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Environmental Protection in the Amazon: Constitutional Dialogues for International Cooperation

A proteção ambiental na Amazônia: diálogos constitucionais para a cooperação internacional

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*Abstract: Taking into consideration the increas*ing *relevance that environmental constitutionalis*m *has currently assumed, the aim of this article is to critically analyze the constitutional protection of the environment in the Amazonian countries. It seeks to identify whether there is a common language among the constitutions concerning environmental protection in order to improve international cooperation. The hypothes*is *states that: 1) the Amazon environmental constitutionalis*m *follow the epistemological opening of contemporary constitutionalism, by assimilating innovations in each new constitution; and, 2) the constitutions establis*h *normative elements for the improvement of international cooperation in the region. The reflection is grounded on the field of comparative cons-*

Resumo: Levando em consideração a crescente relevância que o constitucionalismo ambiental tem assumido atualmente, o objetivo deste artigo é analisar criticamente a proteção constitucional do meio ambiente nos países amazônicos. Busca-se identificar se existe uma linguagem comum no que concerne à proteção ambiental, a fim de potencializar a dinâmica da cooperação internacional. As hipóteses afirmam que: 1) a proteção constitucional do meio ambiente nos países amazônicos segue a abertura epistemológica do constitucionalismo contemporâneo, incorporando inovações a cada novo texto constitucional; e, 2) estabelecendo elementos constitucionais para o aprimoramento da cooperação internacional na Amazônia. A reflexão se inscreve no campo do direito constitucional com-

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*stitutional law, in dialogue with international constitutional law and constitutional theory, in a functional-structural perspective, focus*ing *the "legislative" formant.*

parado, em diálogo com o direito constitucional internacional e a teoria constitucional, em uma perspectiva funcional-estruturalista, focalizando o formante "legislativo".

Keywords*: environmental protection; Amazon Rainforest; constitutional law; constitutional dialogues; international cooperation.*

Palavras chave: proteção ambiental; Amazônia: direito constitucional; diálogos constitucionais; cooperação internacional.

SUMMARY: I. *Introduction*. II. *Environmental constitutionalism: emergence and development*. III. *The protection of the environment in the Amazon countries Constitutions*. IV. *Constitutional dialogues for international cooperation in the Amazon*. V. *Conclusions*. VI. *References*.

I. INTRODUCTION

Since the 1970's, the Amazon rainforest has been considered as an element of regional integration in South America. This occurred by virtue of the political and economic strategies to integrate it into national development projects, together with the empowerment of the insurgent "environmental movement" ever since. The signature of the Amazonian Cooperation Treaty in 1978 and its latter institutionalization in 1995, by the Amazonian Cooperation Treaty Organization (ACTO), may be conceived as the very first steps towards the promotion of a certain dialogue on legal and political cooperation in the region, aimed at establishing a harmonious and integrated development in the Amazon basin. It seeks to promote, among other things, the inhabitant's quality of life – which exceeds 36 million peoples – and the conservation and rational use of its natural resources. In this sense, the Amazon has become much more than an element of regional integration, but also a geopolitical and geostrategic area in the subcontinent, by which cooperation is undoubtedly necessary.

Whilst the "amazon cooperation" was gradually strengthening, environmental constitutionalism was also settled down and diffused in South America, given that "environment" has been fostered as a constitutional issue in the region, triggering the construction of a "constitutional culture"

around its protection. The constitutions of Suriname (1987) and Brazil (1988) were the first regional "environmental constitutions", while the subsequent ones also have progressively included environmental protection. Recently, some constitutions have overcome the modern anthropocentric approach related to environmental protection in order to establish a "biocentric approach" – as it is the case of Ecuador (2008) and Bolivia (2009). Thus, constitutional law is currently called to accomplish a pivotal role by incorporating elements from international field – and from international environmental law, indeed – and articulate them within environmental constitutional protection theory and practice.

The constitutionalization of environment in the amazon countries imposes new important challenges, which concern the establishment of an effective "constitutional dialogue" between and among these countries in order to further "international cooperation" for the protection of transboundary environmental common goods – as is the case of the Amazon. Thus, the aim of this article is to analyze the protection of environment in current Amazon constitutions, aiming at identifying whether there is a common language among them for the safeguard of environment in order to improve international cooperation. The hypothesis states that: 1) the constitutional protection of environment in Amazon countries follow the epistemological opening of contemporary constitutionalism, incorporating innovations in each new constitutional text; and, 2) establishing constitutional elements for the improvement of international cooperation in the Amazon. The reflection is grounded in the field of comparative constitutional law, in dialogue with international constitutional law and constitutional theory, in a functional-structural perspective, focusing the "legislative" formant.

II. Environmental constitutionalism: emergence and development

Since the 1970's, the "environmental question" has been fostered both in international and constitutional law as a subject of pivotal relevance. Triggered by the 1972 Stockholm Conference[1] – United Nations Conference on

[1] For a further discussion on this category, s. Corrado, 2008; Beck, 2006; Leis, 1999.

Human Environment – and by the concerns over the "ecological crisis",[2] that was gradually added into international relation's agenda, the environment has become a question that: 1) pervades all areas of human life and existence, 2) implying on the need of law and politics to act towards its protection. Indeed, a considerable part of current and future human issues and concerns are related to the environment, which concretely places it at the central core of any reflection or long-term legal and political action. It imposes, therefore, the need to rethink practices and discourses on the environment and its crisis, connecting it with the emancipatory dimension of human rights, contemporary constitutionalism and socio-environmental sustainability.

The publication of Bruntland Report in 1987 by Brutland Commission, furthered the discussions on "sustainability",[3] or "sustainable development",[4] as a new development paradigm grounded on the protection of environment, being it integrated into several international treaties and national constitutions. As Klaus Bosselmann points out, "human rights doctrine has been responding to concerns about sustainability for some time",[5] as it fosters the elaboration of new regulatory frameworks, public policies and good practices worldwide. The sustainability paradigm gave rise to the reinvention of human rights while this later also triggered the reconception and redesign of the sustainability, in a dynamic of mutual

[2] As François Ost points out, this crisis takes shape in a broader dynamic insofar as it represents the crisis "of our own representation of nature, the crisis o four relation with nature (Ost, 1995, p. 8). "This crisis is simultaneously the crisis of the bond and the crisis of the limit: a paradigm crisis, without a doubt. Crisis of the bond: we are no longer able to discern what binds us to the animal, to life, to nature; crisis of the limit: we can no longer discern what distinguishes us from them", (Ost, 1995, p. 9), our translation from Portuguese.

