

BRAZILIAN  
**CLIMATE  
LITIGATION**  
BULLETIN 2023



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**BRAZILIAN CLIMATE LITIGATION BULLETIN**  
**2023**

2nd Edition

November 2023

Research Group on Law, Environment and Justice in the Anthropocene  
(JUMA/PUC-Rio)

Supported by iCS

# Technical Data Sheet

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## English Version:

Awena Mai Jones

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Institute for Climate and Society - iCS

# Table of Contents

<b>1.</b>		
Presentation .....		03
<b>2.</b>		
Categories .....		08
<b>2.1.</b>		
Type of action .....		08
<b>2.2.</b>		
Type of plaintiff .....		10
<b>2.3.</b>		
Type of defendant .....		11
<b>2.4.</b>		
Measures addressed .....		12
<b>2.5.</b>		
State of origin .....		14
<b>2.6.</b>		
Brazilian biomes .....		16
<b>2.7.</b>		
Greenhouse gas (GHG) emissions sector .....		17
<b>2.8.</b>		
Climate approach .....		18
<b>2.9.</b>		
Environmental and/or climate justice approach .....		20
<b>2.10.</b>		
Claim alignment with climate protection .....		21
<b>2.11.</b>		
Systemic or routine case .....		23
<b>3.</b>		
References .....		25
<b>4.</b>		
Appendix - List of the 70 cases registered on the Brazilian Climate Litigation Platform up until September 2023 .....		26

# List of Graphs

<b>Graph 1:</b> Cumulative history of climate cases in Brazil .....	05
<b>Graph 2:</b> Number of climate cases filed per year .....	06
<b>Graph 3:</b> Type of action mobilised in climate litigation .....	09
<b>Graph 4:</b> Type of plaintiff .....	10
<b>Graph 5:</b> Type of defendant .....	11
<b>Graph 6:</b> Measures addressed .....	13
<b>Graph 7.1:</b> State of origin .....	15
<b>Graph 7.2:</b> State of origin (map) .....	15
<b>Graph 8:</b> Brazilian biomes .....	16
<b>Graph 9:</b> Greenhouse gas (GHG) emissions sector .....	18
<b>Graph 10:</b> Climate approach .....	19
<b>Graph 11:</b> Environmental and/or climate justice approach .....	21
<b>Graph 12:</b> Claim alignment with climate protection .....	22
<b>Graph 13:</b> Systemic or routine case .....	23

# List of Tables

<b>Table 1:</b>	
Type of action mobilised in climate litigation .....	09
<b>Table 2:</b>	
Climate approach .....	19
<b>Table 3:</b>	
Environmental and/or climate justice approach .....	21
<b>Table 4:</b>	
Claim alignment with climate protection .....	22
<b>Table 5:</b>	
Systemic or routine case .....	24



# 1. Presentation

This edition of the Brazilian Climate Litigation Bulletin compiles quantitative results from data registered on the [Brazilian Climate Litigation Platform](#), and provides an initial qualitative analysis of the mapped and analysed data up until September 2023.

The Brazilian Climate Litigation Platform (“Platform”) was developed and is maintained by the Research Group on Law, Environment and Justice in the Anthropocene (JUMA), affiliated to the Coordination of Environmental Law of the Interdisciplinary Centre for the Environment (NIMA-Jur) at the Pontifical Catholic University of Rio de Janeiro (PUC-Rio). Launched in August 2022, the Platform is a database that gathers Brazilian cases categorised as climate litigation, based on a [methodology](#)<sup>1</sup> developed to guide the registration and analysis of the catalogued data.

To be included on the Platform, the case must have been filed before the Brazilian Judiciary, and be directly and expressly related to climate change. The Platform considers two different approaches to climate change. The first refers to cases in which climate change is the main issue or one of the main issues discussed in the case, whether or not it is linked to other environmental or non-environmental arguments. The second approach refers to cases in which climate change is mentioned explicitly but only as a context for legal arguments that are not directly related to climate issues.

It is worth noting that the purpose of the Platform is not to comprehensively gather all Brazilian cases that superficially discuss or mention the climate. These cases are included only if they are considered relevant due to their media and/or academic impact and their potential to effectively contribute to the development of climate litigation in Brazil. The same applies to cases in which the climate is mentioned after the action has been filed (in the defendant's response, in amicus curiae briefs, in court decisions, etc.).

The Platform is periodically updated to include new cases and new information about the progress of those already registered. New lawsuits added to the Platform are compiled collaboratively through networks and partnerships. The JUMA team also uses other sources of information to identify new cases, such as reports, academic and journalistic articles, court websites, civil society organisations’ websites, social media, among others.

Based on the categorisation of 70 cases included on the Platform up until September 2023, it was possible to systematise information about the distribution of this

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1 Available in Portuguese only.



set of cases according to the categories established in the methodology for selecting and classifying Brazilian climate litigation cases.



Climate litigation is a global phenomenon that began in countries in the Global North, especially in the United States and Australia in the 1990s. The phenomenon has undergone a gradual process of geographic expansion, with cases from the Global South gaining visibility especially since 2010. Although there is still a large concentration of cases in the Global North, successive reports point out that the number of cases in the Global South is growing. This trend can be especially seen in the context of Brazil, with the country being one of the jurisdictions with the most cases globally and in first place among Global South countries.<sup>2</sup>

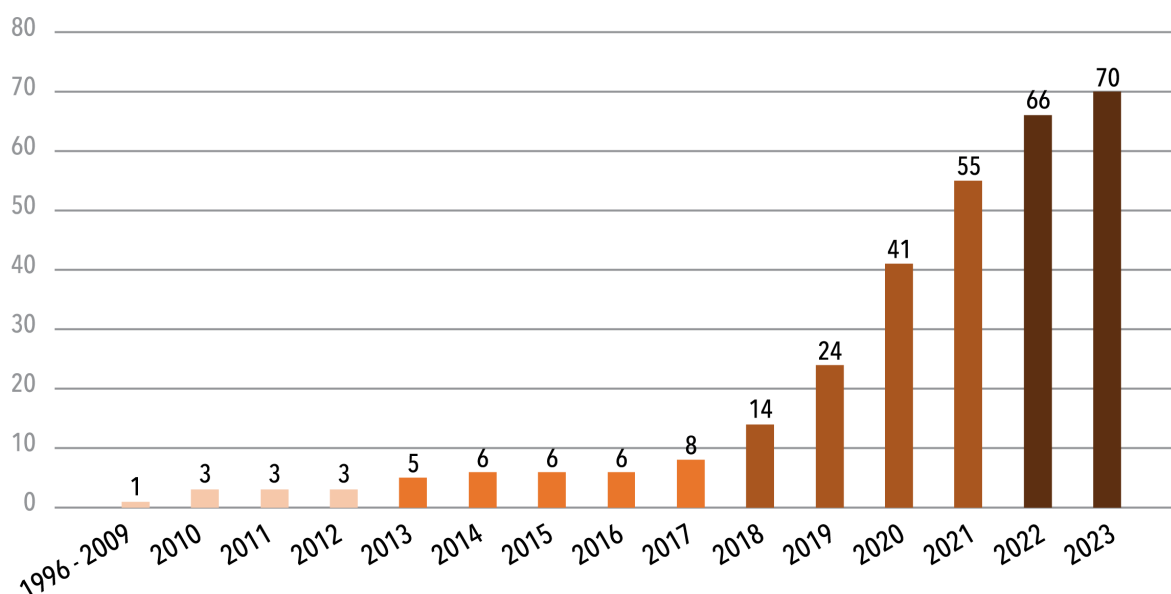
Graph 1, below, represents the accumulation of cases over the years, showing the number of climate cases in Brazilian courts by year of filing up until September 2023. We can highlight the significant increase in climate litigation in Brazil, especially since 2018, with the total number of cases at the end of 2017 increasing almost nine times in just a five-year span. This is a remarkable growth within a short period, worth noting even from a comparative perspective.<sup>3</sup>

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2 See (a) SETZER, J. and HIGHAM, C. *Global Trends in Climate Change Litigation: 2023 Snapshot*. London: Grantham Research Institute on Climate Change and the Environment and Center for Climate Change Economics and Policy, London School of Economics and Political Science, 2023, p. 11-18. Available at <https://www.lse.ac.uk/granthaminstitute/publication/global-trends-in-climate-change-litigation-2023-snapshot/>. Accessed on 31 July, 2023; and (b) BURGER, Michael and TIGRE, Maria Antonia. *Global Climate Litigation Report: 2023 Status Review*. Sabin Center for Climate Change Law, Columbia Law School & United Nations Environment Program, 2023, p. 6-21. Available at [https://scholarship.law.columbia.edu/sabin\\_climate\\_change/2023](https://scholarship.law.columbia.edu/sabin_climate_change/2023). Accessed on 31 July, 2023.

3 For example, a global litigation report indicates that the number of litigation cases reported worldwide on the Sabin Center for Climate Change Law platform in 2017 was 884, having increased to 2,180 cases by the end of 2022 (Cf. BURGER, Michael and TIGRE, Maria Antonia. *Op. Cit.* p. 12). This increase, while significant, represents an increase of almost 2.5 times over a timeframe comparable to the increase of climate litigation cases in Brazil.

