

COP 30 ROAD - Amazon rainforest series by Essex Equity Fund students' group of Essex University – N° 1

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- In 2015, through the Paris Agreement, international engagement around climate issues became about both solidarity and long-term goals. The COP is the event that reunites the parties to the agreement to discuss their common goals.
- In 2025 it was hosted in Brazil, both a strategic and symbolic host, because of the amazon rainforest crucial importance. To accommodate the numerous visitors, the Pará government launched a 13-mile-long highway project that cuts through the rainforest.
- This undeniable paradox raises questions of sovereignty of state when international interest is at stake, but also simple ethics questions linked to the environmental impact of these ambitious construction works.

This paper is part of a special series of letters by Réseau EDEN.i. This aims to shed light on works by Essex Equity Fund student's group of Essex University.

"The Essex Equity Fund is a student led initiative that aims to hone student's professional skills and prepare them for the workplace. Our newest department, Legal, Ethics and Sustainable Investment (LESI), looks to familiarise our members with research papers and critical analysis around lenses of law, sustainability and economics. It is with great pride that we associate, this term, with the French initiative EDEN.i through a series of paper around the Amazon rainforest and the different types of anthropic pressures it faces".



KEYWORDS:

COP 30 # PARIS AGREEMENT # CLIMATE CHANGE # AMAZON RAINFOREST

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I - Introduction

The purpose of this paper is to look at Brazil's Avenida Liberdade Road project, on what law principles it relies on, as well as the international and environmental stakes at play.

Brazil has claimed the construction of this road's aim was to ease traffic in the Belém region where the COP 30 was held. In recent years, COP has been a major international climate summit and aims to discuss the Paris Agreement's goals and any strategies needed to address them. Considering this conflict of interest between national sovereignty and international stakes we will then consider the following question: Does the Avenida Liberdade project illustrate the limits of international environmental governance when national sovereignty conflicts with global climate interests?

To address this axis we will develop the general context in the continuation of this introduction, to then study the way the Avenida Liberdade Road project anchors itself in it as well as in political and legal questions.

A) Protect the climate: COP strategy

The United Nations Framework Convention on Climate Change (UNFCCC) establishes a framework convention to stabilise greenhouse gas concentrations at safe levels (as close as possible to 1.5°C above pre-industrial levels). Its structure reflects a model of cooperative sovereignty rather than coercive enforcement. The Conference of the Parties (COP) functions as the supreme organ of the Convention, reviewing implementation and facilitating negotiation. They see governments come together to measure progress and negotiate the best way to address climate change, while taking each other's circumstances into account. At COPs, climate change leaders, experts, influencers come together to share their stories and solutions at panel discussions, exhibits, cultural events and hundreds of side events.

1) The impact of the Paris Agreement

The Paris Agreement represents a structural shift from binding emission targets (Kyoto model) to a bottom-up system of nationally determined contributions (NDCs). Legally, this reflects a hybrid form of obligation: procedural duties (submission, reporting, transparency) are binding, whereas substantive ambition remains nationally determined. It is a significant improvement from Kyoto's agreement which was significantly blocked due to its system based on efforts coming solely from developed countries. Seeing as the most polluting ones got back on their ratification of the agreement (mainly the USA) the whole guidelines lost their point. The Paris Agreement, which introduced for the first time the idea of a universal effort, also planned for climate action past 2020. The newest COP are therefore held in light of these international principles of solidarity in face of climate change. Objectives have indeed shifted from obligation (under Kyoto's Agreement) to collective strategies and support to all levels of society to adapt to the effects of climate change. The Conference of the Parties also now defends a net-zero carbon dioxide emission level by 2050.

Nowadays, The core priority at any COP is advancing the implementation of the Paris Agreement — specifically pushing countries to submit more ambitious national climate pledges (NDCs) and closing the gap between current commitments and what science says is needed to limit warming to 1.5°C. Beyond that, the perennial battlegrounds are climate finance (how much wealthy nations transfer to vulnerable ones), adaptation (helping countries cope with impacts already locked in), and Loss and Damage (compensation for harms that can no longer be avoided). At COP30 specifically, forests and biodiversity were elevated as central themes given the Belém setting.

2) COP 30th edition: in Brazil

The 30th edition is to be held in Brazil. The country makes for a great host, having close to 64% of the Amazon's rainforest surface on its territory. As such, it can act internationally as one of the main voices against deforestation, being on the first lines of it. Furthermore, Brazil has been criticised in recent years for not taking enough action against illegal deforestation of the Amazon and this COP edition is its chance to defend itself, and maybe, ask for help from the international convention. COP30 is distinctive because it will take place in Belém, within the Amazon region. This transforms the conference from a neutral diplomatic venue into a symbolically charged location. Therefore, hosting COP30 in the world's most important biodiversity hotspot is a critical opportunity to align action on climate and nature.

