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### **Addressing the relationship between climate, justice, and conflict: towards a peace-oriented transition?**

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## **Addressing the relationship between climate, justice, and conflict: towards a peace-oriented transition?**

**Adriana Sá Leitão Di Pasquale\***

### **Abstract**

Climate change (CC) is a triggering factor for several environmental disasters and extreme phenomena, which progressively intensify as the planet's temperature rises. The consequences of these events impact populations differently, highlighting a series of injustices and inequalities, in addition to potentiating the occurrence of violent conflicts. CC, therefore, in addition to a widespread environmental crisis, appears – as well – as a matter of international (and national) security. The analysis proposed, hence, traces the relationship between climate, justice, and conflict, arguing that for achieving a climate neutral future, it is necessary to promote a peace-oriented transition. In this scenario, the legal order emerges as a fundamental instrument, especially through climate litigation actions – such as the Brazilian “green agenda”, which is examined as a case study. The article argues that the path towards a more adaptive society must be approached from a climate justice perspective: to ensure resilience and to promote environmental peace, all peoples need to be included as a part of the transformation.

**Keywords:** Climate Change, Climate Litigation, Environmental Peace, Climate Justice, Inclusive Transition.

### **Abstract**

Il cambiamento climatico (CC) è un fattore scatenante di numerosi disastri ambientali e di fenomeni meteorologici estremi, che si intensificano progressivamente con l'aumento della temperatura media del pianeta. Le conseguenze di questi eventi hanno un impatto diverso sulle popolazioni, evidenziando una serie di ingiustizie e disuguaglianze, oltre a favorire il verificarsi

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di conflitti violenti. Il CC, quindi, oltre che una crisi ambientale diffusa, appare anche come una questione di sicurezza internazionale (e nazionale). L'analisi proposta in questo articolo, quindi, ricostruisce la relazione tra clima, giustizia e conflitto, sostenendo che per raggiungere un futuro neutrale dal punto di vista climatico è necessario promuovere una transizione orientata alla pace. In questo scenario, il diritto emerge come strumento fondamentale, soprattutto attraverso la promozione di cause climatiche - come l'*agenda verde* brasiliana, che viene esaminata come caso di studio. Nell'articolo si sostiene che il percorso verso una società più sostenibile e capace di affrontare i cambiamenti in corso deve essere orientato da una prospettiva di giustizia climatica: per garantire la resilienza e promuovere la pace ambientale, tutti i popoli dovrebbero essere inclusi come parte attiva della transizione.

**Parole chiave:** Cambiamento climatico, Cause climatiche, Pace ambientale, Giustizia climatica, Transizione inclusiva.

## Introduction

Even before the 2015 United Nations Summit on Sustainable Development, which culminated in the 2030 Agenda ([United Nations, 2015a](#)), international actors were already noticing the adverse effects of their own doings. Indeed, the occurrence of phenomena intrinsically associated with human action on nature emphasizes the notion that the geological epoch in which humanity is currently present is the Anthropocene ([Barros-Platiau et al., 2015](#)).

Although the topic was not yet on the agenda of the 1972 Stockholm Conference<sup>1</sup>, during the 1979 World Climate Conference the scientific community identified the burning of fossil fuels, deforestation, and changes in land use as the responsible for the increase in atmospheric concentrations of carbon dioxide (CO<sup>2</sup>) and, consequently, for climate change (CC) ([IUC, 2000](#)).

Since the atmosphere – as well as the ocean ([Hatje et al., 2021](#)) – knows no borders,

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<sup>1</sup> The 1972 Stockholm Conference marked the beginning of a dialogue between industrialized and developing States regarding environmental matters.

CC is a global problem and, faced with a call for a universal response – justified by scientific evidence –, global climate governance began to be developed, which spans from the 1997 Kyoto Protocol to the 2015 Paris Agreement ([Luomi, 2020](#)).

After the adoption of the Paris Agreement, States made a commitment to keep the increase in the global average temperature below 2°C – that is, its primary objective is to limit the increase in temperatures to 1.5°C above pre-industrial levels ([United Nations, 2015b](#)). If, however, these levels were to be exceeded, the risks and impacts of CC could become more extreme and potentially irreversible ([IPCC, 2021a](#)).