[3] On sustainable development, s. Sachs, 2010.

[4] As points out Ademar Ribeiro Romeiro, the paradigm of sustainability was built up as a viable possibility to colligate the demands for capitalism development with preservation of environment and natural heritage. Sustainability – or ecodevelopment – is a recent political theory and methodology, which have aroused in the midst of 21st century, with the aim to reorganize the capitalist mode of production based on three main points: efficiency, inclusion and balance, that is, "to be sustainable, development must be economically sustained (or efficient), socially desirable (or inclusive) and ecologically prudent (or balanced), cfe. Romeiro, 2012.

[5] Our translation from Portuguese (Bosselmann, 2008, p. 112).

feedback.[6] Recent democratic constitutionalism, by following this path, has developed itself at the core of this dynamic, improving legal actions for environmental protection within nation-State.

Thus, environmental constitutionalism "is associated mostly with debates surrounding the protection of environmental rights and the way constitutions of the world employ a rights-based approach to augment environmental care" (Kotzé, 2015, p. 187). Indeed, it is a recent phenomenon in modern constitutional law, directly related to the process of constitutionalization of international law and internationalization of constitutional law (Peters, Klabbers, Ulfstein, 2011), in which the values of modern constitutionalism become global (Ackerman, 2009, Tushnet, 2009) – giving rise to a "global constitutionalism" or "environmental global constitutionalism".[7] Actually, the latter category is an outcome of the "confluence" of constitutional law, international law, human rights, and environmental law. It embodies the recognition that the environment is a proper subject for protection in constitutions and for vindication by constitutional courts worldwide" (May and Daly, 2015, p. 9).

In this context, constitutionalism is called to accomplish a pivotal role by incorporating normative elements from international agenda on the protection of environment and articulate it into national and local policies. At the 70's the first constitutions that have recognized environment as a right were enacted – as it is the case of Panama (1972), San Marino (1974) and Greece (1975) – as well as the first constitutional reforms that recognized the environment as a right, as it is the case of India (1975). At that moment, the Constitution of Spain (1978) was considered relevant, because it "structured mainly on the relation between environmental rules and the «economic constitution»".[8] Following this path, the constitutions

[6] This link is clearly evidenced by the recent resolution of the Human Rights Council n. 48/13, in which recognizes "the human right to a clean, healthy and sustainable environment" (United Nations, 2021).

[7] Louis Kotzé points that "global constitutionalism [...] could contribute to these paradigm-shifting reforms by providing a new perspective through which to view the current deficient global environmental law and governance regime and, in real terms, by ameliorating some of the deficiencies of the regime by way of a normative process of constitutionalization" (Kotze, 2012, p. 22). For further analysis, s. Gareau, 2013.

[8] As points out Domenico Amirante "The Spanish model is more complex and articulated, which deserves to be recalled for the particular importance it assumes in the attitude of the relationship between environmental regulations and economic Constitution" (Amirante, 2019, p. 19), our translation from Italian.

of Portugal (1976), the Netherlands (1983) and Austria (1984) have established State responsibility in providing for constitutional protection.

In South America, environmental constitutionalism emerged with the Constitutions of Ecuador[9] and Peru,[10] both enacted in 1979, which established a public subjective right to environment as a state duty, followed by the Constitution of Chile (1980). Brazilian 1988 Constitution has been particularly meaningful within this process, considering the central and leadership position that Brazil has in the region. Thereafter, the environment was constitutionalized by the Constitution of Suriname (1987), Paraguay (1992), the Argentinian Constitutional Reform (1994), the Uruguayan constitutional amendment (1996), the Constitution of Venezuela (1999), the Bolivian constitutional amendment (2002) and the constitutional amendment of Guiana Constitution (2003). Lastly, it is important to mention French Guyana, officially a French territory in South America, in which the 2005 Charte de l'Environment also may be enforced.

From a theoretical and normative point of view, these constitutions, constitutional reforms and constitutional amendment, which resulted in the provision of a right to environment, are the central element of modern state theory and praxis redesign, in order to constitute an "Environmental" or "Ecological" Rule of Law, as José Rubens Morato Leite has pointed out (Leite, Silveira, Bettega, 2017). Indeed, this perspective emerges by the finding that the conceptions of modern liberal and social state were not effectively sufficient to tackle the environmental issues, then environment must be included as a central political-institutional concern towards development. Both concepts came out in Germany, during the revision of its Fundamental Law in 2004, by the enactment of the article 20a, which proposes the creation of a "new institutional ethics" for ecological balance based on the principle of sustainability. The concept of "Environmental State" was created and developed by Michael Kloepfer (2010), while the concept of "Ecological State" was developed by Klaus Bosselman (2013).

[9] Environment has become a mandatory topic within the field of action of the States, therefore, in Ecuador, since the Constitution of 1979, the right to live in a pollution-free environment was already established in its article 19, also, added as a duty of the state to ensure that this right was not affected and also established that the protection of nature should be protected, referring to a specific law, with the purpose that this establishes the restrictions on rights or freedoms in order to protect environment (Maldonado, Yanez, 2020, p. 8), our translation from Spanish.

[10] Art. 123, Constitution of Peru, 1979.

This theoretical framework is grounded on the paradigm of sustainable development, in which the possibility of converging the dynamics of capitalist production with the protection of the environment is conceived, based on the notion of "environmental justice" (Acselrad, 2009). Therefore, this model implies on the inclusion of the "environmental issue" within the constitutions as a question that must be managed by institutional policies. It is, therefore, evident that there is the influence of international treaties and agreements on this model of State. Recently, the World Commission on Environmental Law of International Union for Conservation of Nature (IUCN, 2016) has published the document World Declaration on the Environmental Rule of Law which sets objectives and provides instruments for the consolidation of the Ecological Rule of Law, while debates on the subject in South America have widely intensified.[11]

A paradigmatic shift came about with the constitutions of Ecuador (2008) and Bolivia (2009), being both an outcome of deep political transformations (Sousa Santos, 2014), by which provide a very high level of protection to nature, based on the vision of "vivir bien". Economy is rearticulated in the perspective of economic plurality and development is thought out in favor of society. The status of a subject of rights is attributed to nature in Ecuador (Barié, 2014) – that is, it is not merely an object of rights anymore –, conceived as a being endowed with life. Indeed, it is an effective "biocentric turn", which "puts into discussion the paradigm of modernity/modernization, development and economic and technoscientific progress, opening up towards the need to build new cognitive structures for social life" (Melo, 2013, p. 81-82). This means new epistemolo-

[11] In the words of José Rubens Morato Leite and Flavia Francia Dinnebier: "In this declaration it was established that the Ecological Rule of Law is fundamental for the achievement of the directives, duties and global governance for the protection, conservation and conservation of nature. The declaration clarifies that the classic regulation of the rule of law is not sufficient and requires several other assumptions, such as: 1. Development and definition of clear, rigid, effective, enforceable and administratively efficient, fair and inclusive policies, which they seek better levels of environmental quality; 2. Measures to ensure effective and timely compliance with the law and environmental policy, including criminal, civil, administrative and other instruments; 3. Effective rules of access, participation and information in the decision-making process and in the judicial system; 4. Monitoring, reporting, and environmental assessment as systemic, supplementary tools that prevent corruption", our translation, (Leite, Dinnebier, 2017, p. 7), our translation from the Portuguese.

gies, new methodologies and new practices in terms of politics and legal technique, pioneer in the globe.