**Graph 1: Cumulative history of climate cases in Brazil**



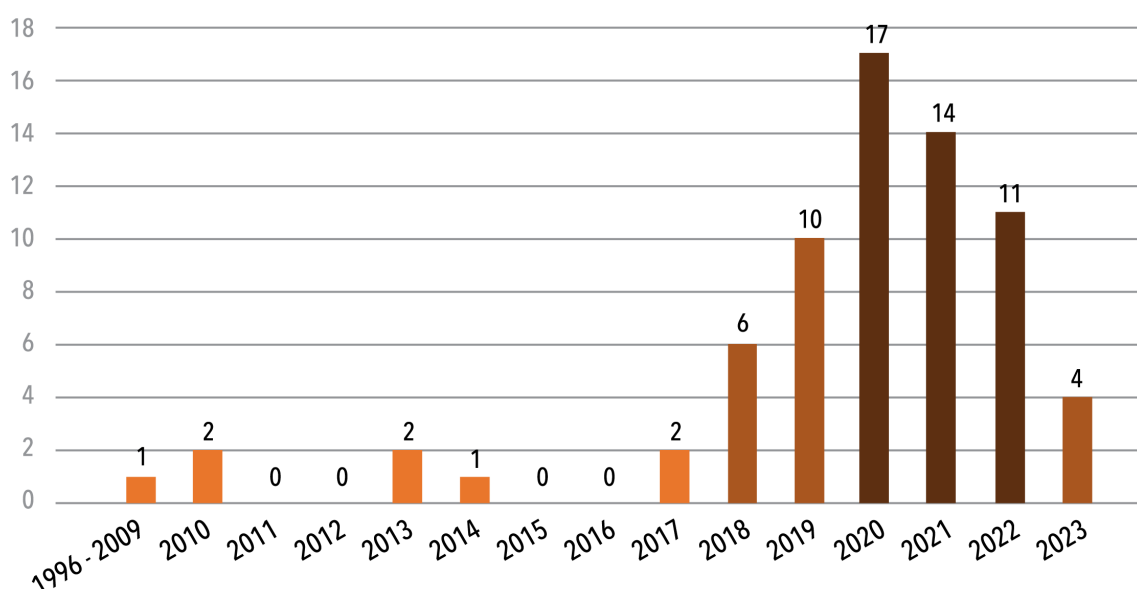
Source: JUMA, 2023.

This second edition of the bulletin includes 20 new cases, in relation to the [first edition](#)<sup>4</sup> published in October 2022. It is worth noting, however, that the new climate litigation cases registered on the Platform do not necessarily refer to actions filed after the release of the last bulletin. There are cases that were only mapped recently, even though they predate the launch of the Platform or the first edition of the bulletin. In addition, there are cases that did not mention the climate issue when they were filed – either as a central or a contextual argument – but were considered as climate-related once the issue was mobilised in documents subsequent to the initial petition, as in defendant's responses, amicus curiae briefs, and decisions, etc. Both scenarios could lead to the late inclusion of climate cases on the Platform.

This edition of the bulletin presents a new and updated profile of climate litigation in Brazil, with clearer and more precise outlines of the characteristics and specificities of climate cases in the country. Graph 2, below, shows the distribution of the Platform's 70 cases by the years in which they were filed, and it is important to note that the count in relation to the year 2023 only includes actions filed and identified up until September of the same year. Compared to the last bulletin, seven new climate cases filed after August 2022 (the cut-off period for the first edition of the bulletin) were registered. Another 13 cases were included, which, although filed before this date, were only recently mapped as climate litigation cases.

4 Available in Portuguese only.

**Graph 2: Number of climate cases filed per year**



Source: JUMA, 2023.

Some aspects of the climate litigation profile in Brazil were identified in this second edition of the bulletin and deserve special attention.

Although the Public Prosecutor's offices continue to play a leading role in climate litigation in Brazil, for the first time civil society equals them in numbers. The Federal Public Prosecutor's Office and State Public Prosecutor's Office together accounted for 20 occurrences<sup>5</sup> among the registered cases. The same number of occurrences was registered in relation to civil society.

Climate cases against the government continue to account for the majority of cases. Federal entities, government agencies, state officials and the legislative branch account for 76 occurrences among the 70 cases registered. However, in the current profile of climate litigation in the country, there has been an increase in the number of lawsuits filed against the private sector: 25 occurrences of cases against companies have been identified, whereas the first edition of the bulletin, in 2022, only related 11 occurrences of this type.

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5 Some of the categories allow for the selection of more than one corresponding option, such as the identification of the type of plaintiff and defendant, the measures addressed and the greenhouse gas emission sector, among others. In these cases, the term "occurrences" is used to identify how many times the classification mentioned was applied in climate litigation as a whole, without necessarily corresponding to the number of cases included on the Platform. Conversely, there are categories in which the choice of one option necessarily entails the exclusion of the other, such as: the type of action, systemic or routine cases, the state of origin, among others.

As identified in the previous edition of the bulletin, the main biome mentioned in the lawsuits continues to be the Amazon, addressed in 27 of the cases on the Platform. We also found that more than half of the identified cases deal with land use change, which can be read as a specificity of Brazilian climate litigation, reflecting the country's greenhouse gas (GHG) emissions profile, that has land use changes as its main driver.<sup>6</sup>

Another relevant aspect concerns the increase of cases that expressly mention the issue of climate justice. Currently, 16 of the Platform's climate cases explicitly address the issue, while 17 cases mention it implicitly. Furthermore, the number of lawsuits classified as routine cases has doubled - from 16 in the first edition to 33 in the current one - while only three systemic cases have been included.

Finally, the second edition of the bulletin highlights the increase in cases involving civil liability for climate-environmental damages,<sup>7</sup> most of which are directly or indirectly related to deforestation. Among the measures addressed in the cases, this has the second highest number of occurrences, giving the courts the challenge of assessing causation and quantifying the damage for the purposes of compensation.

The following section individually analyses the categorisations used on the Platform. It shows the related results, accompanied by graphs, tables, and images, providing a diagnosis of climate litigation in Brazil and its specificities. For a better understanding of the case selection and their categorisation, and further information regarding the data presented here, we suggest consulting the [methodology](#)<sup>8</sup> especially developed for the Platform.

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6 According to studies carried out by the System for Estimating Emissions and Removal of Greenhouse Gas (SEEG) (<http://seeg.eco.br/>) and data available at: <https://seeg.eco.br/wp-content/uploads/2023/03/SEEG-10-anos-v4.pdf>.

7 The term climate-environmental damages refers to the climate dimension of environmental damage, in accordance with article 14 of Resolution 433/2021 of the National Council of Justice, which requires that the impacts of environmental damage on global climate change be taken into account.

8 Available in Portuguese only.

## 2. Categories

### 2.1. Type of action

This category catalogues the cases that are on the Platform according to the type of procedural instrument chosen to file the action. A pre-selection of instruments was carried out based on classes of legal action normally used in Brazilian climate litigation, namely: Autonomous Action for Early Production of Evidence (PAP),<sup>9</sup> Public Civil Action (ACP), Common Procedure Action (ProcedCom), Declaratory Action of Constitutionality (ADC), Direct Action of Unconstitutionality (ADI), Direct Action of Unconstitutionality by Omission (ADO), Citizen Suit (APop), Allegations of non-compliance with a Fundamental Precept (ADPF) and Writ of Mandamus (MS). The option “Other” was also included, for cases in which the action uses a procedural instrument that was not previously selected.

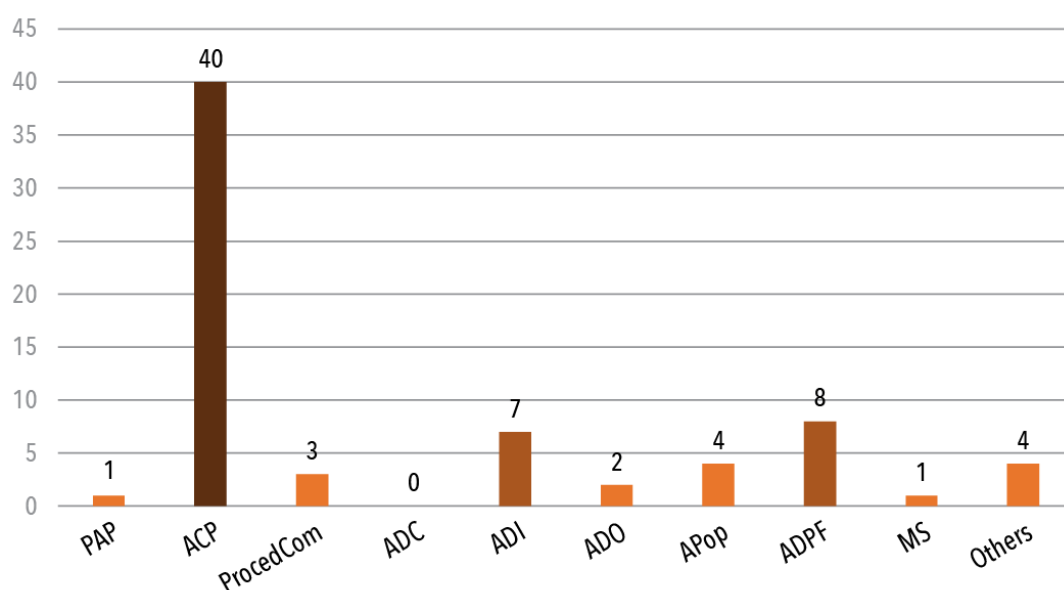
The graph below shows that, out of a total of 70 Brazilian climate cases registered on the Platform up until September 2023, more than half of them – 40 cases – used the Public Civil Action (class-action) as a procedural instrument. In addition, it is worth noting that the set of direct constitutional actions (constitutional judicial reviews, including ADI, ADO and ADPF)<sup>10</sup> account for 17 of the cases. Next, four citizen suits and one writ of mandamus were identified. The “other” option refers to four of the cases on the Platform, which used previously unidentified instruments, namely: Ordinary Criminal Action (APOrd), Petition (PET), Civil Action for Administrative Improbity (ACIA) and Execution of Extrajudicial Title.