To limit warming below 2°C, thus, a rapid acceleration of mitigation efforts is essential: without strengthening policies global warming could reach 3.2°C by 2100 ([IPCC, 2023](#)). In reality, the planet is already at least 1.1°C warmer ([IPCC, 2021b](#)) and this raise has triggered a series of environmental disasters, such as intense heat waves, cyclones, hurricanes, floods, and storms ([Nações Unidas, 2020](#)).

All Parties to the Paris Agreement must undertake and communicate ambitious efforts with the primary objective of reducing their emissions, as defined in each country's Nationally Determined Contribution (NDC) to the global response to CC. Some countries have been seeking to adopt efficient measures, directing their commitments mainly to limit the effects of this crisis ([Papadis, Tsatsaronis, 2020](#)).

For limiting the CC effects, yet States must consider the distribution of the burdens associated with it and promote equitable access to amenities and environmental needs. For that, environmental justice is arises as a movement dedicated to instilling this perspective in the decisions and measures adopted to confront the environmental crisis, encompassing procedural justice aimed at guaranteeing the right of all communities to participate in government decision-making related to the environment ([Gonzales, 2016](#)).

Climate justice, in parallel, developed from the realization that CC is another environmental condition that demonstrates the broader injustices and inequalities of poor and minority communities. The impacts of CC – not only the inequality of the impact, but also other forms of injustice, such as lack of recognition and inclusion in

political decision-making – represent one more example or symptom of social injustice ([Collins, Schlosberg, 2014](#)).

Thus, the climate crisis is revealed to be complex: it is not just a matter of establishing legal rules and international commitments – the relevance of which, however, cannot be denied – but of taking into account the deeper issues of the problem, which turn out to be not only environmental, but also social and economic.

In this scenario, CC can provoke an even greater problem: a risk to the promotion of international peace. This is because environmental changes and poor resource management boost the risk of conflict, especially in places already disadvantaged by socioeconomic inequalities. The scale of the cascading impacts resulting from CC mean that this crisis is also recognized as a security issue, that is, CC could put international peace at risk ([Brown, Nicolucci-Altman, 2022](#)). In fact, in 1992 the Rio Declaration already stated in its Principle 25 that “peace, development and environmental protection are interdependent and indivisible” ([CBD, 1992](#)).

In view of this context, the analysis proposed sheds light over the relationship between CC, justice, and conflict, showing that the path towards a climate neutral future must consider the complexity embedded in this crisis: to overcome the challenges ahead, it is imperative to integrate not only environmental aspects, but also economic and social ones, including the promotion of peace (or, at least, the avoidance of violent conflicts).

Starting from the premise that the legal order, as a means for transforming reality, has the main function of modulating society, the guiding research question, thus, is: how can the law – despite its limitations, especially the temporal ones<sup>2</sup> – function as an agent of change to guarantee human rights inherent to the fight against CC, including the right to peace<sup>3</sup>? To answer it, the study examines a particular case of climate litigation – which is an emerging body of environmental law.

The experience of Brazil is used in a case study approach, since this State is

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<sup>2</sup> Often the ordinary legislative process is not capable of keeping up with the urgency of the crisis.

<sup>3</sup> Considering the 2016 UN General Assembly Declaration on the Right to Peace, which declares that peace within and between states is a fundamental human right that has both individual and collective dimensions (UN A/RES/71/189).

reemerging in the international arena as a protagonist in the global environmental agenda, have even being chosen as the host of the Conference of the Parties (COP) in 2025 – or the COP 30<sup>4</sup> ([Brazil, 2023](#)), besides having assumed the presidency of the G20<sup>5</sup> ([G20 Brasil, 2024](#)).

More than that, in 2022 the Brazilian Supreme Court<sup>6</sup> (STF) acknowledged the Paris Agreement as a human rights treaty, recognizing its “supranational” status in the country ([STF, 2022a](#))<sup>7</sup> – becoming the first in the world to do so ([Kaminski, 2022](#)). Progressive rulings coming from the Global South frequently are unrecognized, despite their potential to impact and inspire similar decisions globally, so it is important to provide a platform to disseminate decisions and visions that go beyond Eurocentric standards.

