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Strategic climate change litigation: A catalyst for the evolution of the principles of environmental law in Brazil

El litigio estratégico sobre el cambio climático: Catalizador de la evolución de los principios del derecho ambiental en Brasil

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ABSTRACT Given the need to halt the increase in global temperature in the range of 1.5 ºC by the end of the century, strategic climate change litigation emerges as an instrument to fight it. On the other hand, due to Brazil's civil law legal system's nature, interpretation arises as the technique responsible for updating law and its principles when it no longer corresponds to the demands of reality. Thus, this article seeks to defend strategic climate change litigation as a "catalyst" or an instrument capable of accelerating the environmental law principles interpretation's evolutionary process. For this purpose, a sample of Brazilian cases was selected upon the information available in climate change litigation databases until April 2023. Thus, it was possible to project two scenarios of innovative interpretation proposals, one concerning new ways in which some principles were interpreted, such as the progressive nature of climate protection instilled in the non-regression principle; and the other, regarding the presentation of truly unprecedented proposals, such as: i) the principle of protection of the integrity of the climate system; ii) the constitutional and supra-legal duty of climate protection based on the understanding of international climate treaties such as human rights treaties; and iii) the constitutional environmental subsystem.

KEYWORDS Climate change, climate change litigation, interpretation, principles.

RESUMEN Ante la necesidad de frenar el aumento de la temperatura global en el rango de 1,5 ºC hasta el final del siglo, el litigio estratégico en materia de cambio climático surge como un instrumento de lucha contra este. Por otro lado, debido a la naturaleza del sistema jurídico civilista brasileño, la interpretación surge como la técnica responsa-

ble de actualizar el derecho y sus principios cuando ya no corresponde a las exigencias de la realidad. Así, este artículo busca defender el litigio estratégico de cambio climático como un «catalizador» o instrumento capaz de acelerar el proceso evolutivo de la interpretación de los principios del derecho ambiental. Para ello, se seleccionó una muestra de casos brasileños a partir de la información disponible en las bases de datos de litigios sobre cambio climático hasta abril de 2023. Como resultados del análisis, fue posible proyectar dos escenarios de propuestas innovadoras de interpretación, uno relativo a nuevas formas de interpretación de algunos principios, como la progresividad de la protección climática inculcada en el principio de no regresión, y otro relativo a la presentación de propuestas inéditas, como: i) el principio de protección de la integridad del sistema climático; ii) el deber constitucional y supralegal de protección climática basado en la comprensión de los tratados internacionales sobre el clima como tratados de derechos humanos; y iii) el subsistema constitucional ambiental.

PALABRAS CLAVE Cambio climático, litigio climático, interpretación, principios.

Introduction

A catalyst is an element or substance capable of interfering with two reagents, increasing the speed of their reaction. Therefore, borrowing this concept can be of great help in analyzing contemporary legal challenges related to climate change, precisely because it concerns the need to halt the increase in global temperature to a range of 1.5 ºC by the end of the century, as determined by the Paris Agreement in 2015 based on the scenarios presented by the Intergovernmental Panel on Climate Change (IPCC). However, as we have seen so far, if ambitious actions are not taken immediately to reduce greenhouse gas (GHG) emissions, this limit will be exceeded by 2040 with a very likely perspective of increment in the following years, intensifying multiple and concurrent hazards as temperature continues to increase (IPCC, 2023: 4). With this, regional climate extremes become more common, producing severe human health, environmental and economic impacts (for example, extreme heat-humidity related deaths, species losses and food production impacts) (IPCC, 2023: 4).

Faced with this dilemma, strategic climate change litigation emerges as an instrument capable of urging, not only the judiciary system to assess cases related to climate change, but also the legislative and executive spheres to promote the edition of normative acts and institutional arrangements aimed at guaranteeing fundamental rights affected by climate change. In turn, the principles of Brazilian environmental law play an essential role in the decision of these cases. Although the conceptual development of the principles of environmental law took place before the problem of climate change escalated, legal solutions to the conflicts arising from climate change can only be conceived and applied from the interpretation of the principles of environmental law.

In other words, there is a demand for the evolution of the principles of environmental law. However, it should be emphasized that the evolution of these principles is parallel to the evolution of society, in which interpretation has the fundamental role of updating the law to guarantee the effectiveness of legal responses to contemporary conflicts. The question that remains is: how can this evolutionary process be impacted by cases intentionally articulated to advance the interpretative boundaries of the discipline of environmental law?

In summary, this essay argues that strategic climate change litigation will lead to the acceleration of the evolutionary process of the interpretation of environmental law principles. To illustrate this process, we return to the idea of the catalyst: in this proposal, the reagents are the interpretation of the principles of environmental law and climate change, while the catalyst is strategic climate change litigation. For this purpose, this article will, first, present the theoretical premises related to the concept of principles, environmental law principles, and strategic climate change litigation. Second, to provide factual support to the argument, the 35 Brazilian cases available on the Climate Change Litigation Databases platform, held by the Sabin Center for Climate Change Law of the Columbia Law School, will be analyzed.

Environmental law principles

This topic presents the essential theoretical premises of this article. For this purpose, the foundations of the principles of environmental law and legal hermeneutics will be shown, as well as the concepts corresponding to the principles' contours.

Principles

Principles are norms that can be understood according to different concepts. In this article they are understood as finalistic norms, since they establish "a state of things whose gradual promotion depends on the effects resulting from the adoption of necessary behaviors" (Ávila, 2018: 227 [translated]). In addition, they can be understood as "optimization commands", since the principles can be realized to varying degrees, finding barriers only in the realization of other principles (Silva, 2010: 46). This occurs, from a philosophical point of view, because the principles would be responsible for conferring the teleological organization of the legal system they constitute (Koorsgard, 2009: 27).