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9 Portuguese terms translated into English by the authors — acronyms maintained in the original Portuguese.

10 “Constitutional judicial review in Brazil is hybrid, bringing together the American and the European models. In the Brazilian legal system, constitutional issues may be raised within a concrete lawsuit before a court (American diffuse-concrete system) or ‘in abstract’ before the Supreme Court (European concentrated-abstract system). [...] Concentrated control (abstract) review, concerning conflicts between federal or state laws (or other normative acts) and the Federal Constitution, only happens before the STF [Federal Supreme Court] and is marked by abstraction, generality, and impersonality”. (MOREIRA, Danielle de Andrade et. al. Rights-based Climate Litigation in Brazil: An Assessment of Constitutional Cases before the Brazilian Supreme Court. *Journal of Human Rights Practice*, 2023, huad023, <https://doi.org/10.1093/jhuman/huad023>).

**Graph 3: Type of action mobilised in climate litigation**



Source: JUMA, 2023.

**Table 1: Type of action mobilised in climate litigation**

Action types	Nº of cases
Autonomous Action for Early Production of Evidence (PAP)	1
Public Civil Action (ACP)	40
Common Procedure Action (ProcedCom)	3
Declaratory Action of Constitutionality (ADC)	0
Direct Action of Unconstitutionality (ADI)	7
Direct Action for Unconstitutionality by Omission (ADO)	2
Citizen Suit (APop)	4
Allegation of Non-compliance with Fundamental Precept (ADPF)	8
Writ of Mandamus (MS)	1
Others	4

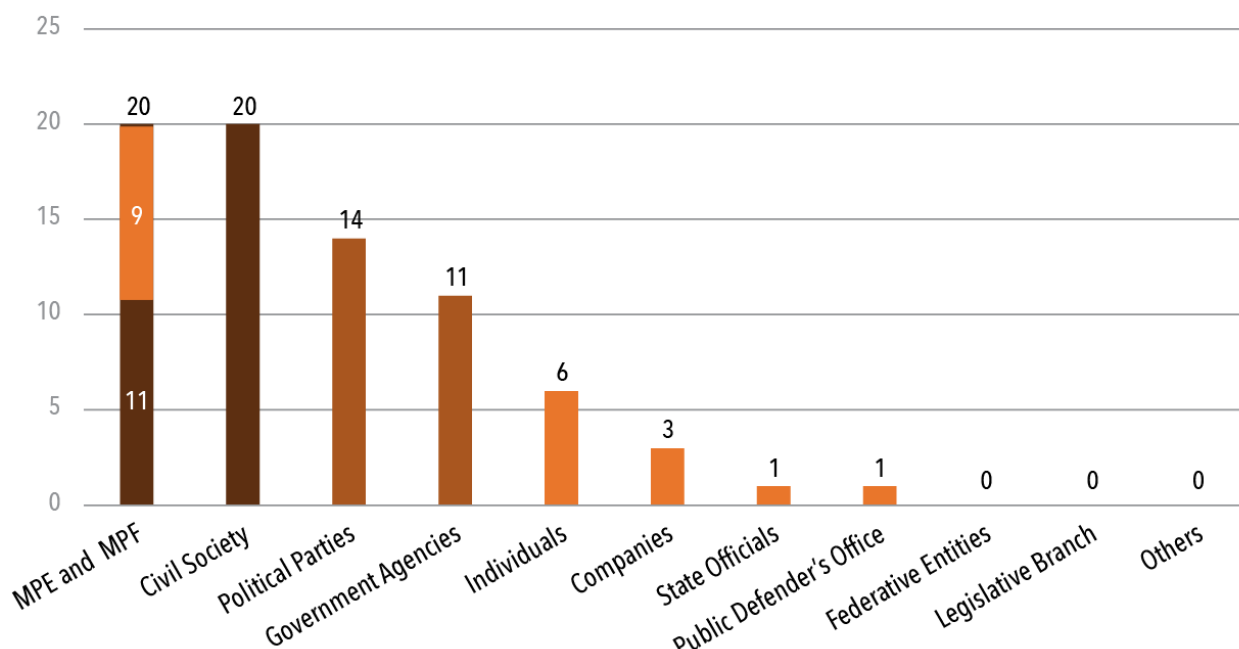
Source: JUMA, 2023.

## 2.2. Type of plaintiff

Identifying the plaintiffs in Brazilian climate litigation allows us to identify who the most frequent litigants are in cases of this nature. This classification allows the selection of more than one category of plaintiff per case, considering that the same claim may involve multiple plaintiffs, and, therefore, may be counted in different categories. The pre-selection, based on the most frequent types of plaintiffs in Brazilian climate litigation, identified the following actors: State officials,<sup>11</sup> Public Defender's Office, companies, federative entities, individuals, State Public Prosecutor's Office (MPE), Federal Public Prosecutor's Office (MPF), government agencies, political parties, Legislative Branch and civil society. It is also possible to select "other" when types that have not been previously registered are identified.

The application of this category in the 70 cases on the Platform revealed the Public Prosecutor's offices and civil society tied as the most frequent plaintiffs in climate litigation, with a total of 20 occurrences each. Among the two branches of the Public Prosecutor's Office, the Federal Public Prosecutor's Office registers 11 occurrences, and the State Public Prosecutor's Offices nine occurrences. Political parties accounted for 14 occurrences, followed by 11 government agencies and six individuals. Companies have three occurrences as plaintiffs, while State officials and the Public Defender's Office appeared as plaintiffs only once each.

**Graph 4: Type of plaintiff**



Source: JUMA, 2023.

<sup>11</sup> An individual who is party to a lawsuit due to their conduct in a public function.

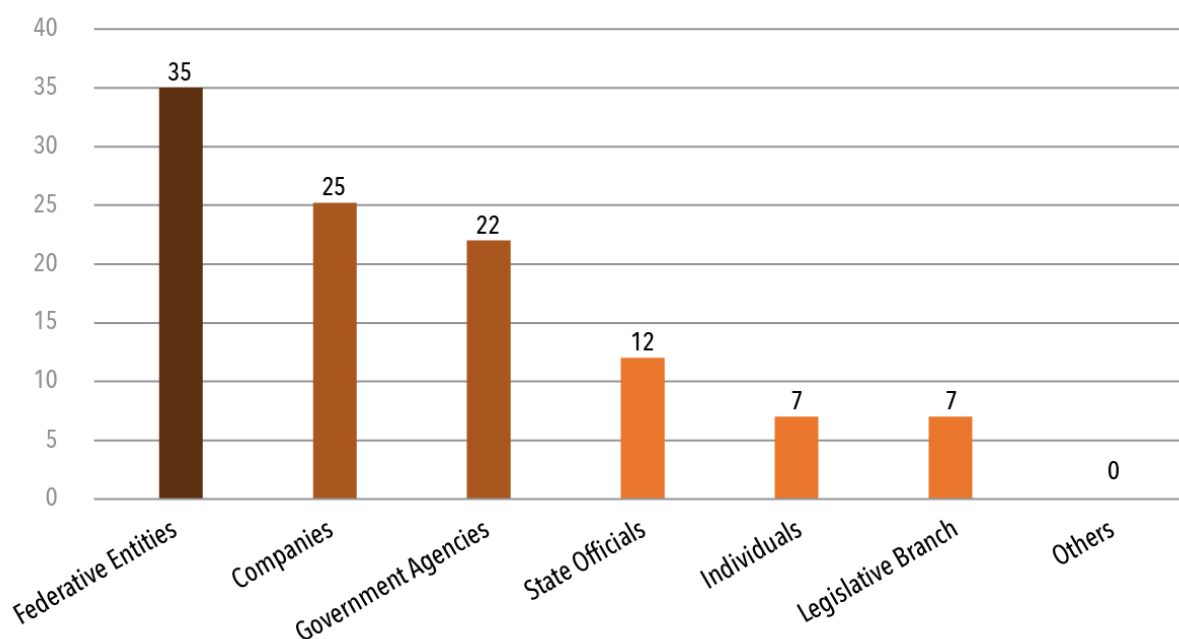


## 2.3. Type of defendant

Likewise, the classification by type of defendant allows selecting more than one category when the lawsuit is filed against several defendants identified as different types. The pre-selection was made based on the most common types of defendants in climate litigation, namely: State officials, companies, federative entities, individuals, government agencies and the legislative branch. Furthermore, it is possible to select "other", when identifying types that have not previously been registered.