This process was later known as "new Latin American constitutionalism" or "new Andean constitutionalism", which stamps several innovations for constitutional law and theory across the globe (Melo, 2012). What is effectively "new" in this process is the recognition of "new rights" in the field of environmental protection and the protection of cultural pluralism, along with the "refoundation" of the State in these countries, carried out by the recognition of southern epistemologies (Sousa Santos, 2010; Burckhart, 2017). Indeed, this is a vigorous contribution to the common heritage of democratic constitutionalism (Onida, 2008), with repercussions in different parts of the globe – due to the circulation of these new legal and constitutional models.

In this sense, environmental constitutionalism follows the epistemological opening of contemporary democratic constitutionalism, in order to constitutionalize new elements of environmental protection in each new constitution or constitutional reform. It demonstrates that environmental questions are assuming a preeminent role nowadays, especially in countries with big environmental and natural diversity – which is the case of the Amazon countries. The recent development of environmental constitutionalism demonstrate that it has a central role in each internal legal system, by improving the enactment of environmental policies and actions towards its effectiveness.

III. The protection of the environment in the Amazon countries Constitutions

South America is currently the geographical area in which the development of environmental constitutionalism is more evident and accurate, when comparing Constitutions in different parts of the globe. However, despite the provisions of environmental protection, the content of this right considerably varies. It poses different challenges for States and society in the field of constitutional policies, that is, in the set of actions from

different actors – public, private and third sector – in order to enforce the constitution.[12]

The current constitutions into force in the Amazon countries, in a chronological order regarding the environmental provisions are: Suriname (1987), Brazil (1988), Colombia (1991), Peru (1993), Venezuela (1999), Guyana (2003) reform, Ecuador (2008) and Bolivia (2009). Furthermore, it is also worth considering the French Constitution and the 2005 Charte de l'Environment, as it is enforceable in French Guiana, an overseas French department in the Amazon. The evolution of environmental constitutionalism in the region follows the path of global environmental constitutionalism, as the oldest Constitution is the one that adopts lower parameters of environmental protections, while the recent ones considerably improve constitutional protection, and recognize the environment in a biocentric dynamic.

In this scenario, the Constitution of Suriname (1987) provides for, among the "social aims", that "the identification of the potentialities for development of its own natural environment and the enlarging of the capacities to expand these potentialities" (art. 6, 1.a). It also established the obligation to create and promote all the conditions for the protection of nature and preservation of the ecological balance (art. 6, 1.g). However, the Constitution does not provide for a "subjective right" to the environment, but only points to a "collective responsibility" towards its protection. Hence, it can be conceived as a "moderate" level of environmental protection – but undoubtedly it represents the first step in the regional environmental constitutionalization (Hausil and Bertzky, 2019).

The Constitution of Brazil (1988) inaugurates a new cycle in South American constitutionalism, enacted right after the dictatorial regime, being it a symbol of the subcontinent's re-democratization process, as a pioneer. Concerning the constitutionalization of the environment, it may also be considered as a reference, as it establishes a strong protection level. The article 225 recognizes that everyone has the right to an ecologically balanced environment, envisaged as a common good for the people and essential to a healthy quality of life, imposing on the state and the commu-

[12] The term "constitutional policies" is here understood following the authors Gustavo Zagrebelsky, Milena Petters Melo and Michele Carducci, who indicate with it the sum of actions carried out by multifaceted actors – social, political, and also the third sector – to implement the constitutional text. For further analysis, s. Zagrebelsky, 1992; Melo, Carducci, Sparemberger, 2016.

nity the duty to defend and preserve it, for the present and future generations. It brings up two important innovations: 1) the notion of an "ecologically balanced" environment, and 2) the notion of intergenerational justice as an element at the core of environmental protection.

The Constitution also states some legal instruments to be managed in order to guarantee the effectiveness of this right: the "Prior Environmental Impact Study" (Estudo Prévio de Impacto Ambiental) for all enterprises potentially causing damage to the environment (art. 225, IV); the promotion of environmental education (art. 225, VI); the obligation to recover the environment in case of mineral exploration (art. 225, § 2); the definition of special protection areas in all federal units (art. 225, III); and the preservation of cultural diversity and integrity of the country's genetic heritage (art. 225, II). It also puts in place the defense of environment as one of the aims of national economic order (art. 170, VI), and imposes restrictions on private property, as all property must comply a "social function" (art. 186). The Constitution also lays down as common competence within the Brazilian federation (formed by the Union, States and Municipalities), the protection of the environment (art. 23, VI), and forests, fauna and flora (art. 23, VII) as well as defines the Amazon Rainforest as a national heritage (art. 225, § 4).

The Constitution of Colombia (1991) sets down that everyone has the right to a healthy environment, being it a state duty to protect its diversity and integrity, along with conserve areas of special ecological importance (art. 79). It grants as a duty for all citizens to protect the country's natural resources in order to ensure a healthy environment (art. 95). The State is responsible for planning the management and use of natural resources, in order to guarantee sustainable development and nature conservation, and must prevent and control environmental deterioration (art. 80). The country's economic activity is also conditioned to the preservation of the environment, delimiting the scope of economic freedom inside national territory (art. 333). These actions are planned by the State, through a National Development Plan, which must comply with the environmental policy (art. 339). Additionally, it is worth mentioning that the article 67 also establishes that education must be the basis for creating a culture of environmental protection (Rodriguez, 2022).