Thus, interpretation occupies a fundamental position not only for the application of principles but for the application of law in general, which leads us to the need to demonstrate certain premises involving interpretation and how this activity is related to the evolution of legal norms.

The relation between principles and interpretation

Interpretation, then, means the cognitive process through which understanding is sought (Marino, 2011: 286). As for legal practice,

> the law is allographic because the normative text is not complete in the sense printed on it by the legislator. [...] norms result from interpretation, which can be described as an intellectual process through which, starting from linguistic formulas contained in texts, statements, precepts, provisions, we reach the determination of a normative content. The interpreter removes the norm from its envelope (the text). In this sense, they produce the norm (Grau, 2016: 24 [translated]).[1]

Thus, hermeneutics is necessary due to the incomplete nature of said normative text. As the legal norm has a social purpose, its interpretation must be determined by the investigation of this objective (Pereira, 2022: 171). For this reason, more than an activity aimed at understanding the normative text, interpretation takes place as a true application of the law, because it is through its activity that the interpreter and enforcer of the law accesses the essential content of the norm aiming at its application in concrete cases.

Among the hermeneutical methods, four classical interpretive methods stand out (Marino, 2011: 298): literal interpretation, normative context, systematic interpretation, and historical interpretation. The historical method is characterized by the location of the normative text at the time it was edited by the legislator and is articulated with the investigation of the preparatory work that led to the vote of the law (Pereira, 2022: 167).

The first is characterized by the search for the literal meaning of the words used by the legislator, which, because they have more than one meaning, will result in the determination of different degrees of literalness from the most generic to the most specific (Marino, 2011: 298). It is worth noting, however, that the exclusive use of these hermeneutic methods is unlikely to result in satisfactory outcomes for conflict resolution. Thus, although valid, their adoption requires caution.

As methods characterized by balancing the incompleteness of the previous ones, the systematic and normative context methods rise. Although they are distinguished, both methods complement each other by starting from the understanding of the legal system as a teleologically organized system, on the one hand, and composed of interconnected norms endowed with coherence, that is, context, on the other (Ma-

1. "o direito é alográfico porque o texto normativo não se completa no sentido nele impresso pelo legislador. [...] as normas resultam da interpretação, que se pode descrever como um processo intelectivo através do qual, partindo de fórmulas linguísticas contidas nos textos, enunciados, preceitos, disposições, alcançamos a determinação de um conteúdo normativo. O intérprete desvencilha a norma do seu invólucro (o texto). Neste sentido, ele produz a norma"

rino, 2011: 301 and 302). That is why "hermeneutic effort imposes the establishment of broad principles, guiding the system to which the object of interpretation belongs, and it's understanding according to it" (Pereira, 2022: 166).

Therefore, interpretation is shown as the activity responsible for ensuring the application of the law when urged to present solutions to certain conflicts. This activity can make use of the investigation of the literal meaning of the words of the normative text and the historical processes that preceded its edition. However, it can never be limited to such investigations. To access the essential content of the normative text and ensure the application of the law, it is up to the interpreter to systematically analyze the function that a given norm plays within its respective order. For this reason, it is essential to identify the legal principles that constitute the legal system whose norm is being interpreted.

In addition, interpretation is the activity that operates the evolution of law, since "when the law no longer corresponds to the singular nature of the present, the interpretation of normative texts allows its re-updating" (Grau, 2018: 359). In the same line, the "legal science must bend to the demands of life, adapting the norm to new facts. Laws drafted with a view to contemporary events and injunctions must be interpreted in such a way as to encompass what comes afterwards" (Pereira, 2022: 171 [translated]).

Therefore, interpretation is used to ensure the application of the law, especially when faced with new conflicts brought about by reality for which there may be no rules providing specific protection. In this sense, as reality evolves and transforms, interpretation allows the law to accompany the transformations of reality, evolving along with it. Once this fundamental premise has been demonstrated, it is necessary to present, in general, the principles that constitute environmental law and then, the reality of the climate crisis due to which the principles have recently been interpreted.

Environmental law's framework

To understand the dimension of the environmental law and its principles, it is necessary to address its constitutional profile. In this sense, we turn to the fundamental right to an ecologically balanced environment (article 225, Constitution of the Federative Republic of Brazil).[2] From this legal provision it is obtained, mainly, that the ecological imbalance is not irrelevant to the right. Quite the opposite. This fundamental guarantee is embodied precisely in the conservation of the properties and natural functions of the environment and natural cycles along the following areas

2. "Everyone has the right to an ecologically balanced environment, which is a common good and essential to a healthy quality of life, and the public authorities and the community have a duty to defend and preserve it for present and future generations" (translated).

of action: climate change, rate of loss of biodiversity (terrestrial and marine), interference between nitrogen and phosphorus cycles, depletion of stratospheric ozone, ocean acidification, global use of fresh waters, land use change, chemical pollution, and aerosol loading in the atmosphere (Machado and Aragão, 2022: 43; Krebs, 2001).

Moreover, the *caput* of article 225 protects three structuring pillars of the discipline of environmental law. The first deals with the framing of the environment in the list of diffuse interests, as it has as its object an indivisible and transindividual good whose holders are indeterminable, although they are united by circumstances of fact (Mazzilli, 2007: 50-52). The second deals properly with the consecration of the fundamental right to an ecologically balanced environment, so that its effectiveness can never be removed except in function of its weighting with other fundamental rights through the application of the proportionality test related to adequacy, necessity, and proportionality in the *stricto sensu* (Silva, 2010: 253). The third concerns the intergenerational nature of the fundamental right to an ecologically balanced environment that imposes the need to include the interest of present and future generations in the consideration of the use of natural resources, so that an over exploited, damaged, and scarce environment is not transmitted to future generations, and thus jeopardizing their future quality of life (Machado, 2020: 166).