The following graph shows that the types of actors most often sued in climate litigation are federative entities, with 35 occurrences, followed by companies, with 25 occurrences, and government agencies, with 22 occurrences. State officials appear 12 times as the defendant in climate cases, followed by individuals and the legislative branch, each registering seven occurrences. Once again, it is worth noting that there can be more than one occurrence of these types of actors in a single case.

**Graph 5: Type of defendant**



Source: JUMA, 2023.

## 2.4. Measures addressed

This category allows for the identification of measures requested in the cases, namely: mitigation, adaptation, civil liability for climate damage, and/or climate risk assessment. To be selected, measures must be relevant to the case. There are cases in which more than one measure can be identified, and all those identified are selected. This categorisation does not apply when the measures are not addressed as a relevant issue in the case.

Mitigation refers to measures to reduce GHG emissions and/or GHG removal strategies, aiming to halt the advancement of climate change. This includes cases that aim to compel governments and/or companies to regulate or implement adequate laws and/or policies to this end. There is mention of mitigation measures when, for example, the intention is to promote legal action within the carbon market, or when measures are taken to include climate assessment in environmental licensing procedures, urban planning and in combating deforestation - linking them to GHG emissions.

Adaptation measures seek to reduce vulnerabilities from climate impacts. They address the need for governments, companies and even individuals to adopt measures to confront or adapt to the current and future impacts of the climate crisis.

The classification regarding civil liability for climate damage is identified when the institute of civil liability for climate-environmental damage is evoked as a result of GHG emissions or as a result of adverse impacts of climate change. Both the reparatory and preventive dimensions of the institute are taken into consideration, even if the relationship between environmental damage and climate change is presented indirectly or implicitly. These cases can be filed against individuals, the government or private actors, holding them responsible for damages caused to individuals, groups of individuals, companies or the collectivity. They can also be filed in response to extreme weather events or environmental changes associated with temperature changes.

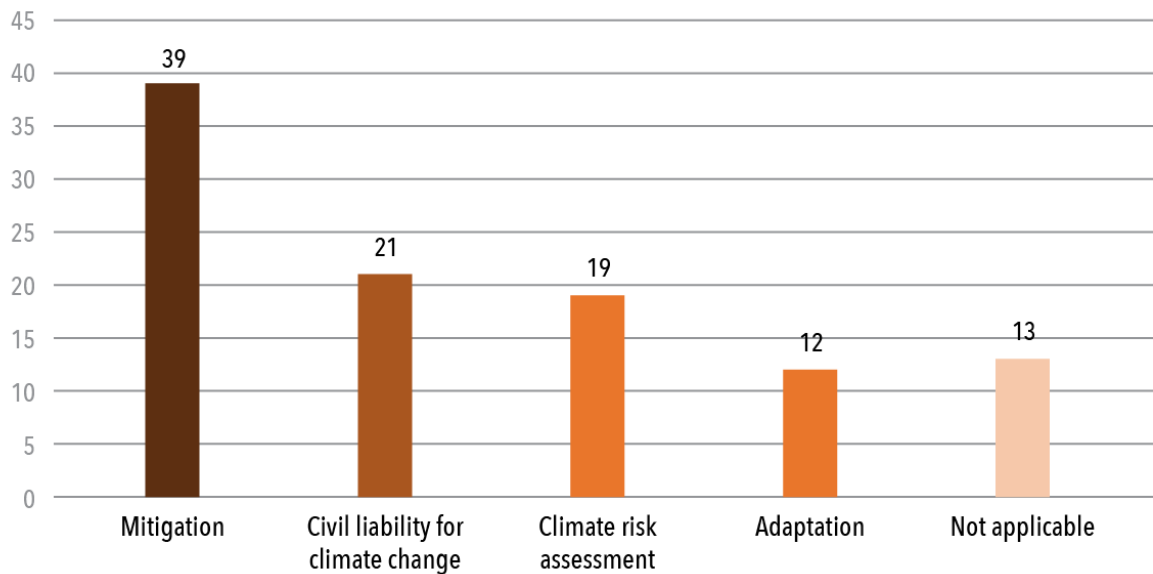
Risk assessment refers to measures aimed at analysing and managing climate risks. They may request that these risks are considered by the state, and incorporated in licensing or similar proceedings, as well as by companies and financial institutions in their reports, balance sheets and/or protocols.

Following the trend identified in the first edition of this bulletin,<sup>12</sup> the most requested measure continues to be mitigation, with 39 occurrences. However, there were a

12 MOREIRA, Danielle de Andrade et. al. Boletim da Litigância Climática no Brasil – 2022. 1ª Ed. 2022. p. 9. Available at [https://www.juma.nima.puc-rio.br/files/ugd/a8ae8a\\_91656c738e2447b3a97f2030d717a7de.pdf](https://www.juma.nima.puc-rio.br/files/ugd/a8ae8a_91656c738e2447b3a97f2030d717a7de.pdf). Accessed on: 21 June. 2023.

significant number of cases categorised as civil liability for climate damage, which became the second most frequently addressed measure, with 21 occurrences, followed by climate risk assessment, with 19 occurrences. These and the other measures discussed are shown in Graph 6.

**Graph 6: Measures addressed**



Source: JUMA, 2023.

## 2.5. State of origin

The categorisation by state of origin considers the Brazilian state in which the case was filed.<sup>13</sup> If the lawsuit was originally filed in a Federal Regional Court of Appeal, it is designated to the state where that court is based.<sup>14</sup>

This category helps to assess the geographic distribution of climate litigation in Brazil. Graph 7 shows that the states that concentrate the highest numbers of climate litigation cases are the Federal District, with 21 actions; followed by São Paulo and Rio Grande do Sul, with eight actions each; Amazonas, with seven actions; and Pará with six actions. As highlighted in the first edition of this bulletin,<sup>15</sup> the large concentration of actions filed in the Federal District is related to the significant number of actions of concentrated control of constitutionality (constitutional judicial review) filed before the Federal Supreme Court (STF). However, there was a significant increase in cases filed in the Legal Amazon region.

Since the last edition of the bulletin, cases filed in the states of Acre, Amapá, Ceará, Roraima and Pará have been included on the Platform. Up until September 2023 the states of Alagoas, Bahia, Espírito Santo, Maranhão, Mato Grosso do Sul, Paraíba, Pernambuco, Piauí, Rio Grande do Norte, Sergipe and Tocantins continued to register no climate litigation cases.<sup>16</sup>

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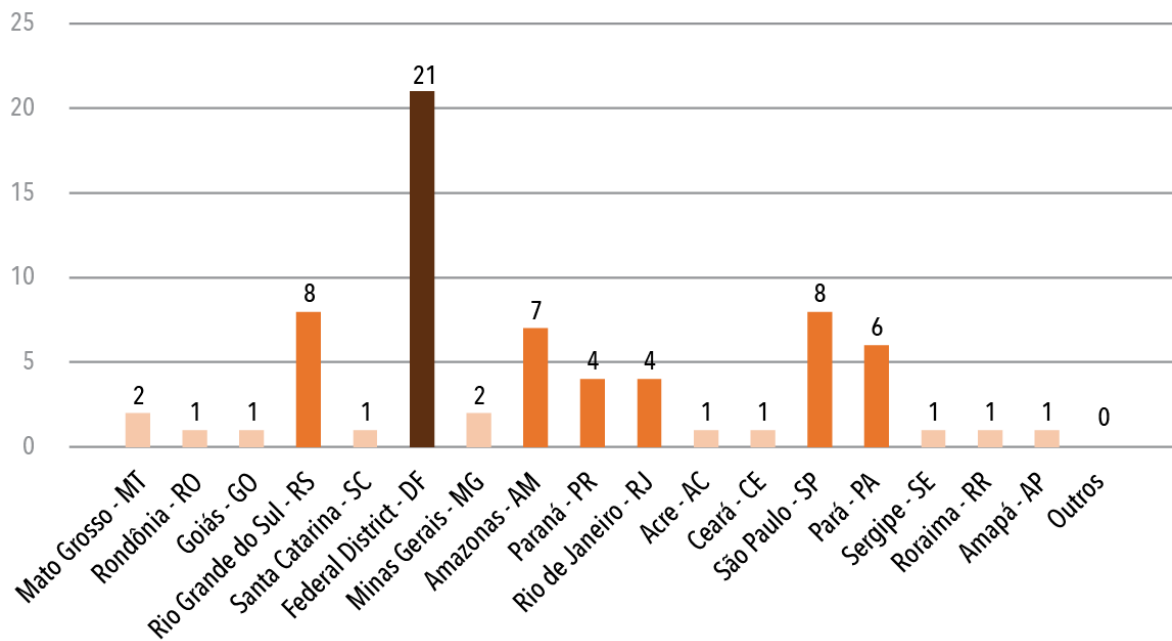
13 Acre (AC); Alagoas (AL); Amapá (AP); Amazonas (AM); Bahia (BA); Ceará (CE); Federal District (DF); Espírito Santo (ES); Goiás (GO); Maranhão (MA); Mato Grosso (MT); Mato Grosso do Sul (MS); Minas Gerais (MG); Pará (PA); Paraíba (PB); Paraná (PR); Pernambuco (PE); Piauí (PI); Rio de Janeiro - RJ); Rio Grande do Norte (RN); Rio Grande do Sul (RS); Rondônia (RO); Roraima (RR); Santa Catarina (SC); São Paulo (SP); Sergipe (SE); and Tocantins (TO).

