical justice for the Indigenous peoples of the Amazon.

3. METHODOLOGY

This research adopts a qualitative, exploratory-descriptive approach anchored in document analysis to examine the judicialization of environmental policy in response to criminal fires on Indigenous lands in Pará. The use of qualitative methods is justified by the complexity of the phenomenon, which intertwines institutional, legal, territorial, and socio-environmental dimensions (Morgan, 2022)

Document analysis provides a systematic method for reviewing and interpreting official sources and is particularly effective for investigating formalized decision-making processes (Bowen, 2009). When ethical, logistical, or political barriers limit direct access to institutional actors—as often occurs in studies of the justice system, documents become privileged sources of evidence (Morgan, 2022).

The empirical corpus focuses on Official Letter No. 1862/2024 GABPRM1-RMS, prepared by the Federal Prosecutor’s Office in Pará and forwarded to the Attorney General on November 29, 2024. Four criteria guided this

choice: institutional authenticity, as a document produced by an organ of the Federal Public Prosecution Service with constitutional competence in defending collective and environmental rights (Azevedo; Bertazolli, 2020); informational density, integrating legal analyses with geospatial data and socio-environmental diagnoses; temporal relevance; and procedural representativeness of judicial mechanisms in environmental matters (Nazo and Mukai, 2001).

The analysis was based on a systematic interpretive reading. The document comprises 56 pages that combine continuous text, complex legal analyses, georeferenced maps, and statistical data in a non-standardized format. This material heterogeneity requires a contextualized interpretation that is sensitive to the multiple layers of meaning in each section.

Two complete and attentive readings of the document allowed us to identify key questions that emerged naturally from the material. From this immersion, six thematic axes became evident as central to understanding the ongoing judicialization processes: alerts formulated by the Federal Prosecutor's Office; structural processes in the judicial control of environmental public policies; the hypervulnerability of indigenous peoples and climate justice; state inefficacy and failures in environmental governance; strategic litigation and judicial activism in environmental crises; and socio-environmental collapse with impacts on public health.

These axes were not imposed deductively on the material but emerged inductively from the document's argumentative structure, recurring emphases, and identifiable patterns. For each thematic axis, we carried out focused readings of relevant passages, recording significant textual segments in a field notebook along with their exact location and interpretive notes. This procedure combined open coding—allowing themes to emerge from the material, with theoretical sensitivity informed by the literature on environmental judicialization, climate justice, and indigenous rights (Schlosberg & Collins, 2014; Rapozo, 2021).

The analysis of each axis involved a constant movement between empirics and theory. We connected the patterns identified in the document with contemporary theoretical frameworks, systematically returning to the original material to validate interpretations and ensure empirical grounding. Geospatial data, especially maps showing the distribution of fire hotspots, were interpreted qualitatively as expressions of underlying socio-institutional dynamics (Copertino et al., 2019; Fearnside, 2022), rather than as neutral representations of territory.

Three procedures ensured analytical rigor: triangulation among different sections of the document, verifying coherence between technical diagnoses and legal proposals; comparison between cartographic data and textual analyses of affected territories; and systematic

articulation with specialized literature to confirm the plausibility of interpretations. Documentation of the analytical process, including field notes and justifications for interpretive decisions, remains available for consultation.

The Official Letter is a public document available in the Federal Public Prosecution Service system. We recognize certain limitations: restricted temporal coverage (August to November 2024), a single institutional perspective, the absence of voices from affected indigenous communities, and the fact that interpretation was conducted by the researchers. The informational density of the material and the transparency in recording the analytical process partially mitigate these limitations.

CONCLUSION

Arson in Pará represents not isolated events but systematic environmental degradation and human rights violations targeting Indigenous communities. The Federal Prosecutor's Office report, which serves as the central document of this investigation, shows that recurring fires are directly linked to agricultural expansion, land grabbing, and speculation, reinforced by deliberate state omission and institutional failure to protect constitutionally guaranteed territories. The spread of fire onto Indigenous lands directly undermines these peoples' territorial, cultural, and spiritual integrity—communities historically marked by exclusion and violence.

Fires reaching Indigenous territorial boundaries are part of a broader pattern of fragile environmental governance, marked by institutional capture by economic interests and the absence of preventive policies. This institutional failure perpetuates socio-environmental vulnerability and deepens Indigenous hypervulnerability, threatening physical and cultural survival through ecological collapse and state negligence. Beyond environmental dimensions, this institutional fragility violates Indigenous self-determination rights, extending the crisis into the realm of climate justice.

The report calls for judicial leadership in environmental policy to confront repeated executive and legislative omissions, elevating strategic litigation as an essential instrument of democratic resistance. Structural proceedings and judicial activism provide legitimate pathways beyond fragmented, episodic responses, allowing for institutional reorganization, accountability of public and private actors, and the implementation of lasting socio-environmental protections. Where institutional collapse occurs, the judiciary must act not as an exception but as a guardian of fundamental rights and of international environmental and human rights commitments.

The dynamics documented in Pará extend beyond state boundaries, reflecting patterns observed across

the Amazon basin and beyond. Indigenous territories in Bolivia, Peru, Colombia, and Ecuador face similar pressures from agricultural expansion, illegal resource extraction, and institutional failures to enforce territorial protections (Fellows et al., 2021). The agro-rentier coalitions shaping Brazilian environmental governance resemble those in Paraguay, Argentina, and Indonesia, where export-oriented agricultural sectors systematically erode environmental protections to enable land appropriation (Etchart, 2011). Yet Brazil's combination of relatively strong legal frameworks and chronic implementation failures creates particularly sharp contradictions, making judicial intervention uniquely critical. Pará exemplifies this broader pattern, showing how federal systems with weak intergovernmental coordination amplify Indigenous vulnerability. Recognizing these comparative dimensions reveals that confronting fire-driven destruction requires not only localized responses but regional strategies addressing the shared political-economic structures driving environmental violence.

This analysis reinforces the urgency of building new federal environmental pacts capable of effectively integrating governance levels, ensuring resource transparency, and guaranteeing social control mechanisms that prevent the reproduction of structural violence against Indigenous peoples and traditional communities. The fires in Pará must be understood both as phenomena of environmental degradation and as expressions of exclusionary political-economic projects that naturalize devastation while weakening democracy. The systematic advance of fire on Indigenous lands highlights the pressing need for structural and inclusive state responses committed to the effective protection of rights. Confronting this reality requires combining innovative legal instruments, social mobilization, and institutional strengthening under the premise that protecting forests and forest peoples is a non-negotiable condition for ecological sustainability, social justice, and the preservation of human dignity. By illuminating these connections, this article reaffirms that the survival of Pará's Indigenous peoples and the future of the Amazon as a shared human heritage are intrinsically linked, dependent on overcoming current patterns of institutional omission and negligence.

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