This article is structured in four parts. Following this first introductory part, Part 2 delves into two important aspects of the climate crisis: firstly, its urgency, focusing on the environmental scope of the problem. Secondly, it gives priority to analysing vulnerabilities, highlighting the social (and economic) aspect of this crisis. In the social spectrum, several factors affect the quality of living of many peoples, such as food insecurity. Other than that, damages caused by environmental disasters increase discrepancies between populations and human groups, deepening inequalities.

Given these circumstances, it is argued that any intended transition must be inclusive, leaving no one behind. Part 3, in turn, focuses on the role played by the legal order when it comes to dealing with CC. Starting from international law, the paper delves into a case study of climate litigation in Brazil, analysing how the

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4 The COP is the supreme decision-making body of the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC, along with the Kyoto Protocol and the Paris Agreement, establish the institutional arrangements for the climate change intergovernmental process. All Parties to the UNFCCC are represented at the COP, at which they: adopt decisions needed to promote the effective implementation of the UNFCCC; review the implementation of the UNFCCC; and execute other relevant measures for international climate action (UNFCCC, 2020).

5 Since taking over the presidency, Brazil has proposed new agendas for the Global South, with the aim – among others – of strengthening the fight for sustainable development, demonstrating its interest in creating a Task Force for mobilization against climate change.

6 Originally: “*Supremo Tribunal Federal*”.

7 Any Brazilian law or decree that deviates from the Paris Agreement, consequently, can now be declared invalid on the basis of this constitutional interpretation.

Brazilian cases are centred on the protection of (fundamental) human rights and how this is relevant for achieving and guaranteeing peace. Finally, the last part concludes with some final considerations.

## **2. Identifying vulnerabilities and injustices in the context of climate change: who bears the burden?**

CC is widely known as a trigger for various environmental disasters and extreme events, which can have natural, human, or mixed origins, carrying with them the potential to compromise environmental functions or harm human interests. Furthermore, their occurrence often exceeds local and regional capabilities to respond to the incidents ([Carvalho, 2013](#)).

These circumstances – that inevitably relate to vulnerability and adaptation (in attempts to strengthening resilience) – affect different groups and layers of society around the planet in a disproportional manner.

Despite many international efforts and commitments undertaken over the years to fill gaps in global environmental action, many peoples remain vulnerable to the (often unexpected) effects of CC.

In this regard, this part of the article addresses some of the most significant environmental international commitments – providing a brief overview on the development of global climate action – and then, delves deeper into concepts that reveal and explain the injustices embedded in the context of the climate crisis.

From this, it is preliminarily concluded that any intended transition towards climate neutrality must necessarily be just and inclusive – factors that also contribute to achieving environmental peace.

### **2.1. *(Less than) A decade to face environmental disasters: a moratorium for climate action?***

The climate crisis, in addition to causing extreme events, is capable of multiplying



and expanding existing risks to peace and development, as its contribution to the scarcity of resources and social instability directly reflects the possibility of violent conflicts occurring ([United Nations, 2021a](#)).

Since 1989, the UN has guided the international community to act and cooperate to reduce such extreme phenomena, having established the 1990s as the “International Decade for Natural Disaster Reduction” ([United Nations, 1989](#)). In 2005, the Hyogo Disaster Reduction Conference was held, in which five intervention priorities were established for the period between 2005 and 2015 ([United Nations, 2007](#)).

At the end of that decade, States met again at the 3<sup>rd</sup> UN World Conference in Sendai, having adopted a Framework Convention for disaster risk reduction. This new milestone also marks the year 2030 as decisive to implement actions that substantially reduce the number of people affected by disasters globally, as well as to decrease the mortality resulting from these events and the economic loss related to the Global Gross Domestic Product ([United Nations, 2015a](#)).

After that, following the adoption of the 2030 Agenda in 2015, several commitments were also listed, including Sustainable Development Goal (SGD) 13, known as “climate action: take urgent action to combat climate change and its impacts” ([Nações Unidas, 2015](#)).

The SDGs are the goals that followed the work undertaken within the scope of the Millennium Development Goals (MDGs), established at the Millennium Summit in New York in 2000 ([Nações Unidas, 2000](#)). They reflect the continuity and consolidation of the MDGs, while making them more sustainable by strengthening environmental objectives.

In contrast to the MDGs that focused on actions conducted by developing countries, the SDGs propose that all countries work together to achieve these new environmental ambitions, without distinction ([Kumar et al., 2016](#)). The 2030 Agenda, therefore, innovates regarding the global climate action, as the MDGs did not directly reflect concern with CC ([Nações Unidas, 2000](#)). The development and advancement of these instruments highlight the urgency of the problem.