The Constitution of Peru (1993) also recognizes as a fundamental right a balanced environment for the adequate development of life (art. 22). In

the chapter entitled Environment and Natural Resources, the constitution determines the State obligation to adopt a national environmental policy based on the promotion of the sustainable use of natural resources (art. 67), as well as to promote the conservation of biological diversity and set up natural protected areas (art. 68), being the State responsible for fomenting sustainable development in the Amazon, based on technically adequate legislation (art. 69). The management of environment is decentralized (art. 195, 8), as local governments are responsible to act within the scope of its regulation (Wieland-Ferdinandi, 2017).

The Constitution of Venezuela (1991) is considered by some scholars as the one that inaugurates "new Latin American constitutionalism", mainly due to the political-institutional redesign it has promoted (as Pastor, Dalmau, 2010).[13] Regarding the environmental protection, the right and duty of each generation to protect and maintain the environment for the benefit of current and future generations is recognized (art. 127). The environment is an individual and collective right, and the State has the duty to protect biological diversity, genetic resources, ecological processes, national parks, natural monuments and other areas of ecological protection (art. 127). It is also a state obligation to ensure the full enjoyment of a contamination-free environment, in which air, water, soil, coastal areas, climate, the ozone layer, living species, are specially protected (art. 127). Mutual competence in the federation for the administration of the environment is recognized (art. 178, 2, 6), and the national public power is responsible for establishing a public policy for environment (art. 156). Venezuela's socioeconomic regime is based on the protection of the environment (art. 299). Environmental education is mandatory at the levels and modalities of the national education system (art. 107).

The Constitution of Guyana (1980) has passed an amendment in 2003, by which it grants the right of everyone to a harmful and healthy environment and well-being (article 149J). The Guyanese State must protect the environment for the benefit of present and future generations, through legislative proposals that aim to: 1) prevent pollution and ecological degradation, 2) promote environmental conservation, and 3) ensure sustainable

[13] However, when considering as "new" elements in new Latin American constitutionalism the further constitutional provisions over environment and the recognition of cultural pluralism, this movement has effectively started with the constitutions of Ecuador (2008) and Bolivia (2009).

development in the use of natural resources, in order to promote fair economic and social development (art. 149J, 2). The 1980 original constitution only provided for a citizen's "duty" to comply on activities to protect the environment (art. 25) and recognized that the well-being of all depend on the preservation of clean air, fertile soils, water and the preservation of the rich diversity of plants, animals and ecosystems (art. 36).

The recent constitutions of Ecuador (2008) and Bolivia (2009) – the last ones enacted in the subcontinent[14] – have furthered environmental constitutional experience. The Constitution of Ecuador recognizes in the article 14 the right of everyone to live in a healthy and ecologically balanced environment, which guarantees sustainability, well-being and Sumak Kawsay, as environmental preservation is declared to be of public interest. The State must promote the use of clean technologies, food and energetic sovereignty, as well as the right to water (art. 15). It is also recognized the right to a dignified life that ensures health, food and nutrition, drinking water, housing and environmental sustainability (art. 66, 2), and the right to develop economic activities with respect for the environment ("Responsabilidad Ambiental", art. 66, 15). It provides for the competences of the provincial and municipal governments for environmental management (art. 263, 4 and art. 264, 4), and establishes the country's development regime, based on an organized, sustainable and dynamic set of economic and environmental systems (art. 275), aiming at recovering and conserving nature and maintaining a healthy environment (art. 276, 4). The economic policy is structured with the aim of promoting socially and environmentally responsible development (art. 284).

The Ecuadorian State also protects people from the negative effects of natural or anthropogenic disasters and sets down actions to prevent and mitigate it (art. 389). Environmental management policies are transversally considered throughout the entire constitution and by the formulation of any public policy (cf. art. 395, 2), within the scope of guaranteeing sustainable development (art. 385, 1). In the case of environmental damage,

[14] It is worth mentioning that Chile has passed through a troubled Constituent Assembly process during 2021-2022. A rich analysis of this process has been made by the Italian constitutionalist Silvia Bagni (2022), whereby she points out the main causes of its unsuccessful approvement. Indeed, the Chilean Constitutional Project, released in 2022, represented an advancement for the country's environmental protection standards, as it has provided for the recognition of the "rights of nature", for instance, among other provisions.

State must act in an immediate and subsidiary manner to ensure the health and restoration of ecosystems (art. 397), declaring itself sovereign over its own biodiversity (art. 400) and free from the cultivation of transgenic seeds (art. 401). A national system of protected areas is created (art. 405) as well as the adoption of appropriate and transversal measures to mitigate climate change (art. 414).

However, the most significant innovation of the Ecuadorian constitution is the establishment of a specific chapter on the "Rights of Nature" (Derechos de la Naturaleza). It recognizes, in the article 71, that Nature itself, or Pachamama, where life is reproduced and carried out, has the right to be fully respected, its existence, maintenance and regeneration of its life cycles, structures, functions and evolutionary process (Vásquez, 2018), establishing that anyone can request public authority to enforce these rights (art. 71). The rights of nature to restore itself is recognized (art. 72), while in cases involving serious or permanent environmental damage, the State must guarantee mechanisms for regeneration (art. 72) as well as precautionary and restrictive measures for activities that may cause damage to the environment (art. 73). It is the duty of all Ecuadorians to respect the rights in nature (art. 83, 6). And it is recognized that the Amazon provinces must have a special territorial circumscription for the development of an integral planning in accordance with the principle of Sumak Kawsay (art. 250).

The Constitution of Bolivia (2009), the most recent one in the subcontinent, established a broad and detailed constitutionalization of the environment (Barié, 2022). It provides that everyone has the right to a healthy, protected and balanced environment within the framework of an intergenerational perspective (art. 33), and its protection is a duty of everyone (art. 108, 16). Environmental education (art. 80, I) and legal actions to protect the environment are settle down (art. 34). The Constitution substantially innovates with new forms of environmental jurisdiction, such as agro-environmental jurisdiction ("Jurisdicción Agroambiental", art. 186) through the Agro-environmental Court, intended to act as a specialized court for the protection of the environment, governed by the principles of social function, integrality, immediacy, sustainability and interculturality (art. 186 to 189). It establishes the national policy on biodiversity and the environment as attributions of the central State (art. 298, I, 20), but the competence to preserve, conserve and contribute to the protection of the environment and

the maintenance of its ecological balance are shared among central State, municipalities and territorial entities (art. 298, II and 302).