14 The Federal Regional Court of the 1st Region (TRF-1) has jurisdiction in the Federal District – where its headquarters are located – and in the States of Acre, Amapá, Amazonas, Bahia, Goiás, Maranhão, Mato Grosso, Minas Gerais, Pará, Piauí, Rondônia, Roraima and Tocantins. The Federal Regional Court of the 2nd Region (TRF-2) has jurisdiction in the states of Rio de Janeiro – where its headquarters are located – and Espírito Santo. The Federal Regional Court of the 3rd Region (TRF-3) has jurisdiction in the states of São Paulo – where its headquarters are located – and Mato Grosso do Sul. The Federal Regional Court of the 4th Region (TRF-4) has jurisdiction in the states of Rio Grande do Sul – where its headquarters are located – Paraná and Santa Catarina. The Federal Regional Court of the 5th Region (TRF-5) has jurisdiction in the states of Pernambuco – where its headquarters are located –, Alagoas, Ceará, Paraíba, Rio Grande do Norte and Sergipe. The Federal Regional Court of the 6th Region (TRF-6) has jurisdiction in the state of Minas Gerais – where its headquarters are located.

15 MOREIRA, Danielle de Andrade et. al. Boletim da Litigância Climática no Brasil – 2022. 1ª Ed. 2022. p. 10. Available at [https://www.juma.nima.puc-rio.br/files/ugd/a8ae8a\\_91656c738e2447b3a97f2030d717a7de.pdf](https://www.juma.nima.puc-rio.br/files/ugd/a8ae8a_91656c738e2447b3a97f2030d717a7de.pdf).

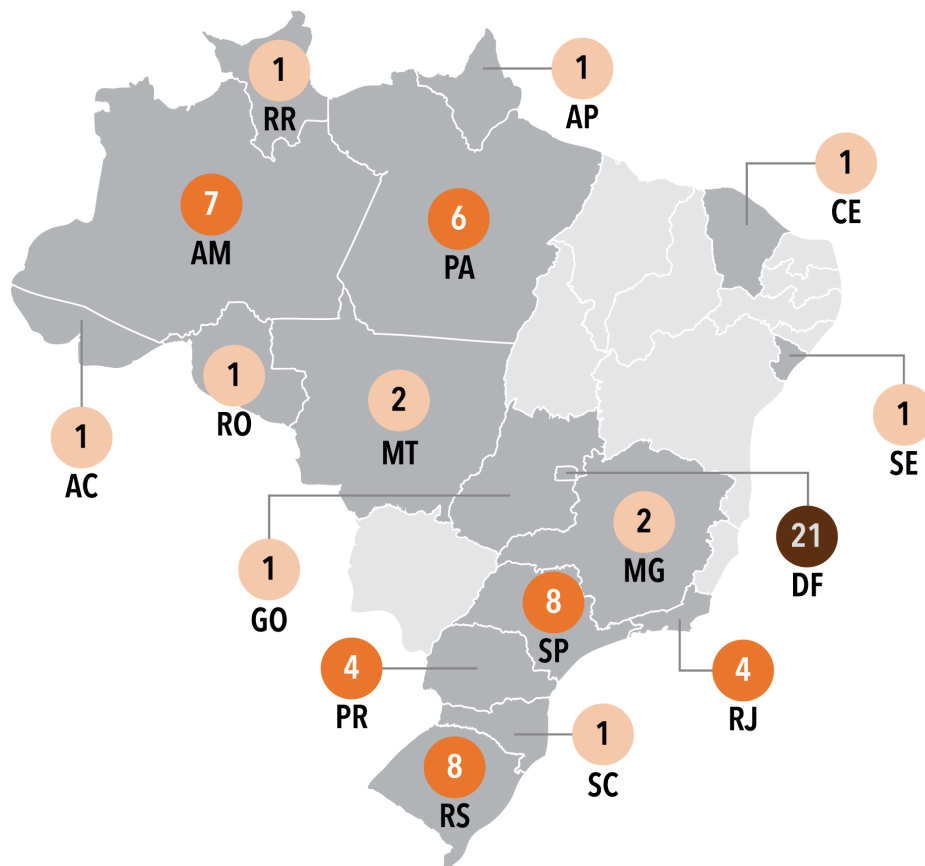
16 As the inclusion of cases on the platform is not intended to be all-encompassing, it is possible that there are lawsuits in these states that have not been mapped for the purpose of inclusion on the Brazilian Climate Litigation Platform.

Graph 7.1: State of origin



Source: JUMA, 2023.

Graph 7.2: State of origin (map)



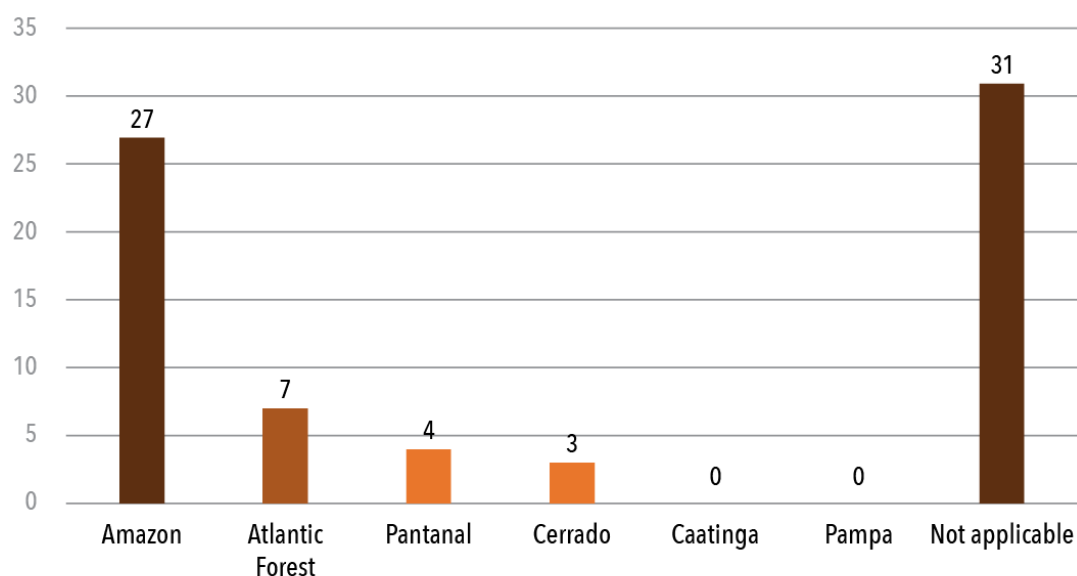
Source: JUMA, 2023.

## 2.6. Brazilian biomes

The Platform also categorised the cases according to Brazilian biomes, namely: Amazon (tropical forest); Caatinga (scrubland); Cerrado (savanna); Atlantic Forest (tropical forest); Pampa (low grasslands); and/or Pantanal (wetland). To be selected the biome must be explicitly mentioned in the claim as a relevant issue. There are cases in which more than one biome is mentioned, and in these cases, all those mentioned are selected. This categorisation does not apply if there is no discussion about biomes or they are not relevant to the case.

Graph 8 shows that Amazon continues to be a protagonist in climate litigation in Brazil, being a relevant issue in 27 actions. The number of actions that specifically mention this biome has continued to increase since the first edition of this bulletin - which counted 16 actions related to the Amazon. This information reinforces the Amazon as central to the climate and socio-environmental agenda in the country. It is also worth noting that 31 lawsuits do not mention any biome.

**Graph 8: Brazilian biomes**



Source: JUMA, 2023.

## 2.7. Greenhouse gas (GHG) emissions sector

This category follows the System for Estimating Emissions and Removal of Greenhouse Gases (SEEG)<sup>17</sup> classifications, namely: agriculture (livestock and cropping); energy; land use change and forest; industrial processes and/or waste.

The agricultural sector generally encompasses emissions resulting from animal and plant production and soil management activities, whereas the energy sector pertains to emissions originating from the production and consumption of energy. The land use change and forest sector deals with emissions arising from land-use change activities, liming and burning of forest residues. The industrial processes sector encompasses emissions arising from the physical and chemical transformation of materials in industrial processes. Emissions resulting from waste are those caused by effluent treatment and waste disposal.<sup>18</sup>

To be selected the GHG emissions sector must be relevant to the case, either because the action specifically addresses its emissions or because the activities related to it are a relevant matter. There are actions in which more than one emissions sector is identified; in these cases, all those mentioned are selected. This categorisation does not apply if there is no discussion about the specific emissions sectors or their respective activities.

Of the 70 cases catalogued up until September 2023, 38 are related to the land-use change and forest sector, followed by the energy sector with 24 occurrences. Therefore, more than half of the cases identified deal with emissions from land use change which can be seen as a specificity of Brazilian climate litigation. This reflects the country's emissions profile that has this sector as its primary emitting source.<sup>19</sup> Graph 9 highlights this and other sectors that contribute to GHGs emissions.