Another constitutional provision of extreme relevance is the defense of the environment as a principle of the economic order (article 170).[3] With this, the constituent framed the protection of the environment as a necessary and indispensable instrument to ensure everyone a dignified existence (Grau, 2010: 256). Hence, the Brazilian State is not available to opt for a development path that does not protect and promote the environment and its ecological balance.

At the infra-constitutional level, it is possible to highlight the National Environmental Policy (PNMA, Law 6.938/1981), the National Climate Policy (PNMC, Law 12.187/2009), the National Conservation Units Law (SNUC, Law 9.985/2000), and the Forest Code (Law 12.651/2012), as normative provisions aimed at making sustainable development compatible with the protection of the environment and, consequently, the climate system.

At the international level, in turn, it is also possible to refer to the Stockholm Declaration (1972), the Rio Declaration (1992), the Paris Agreement (2015), and the Escazú Agreement (2018) among the legal instruments responsible for complementing the environmental protection microsystem especially aimed at protecting the rights and duties inherenty related to climate change.

3. "The economic order, based on valuing human work and free enterprise, aims to ensure a dignified existence for all, in accordance with the dictates of social justice, subject to the following principles: […] protection of the environment, including through differentiated treatment according to the environmental impact of products and services and their production and delivery processes" (translated).

Environmental law principles

Given the normative framework presented so far, it is necessary to briefly present the principles of environmental law:

- Protection of the ecologically balanced environment (article 225 of the Constitution).
- Prevention (article 3 of the PNMC,[4] and principle 14 of the Rio Declaration).[5]
- Precaution (article 3 of the PNMC and principle 15 of the Rio Declaration).[6]
- Information and participation (article 4, V of the PNMA,[7] and principle 10 of the Rio Declaration,[8] and articles 5 and 7 of the Escazú Agreement).[9]
- Non-regression (article 225 of the Constitution and article 3 (c) of the Escazú Agreement).[10]
- Intergenerational responsibility (article 225 of the Constitution).

4. "The PNMC and the actions arising from it, carried out under the responsibility of political entities and public administration bodies, will observe the principles of precaution, prevention, citizen participation, sustainable development and common but differentiated responsibilities" (translated).

5. "States should effectively cooperate to discourage or prevent their location and transfer to other States of any activities and substances that cause severe environmental degradation or are found to be harmful to human health" (Rio Declaration, 1992).

6. "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation" (Rio Declaration, 1992).

7. "The PNMA will aim to: […] disseminate environmental management technologies, disseminate environmental data and information and raise public awareness of the need to preserve environmental quality and ecological balance" (translated).

8. "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided" (Rio Declaration, 1992).

9. "Each Party shall ensure the public's right of access to environmental information in its possession, control or custody, in accordance with the principle of maximum disclosure"; and "each Party shall ensure the public's right to participation and, for that purpose, commits to implement open and inclusive participation in environmental decision-making processes based on domestic and international normative frameworks" (Escazú Agreement, 2018).

10. "Each Party shall be guided by the following principles in implementing the present Agreement: […] Principle of non-regression and principle of progressive realization" (Escazú Agreement, 2018).

- Sustainable development (article 4, I of the PNMA;[11] article 3 of the PNMC; and the Rio Declaration).
- Polluter-pays and protector-recipient (article 4, VII of the PNMA).[12]

Despite further elaboration, these principles constitute the rationality of the discipline of environmental law. It is common for environmental cases to make express references to the principles because often its doctrines are different from other areas of law. An example is, the adoption of the tort law strict liability within environment damages (article 14, §1 of the PNMA).

Still in regard to the civil law domain, environmental law has particularities regarding the adoption of the theory of integral risk and the reversal of the burden of proof. The first entails the rejection of exceptions to illegality —in cases such as *force majeure*— when the environmental damage is configured, emphasizing the legal treatment given to the discipline (Sarlet and Fensterseifer, 2021: 1049). The latter derives from the precautionary principle that adopts the presumption of a causal relationship that imposes on the potential polluter the burden of proving that his activity will not cause damage to the environment (Machado and Aragão, 2022: 142).

The assumptions of the General Theory of Law on which the interpretations of the principles of environmental law will be based for the analysis of the Brazilian cases of climate change litigation are: i) principles are finalistic legal norms because they confer the teleological organization to the order they constitute, and ii) in the face of the evolutions of reality, the interpretation of the principles also need to evolve to ensure that the objectives of the order are fulfilled.

Accordingly, then, the normative framework that structures the discipline of environmental law was presented, as well as the principles that derive from this microsystem, with the aim of introducing the elements that constitute the main object of the analysis of this article.

Brazilian climate change litigation

At this point, it is necessary to demonstrate the transformations of reality that may be impacting the interpretation of the principles of environmental law to the need to accompany them. To this end, the concepts of crisis, emergency, and strategic climate change litigation will be presented for the purpose of presenting the factual circumstances that complement the analysis proposed for this essay.

11. "The PNMA will aim to: make economic and social development compatible with the preservation of environmental quality and ecological balance" (translated).

12. "The PNMA will aim to: the imposition on the polluter and predator of the obligation to recover and/or compensate for the damage caused, and on the user of the contribution for the use of environmental resources for economic purposes" (translated).

Climate crisis and emergency

The concern with climate change is not recent, as international treaties and declarations on environmental law show (the Stockholm Declaration of 72, the First IPCC Assessment Report of 1990, among others; more recently, the IPCC Working Group I in the Sixth Assessment Report —"Climate Change 2021: The Physical Science Basis"— published in 2021), in fact conclusions have been presented pointing out the human contribution in a scenario of absolute urgency that came to be called the climate crisis (Ponthieu, 2020).