B) The Amazon rainforest: The planet's green lungs

It is widely recognised that both the climate crisis and the nature crisis are intertwined. Biodiversity loss and the destruction of natural habitats not only make the planet more vulnerable to climate impacts but also actively exacerbate warming by releasing stored carbon. Protecting and restoring nature, especially massive sinks like the Amazon rainforest, is not just an environmental goal, but an essential climate solution.

The Amazon Rainforest covers approximately 1.4 billion acres of dense forest; it earns its 'planet's green lungs' nickname from its unmatched carbon absorption. Thanks to its ever-going photosynthesis, it is the largest carbon well in the world. Additionally, it holds 10% of the world's fauna, with more than 16000 species.

In the case of the Belém area, the highway would cut through the Belém Environmental Protection Area (APAB) (around 7, 458 hectares).

It is the largest biodiversity asylum in the world, and its unique ecosystem is subject to several anthropic pressures.

1) The issue of sovereignty

As previously established, the majority of the Amazon's surface is on Brazil's territory, but the interests depending on it are international. Should the Amazon disappear, the largest carbon well would be lost and our ability to survive climate change would most likely be too. This raises the obvious question of sovereignty.

In matters of states' sovereignty over natural resources in doctrines it is important to distinguish between:

- Global commons (areas beyond national jurisdiction, such as the high seas),
- Global public goods, which may exist within national territory.

The Max Planck Institute's analysis clarifies that global public goods are not necessarily geographically detached from sovereignty. Climate regulation is a global public good even if the forest producing it lies within a state's territory. Thus, the Amazon is not legally a "common heritage of mankind", but it contributes to a global public good. Even if the future of the Amazon rainforest amounts to international stakes, the states' territory upon which it is implemented can dispose of it to their own benefit. Brazil therefore holds full authority over its 'share' of the Amazon rainforest, but not in an absolute way. Indeed, if the doctrine of Permanent Sovereignty over Natural Resources (PSNR), crystallised in UNGA Resolution 1803 (XVII), affirms the right of states to freely dispose of and exploit their natural resources, it subjects states to a few restrictions. PSNR is thus conditioned by:

- The duty not to cause transboundary harm: in other words, the State of origin (the one which can dispose of the natural resource) cannot cause harm to another State's territory. For instance, an oil spill linked to a state development project causing harm to a neighbouring state would be in violation of this international law principle.
- The principle of sustainable use.
- Intergenerational equity.
- The precautionary principle (management of potential anthropic threats on natural resources).

This balance is central to COP30 discussions. Brazil's sovereign authority over the Amazon coexists with international obligations. Therefore, in theory, even if the state might find financial advantages in the exploitation of the Amazon rainforest, international law should stop it from disposing of the natural heaven recklessly.

Considering the global context of international environmental protection and specifically the Amazon rainforest's place to play in such concerns, Brazil's choice of building the road definitely raises questions.

II- COP30 road

In preparation of the 30th edition of COP, Brazil started building a four lane road to ease traffic in the Belém area, where the Conference is to be held. This entire project cuts through the Amazon and forces a publicly supported deforestation. The purpose of this section is to explore the different stakes at play as well as the international legal questions that arise.

A) Avenida Liberdade and Economic patterns

The Avenida Liberdade project was officially announced in 2020. It is a 13 km long highway that cuts through the Amazon Rainforest and aims to ease traffic flow. It is often associated with the November 2025 COP 30, but

the project is not done yet and aims for an early 2026 delivery. Brazil, although works for this road started in 2012, was accused of using the climate summit as an excuse for building this colossal project. Some have called it a 'necessary justification'. And although the road in itself faces some controversy, it can certainly be argued that it is a great economic opportunity both for locals and for the state of Brazil generally.

1) **An unmatched economic opportunity**

Outside of easing traffic, the building of an additional road, especially one this scale, allows for the connection of different market hubs, facilitates transportation and can help reduce its cost. The specific road we have chosen for this study connects two opposite parts of the city of Belém and, once completed, is sure to improve both the flows of goods and individuals. Furthermore, and as this is a project that has been planned since 2012, one could argue that it is for the overall economic and social benefit of the city.

It has also been brought forward that local communities would strongly benefit from the Avenida Liberdade. These advantages mostly concern agricultural certificates to 300 families. With these cert

B) Obvious critics

After looking at the legal framework and the concrete case, we will now explore the potential critics we can evoke.