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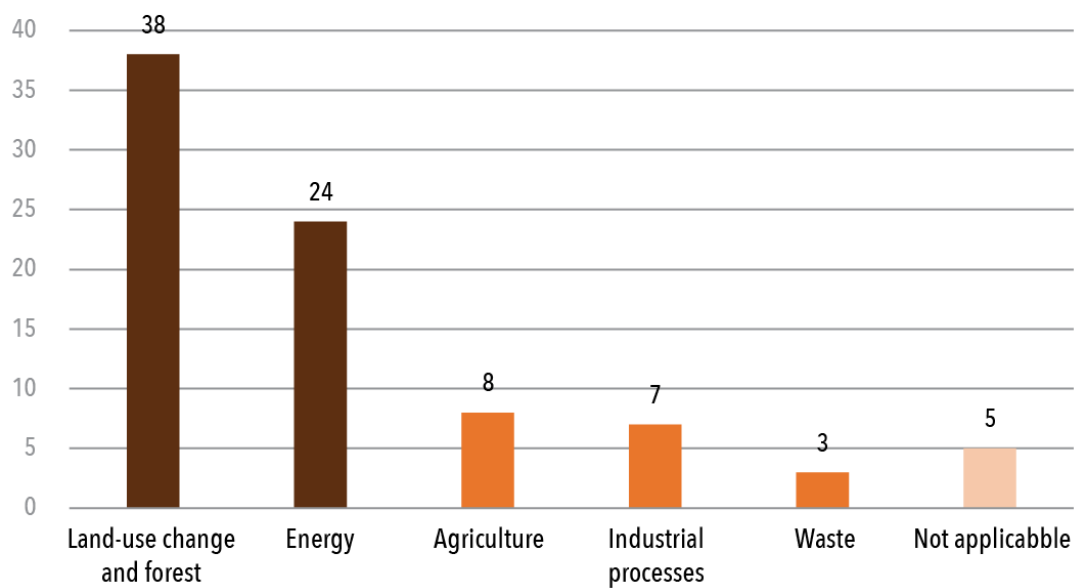
17 Estimation of Greenhouse Gas Emissions and Removals System (SEEG). Emissions by sector. Available at: <https://seeg.eco.br>. Accessed on: 05 Aug. 2023.

18 To learn more about the methodology used by SEEG, visit: <http://seeg.eco.br/notas-metodologicas/>. Accessed on: 05 Aug. 2023.

19 According to SEEG monitoring, from 1990 to 2021, the land use change and forest sector leads in the ranking of annual emissions. Greenhouse Gas Emissions and Removals Estimation System (SEEG). Total emissions. Available at: [https://plataforma.seeg.eco.br/total\\_emission](https://plataforma.seeg.eco.br/total_emission) . Accessed on: 07 Aug. 2023.



**Graph 9: Greenhouse gas (GHG) emissions sector**



Source: JUMA, 2023.

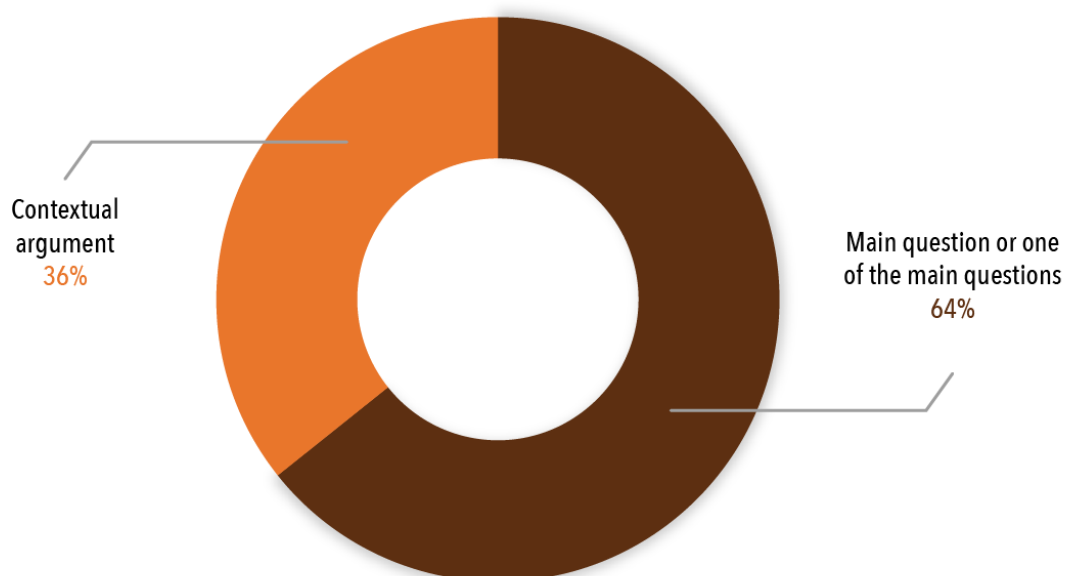
## **2.8. Climate approach**

The climate approach has two mutually exclusive categories: (i) climate as the main issue or one of the main issues; and (ii) climate as a contextual argument. Up until September 2023, 45 cases were classified under climate as the main issue or climate as one of the main issues. In these cases, climate change, and possibly GHG emissions, expressly constitute the main theme or one of the main themes addressed. In other words, the facts and legal grounds are directly related to the climate, including discussions on climate and GHG emissions regulations, which may appear alongside other environmental issues and/or other arguments.

On the other hand, 25 cases present climate as a contextual argument. In these cases, climate change, or GHG emissions, are addressed only in a secondary or incidental manner, with the aim of contextualising the discussion, without the climate issue being essential to the action. In other words, the climate discussions in the case are not the focus of the lawsuit. Examples include cases that challenge illegal deforestation and mention climate as an example of the consequences of deforestation – in a contextual manner without addressing them as the substantial legal basis of the case.

Graph 10 and Table 2 show the numbers concerning the climate approach.

**Graph 10: Climate approach**



Source: JUMA, 2023.

**Table 2: Climate approach**

Climate approach	Number of cases
Main question or one of the main questions	45
Contextual argument	25

Source: JUMA, 2023.

As analysed in the bulletin's first edition, the advancement of climate litigation in the country demonstrates a significant increase in the centrality of climate in these cases, as opposed to the initial stage of Brazilian climate litigation characterised by general environmental actions that only touched on climate matters.<sup>20</sup> Thus, today, cases that consider climate as the main issue or as one of the main issues continue to represent the majority in Brazil. As not all actions that mention terms related to climate change are included on the Platform the only ones considered are the contextual cases that have or could have relevant implications for the discussion of the climate crisis.

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20 SETZER, Joana; CUNHA, Kamila; e FABBRI, Amália Botter (coord.). Litigância Climática: novas fronteiras para o direito ambiental no Brasil. São Paulo: Thomson Reuters Brasil, 2019. p. 33.

## 2.9. Environmental and/or climate justice approach

The mention of environmental and/or climate justice has three mutually exclusive categories: (i) explicit mention; (ii) implicit in the content of the case; or (iii) non-existent. Climate justice, understood here as an extension of the concept of environmental justice, “is based on the recognition that the impacts of climate change affect different social groups in different ways and with varying intensity. Thus, climate injustice results in the worsening of inequality between those who produce or exacerbate climate risk (or convert it into concrete harm) and those most severely affected by climate impacts.”<sup>21</sup>

The decision to associate the concept of environmental justice with that of climate justice allowed for a comprehensive analysis of the interplay of these concepts. Considering that climate justice is part of a broader idea of environmental justice, we understood that both concepts allow for an assessment of how the unequal distribution of burdens and bonuses of climate change and/or other adverse environmental impacts is being addressed in climate litigations in Brazil.

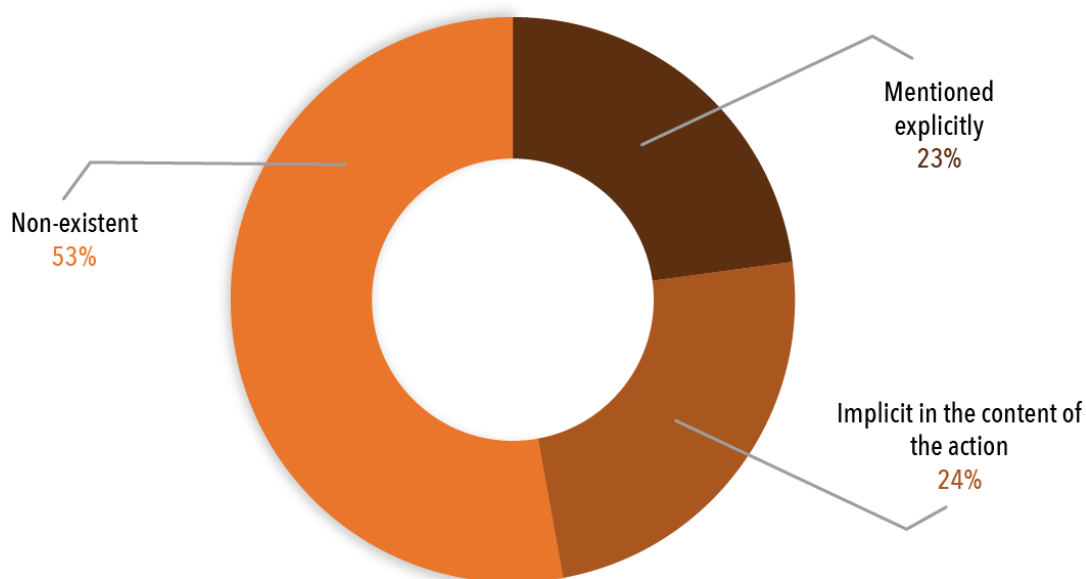
Sixteen cases expressly mentioned environmental and/or climate justice. In these cases, the terms “environmental (in)justice” and/or “climate (in)justice” are mentioned explicitly in the actions, regardless of the concept used for the term(s) in the cases. Seventeen cases implicitly addressed the issue. In these actions there is no explicit reference to the terms, but the concept or basis of environmental and/or climate justice, as defined above, are discussed and used as relevant grounds. Finally, 37 cases were classified as having no approach to the subject: these actions do not address the issue in relation to these forms of justice.