Climate events are cumulative phenomena that act as risk multipliers ([Carvalho, 2013](#)) – not only for the environment, but also for international security. For instance, between 1998 and 2017 alone, climate and geophysical disasters killed 1.3 million people and left further 4.4 billion people injured, homeless, displaced or in need of emergency assistance ([UNDRR, 2019](#)).

All these episodes and findings demonstrate that the year 2030, although established as a decisive mark for achieving climate and environmental goals in several instruments, cannot be considered as a moratorium on action – as if it was possible for States and governments to wait until the new decade approaches (more) to finally act.

The reality is that without urgent, effective, and equitable mitigation and adaptation actions, CC will continue to increasingly threaten the health of ecosystems, biodiversity and the health and livelihoods of people around the world ([IPCC, 2022](#)), making it impossible for humanity to maintain decent living conditions and to promote environmental peace in a near future.

## *2.2. Climate justice perspectives: tackling social inclusion for a just transition?*

CC increases risks in all countries, and disasters like the Covid-19 pandemic have shown how unpredictable hazards can have devastating, cascading impacts across all sectors, with debilitating and long-lasting socio-economic consequences ([UNDRR, 2019](#)).

The events arising from CC aggravate the vulnerabilities present in least developed and developing countries and, consequently, threaten international peace – as a healthy environment is an essential part of conflict prevention ([Brown, Nicolucci-Altmann, 2022](#)). More than that, the populations of these localities bear the most intense consequences of CC, such as deaths due to extreme phenomena ([Carvalho, 2013](#)).

Over the past two decades, climate-related disasters have nearly doubled, exacerbating inequalities between and within countries ([UNDRR, 2022](#)). Climate injustices vary not only according to income, but also by gender and even ethnicity, being present in practically all phenomena that contribute to worsening the climate crisis. Marginalized and vulnerable people are among those most affected by

environmental disasters, such as the impacts resulting from plastic pollution – which both contribute to aggravate the climate crisis as well as directly and indirectly threatens the full and effective enjoyment of all human rights ([Leitão, 2021](#)).

Likewise, even the measures promoted as “environmentally friendly alternatives”, such as the production of first-generation biofuels, intensify environmental injustices ([Koh, Wilcove, 2008](#)). For instance, the Food and Agriculture Organization (FAO), back in 2008, warned about the risks associated with bioenergy, mainly concerned about the rapid growth in the use of agricultural commodities to produce biofuels, which has triggered an increase in food insecurity among poor populations around the world. Due to the use of crops for fuel production, many people have lost access to safe and nutritious food (which is necessary to enjoy a normal and healthy life) ([FAO, 2008](#)).

The consequences of CC disproportionately affect groups that suffer from socioeconomic inequalities, including many black people – the environmental racism reflects unequal access to clean environments and basic environmental resources according to the “race” of an individual or population ([Patnaik et al., 2020](#)). Therefore, the damage caused by environmental disasters highlights and increases discrepancies between populations and human groups, since efforts and financial resources aimed at recovering locations affected by climate events are more directed towards more favoured areas where white people live ([Howell, Elliott, 2019](#)).

Within these inequalities related to the environmental and climate crisis, in relation to gender, women are the most affected. Higher mortality rates among women and girls in many recent events have been attributed to gender inequalities, including women’s limited access to information and communications about risks, high rates of poverty, and differential exposure to risks due to work and care roles ([UNDRR, 2022](#)).

Food insecurity caused by CC also affects women’s health differently due to their nutritional needs during pregnancy, lactation, and childbirth, for example. Women may also be at greater risk of sexual and gender-based violence in this context. For indigenous peoples, the effects of CC can cause irreparable cultural losses – indigenous women are often holders of traditional knowledge about their lands and

the medicinal value of plants, a wisdom directly impacted by rapid CC which, by reducing the biodiversity of their ecosystems, affect traditional knowledge and its application ([United Nations, 2021b](#)).

All these situations of intense inequality and discrepancy in relation to the distribution of the burden arising from the climate crisis ([Stoett, Omrow, 2021](#)) are factors capable of causing numerous conflicts, directly interfering in the (im)possibility of promoting environmental peace at the national and international levels – under these circumstances, CC can influence aspects that lead to or aggravate conflict.