The Constitution put in place that all economic activities must contribute to strengthen the country's economic sovereignty, the private accumulation of economic power, that could lead state sovereignty to risk, is not allowed (art. 312, I), as each activity must contribute to the environmental protection (art. 312, III). One of the State functions in the economy is to promote the industrialization of renewable and non-renewable natural resources, within the framework of respect for environment protection (art. 316, 6). In Title II, relating to "Environment, natural resources, land and territory" the State and peoples are endowed of the duty to conserve, protect and sustainably use natural resources and biodiversity (art. 342), and the population's right to participate in environmental management is guaranteed, in order to be priorly consulted and informed on decisions that may affect the quality of the environment (art. 343).

Environmental policies must be based on participatory management, with social control (art. 345, I). Natural heritage is considered to be a nation's public interest and strategic character for country's sustainable development (art. 346), and liability for historical environmental damage is determined (art. 347, I). The constitution also imposes a detailed constitutionalization of "natural resources" (art. 348 to 352), with the need for prior consultation in case of natural resources exploitation that may have an environmental impact (art. 352). "Water Resources" (art. 373 to 377), "Energy" (art. 378 to 379), "Biodiversity" (art. 380 to 383), "Coca" (art. 384), "Protected Areas" (art. 385), the "Forest Resources" (art. 386 to 389), and "Land and Territory" (art. 393 to 404) are protected by the Constitution as well. It is also worth mentioning a detailed constitutionalization of the Amazon by the articles 390 to 392, as it follows:

> Article 390.
>
> I. The Bolivian Amazon basin constitutes a strategic space of special protection for the integral development of the country due to its high environmental sensitivity, existing biodiversity, water resources and the ecoregions.
>
> II. The Bolivian Amazon comprises the entire department of Pando, the Iturralde province of the La Paz department and the Vaca Díez and Ballivián provinces of the Beni department. The integral development of the Bolivian Amazon, as a sylvan territorial space of tropical humid forests,

> according to its specific characteristics of extractive and collecting forest wealth, will be governed by special law for the benefit of the region and the country.
>
> Article 391.
>
> I. The State will prioritize the integral sustainable development of the Bolivian Amazon, through an integral, participatory, shared and equitable administration of the Amazon Rainforest. The administration will be oriented towards employment and to improve the income for its inhabitants, within the framework of environmental sustainability.
>
> II. The State will promote access to financing for tourism, ecotourism activities and other regional entrepreneurship initiatives.
>
> III. The State, in coordination with the rural native indigenous authorities and the inhabitants of the Amazon, will create a special, decentralized public body, based in the Amazon, to promote activities specific to the region.
>
> Article 392.
>
> I. The State will implement special policies for the benefit of the nations and rural native indigenous peoples of the region to improve the conditions for the reactivation, incentives, industrialization, commercialization, protection and conservation of traditional extractive products.
>
> II. It recognizes the historical, cultural and economic value of the syringa and the chestnut tree, symbols of the Bolivian Amazon, whose felling will be penalized, except in cases of public interest regulated by law.[15]

Finally, it is worth mentioning the recent inclusion of environmental protection in French *bloc de constitutionalité* (Baranger, 2018), which is directly enforceable in its overseas territories, as it is the peculiar case of French Guiana (Galochet, Morel, 2015). In 2015, the Charte de l'Environment was promulgated recognizing the fundamental right to a balanced environment (art. 1), besides three other guiding principles of public environmental policies: prevention (art. 3), precaution (art. 5) and polluter pays principle (art. 4). It also constitutionalizes the principle of sustainable development (art. 6), environmental education (art. 8) and the right to participate in decision-making – both in the formulation and in monitoring – of environmental policies (art. 7). These are important innovations both for the European context – as it is a reference to the other

[15] Our translation from the original in Spanish.

States of the European Union – and in the scope of French Guianese Amazon governance.

However, it is worth mentioning that the Amazonian environmental constitutionalism has been developed in a social and political context marked by several idiosyncrasies. The Amazon is still a little-known region, even by the Amazon countries themselves. It has cultural dynamics that, occasionally, are very different from other geographic areas. This is particularly an element that, in some manner, hinders the enforcement of constitutional policies aimed at environmental protection in the region, insofar as it prints a relative degree of "specificity", which requires further articulation on the part of environmental institutions and agencies.

In this context, the enforcement of environmental constitutionalism in the Amazon also has the potential to overcome the myths about the forest and improve a new image for the region, based on the sustainable development and sustainable practices within its territory. Therefore, from a context still marked by a certain geopolitical marginalization, the Amazon can rise as the "center" of the world (Brum, 2021), especially due to the primordial role it has in the governance of climate change and the ecological crises in general.

IV. Constitutional dialogues for international cooperation in the Amazon

The analysis of the Amazon countries' current constitutions confirms, at least in a theoretical perspective, that environmental protection is a common issue, and indicates that they have a satisfactory or high level of protection. Indeed, all countries have also National Laws for the protection of the environment, in order to enforce constitutional dispositions.[16]

[16] Several national laws can be outlined: Brasil: Politica Nacional do Meio Ambiente (Lei 6.938/1981); Código Florestal Brasileiro (Lei nº 12.651/2012); Política Nacional dos Recursos Hídricos (Lei Nº 9.433/1997); Institui o Sistema Nacional de Unidades de Conservação da Natureza (Lei Nº 9.985/2000); Política Nacional de Resíduos Sólidos (Lei Nº 12.305/2010). Venezuela: Ley de protección a la fauna silvestre, de Gaceta Oficial n.º 29.289 del 11 de agosto de 1970; Ley Penal del Ambiente, de Gaceta Oficial n.º 39.913 del 2 de mayo de 2012; Ley Forestal de Suelos y de Aguas, de Gaceta Oficial n.º 27.981 del 9 de marzo de 1966; Ley de la Calidad de las Aguas y del Aire, de Gaceta Oficial n.º 6.207 del 28 de diciembre de 2015; Ley Orgánica del Ambiente, de Gaceta Oficial n.º 5.833 del 22 de diciembre de 2006, among others. Guiana: Amerindian Act, 2006;

It undoubtedly follows the gradual affirmation of "Environmental Rule of Law" in the region,[17] as all these countries have created since 1980s specific ministerial portfolios on environmental issues (United Nations, 2019, p. 6). Thus, the analysis of the constitutions described above allows to categorize them into two groups: 1) countries that have constitutionalized the Amazon protection; and, 2) the degree of environmental protection provided by each constitution.