Among the recommendations of the report, the signatory countries of the Paris Agreement are advised to immediately mobilize with the assumption of more ambitious goals to guarantee the objective of stabilizing the temperature increase at only 1.5 ºC this century. An example of the impact of the studies pointed out by the IPCC is that already in 2020, at least 38 countries had declared climate emergency status (Stacey, 2022: 4). These declarations emerge as a first response to the law that addresses the climate crisis. In short, they are specific steps taken by governments to recognize the severity of global climate change and their responsibility to act in response to it. It is worth noting, however, that declarations of climate emergency differ from declarations of state of emergency, commonly applied under administrative law. This is because, to date, the climate emergency has not entailed the establishment of a state of emergency or special powers of exception typically associated with emergencies. Quite the opposite, the influences of these declarations have been more perceived in ordinary functions of government, such as planning and setting transparency targets, reinforcing democratic processes (Stacey, 2022: 23-28).

Therefore, the climate emergency translates as a legal phenomenon capable of directly impacting the provision of climate governance by demanding arrangements aimed at both the anticipation of impacts and the normalization and adaptation to a new status quo, together with the increase of technological, social, and economic incentives (Stacey, 2022: 18-21). It is worth noting, however, that the declaration of a climate emergency has not yet been introduced in the Brazilian legal system, although there are bills in progress in the National Congress aiming to do so. An example of this is Law Project 3961/2020, which determines the state of climate emergency, establishing targets for the neutralization of GHG emissions by 2050, in addition to providing the creation of policies for a sustainable energy transition.

Hence, during the last years due to the Brazilian State's lethargic democratic responses to the urgency of the climate crisis while the country was moving towards a progressive increase of its contributions to climate change, the judicialization of climate related issues in the country, called climate change litigation, increased. This phenomenon urged the judiciary to assess the actions and omissions of the legislative

and executive powers, as well as the conduct of individuals who in some way contributed to the worsening of climate change.

Climate change litigation

At the outset, climate change litigation can be understood from the perspective of strategic litigation. These cases trigger the judiciary to produce effects far beyond the individual scope. In this sense, according to the international organization European Roma Rights Centre (ERRC), strategic litigation seeks to establish paradigms for real social changes, such as the edition of new public policies, institutional arrangements and even the effective implementation of normative provisions, if they already exist (2004: 35 and 36).

Recent studies regarding the concept of strategic litigation have also concluded its definition as:

> [The intention of] legal action through a judicial mechanism in order to secure an outcome, either by an affected party or on behalf of an affected party. The legal action is used as a means to reach objectives, which consist of creating change (for example, legal, political, social) beyond the individual case or individual interest. To effectuate this change, certain tactical (strategic) choices based on the circumstances are made by the litigants in the process (Van der Pas, 2021: 126 and 127).

Thus, in a first moment, it seems evident that climate change litigation can be considered an example of strategic litigation for comprising precisely the set of cases used to advance changes beyond individual interests, specifically through those aimed at tackling human-caused climate change and its negative effects.

It is worth emphasizing, however, that the conclusion that climate change litigation only affects public agents is mistaken. In fact, as it aims at collective effects, climate change litigation is an instrument for consolidating climate governance, composed of public and private actors, whether business entities or civil society organizations, present at national and international levels (Nusdeo, 2019: 149). Thus, it is possible to perceive climate change litigation as a complex phenomenon whose effects can be perceived both in command and control measures, on the one hand, and in business measures —often voluntary—, on the other, both aimed at mitigation, adaptation and, risk management related to climate change.

Nevertheless, it is also possible to draw pertinent nuances to the concept of climate change litigation from the counterpoint of the perspectives of "global north and south".[13] Thus, in addition to economic and political disparities, north and south

13. As an alternative to the nicknames "first, second and third world countries", the term "global south" and its counterpart have been proposed to precisely understand those countries that are developing or underdeveloped (Chant and Mcilwaine, 2008: 10-12).

groups have significantly different civil societies and legal systems, therefore the judicialization of certain issues, such as climate change, take place at different times and in different ways.

This is precisely why climate change litigation has developed its own aspects in each of these groups. In this sense,

> unlike strategic climate change litigation in the global north, litigants in the global south currently do not focus on eliciting new regulatory targets or instruments from governments on reducing emissions. Rather, they use existing legislative tools and human rights discourses to highlight the vulnerability of their populations to climate change and protect their valuable ecosystems (Setzer and Benjamin, 2020: 85).

Furthermore, given the impossibility of exhausting the discussion on the aspects of climate change litigation in the global north and south, it is necessary to present the types of climate change litigation. That is, although the litigations project themselves in particular ways to their jurisdictions, their claims can always be framed within the following: mitigation, aimed at combating GHG emissions (such as environmental licensing, questioning environmental licenses, and combating deforestation); adaptation, aimed at implementing measures to reduce the population's vulnerability to the impacts of climate change; losses and damages, aimed at repairing the damage produced by climate change or related events; and risks, aimed at accessing information on the management of socio-environmental risks associated with climate change (Setzer, Cunha, and Fabbri, 2019: 68 and 69). The effects, then, can be perceived from liability for damages, to the edition of new normative acts, or the detailing and implementation of existing norms and institutional arrangements.

Therefore, it is possible to conclude that climate change litigation is the phenomenon through which the judiciary is strategically requested to judge cases whose effects will be directly reflected in the consolidation of climate governance, with the formation of doctrines and precedents. It is worth noting that the active and passive poles of the cases can be composed of both public and private entities, as the executive and legislative powers can be requested to take measures within their scope of exercise, as well as private agents to adapt their activities and repair the damage they cause.

Methods of application

As explained before, the legal system has an opening for the reinterpretation of its norms. This openness derives directly from the need to adapt normative mandates to new conflicts and new configuration of the interests they are intended to protect. Therefore, as reality changes with the emergence of new conflicts, it is through interpretation that the law evolves to accompany these transformations. Climate litiga-

tion, then, brings about new problems and conflicts, and therefore was presented as a key phenomenon to illustrate the evolution of the legal system.