A growing shortage of natural resources due to CC may cause local competition that becomes ungovernable in the lack of institutions for resolving disputes. The most vulnerable are the unstable states and communities with a history of conflict. In dealing with these situations, policies and strategies must take into account the significance of good governance, the interplay between different sectors and policy areas, as well as any unintended negative effects of emission reductions or climate adaptation, including those that affect the tenure of land, water, and forests, in order to lower the risk of conflict ([Sida, 2018](#)).

However, it should be noted that women, indigenous people and other vulnerable groups – although often viewed as passive targets of aid – are, in reality, true agents of change, possessing knowledge in their own right ([Brown, Nicolucci-Altman, 2022](#)). They must, then, be considered as such, not only as passive people who wait for the worst to happen and then ask for help. These people need to be heard and understood, so that they can be integrated into the active pole of the climate transition.

Consequently, in the laws, in the policies and programs dedicated to climate, environmental and disaster risk management, and in the measures aimed at promoting a transition for models adapted to CC, it is important that gender equality and non-discrimination are considered as political objectives. This reflects that the transition towards a climate neutral future must necessarily be just and inclusive ([UNDRR, 2022](#)). Otherwise, the problem will never be addressed (and, hopefully, resolved) in its entirety.

### 3. The legal aspects of climate change: law as a tool for promoting environmental peace

Moving from the analysis of some of the most significant international mechanisms related to CC, and having in mind the concepts that reveal the disproportionalities embedded in the context of the climate crisis, this part is focused on legal mechanisms as a tool for boosting a transition towards a climate neutral future – even when States seem unable to do so.

For this purpose, the development of climate litigation cases is addressed, more specifically in Brazil, through its “green agenda” – formed mainly in the higher courts.

Using climate litigation actions as a case study must necessarily recognize one of the first and most significant cases of climate litigation in the world, which is known as the “*affaire du siècle*”<sup>8</sup>. This French climate legal action was widely covered in the press and triggered a national political and legal debate on climate issues. The objective of this case was to investigate the illicit conduct of the French State on climate issues in order to contribute to the legal fight against global CC ([Cournil et al., 2020](#)).

The final ruling came on October 14, 2021, and was a pioneer in ordering France to repair the consequences of its deficiencies in combating CC. To this end, the Court ordered that exceeding greenhouse gases (GHG) emissions limit established by the first carbon budget (2015-18) should be compensated by the end of 2022 ([Paris, 2021](#)).

From this emblematic case, the article delves deeper into the Brazilian experience. In the country, the fundamental right to a balanced environment, although recognized in the Constitution, has been constantly violated – either because the government bodies are inactive in the face of environmental crimes, or even because Brazil is not prepared to withstand the intensification of CC effects, often leaving the population at the mercy of the consequences of extreme events. In addition, the violation of environmental legal norms has driven the Brazilian Judiciary to use the law as an instrument for transforming this reality.

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<sup>8</sup> The “Case of the Century”.

Therefore, this part starts from an international perspective and then focuses on relevant Brazilian legal actions, showing how they can boost the transition towards a climate neutral future – while also working for the promotion of environmental peace.

### *3.1. A race towards climate neutrality: adapting, mitigating or remediating?*

There are several international frameworks, conventions, milestones, resolutions, and regulations relevant to the international climate agenda, which encourage the engagement of different entities and actors so that they can cooperate and act – whether jointly or individually – in time to avoid environmental disasters (those that can still be reversed) ([UNDRR, 2019](#)).

Most fatalities due to natural incidents are attributable to geophysical events – mainly earthquakes and tsunamis –, while 91% of all environmental disasters have been caused by floods, storms, droughts, heat waves and other extreme weather phenomena ([UNDRR, 2019](#)). Although many efforts are dedicated to mitigating CC, the consequences and irreversible damage originated from this crisis are already (disproportionately) borne by many populations across the planet ([Nações Unidas, 2020](#)).

Faced with all the variables pertinent to CC, as well as the different impacts and consequences that can be – and are being – endured by populations around the planet, international actors have turned their efforts to the implementation of adaptation, mitigation and, when necessary, remediation measures.