Regarding the first classification, the Bolivian Constitution must be considered as paradigmatic as it carries out a broad and detailed constitutionalization of the Amazon and the protection of its natural and cultural heritage. In this group of countries, it is also possible to include the constitutions of Ecuador (art. 250), Constitution on Brazil (art. 225, § 4), the Constitution of Peru (art. 69) and the Constitution of Colombia, due to the recent constitutional amendment made in 2009 (transitional article, legislative act 01 of 2009, art. 14). The other constitutions do not make ex-

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Environmental Protection Act n. 11/1996. Guiana Francesa: Arrête n° 2015229-0001 du 17 août 2015, portant autorisation de perturbations et d'identifications de spécimens d'une espèce animale protégée. Bolivia: Ley del Medio Ambiente n° 1333, promulgada el 27 de abril de 1992; Ley de Vida Silvestre Parques Nacionales Caza y Pesca (DL 12301, 14/03/75); Reglamento de Áreas Protegidas (DS 24781, 31/0797). Ecuador: Ley de Gestión Ambiental 418, de 10 setembro 2004; Ley forestal y de conservación de áreas naturales y vida silvestre; Ley de Prevención y Control de la Contaminación Ambiental; Ley de Gestión Ambiental n. 99-37, Registro Oficial 245, 30-VII-99, codificada mediante ley 04-019, Registro Oficial 418, 10-IX-04. Perú: Politica Nacional del Ambiente al 2030 (more recent policy, approved by the Supreme Decree n. 023-2021-MINAM); Ley General del Ambiente (Ley n° 28611); Ley Orgánica para el aprovechamiento sostenible de los Recursos Naturales (Ley n° 26821); Ley marco del sistema nacional de gestión ambiental (Ley n° 28245); Colombia: Ley 99 de 1993; Ley 1252 de 2008, por la cual se dictan normas prohibitivas en materia ambiental, referentes a los residuos y desechos peligrosos y se dictan otras disposiciones; Ley 1152 de 2007, por la cual se dicta el Estatuto de Desarrollo Rural, se reforma el Instituto Colombiano de Desarrollo Rural, Incoder, y se dictan otras disposiciones; Ley 1021 de 2006, por la cual se expide la Ley General Forestal; Ley 611 de 2000, por la cual se dictan normas para el manejo sostenible de especies de Fauna Silvestre y Acuática; Decreto-Ley 2811 de 1974, mediante el cual se estableció el Código Nacional de Recursos Naturales Renovables y de Protección al Medio Ambiente. Suriname: Environmental Framework Act n. 97/2020; Forest Management Act (S.B. 1992, no. 80); Nature Protection Act (G.B. 1954 no. 26); Fauna Protection Act (G.B. 1954 no. 25).

[17] "While environmental rule of law is relatively new terminology, it has rapidly gained prominence, particularly in recent years" (United Nations, 2019, p. 26).

plicit reference to the Amazon, although they undertake the constitutional protection of the environment.

Referring to the second group, the constitutions can be categorized into three categories: 1) very strong protection, 2) strong protection, and 3) moderate protection of the environment. Indeed, none of the analyzed countries have weak or null constitutional environmental protection. In the first group the constitutions of Ecuador (2008) and Bolivia (2009) must be classified, due to the rich process of environmental constitutionalization undertaken. In the second group most of the current constitutions might be clustered: Brazil (1988), Colombia (1991), Peru (1993), Venezuela (1999), Guyana (constitutional amendment of 2003) and French Guiana (Constitution of France with the inclusion from the Charte de l'Environment, 2005). Finally, in the last group only the Constitution of Suriname (1987), the oldest one, shall be ranked, which had its last amendment in 1992.

Accordingly, the mentioned countries do not share the same legal and political traditions. Nations such as Brazil, Peru, Bolivia, Ecuador, Colombia and Venezuela are part of the Latin American law tradition, grounded on civil law systems, which have a strong influence of their former Iberian colonies: Spain and Portugal. However, Guyana and Suriname have both different legal traditions – and cannot be considered as belonging to Latin American one –, as it is a direct result of the peculiar colonization that these countries have had, from the United Kingdom and the Netherlands respectively. In this regard, the peculiar situation of French Guyana is emblematic, as it is a French territory and, therefore, an European territory – a part of the European Union – in South America, by which the French constitution is enforceable – although a certain level of legal autonomy is recognized. These data demonstrate the diversity of legal cultures – and constitutional cultures – in the subcontinent, reflecting in each country's constitutional system and in the attribution of value towards the constitutional norms.

Indeed, the circulation of these constitutional models occurred, to a large extent, by the means of an intercultural dialogue between different constitutional cultures. This is a reading key that allows understanding the fact that South America is the region of the globe with the highest level of legal protection in the constitutional sphere for the environment. Hence, these dialogues took place in "ecologization waves", the last one being marked by the constitutions of Ecuador and Bolivia as those that bring

upon more deep changes and crystalizing interesting contributions to democratic constitutionalism.

This explains in part the complex dynamics of normative diversity in which environmental protection is fostered within each constitutional system and provides elements to understand the position of these countries in the international scenario, especially in what concerns the state and governmental actions to promote international cooperation on environmental issues. Not all constitutions expressly provide a duty or incentive for international cooperation. It can be found in the constitutions of Brazil (art. 4, IX), Colombia (art. 80), Venezuela (art. 152-153), Ecuador (art. 416, 1) and Bolivia (art. 10), but it is not expressly provided for in the Constitutions of Peru, Guyana, Suriname and French Guiana (France).

The lack of an explicit provision does not prevent states and governments to take actions in order to improve and foster international cooperation – it is precisely a political and ethical duty in a globalized world in which the dynamics of interdependence get everyday even more evident (Delmas-Marty, 2016; Ferrajoli, 2022) –, but it does not bind governments to act in this regard, especially when it comes to environmental issues in the Amazon.

Since the 1970s, the Amazon has been triggered at the center of political, economic and, recently, climatic attention worldwide. For the Amazon countries, the rainforest is an essential element of internal development (Hecht, 2010), meanwhile "environmental movements" have largely intensified (Rootes, 1999). Thus, the lexicon of environmental protection, sustainability, guarantee of the right to a healthy environment for current and future generations, became part of the political and constitutional language – as seen in the previous topic –, improving the debate on this subject and pointing towards the growing relevance that the Amazon assumes nowadays both geopolitically and geostrategically for Amazonian states as well as globally – by which comes the need to further international cooperation for its protection.