In the global south, for example, is especially characterized by the strong presence of legal principles of environmental law to support its arguments (Setzer and Benjamin, 2020: 85). Thus, to establish new legal paradigms capable of protecting the interests threatened by climate change, strategic climate change litigation will necessarily bring arguments intentionally positioned at key points of the interpretation of environmental law principles. From this perspective, 35 Brazilian climate litigation cases were analyzed to understand how the principles of environmental law were interpreted. This analysis led to the conclusion that strategic litigation contributes to accelerating the evolution of these principles.

Cases overview

In order to present the Brazilian context of cases, it should be pointed out that the effort to categorize and identify cases has been engaged by databases such as the Climate Change Litigation Databases,[14] managed by Sabin Center for Climate Change Law, from Columbia Law School; the Climate Change Laws of the World,[15] managed by Grantham Research Institute on Climate Change and the Environment at the London School of Economics; JusClima 2030,[16] managed by the Labs of Innovation, Intelligence and Sustainable Development Goals Integration Net of the Judiciary (in Portuguese, *rede de integração dos Laboratórios de Inovação, Inteligência e Objetivos de Desenvolvimento Sustentável dos diversos órgãos do Poder Judiciário*); and the *Plataforma de Litigância Climática no Brasil*,[17] managed by Juma-Nima of the Pontifical Catholic University of Rio de Janeiro.

Nevertheless, even the National Council of Justice (CNJ), through the Resolution number 433/2021, established the National Policy of the Judiciary for the Environment, in which subject 15008 was established to identify cases related to climate change present in the Brazilian judiciary. In view of this, it is worth clarifying that the quantification of Brazilian climate change litigation is not homogeneous between databases. So much so that the Sabin Center platform currently identifies 35 climate disputes in the Brazilian legal system, while the Grantham Institute records 37 cases. On the other hand, JusClima 2030 identifies 40, and the Juma's platform has registered 56 cases so far. Moreover, to date, there is no official survey promoted by the

14. Available at https://tipg.link/NJR6.
15. Available at https://tipg.link/NJR8.
16. Available at https://tipg.link/NJRA.
17. Available at https://tipg.link/NJRD.

CNJ to ascertain the number of cases categorized with the subject 15008, whether active or filed.[18]

The disparity between the records shows that the categorization of climate change litigation cases is not yet peaceful. Among the explanations for what happened, it is possible to raise that the platforms do not distinguish between strategic climate change litigation. As a result, one can find cases that refers to climate change only in a contextual manner, with no direct relation to the dispute main subject, such is the case of *MPF vs. Schneider S.A.*,[19] At the same time, there are also cases that call themselves strategic, aiming to establish new interpretations of the principles of environmental law, as in *Conectas vs. BNDES*.[20]

However, despite the methodological disparities between the platforms, the present essay used the analysis of the cases registered in the database Climate Change Litigation Databases. This choice does not denote any value judgment between the platforms and has as its main reason the impossibility of exhausting the debate surrounding the categorizations of climate change litigation in this essay. In fact, it is possible to glimpse a complex research agenda behind the methodologies of climate change litigation categorization, that can be more or less specific or broad. Moreover, the Sabin Center database is the oldest and most complete to date. The platform was created in 2011 and has been updated monthly since then. By April 2023, it had 685 cases registered in over fifty countries and international or regional courts and tribunals (that is, the European Court of Human Rights and the Inter-American System of Human Rights), with links to 1.383 documents, including procedural documents and other informative notes. In addition, the platform has a section dedicated exclusively to US cases, created in 2007, which currently registers 1.564 cases.[21]

The criteria adopted by the Sabin Center to filter the cases within the database scope are basically two: the case must generally be brought before judicial or administrative bodies, and climate change law, policy, or science must be referred as a material issue of law or fact. Furthermore, the data collection process begins with the cases identification upon sources of information, like reports, legal databases, academic articles, and other online resources. For Brazil, the primary source of cases is exactly the Juma-Nima database, commented above.

18. The research sample was elaborated with data regarding April 2023. Since then, the number of cases in each database have increased. By October 2023, Sabin has already identified 63 cases in Brazil, Juma 73, and JusClima 54, while Grantham has been in the process of combining its data with Sabin. Exempting the duplicate registers, the databases together have already identified 91 cases in Brazil. Due to temporal limitations, the sample which applied in the methodology is strictly limited to the 35 disputes informed above —which could mean that further inquiries are not only possible but interesting.

19. Available at https://tipg.link/NLTS.

20. Available at https://tipg.link/NKoO.

21. Available at https://tipg.link/NKoZ.

Therefore, despite its limitation regarding Brazilian cases, the Sabin Center database was chosen to constitute the sample of cases within the scope of this article because it has been applying its methodology for a longer time and it is the most complete global climate change litigation database, which is what made the database widespread and be used to studies regarding climate change litigation.

Furthermore, it is necessary to present the aspects of the sample of cases analyzed. First, the cases selected are relatively recent: by April 2023, the oldest case registered on the platform was filled in 2004, while the youngest on December 30, 2022. Nevertheless, among the cases, only five were filed before 2018, while thirty cases have arisen since then. Of these, other five were filed in 2019, eleven in 2020, nine in 2021, and, most recently, five in 2022.

Regarding the jurisdictional distribution of the cases, the majority is concentrated in the federal courts and in the Constitutional Court. Brazilian higher courts are Superior Tribunal de Justiça (STJ) and Supremo Tribunal Federal (STF). The first is the higher court at federal level, while the second is the Constitutional Court. Both are also courts of appeal for States Courts: Tribunais de Justiça (TJ) and Tribunais Regionais Federais (TRF). Due to Brazilian scheme of jurisdiction, it is possible that some cases can be directly filed before each court. On the other hand, it is also possible that a case starts within a TJ or a TRF and be appealed until it comes to the analysis of the STJ or, lastly, the STF.[22] This way, the samples were of a total of fourteen cases presented before the higher courts, with four cases in the STJ and ten in the STF; sixteen cases presented before TRFs and five cases before TJs. However, among all cases, twenty-five were active, so that decisions on the merits of the case would still come up, while only the remaining ten cases had been closed.