In this sense, mitigation is focused on reducing GHG emissions, while adaptation refers to strengthening resilience and reducing weaknesses in relation to CC ([United Nations, 2015b](#)).

Adaptation actions must be structured in a way to combine environmental, climate and social justice for the most vulnerable ([Collins, Schlosberg, 2014](#)); in turn, remediation to losses and damages are the third pillar of climate action and are associated with the adverse effects of the crisis, including extreme weather events ([United Nations, 2015b](#)).

As a remediation tool, the Warsaw International Mechanism (WIM) was established by the international community to address losses and damages associated with the impacts of CC ([United Nations, 2013](#)), however, despite its existence, there are still no established parameters on financing for disasters and catastrophes arising from the climate crisis. For instance, it was only a decade after the first introduction of the WIM, that the Parties to the Paris Agreement finally operationalized a Loss and Damage Fund on the first day of COP 28, in 2023 ([Earth Negotiations Bulletin, 2023](#)).

Before that, developing countries have long called for more focus on mobilizing action and support in work under the auspices of the WIM ([Puig, Roberts, 2021](#)), as well as operationalizing the Santiago Network for Loss and Damage, created in 2019 ([United Nations, 2021c](#)).

There exist several national adaptation plans and strategies, many of which are developed with the assistance of the United Nations Environment Programme (UNEP). The establishment of these plans aims to build resilience capacity, in addition to integrating adaptation into new and existing policies and programs, especially development strategies ([United Nations, 2020](#)).

Building resilience, thus, means developing systems' abilities to respond to change, creating lasting well-being for individuals and the environment. The resilience of social and ecological systems is a fundamental measure of sustainable development, and its solutions can build capabilities across contexts, systems, and geographies while adhering to common resilience principles ([Bhamra, 2015](#)). Among them, stand out the maintenance of diversity, the promotion of thoughts on complex adaptive systems, and the expansion of social participation ([Simonsen et al., 2014](#)).

The development of mitigation and adaptation plans to CC, therefore, must consider the resilience potential of ecological systems – and from that, one can speak of the right to ecological resilience as the set of norms, rules and actions dedicated to implementing adaptive management of the environment, in the face of all the alterations generated by CC ([Gunderson, 2000](#)). This right is also directly related to

the promotion of environmental peace<sup>9</sup> ([Brown, Nicolucci-Altman, 2022](#)).

Being prepared to tackle the climate crisis relates to the ability to adapt and to have flexibility to deal with the unforeseen or unexpected ([Lara, Wiederkehr, 2022](#)). These premises enable the construction of ecological resilience, in accordance with SDG 13, especially with the target 13.1 ([Nações Unidas, 2015](#)).

The legal order as a means for transforming reality, in this scenario, has the primary function of modulating society, developing a prominent position to promote normativity and stability in the phases before and after the occurrence of a disaster or environmental catastrophe, for example ([Carvalho, 2013](#)).

### *3.2. The legal order as a tool for the transition: uncovering climate litigation in Brazil*

In Brazil, the year 2024 began in a particularly worrying way, since, as one of the consequences of CC in the country, heavy rains have killed at least 11 people, flooding streets, the metro lines, several homes, and even causing landslides and bringing trees down ([Gaier, 2024](#)).

Before that, in 2022, the municipality of Petrópolis, in the state of Rio de Janeiro, was also hit by heavy rains that caused floods with serious consequences, with at least 233 deaths and 4 disappearances recorded ([SGB, 2022](#)). Torrential rains occurred as well in the south of Bahia, with losses estimated at 1.6 billion BRL. Furthermore, the drought in Mato Grosso, Mato Grosso do Sul and Rio Grande do Sul has left more than 80% of their territories in a calamitous situation ([Lara, Wiederkehr, 2022](#)).

Within the Brazilian context, evidence shows that there exists a direct relationship between this type of climate event and violent and property crimes – for example, droughts expressively augment rates of violent crime, including juvenile and general homicide ([Ishak, 2022](#)). The most vulnerable and impoverished areas subjected to the impacts of climate events bear much of the burden, being more affected by criminal activity and facing increased social costs ([Robério et al. 2023](#)).

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<sup>9</sup> Because, as previously mentioned, environmental changes and poor resource management enhance the risks of conflict, especially in marginalized locations.