It should be noted that despite the "consensus" inscribed in the constitutions of the Amazonian countries, the States face challenges to implement the constitutionally recognized rights. Each State faces particular difficulties, but there is an element that unites them, related to the economic model based on (neo) extractivism and the export of commodities (Gonzales, Garcia de M., 2011; Mendibile, 2022; Lakhan, Trenhaile, Lavalle, 2000;

Elias-Roberts, 2020; Castro, Ferrufino, 2014; Burchardt, Domínguez, Larrea, Peters, 2016; Ribadeneira, 2016; Maldonado, 2020; Valencia, 2013; Valencia, 2015; Nannetti, 2015; Acosta, Martínez, 2019; Moura, 2016; Villegas Moreno, 2012; Yarde, 2020; Adams, Moreto, Futemma, 2020; Silva Santos, 2022; Aubertin, Pons, 2017; Jacob, Palisse, Aubertin, 2020; Galochet, Morel, 2015).[18]

In this context, the Amazon States – with the exception of French Guyana – signed the Amazon Cooperation Treaty in 1978, with the aim of establishing a sustainable and integrated development of the Amazon basin.[19] It foresees, among other things, quality of life of its inhabitants and integrated environmental governance, as well as to leave explicit the "sovereignty" of the Amazon States over their own territory (Nunes, 2016). It is, indeed, the first international agreement on the Amazon that integrates all Amazon states, in order to establish and improve the "Amazon dialogue".

To be sure, there were several reasons that led to the assignment of the Treaty, ranging from the international level – such as the Stockholm Conference, 1972, which came up with the concerns over the future of the environment in the world –, to the speeches on international measures for the Amazon protection – the possibility of "external interference" in the Amazon nation's affairs – that aroused fears in the region's governments (Nunes, 2016, p. 223). The concern regarding national sovereignty over the Amazon's natural resources and the interest in guaranteeing development projects (Nunes, 2016, p. 223) was the main cause that mobilized and propelled Brazil to coordinate the Amazonian dialogue in the region.[20]

[18] Criticism over this economic model has been promoted by several Latin American authors, who point out the unsustainability of this dynamic of capital accumulation that depends on the seizure of natural assets, lands and territories (Svampa, 2019, p. 12). In fact, this model hinders and hampers the implementation of the right to a healthy and balanced environment, furthering new environmental conflicts.

[19] Even though other bilateral or multilateral agreements have been signed between the Amazon countries, this study concentrates over this particular case of the Amazon Cooperation Treaty, which is deemed to be the principal one in terms of Amazon governance.

[20] It should be noted that Brazil was, at that time, in the midst of a military regime, responsible for the Brazilian "economic miracle" at that time, and that it had a development plan for the country, based on the exploitation of the natural resources of the Amazon. For further analysis, s, Hall, 1998.

The fundamental principles of the Amazon Cooperation Treaty portray the political environment that involved its negotiation and enactment: sovereignty, equity, sustainable development and cooperation – as states the Treaty. However, the Amazon cooperation was only institutionalized through the creation of the Amazon Cooperation Treaty Organization in 1995, furthering the international legal framework for cooperation in this context.[21] Although it is a strategic International Organization within the Amazon, a detailed analysis of its actions clearly evidences that the Pan-Amazon system did not give rise to substantial concrete effects (Nunes, 2016, p. 242), not even in the field of natural resources governance, such as water resources (Mello Santana; Villar, 2015). ACTO was unable to produce a common response to the protection of the environment in the Amazon, as its role was dismissed to political articulation before some international "threat" of interference in the Amazon region internal affairs (Nunes, 2018).

Certainly, some projects carried out in by ACTO were – and continue to be – of great importance for the Amazon itself, and further the cooperation between the states in specific matters. In this sense, it should be mentioned some of the ongoing projects, such as the "Amazon Basin Project", which includes a program of strategic actions in the Amazon Basin, considering climate variability and change (OCTA, 2022a); the "Bioamazon Project", for the management, monitoring and control of fauna and flora species threatened by trade (OCTA, 2022b); and the "Amazon Project", for regional action in the area of water resources (OCTA, 2022c), among others. Some projects also have funding from abroad, as is the case of the "ACTO Biomaz Project", for technical cooperation in support of ACTO's biodiversity program within the scope of the Convention of Biological Diversity in Latin America, financed by the German Federal Ministry of Cooperation and Economic Development (BMZ) (OCTA, 2022d).

Indeed, there are several reasons that have not encouraged greater cooperation in the specific scope of ACTO. The "political disarticulation" of the organization is perhaps the most relevant element in this discussion. Amazonian countries tend to prioritize their own internal affairs – even when related to the Amazon itself – which generates a modest interest in

[21] International organizations and regimes intersect where the former provide for the "procedures" of the latter (List, Rittberger, 1992, p. 90).

furthering international cooperation for the protection of transnational natural assets.

Likewise, there are legal, economic and political limitations for the Organization's activities (Tica Fuertes, 2020). From a legal point of view, the ACTO lacks legal binding powers to limit the decisions of their member countries regarding its commitments and environmental policies (Tica Fuertes, 2020, p. 51), and also finds it difficult to approve common regulatory frameworks for the environmental protection, as was the recent case of the "Framework Agreement for Cooperation and Mutual Assistance for the Integral Management of Forest Fires". From the economic point of view, there is a strong dependence on external funds and resources (Tica Fuertes, 2020, p. 53), to the management of ACTO's projects and initiatives. Added to this, some countries, such as Venezuela, Brazil and Colombia, do not comply with their annual contribution obligations, which has a direct impact on the Organization's institutions.

From a political outlook, ACTO face barriers to assert itself among different other International Organizations that also have the Amazon as a focus – either if indirectly – as is the case of UNASUR, Andean Community, Alliance of the Pacific, CELAC, CARICOM, among others (Tica Fuertes, 2020, pp. 54-55; Ramírez, 2012, p. 13). This indicates that there are still at least three fundamental challenges to be tackled by ACTO's cooperation system, related to the enforceability of the right to the environment, the implementation of protected areas, and the development of financial mechanisms to fund initiatives (Tigre, 2017).

In this context, the Amazon was also a vector of integration within the Union of South American Nations (UNASUL), which in its Constitutive Treaty, signed in 2008, established as one of its main aims to build a space for integration prioritizing, among other things, the environment (art. 2). UNASUL was the only International Organization that brought together all Amazon States – with the exception of French Guiana – although its direct objective was not the governance of the Amazon – but the entire South American subcontinent – its actions were grounded on the principle of "complementarity" (Nunes, 2018). However, in 2018, changes in the political orientation of the region's leaders – in Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay and Peru – have worsen the viability of the Organization, being it almost extinguished (Lima, 2020, p. 12). In this

regard, UNASUL also did not put in practice substantial effects for the governance of the environment in the Amazon.