Moreover, although some analyses consider the scenario of climate change litigation in the global south still incipient (Setzer y Benjamin, 2020), the Brazilian scenario has already started to show interesting results. An example of this is Arguição de Descumprimento de Preceito Fundamenta (ADPF) 708, whose judgment rendered in 2022, under the reporting of justice Roberto Barroso, determined the reestablishment of the climate fund based on the understanding of international climate treaties —such as the Paris Agreement— as human treaties. Thus, there is no alternative to the public administration other than to comply with the constitutional and supralegal commands provided for international treaties (Assis and Carvalho, 2021). Also, the case *Instituto Preservar vs. Copelmi*, which deals with the Ação Civil Pública (ACP)[23] number 5030786-95.2021.4.04.7100, whose sentence handed down in

22. The TJ and TRF are not appeal courts for each other, their jurisdiction matters are parallel. For further information regarding Brazilian Judiciary, check Alvim and Didier Jr (2017).

23. Procedural instrument similar to the American Class Actions, whose main objective is the protection of collective interests. However, while their adequacy of representation follows the *ope iudicis*

2022 determined the reformulation of environmental impact studies and the holding of public hearings based on the principle of protection of the climate system.

In view of the above, there is a clear need to monitor the Brazilian phenomenon of climate change litigation. Both because the research agenda aimed at studying the particularities of litigation in the global south points to trends of intensification in the number of cases; and because of the Brazilian context itself, which is already beginning to react to the large volume of cases strategically filed before the judiciary aimed at achieving advances in national climate governance.

Based on the premises proposed so far, this article defends the relationship between the emergence of strategic cases and the acceleration of the evolutionary process of the interpretation of environmental law principles. The cases of strategic climate change litigation, brought about in the contemporary context of the climate crisis, constitutes a sample group from which this evolutionary process can be observed more clearly within a relatively short time frame.

Catalysis: Interpretation moments of environmental law principles

Now, we analyze Brazilian climate change litigation cases to present the factual evidence that supports the central argument of this article. In this sense, since the term "acceleration" refers directly to temporal issues within —there is a certain variation of speed within a given period—, the cases were organized chronologically according to i) their filling dates and ii) their strategic content.

Based on this orientation, then, the 35 cases presented in the databases were schematized into evolutionary "moments". The first moment comprises the period prior to 2019 and was characterized as "regular behavior" because it deals with the moment when, in general, there are no strategic claims, and the principles of environmental law are interpreted only to introduce the theme of climate change. The second moment comprises the period from 2019 to 2021 and was characterized as "activation", because it deals precisely with the period in which most of the strategic claims were filed and interpretations that advanced the evolution of the principles of environmental law bubbled up. The third and last moment comprises the period from 2022 onwards and was characterized as "incorporation", because it represents a moment in

model in which the justice in case decides if the individual claim is able to become a collective claim according to the plaintiff's position within the damaged class, the Ação Civil Pública follows the *ope legis* model regarding Law 7.347/1985, article 5, that brings prescriptions for those capable of standing collective claims (Costa, 2009). These collectives can be: i) Union, States, Municipalities and the Federal District; ii) the Public Prosecutor's Office that can be Federal (MPF) or from the States (that is MPSP, for São Paulo); iii) the Public Defender's Office; iv) Public Administration entities; and v) private associations whose objectives are the protection of the claim's collective interest and had been created in at least one year.

which there are strategic climate change litigations with interpretations that carried strong traits that were proposed in the previous moment.

With this schematization it is hoped to demonstrate the evolution of the interpretation of the principles of environmental law acceleration, comparable to the chemical process of catalysis in which elements have their reaction intensified, thus generating a product that is no longer identified as its originators as it has new characteristics and properties.

Regular behavior

Just as it typically occurs before the incidence of the catalyst, it is possible to ascertain the process of interpretative evolution occurring in regular ways. Five cases make up this moment of analysis: *MPF vs. Schneider S.A.*; *Maia Filho vs. IBAMA*; *MPSP vs. Oliveira and others*; *MPSP vs. KLM*; *ABRAGET vs Rio de Janeiro* —filed in 2004, 2007, 2008, 2010 e 2013, respectively. It should be noted that the Sabin Center Platform presented only the appeals heard by the STJ. Thus, the analysis was restricted to the appellate phase of these cases, so that previous pleadings and decisions, of first and second degree, were not examined.

Regarding the hermeneutic and strategic properties of the cases, there is some identity between the cases *MPF vs. Schneider S.A., Maia Filho vs. Ibama*, and *MPSP vs. Oliveira and others*; although the first deals with the suppression of a mangrove area, while the other two deal with the use of fire in the practice of agriculture. The principles of the socio-environmental function of property were referenced to highlight the severity of the environmental damage inherent in the suppression of biomes that perform indispensable functions for the maintenance of ecological balance. Meanwhile, the general principle of protection of the ecologically balanced environment was mentioned to highlight the constitutional prohibition of all environmental degradation that has not been previously authorized. Finally, climate change is referred to in a superficial manner in these cases, with the sole purpose of justifying the need to apply the restrictive interpretation of environmental rules.

The case *ABRAGET vs. Rio de Janeiro*, in turn, refers to the attempt to declare unconstitutional the state instrument of the energy compensation mechanism for thermoelectric plants due to potential damage to the economic order. The case did not prosper and made no reference to the principles of environmental law.