Therefore, as the globe warms, disasters become more frequent and intense –with devastating consequences for vulnerable families and communities ([Barrett et al. 2021](#)), as well as the risks to peace and development increase, contributing to the insufficiency of resources and to social instability. And, of course, Brazil is not immune to this scenario.

There are many factors that contribute to intensifying the impacts of the climate crisis in the country, more significantly the frequent fires in the Amazon rainforest, a region that is home to around 250,000 indigenous peoples, whose survival intrinsically depends on the relationship maintained with the biome ([Mamed, Filho, 2020](#)). These forest fires leave the affected areas more exposed to the resulting climatic and anthropogenic impacts ([Gabardo, et al., 2021](#)).

With the purpose of supporting projects in actions to prevent, monitor and combat deforestation and promote the conservation and sustainable use of the Legal Amazon ([Brazil, 2019](#)), Brazil counted on donations from States such as Norway and Germany, through the Amazon Fund ([Brazil, 2008](#)). Fundraising for the Amazon Fund was linked to the reduction of GHG emissions resulting from deforestation – that is, the reduction of the annual deforestation rate was a condition for the fundraising operation ([Amazon Fund, 2019](#)).

As of April 2020, nevertheless, due to the change in the Fund's governance – also due to the change of government in power in Brazil – and after the publication, by the National Institute for Space Research<sup>10</sup> (INPE), of deforestation data that indicated a historic increase in vegetation suppression of the native Amazon rainforest, the donor countries suspended transfers to the Fund ([Prizibiszki, 2019](#)).

The convergence of these factors – reduction of environmental supervision and control, inaction regarding the occurrence of serious environmental crimes, among others – culminated in the recognition by the STF of an Unconstitutional State of Affairs (ECI)<sup>11</sup> in environmental matters in Brazil. The recognition of an “Environmental ECI” in Brazil took place during the trial of the Action Against the

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<sup>10</sup> Originally: “Instituto Nacional de Pesquisas Espaciais”.

<sup>11</sup> Originally: “Estado de Coisas Inconstitucional”.

Violation of a Constitutional Fundamental Right (ADPF) No. 760, which, together with other legal actions<sup>12</sup>, are part of the so-called Brazilian “green agenda”, that includes causes relating to environmental issues ([STF, 2022b](#)).

The ECI acknowledged the omission of the Brazilian State, as well as the measures to weaken supervision to prevent and contain environmental degradation, since these actions made the protection of a balanced environment less efficient – something that is in breach of art. 225 of the Brazilian Constitution<sup>13</sup> ([Distrito Federal, 2022](#)), as the right to an ecologically balanced environment must be promoted in compliance with the principle of intergenerational solidarity ([Brazil, 1988](#)).

From the establishment of the Environmental ECI in Brazil emerged the potential to impose important obligations on the State, such as inspection and monitoring ([Alves, Heimann, 2022](#)), which could result in the development of valuable mechanisms to prevent setbacks in environmental matters and, consequently, culminate in a better preparation and adaptation of Brazil to face the climate crisis.

Over the past forty years, the number of climate-related cases in the country has increased due to an improvement in the national environmental legislation. This is demonstrated by the volume of cases submitted to courts’ analysis, as well as the more coherent justification for environmental concerns in rulings ([Moreira et al., 2024](#)). In this sense, more actions on the “green agenda” have been included for judgment before the STF.

The judicialization of climate issues in Brazil has become more and more important, especially because it increases pressure to reach political solutions that deal with losses and damages ([Schäfer et al., 2018](#)). Nevertheless, it also demonstrates that the mitigation and adaptation plans endorsed are not being properly implemented or are falling short of the urgency of the problem. In fact, Brazil, for instance, has a

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12 Such as the Direct Actions of Unconstitutionality by Omission “ADO” No. 54, ADPFs No. 735 and 651, and e Direct Action of Unconstitutionality “ADI” No. 6148 and 6808.

13 The article states that: “everyone has the right to an ecologically balanced environment, which is a common good for the people and is essential to a healthy quality of life, and it is a Public Authorities’ and the community’s duty to defend and preserve it for present and future generations. (...)” (authorial translation).

Climate Change Adaptation Plan (PNA) ([Brazil, 2016](#)) full of flaws – poorly coordinated and inconsistent, lacking common implementation approaches ([Milhorance, et al., 2022](#)) – which is not well operationalized and is scarcely widespread ([Brazil, 2021](#)).