1) **Destruction of a biodiversity haven and irony of the objective**

Transportation and energy systems are vital for economic growth, but when they are poorly designed, their long-term harms can outweigh short-term gains. For instance, new roads often open remote forest areas to illegal and unsustainable logging, unplanned settlements, and the spread of agriculture.

By allowing this project, Brazil destroyed a large surface of the Amazon rainforest (estimated 68 hectares of vegetation will be removed). One could argue that as the main point of anchor for this biodiversity haven the State holds an international duty to protect it. Under this argument, Brazil would be in violation of some international treaties. The thesis is therefore non-viable, simply because most treaties and agreements aim for solidarity and voluntary engagement and do not have yet the ability to undermine a state's sovereignty at this scale. We can, however, underline the irony of the situation. For a state to justify a road's construction because it is host to an international climate summit is first of all an issue regarding the state's standing in arguments, and second of all, towards the reputation of the entire summit. COP aims to align international goals with states abilities, but a road project such as this one undermines all efforts and creates international opposition and disagreement.

The Pará government has put forward the idea that for each tree that is removed, three more will be planted. However, forest soil is just as precious as the trees in themselves, and takes much longer to be put back into place. The environmental impact is therefore not only undeniable, but also inevitable at this point in time.

1) Potential floodgates

On a very large geographical scale, the construction of the road has had a significant impact on farmers and landowners. Claudio Verequete is a farmer who used to cultivate the land that was deforested to build the road. Since the 1970's, farmers located on the road routes without official property titles (such as Claudio), can be simply expelled.

This raises concerns about opening the floodgates to further exploitation. As the road opens the wild area to businesses, a new economic synergy is created, inevitably attracting more activities. This comes at an environmental cost. Only if the local farmers can benefit from it, but they do not. Most of them cannot access the road. The locals are aware that, contrary to what the project states, this road will only benefit a select few, such as industrialists

The benefit of this road leads us to question the national Brazilian interest over the common interest in international law.

C) Second hand critics and questions

This section's purpose is to complete the previous one and look at how, in law, different issues arise.

1) State's sovereignty over national interest.

The Amazon is mostly implemented on Brazilian territory, and any attempt to condition sovereignty over it amounts to a form of ecological imperialism, where wealthy nations that already destroyed their own forests now seek to lock developing countries out of the same development pathways they used. The counterargument to the critics is that international interest does not automatically translate into international jurisdiction, global concern for a resource doesn't override the sovereign rights of the state that stewards it. The more constructive framing, which COP30 tried to embody, is that sovereignty and international cooperation aren't opposites: Brazil *chose* to host, *chose* to engage, and mechanisms like the Tropical Forests Forever Facility are designed precisely to make conservation financially worthwhile for sovereign states rather than imposing it on them.

2) The issue of accountability in international agreements and treaties

This cuts to the heart of what the COP process fundamentally is, a voluntary, consensus-based diplomatic forum, not a binding legal body. The honest answer is that accountability in its strongest form, enforceable penalties for non-compliance, is structurally impossible as long as sovereign states retain the right not to be bound without their consent. What defenders argue is that the Paris Agreement's "ratchet mechanism," requiring countries to submit increasingly ambitious NDCs every five years, is a soft but real form of accountability through transparency and reputational pressure. The problem is that reputational pressure has clearly not been

sufficient: global emissions have continued rising through three decades of COPs. The most candid response, then, is that full accountability probably is not possible within the current COP framework, but the alternative, abandoning multilateral climate diplomacy altogether, would be far worse, leaving no common forum, no shared targets, and no baseline against which to measure failure at all.

3) How can common interest and international interest be conciliated?

The Amazon rainforest is widely known as the “lungs of the earth”. The expression echoes the concept of “common interest” in international law.

It refers to shared, foundational values and goals that transcend the individual self-interests of States. To protect it, the international scene relies on treaty-based cooperation and norms. The Conference of the Parties (COP) particularly illustrates this principle. The States are aiming to reach a line of conduct in order to protect a “common interest” that affects them all: the slowdown of global warming. However, the concept stays an ideal when the States needs to “transcend” their national interest.

The road crossing the amazonian forest is built, not for the common interest shared in the COP, but for national economic development. This is mainly the principal difficulty the COP and international treaties in general are facing. As seen with the withdrawal of the United States from the Paris Agreement (COP21), national sovereignty often overrides global climate goals. When it comes to environmental protection, the “national interest” (particularly the economic one) appears to be prioritised by both Brazil and the United States over the “common interest”. Yet, when the benefits fall to industrial giants rather than local farmers like Claudio, it suggests that 'national interest' is often merely a facade for 'individual private interest’.

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