The situation is different in the case *MPSP vs. KLM*, since it refers to the Ação Civil Pública or Public Civil Action (ACP) filed by the State of São Paulo Public Prosecutor's Office (MPSP) against the airlines operating at Guarulhos International Airport, seeking environmental compensation for the damage caused by GHG emissions from take-off, landing, and constant movement of aircraft at the site. Among the principles referenced in the case are the protection of the ecologically balanced

environment, the environmental protection as a guiding principle of the economic order, the polluter's responsibility to pay, and the precaution and prevention environmental damage. These principles were articulated due to the contribution of the companies' activity to climate change. The case was a pioneer in tracing climate causal relationships and very different from the others described. However, it was dismissed without appreciation of the claim. Thus, although strategically promising as it brought interpretative advances, the case did not prosper and other strategic cases would occur again only about seven years after its emergence, which justifies its categorization prior to the activation phase.

Activation

The moment of activation, as is to be expected, comprises exactly the period when a third factor is included in the reaction of the elements, causing the whole process to occur quicker, that is, with a higher speed. Here, this factor is precisely strategic climate change litigation. Therefore, this section will focus on the analysis of cases that presented innovative properties to the previous moment regarding the interpretation of the principles and the strategic content of the actions.

That said, the activation moment consists of twenty-five cases, distributed over the years 2019, 2020 and 2021. As previously explained, rise of cases reached the annual historical high in 2020, when eleven cases arose. It is possible to consider this year as a distinctive milestone because of the considerable number of strategic cases bubbling up. In 2020, not only the parties built innovative interpretation of the principles of environmental law but, mainly, many of these cases resulted in judges also recognizing the innovation when ruling their order. Nevertheless, these properties gain greater prominence in comparison to 2019, when they began to be introduced, and 2021, when they began to adopt more in-depth reasoning.

The five cases of 2019 are: *IBAMA vs. Siderúrgica São Luiz Ltda*; *Fabiano and others vs. Ricardo Salles*; *MPRS vs. RS and FEPAM*; *Arayara vs. Copelmi*; and *MPF vs. União*. In general, these cases are the result of the regular evolution of the interpretation of the principles of environmental law. Therefore, due to the maturing of the environmental discipline since 2013, when the last climate change litigation of the previous phase arose, the cases filed in 2019 benefited from a greater consolidation of the environmental discipline. Thus, references to the principles of prevention, precaution, *in dubio pro natura*, participation, non-regression, polluter pays, sustainable development, and reparation *in integrum* appear, in addition to the protection of the ecologically balanced environment. An example of this is that prevention and precaution are referenced as basic devices for the interpretation of environmental matters, as well as foundations of procedural rights and good environmental governance.

Furthermore, none of this year's cases can be characterized as strategic climate change litigation. This is because, although they already incorporate climate change as the basis of their claims, the effects sought by the cases are strictly limited to repairing environmental damage and correcting licensing processes. It is worth noting, however, that, except for the case *Fabiano and others vs. Ricardo Salles*, which went to trial without prospering, the other cases are still active so eventual developments may incorporate new hermeneutical features.

In 2020, there were these new cases: *MPF vs. IBAMA*; *Instituto Socioambiental and others vs. IBAMA and União*; *ADO 59* (Amazon Fund), *ADPF 708* (Climate Fund), *MPF vs. Ricardo Salles*; *Arayara vs. Copelmi*; *ADPF 746* (Fire in Amazonia and Pantanal), *ADPF 747, 748, and 749*, *and Instituto de Estudos Amazônicos vs. União*; *ADPF 760* (PPCDAm), *BRASILCOM vs. ANP*. In short, this year represents the distinctive milestone for the interpretation of environmental law principles, as this is the moment when a series of constitutional actions were assessed to advance the interpretative boundaries of the discipline of environmental law. In addition, these same actions have a highly strategic content, as they claim effects that transcend the dispute discussed, directly affecting the effectiveness of the entire climate institutional arrangement.

Nervertheless, except for the *Brasilcom vs. ANP,* and *MPF vs. Ricardo Salles and União*, which, respectively, do not refer to and only superficially address the principles of environmental law; the cases initiated in 2020 produced real evolutionary leaps in their interpretation. In addition to the specific principles of the discipline that had already consolidated true principiological innovations, such as the i) constitutional and supra-legal duty of climate protection, based on the understanding of international climate treaties as a matter of human rights established in the judgment of *ADPF 708*; ii) the progressive nature of climate protection in the non-regression principle, as perceived in *ADPF 749, 748, and 749*; and iii) the environmental constitutional subsystem, established in the vote of the rapporteur of *ADPF 760*, from which the environmental and climate discipline must be interpreted, aiming at guaranteeing the integrity and balance of the climate system. It is also worth noting that new interpretations of fundamental rights have emerged at this time, such as the fundamental right to climate stability, promoted by the Ação Civil Pública Climática from the case *Instituto de Estudos Amazônicos vs. União*. The other cases have interpretative properties like those perceived in 2019.

Among the effects sought by these cases are, not only the compensation for environmental damages claimed, but, especially in constitutional actions, institutional arrangements were the immediate object of discussion, such as the Climate Fund, the Amazon Fund and the Action Plan for the Prevention and Control of Deforestation in the Legal Amazon (PPCDAm). Therefore, following the same previous caveat, the cases filed in 2020 have a highly strategic content as they focus on the effectiveness of

Brazilian climate policy and have potential effects beyond the circumscriptions of the judiciary branch, meanwhile their appreciation directly concerns the maintenance of fundamental constitutional guarantees.