Graph 11 and Table 3 show the data concerning the environmental and/or climate justice approach.

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21 MOREIRA, Danielle de Andrade (coord.). Litigância climática no Brasil: argumentos jurídicos para a inserção da variável climática no licenciamento ambiental. Rio de Janeiro: Editora PUC-Rio, 2021. E-book (159 p.) (Coleção Interseções. Série Estudos). ISBN 978-65-88831-32-8. p. 39. Available at: <http://www.editora.puc-rio.br/cgi/cgilua.exe/sys/start.htm?infoid=956&sid=3>. Accessed on: 7 Aug. 2023.

**Graph 11: Environmental and/or climate justice approach**



Source: JUMA, 2023.

**Table 3: Environmental and/or climate justice approach**

Environmental and/or Climate Justice Approach	Number of cases
Mentioned explicitly	16
Implicit in the content of the action	17
Non-existent	37

Source: JUMA, 2023.

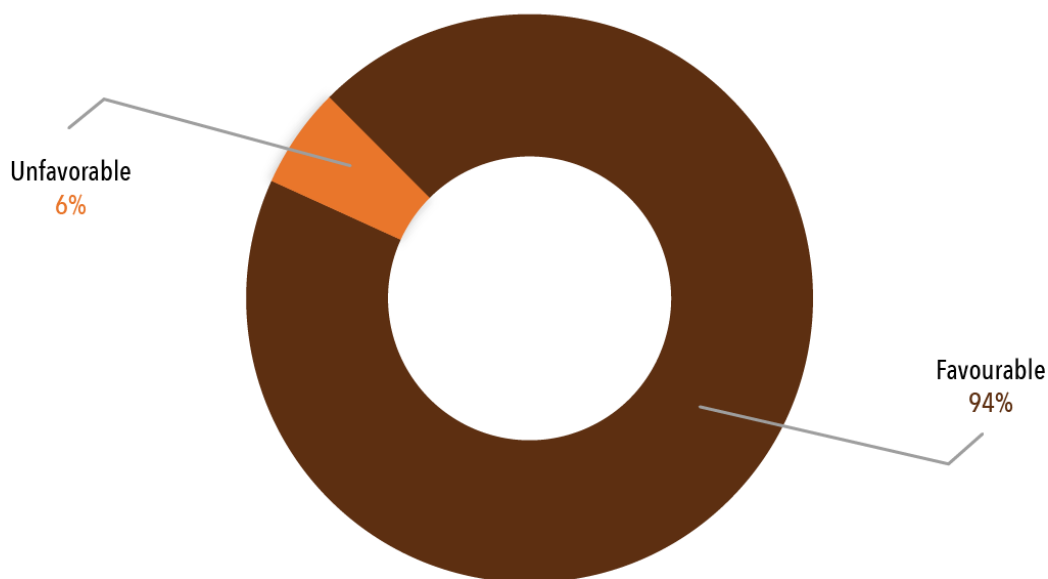
## 2.10. Claim alignment with climate protection

The claim alignment with climate protection has two mutually exclusive categories: (i) favourable; or (ii) unfavourable.

There are 66 cases categorised as favourable to climate protection. In these cases, the plaintiff sought to obtain results in line with the defence of the stability of the climate system. Four cases unfavourable to climate protection were identified, in which the plaintiffs' requests were aligned with measures that would contribute to climate deregulation and/or that could slow down protective actions regarding climate change, thus indirectly contributing to the worsening of the climate crisis scenario.

Graph 12 and Table 4 show the figures concerning the claim alignment with climate protection.

**Graph 12: Claim alignment with climate protection**



Source: JUMA, 2023

**Table 4: Claim alignment with climate protection**

Claim alignment with climate protection	Number of cases
Favourable	66
Unfavourable	4

Source: JUMA, 2023.

Following the trend presented in the bulletin's first edition, the vast majority of Brazilian cases aim to contribute to greater regulation and implementation of climate protection. However, climate litigation is a tool that can be mobilised by different groups, with or without the intent of hindering or questioning advances in the climate agenda.

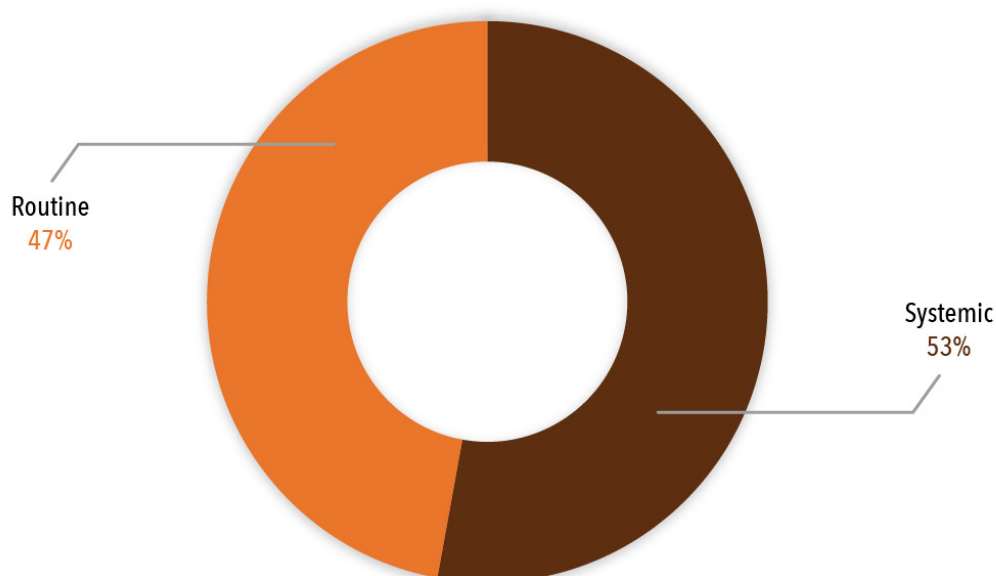
## 2.11. Systemic or routine case

The categorisation of cases as systemic or routine is mutually exclusive. There are 37 cases identified as systemic. These cases seek changes in public or private policies. We consider that they represent more complex discussions with broader implications, in which a court decision has the potential to impact, even if indirectly, the functioning of systems or microsystems – such as production and consumption chains of large GHG-emitting companies or government policies.

There are 33 cases categorised as routine. These cases discuss specific acts or undertakings. They can be considered as more “everyday” litigation models. They use replicable strategies and arguments to discuss and include the climate issue, especially in environmental litigation. Examples include cases in which an assessment of climate impacts is requested as part of the environmental licensing of a specific project, as well as cases that request compensation for damages associated with climate change.

Graph 13 and Table 5 display the numbers concerning the systemic or routine nature of the cases.

**Graph 13: Systemic or routine case**



Source: JUMA, 2023.

**Table 5: Systemic or routine case**

Systemic or routine case	Number of cases
Systemic	37
Routine	33

Source: JUMA, 2023.

With the inclusion of new cases on the Platform, the number of systemic and routine cases has drawn closer, in contrast to those found in the first edition of the bulletin. In the previous survey, systemic cases predominated, as they gained prominence in the context of confronting socio-environmental setbacks especially between 2019 and 2022. The mapping of routine cases demonstrates the plaintiffs' interests in legally challenging specific projects that are high emitters of GHG emissions or are strategic for a given sector of the economy. The same can occur in cases related to the need for the assessment of climate impacts or even civil liability for climate-related environmental damage.<sup>22</sup>

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22 We highlight the existence of another 21 public civil actions (ACPs) related to ACP 1005885-78.2021.4.01.3200, proposed by the Federal Public Prosecutor's Office (MPF) and INCRA against Dauro Parreira de Rezende. These lawsuits were analysed by the research group and were considered similar because, despite being filed by the same plaintiffs against different defendants – all individuals – they all result from one investigation carried out as part of the same Civil Inquiry (1.13.000.001719/2015-49) for the illegal deforestation occurring within the Antimary Agrarian Extractivism Settlement Project (PAE). Because they are being prosecuted in the same court, we decided to follow the progress of the 21 lawsuits, and any connections between them, without, however, including them individually on the Platform. Therefore, the information contained in this edition of the Brazilian Climate Litigation Bulletin does not include these 21 actions, but only the first ACP filed against Dauro Parreira de Rezende.