Despite that, the Brazilian Judiciary is acting to fulfil important gaps – being the first in the world to recognize the “supranational” status of the Paris Agreement, which means that it is considered as a human rights treaty in the country ([Kaminski, 2022](#)). As a direct result of this decision, it is possible to invalidate any Brazilian law or decree that conflicts with the Paris Agreement. In addition, this precedent offers important insights for climate change litigation – and inspiration to courts and litigants around the world. Procedurally, it also presents novel legal strategies that could serve as models in the Global South ([Tigre, Setzer, 2023](#)).

This express recognition that the challenges related to the climate crisis are directly connected to human rights gives even more evidence to the fact that CC has influences on the promotion of peace – or on its absence. Considering that not only international peace but also intra-state peace is considered a human right with collective and individual dimensions ([UNGA, 2016](#)), Brazil can take a step ahead – at least legally – in the prevention of violent conflicts related to climate events, being able to address the complexity of the climate crisis in its entirety.

The STF’s rulings, therefore, are offering greater adaptation to CC in Brazil, considering that adaptative actions need to combine environmental, climate and social justice for the most vulnerable. The legal order as a tool for transforming the reality, in Brazil, has shown to be engaged in building resilience and developing better abilities to respond to change.

Maintaining dignified and peaceful living conditions for this generation and for the future ones depends on the successful application of the right to ecological resilience, closely linked to the protection of human beings and to the promotion of human rights ([Trindade, 1993](#)).

#### **4. Concluding remarks**

Through this study, it was possible to find that there is a growing production of literature relating CC and conflict – although the effects of climate-related events are increasing in great magnitude, with outcomes that are often unpredictable; a connection that has been discussed intensively in academic literature in the past years, and which should be acknowledged with greater importance in the legal practice.

The literature shows that in order to limit the risks of multiplying and intensifying violent events, it is fundamental that nations and regions implement relevant interventions regarding the correlation between CC and conflict: it is expected that an integrated approach will be increasingly adopted.

Beyond that, the analysis showed that the effects of CC have inevitably been borne unequally across populations, with marginalized peoples, women, black and indigenous communities being the most affected by a crisis to which they contributed little or nothing. The burden of environmental disasters and catastrophes arising from the climate crises, however, should be distributed in a more proportional or egalitarian manner, as a measure of justice. Any attempt to promote the transition to adaptive solutions for CC must necessarily be inclusive – as minority groups, although often vulnerable, are true agents of transformation.

Promoting this transition of society to more sustainable and nature-friendly production models requires the multisectoral engagement of the most diverse entities and participants in the international community. Being prepared to face extreme events (many of which are unexpected and inevitable) calls for a holistic vision and an integrated approach to managing environmental issues.

Further, the analysis highlighted that legal instruments are essential mechanisms for guaranteeing human rights – especially the right to a balanced environment and to ecological resilience, in favour of guaranteeing environmental peace. In circumstances of state omission, for instance, the judicialization of demands that constitute the so-called “climate litigations” has shown the potential to put pressure on States in order to transform their positions – reaching, for example, higher levels

in environmental protection.

In the case of Brazil, through recent legal actions, the country is now constitutionally obliged to combat CC. The Brazilian Judiciary is the first in the world to perceive the Paris Agreement as a human rights treaty, which is an important precedent for climate change litigation, serving as a model in the Global South. This advancement brings the fight against CC even closer to the dimension of peace intrinsic to human rights, showing that the legal order is, indeed, capable of developing better abilities to respond to change.

Therefore, this study concludes that for properly understanding the complex relationships between CC and conflict and to determine the best course of action, comprehensive and transdisciplinary efforts are required, as theory and practice must be aligned. In a context of finite resources and difficult choices, it is crucial to deeply comprehend the interplay between CC and the risks it poses for emerging violent conflicts, accompanied by the trade-offs and synergies between all the responses available.

Each mitigation, adaptation and remediation measure adopted in the present is relevant to enable humanity to perpetuate its existence in conditions of dignified and peaceful life, aiming not only to achieve the global environmental goals set by 2030, but also to ensure resilience and to promote lasting peace – for which the effectiveness of interventions to manage climate-conflict links should be further and periodically evaluated, evolving in line with future developments in climate change governance.

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