From the point of view of the Inter-American System of Human Rights, there is also no common normative parameter for environmental protection. The international protection of environment was established in the First Protocol to the American Convention on Human Rights (1988), precisely in Article 11, which recognizes a subjective right of everyone to a healthy environment, providing that States Parties must promote the protection, preservation and improvement of the environment. However, the participation of Amazonian States in the Inter-American System is not unanimous. Actually, Brazil, Peru, Ecuador, Bolivia, Colombia and Suriname approved the aforementioned Protocol, and it remains into force in their legal systems. But Guyana and French Guiana (France) are not state parties of the Inter-American System, and Venezuela recently denounced the American Convention on Human Rights (in 2012).

This scenario reveals that although there is a common language in the constitutional protection of environment in the Amazon nations – despite their differences and particularities –, there is a "normative and political disarticulation" in the international field and international cooperation. Constitutional dialogue, in the sense of a common normative standard protection – a protective constitutional language –, has not been enough to project a productive and effective international dialogue for the environmental protection in the Amazon. This dialogue, however, becomes fruitful only when states seek to protect and reaffirm their sovereignty over the Amazon before a supposed "threat" of international intervention in the Amazon and the possibility of losing some part of sovereignty.

Thus, it can be inferred that a large part of this normative and political disarticulation refers to the difficulty of enforcing environmental rights inscribed in the constitutions. The different issues, which reflect the Latin American economic development model, pose more incisive challenges to the Amazon countries, also concerning the implementation of their environmental public policies and the furthering of international cooperation for the environment.

This difficulty in articulating a common cooperative political response in the region – through policies and "common regulatory legal frameworks" – does not, however, prevent the spread, and strengthen, of other possible forms of international cooperation, carried out especially

by Non-Governmental Organizations and independent bodies, which have contributed to the implementation of the Environmental Rule of Law in the region, given the gap between the constitutional texts and their effective implementation. It is the case of Indigenous cooperation during covid-19 pandemic (Burckhart, Petters Melo, 2021), in which the COICA (Coordination of the Indigenous Organizations from the Amazon Basin) have had a pivotal role instead of state actions and policies.

These new forms of international cooperation carried out, to a large extent, with no intervention and participation of the state, find a great relevance in NGOs. It is recognized that NGOs – among other foundations and organizations of the civil society – play a significant role in activities that promote sustainable development, especially the organizations related to indigenous peoples. This fact has transformed both the discourse and practice of "development", implying on a greater democratization of global public policies, implemented by other actors than the state (Davies, 2012). In the case of the Amazon, indigenous peoples' organizations have assumed an important role to trigger sustainable development.

However, non-Governmental Organizations and independent bodies cannot effectively create "public policies" related to the protection of environment in the Amazon, they project themselves in the grammatic of constitutional policies, that is, in the set of actions – from several actors, being it public, private and from the third sector – that seek to enforce the constitution. Indigenous and environmental movements have played a central role in this context (Carneiro da Cunha, 2000), by which, within their limits action, have been improving the governance dynamics of the Amazon environmental safeguard.

It is remarkable, therefore, that since the establishment of the Amazon political dialogue, in the 1970s, until today, there have been insufficient political conditions to strengthen the Amazon cooperation, despite the considerable increase of political sensitivity across the globe towards its safeguard (Ramírez, 2012; Aranibar, 2003; Buelvas and Stopfer, 2020). Environmental constitutionalism reinforced and crystallized environmental protection within the States – which is a highly relevant fact – but, so far, it is not enough for the institutionalization of a more acute and pragmatic international cooperation in the field of Amazon Rainforest protection. This challenge, which is a challenge for all humanity, is still to be tackled.

V. Conclusions

Environmental constitutionalism and its acquisitive evolutions in the Amazon countries have had a pivotal importance in strengthening the internal governance of environmental protection in each state. It is evident that the constitutionalization of a certain subject have a more incisive impact on its effectiveness, than the only provision as an international legal instrument, because constitutionalizing implies, at least theoretically, on concrete limits to national political actions – as well as to private actions – especially in what concerns to the environment. In this sense, some of the analyzed constitutions can be considered a "model" or a "reference" for the entire globe, establishing rights of nature, new forms of environmental jurisdictions, protection of biomes and water, among other rights, especially in current times, marked by the intensification of environmental agenda worldwide.

However, despite the importance that environmental constitutionalism has currently assumed in South America, it has not intensified political and institutional articulation in the international field towards the enactment of common policies and regulatory normative frameworks related to the Amazon. The need for international cooperation on the protection of environment in a globalized world is grounded on the evidence that it is an international issue, which has a direct impact on everyone's life – particularly due to the impact that the Amazon has on global warming and, consequently, on climate change – and, therefore, it is an issue that needs international cooperation, especially among Amazon countries.

There are several topics that need to be tackled by states in order to improve international cooperation in the Amazon: 1) the need to further and strengthen cooperation within ACTO structure, considering the relevance that the Amazon has currently assumed, and the need to enforce environmental constitutionalism in the region; 2) the need to create common regulatory frameworks for water governance in the Amazon basin, as well as integrated management of land, vegetation, sustainable exploitation, forest, and other natural resources, in order to improve an integrated governance of these precious commons; 3) the need to articulate a common response that involves "all" Amazonian States – and here is essential to debate the role of France, which has an Amazonian territory, French Guiana, which is not a State-member of ACTO; 4) the need to approve an

articulated deforestation common policy with monitoring control institutions within the scope of ACTO; and, 5) discuss the role of traditional population, especially indigenous peoples, in the management and conservation of the Amazon and give support, by expanding the scope of the Organization, for the effectiveness of their rights.

The recent political transformations in Amazonian countries, especially since the election of Luís Inácio Lula da Silva as Brazilian President in 2022, may represent a "revival" in regional international environmental governance, which is currently being articulated by regional leaders (Andreoni, 2022). This scenario can, therefore, lead to further international cooperation in the Amazon, also through the proposal of international legal regulation in strategic areas for the countries, and encourage the open debate and dialogue on important issues regarding environmental protection.

Hereupon, thinking on the research hypothesis established in the introduction, it can be stated that they are partially confirmed, since if 1) the constitutional protection of environment has evidently developed in order to establish a common protective language among the Amazon countries, 2) the enactment of these constitutional provisions have not led states to further improve international cooperation in the region. Thus, constitutional dialogues for cooperation in the Amazon remain an open political and constitutional question to be tackled, and a challenge for political will both in national and international contexts, as a proposal to come about not only for Amazonian countries or peoples, but as a matter of fundamental importance for the entire world.

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