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## 4. Appendix

### List of the 70 cases registered on the Brazilian Climate Litigation Platform up until September 2023

Nº	Nome do caso
1	Clara Leonel Ramos e Bruno de Almeida de Lima vs. Estado de São Paulo (Famílias pelo Clima e Programa IncentivAuto)
2	ADPF 760 (PPCDAm e emergência climática)
3	Ministério Público Federal vs. União Federal e outros (Hotspots de desmatamento na Amazônia)
4	Observatório do Clima vs. Ministério do Meio Ambiente e União Federal (Atualização do Plano Nacional sobre Mudança do Clima)
5	ADI 6932 (Privatização da Eletrobras)
6	Fabiano Contarato, Randolph Rodrigues e Joenia Batista vs. Ricardo Salles (Denúncia contra Ricardo Salles por crime de responsabilidade)
7	Paulo Ricardo de Brito Santos e outros vs. Ricardo Salles, Ernesto Araújo e União Federal (Jovens contra a pedalada climática)
8	Associação Arayara de Educação e Cultura vs. Copelmi Mineração Ltda. e FEPAM (Projeto Mina Guaíba e riscos hidrológicos)
9	Ministério Público do Estado de São Paulo vs. KLM (Caso Companhias Aéreas)
10	ADO 59 (Fundo Amazônia)
11	Ministério Público Federal e INCRA vs. Dauro Parreira de Rezende (Desmatamento e dano climático)
12	ADPF 708 (Fundo Clima)
13	Ministério Público Federal vs. Ricardo Salles e União Federal (Ação de Improbidade Administrativa)
14	Ministério Público Federal vs. União Federal (Zoneamento da Cana de Açúcar)
15	Ministério Público Federal vs. Estado de São Paulo, CETESB e IBAMA (Queima de Palha de Cana-de-Açúcar)
16	BRASILCOM vs. Ministro de Minas e Energia (Mandado de Segurança e CBios)

17	Ministério Público do Estado do Rio Grande do Sul vs. Estado do Rio Grande do Sul e FEPAM (Polo Carboquímico)
18	Associação Arayara de Educação e Cultura e Colônia de Pescadores Z-5 vs. Copelmi Mineração Ltda. e FEPAM (Projeto Mina Guaíba e comunidades atingidas)
19	Biostratum Distribuidora de Combustíveis S.A. vs. União Federal (Aquisição de CBios)
20	Carbonext Tecnologia em Soluções Ambientais Ltda. vs. Amazon Imóveis (Mercado de carbono voluntário)
21	Flexpetro Distribuidora de Derivados de Petróleo Ltda. vs. ANP e União Federal (Aquisição de CBios)
22	Lucas Martins e Paulo Henrique Nagelstein vs. Presidente da República, Ministro de Estado de Minas e Energia e União Federal (Redução do percentual de mistura de biodiesel ao diesel fóssil)
23	ADPF 749 (Revogação das Resoluções CONAMA)
24	Clara Leonel Ramos e outros vs. Estado de São Paulo, João Doria e Henrique Meirelles (Famílias pelo Clima e Fridays for Future em razão do Programa IncentivAuto)
25	ABRAGET vs. Estado do Rio de Janeiro (Decreto estadual que institui o Mecanismo de Compensação Energética)
26	IEA vs. União Federal (Desmatamento e direito fundamental à estabilidade climática)
27	AGAPAN e outros vs. IBAMA e outros (Construção da Usina Termelétrica Nova Seival)
28	ISA, ABRAMPA e Greenpeace Brasil vs. IBAMA e União Federal (Exportação de madeira sem fiscalização)
29	ADPF 746 (Queimadas no Pantanal e na Floresta Amazônica)
30	IBAMA vs. Siderúrgica São Luiz Ltda., Geraldo Magela Martins e GMM Participações Societárias Ltda. (Carvão de origem irregular)
31	ADPF 814 (Mudança de composição do Fundo Clima e destinação de recursos)
32	Ministério Público Federal, SOS Mata Atlântica e ABRAMPA vs. União Federal (Despacho 4.410/2020 do MMA e legislação especial da Mata Atlântica)
33	ONG Costa Legal e outros vs. Município de Florianópolis e outros (Governança ambiental para a Lagoa da Conceição)
34	Associação Arayara de Educação e Cultura e outros vs. FUNAI, Copelmi Mineração Ltda. e FEPAM (Projeto Mina Guaíba e comunidades indígenas afetadas)

35	Ministério Público do Estado de Goiás vs. Estado de Goiás (Política pública estadual de controle da qualidade do ar)
36	ADI estadual 0804739-62.2021.8.22.0000 (Reserva Extrativista Jaci-Paraná e Parque Estadual de Guajará-Mirim)
37	Ministério Público do Estado de Mato Grosso vs. Nelson Noboru Yabuta (Dano ambiental moral coletivo)
38	Ministério Público do Estado de São Paulo vs. Filipe Salles Oliveira e Alexandre Salles Oliveira (Queima da palha da cana-de-açúcar)
39	ADI 7095 (Complexo Termelétrico Jorge Lacerda)
40	ADO 54 (Desmatamento na Amazônia)
41	Ministério Público do Estado do Rio de Janeiro vs. Município de Niterói (Estudo de Impacto de Vizinhança)
42	Ministério Público Federal vs. INEA e Karpowership Brasil Energia Ltda. (Linhas de transmissão e UTE na Baía de Sepetiba)
43	ADI 7146 (Regime de proteção de APPs em áreas urbanas)
44	ADPF 857 (Queimadas no Pantanal)
45	ADPF 755 (Processo sancionador ambiental federal)
46	ADI estadual 0007238-31.2021.8.21.7000 (Plano Diretor de Eldorado do Sul)
47	Instituto Saúde e Sustentabilidade vs. União Federal e outros (Emissão de poluentes por veículos automotores)
48	Ministério Público Federal e Ministério Público do Estado do Paraná vs. IBAMA e Instituto Água e Terra (Mata Atlântica e Código Florestal)
49	Conectas Direitos Humanos vs. BNDES e BNDESPAR (Avaliação de riscos climáticos em investimentos públicos)
50	ADPF 934 (Desmatamento no Cerrado)
51	AMOREMA e AMORETGRAP vs. Sustainable Carbon e outros (Créditos de carbono e Reservas Extrativistas)
52	Duda Salabert Rosa vs. estado de Minas Gerais e Taquaril Mineração S.A. (Complexo Minerário de Serra do Taquaril)

<b>53</b>	IEA e MPF vs. União Federal, IBAMA e ICMBio (RESEx Chico Mendes)
<b>54</b>	Instituto Internacional Arayara de Educação e Cultura vs. ANEEL e União Federal (Leilão termelétricas a gás)
<b>55</b>	ADI 7332 (Política de “transição energética justa” do Estado de Santa Catarina)
<b>56</b>	Instituto Internacional Arayara de Educação e Cultura vs. IBAMA e outros (instalação de complexo termelétrico em Macaé)
<b>57</b>	Instituto Verdeluz, Conselho Indígena do Povo Anacé de Japiman e Associação Indígena do Povo Anacé da Aldeia Planalto Cauipe vs. Portocem Geração de Energia S.A. e SEMACE (Instalação de termoelétrica no Complexo Industrial e Portuário do Pecém)
<b>58</b>	Ministério Público Federal vs. União Federal e outros (Avanço do mar e erosão costeira)
<b>59</b>	Ministério Público Federal vs. Rogério (Incêndio florestal)
<b>60</b>	IBAMA vs. Silmar Gomes Moreira (depósito de madeira ilegal em Anapu e dano climático)
<b>61</b>	IBAMA vs. Alto Norte Indústria, Comércio e Exportação de Madeiras Ltda. (depósito de madeira ilegal em Colniza e dano climático)
<b>62</b>	IBAMA vs. Gabriel Indústria e Comércio Madeiras EIRELI (depósito de madeira ilegal em Tailândia e dano climático)
<b>63</b>	IBAMA vs. Seringal Indústria e Comércio de Madeiras EIRELI (depósito de madeira ilegal em Monicore e dano climático)
<b>64</b>	IBAMA vs. Indústria, Comércio, Importação e Exportação de Madeiras Floresta Verde Ltda. (depósito de madeira serrada em Itaituba e dano climático)
<b>65</b>	IBAMA vs. Madelin Madeireira Linhares LTDA (Depósito de madeira ilegal em Rorainópolis e dano climático)
<b>66</b>	IBAMA vs. Madeireira Madevi (Depósito de madeira ilegal em Santarém e dano climático)
<b>67</b>	IBAMA vs. V. de Souza Brilhante EIRELI (Depósito ilegal de madeira em Porto Grande e dano climático)
<b>68</b>	IBAMA vs. Madeira Nova Aliança (Depósito ilegal de madeira em Placas e dano climático)
<b>69</b>	Instituto Preservar, AGAPAN e Núcleo Amigos da Terra vs. União Federal e outros (Emergência climática no estado do Rio Grande do Sul)
<b>70</b>	ADI 7438 (proteção ambiental do Cerrado)

The collaboration of website visitors is welcome.

**JUMA gives thanks in advance** for any recommendations of new cases that fit the presented concepts so that they can be analysed and included in the database. Suggestions for new actions or other suggestions can be sent to the email address:

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