In 2021 these new cases were filed: *Carbonext vs. Amazon; ADPF 814 (Environmental Public Counsels); MPF vs. Jovens vs União and others*; *Instituto Preservar vs Copelmi*; *Costa Legal vs. Florianópolis*; *ADI 6932 (Eletrobrás)*; *Observatório do Clima vs União*; *Famílias pelo Clima vs. SP*. Therefore, from this year onwards, almost all the cases began to present the interpretative properties of the principles of environmental law in a homogeneous manner. Thus, the propositional interpretations of the principles of protection of the climate system *(Famílias pelo Clima vs. SP)* and progressivity of climate protection inherent to the non-regression principle *(Jovens vs. União and others*, and *ADI 6932 and Observatório do Clima vs. União)* were reiterated. In addition to the defense of the fundamental right to stability of the climate system by *ADPF 814*, which was extinguished without resolution of its merits, this interpretation cannot yet be considered incorporated into the legal system. In fact, within this group of cases, only *Instituto Preservar vs. Copelmi* was successful in obtaining the TRF4 first instance's recognition of the principle of integrity of the climate system in its sentence —which was appealed and now awaits the second instance's judgement. That year's exception case was *Carbonext vs. Amazon*, as it does not refer to the principles of environmental law.

In terms of their strategic content, the 2021 cases also uphold claims aimed at producing structural effects. Examples are the cases *Jovens vs. União and others*, and *ADI 6932 and Famílias pelo Clima vs. SP*, that aim at the reformulation of the 2020 Nationally Determined Contribution, an instrument established by the Paris Agreement as a decree of unconstitutionality in the privatization process of Eletrobrás, that included benefits to fossil energy sources; and the declaration of nullity of aspects of the IncentivAuto Program of the State of São Paulo, due to its contradiction to the climate protection provisions of the Brazilian legal system. In addition, another case not mentioned but important is *Costa Legal vs. Florianópolis*, which aimed at the establishment of an institutional arrangement for the ecological management of Lagoa da Conceição, located in the State of Santa Catarina. The *Carbonext vs. Amazon*, on the other hand, is an exception because its subject is the execution of a civil obligation contracted by the parties when negotiating carbon credits and does not even touch on aspects of the discipline of environmental law.

Incorporation

Finally, the moment of incorporation comprises the year 2022 when fewer strategic climate disputes have arisen, implying fewer interpretations capable of advancing the environmental discipline. Thus, currently there is, a significant slowdown in the evolu-

tionary process of environmental law principles.[24] That said, one of the greatest characteristics of this moment is the maintenance of the interpretative properties of innovation through jurisprudential reference to the cases that are part of the activation phase.

The five cases composing this moment are: *ADI 7095 (Jorge Lacerda Thermal Power Complex)*; *Conectas vs. BNDES and BNDESPAR*; *Arayara vs. ANEEL*; *Instituto de Estudos Amazônicos vs. IBAMA and ICMBIO*; and *ADI 7332* (Santa Catarina State's "fair energy transition" policy).

The major interpretative highlights of this moment are the cases *ADI 7095*, and *Conectas vs. BNDES and BNDESPAR*. Both cases reiterate the propositional interpretations of the progressivity element inherent to the non-regression principle, in addition to recognizing the fundamental right to the integrity of the climate system. As for the others, although they do not present similar interpretations, they all make references to the *ADPF 708* case to substantiate the constitutional and supra-legal character of environmental discipline, so that this case gradually becomes a jurisprudential reference for environmental discipline especially focused on climate change.

In terms of strategic aspects, however, the *Conectas vs. BNDES and BNDESPAR* case stands out. This is because the case turns to challenging the degrees and means of transparency adopted by the Brazilian Development Bank (BNDES) and BNDES Participações S.A. (BNDESPAR) related to the assessment of climate criteria for the approval of project financing. However, it is worth emphasizing that the case, although concerning public institutions, may have direct implications for the entire national private sector, from activities such as metallurgical to energy generation such as solar plants. As the case is active, more concrete analysis of its strategic implications is not possible so far. The other cases concern the national energy sector as they aim to annul the legality flaws of ANEEL Auction number 08/2022 and Santa Catarina State Law 18.330/2022 —except for the case *Instituto de Estudos Amazônicos vs. IBAMA and ICMBIO*, which aims to repair collective environmental and moral damages resulting from the illegal deforestation of the Amazon Forest.

Conclusion

In conclusion, this article sought to argue that the filing of Brazilian cases of strategic climate change litigation directly impacted the evolutionary process of the interpre-

24. It is important to spot the difference between the climate change litigation phenomenon and the environmental law principles evolution. Even though the principles evolution seems to slowdown according to the analyzed case sample, the climate change litigation cases has not passed through the same movement. The number of cases continued to increase until the end of the survey as of October 2023. Despite this, a trend that is already possible to be noticed upon the cases within the scope of analysis comes up with a moderate change regarding cases aiming at State Governments instead of the Federal Government —which can be related to the ascension of an environmental-aligned Federal Government.

tation of environmental law principles by accelerating it. To support this argument, the premises relate to the general concepts of principles and its role in environmental law: i) principles are legal norms that constitute the teleological organization of the legal system, that is, its purpose; ii) the nature of legal principles includes norms that can only affect the constantly changing world of reality through hermeneutics, that is, interpretation; and iii) the discipline of environmental law includes guarantees aimed at addressing climate change.

Furthermore, the premises related to strategic climate change litigation were presented: i) climate change litigation is one of the instruments used to address the climate crisis worldwide; ii) strategic climate change litigation aims to produce extrajudicial effects related to environmental and climate policies; and iii) strategic climate change litigation is able to present borderline cases for environmental law in which principles must be interpreted in order to contemplate the challenges inherent in the climate crisis, while maintaining fundamental guarantees.

To demonstrate the factual application of these premises, we then turned to the analysis of Brazilian climate change litigation cases present in the Climate Change Litigation Databases. To illustrate the argument, the analysis of the cases was constructed analogously to the idea borrowed from the chemistry of the reaction accompanied by a catalyst. In the present argument, the reactants are the principles of environmental law and climate change, while the catalyst is strategic litigation. Moreover, the interpretative evolution of environmental principles was chronologically schematized in three distinct moments: a) regular behavior; b) activation; and c) incorporation.

The analysis showed that, at the time of regular behavior, there were few strategic cases and no innovative interpretations. At the moment of activation, the number of innovative interpretations increased, accompanied by a surge of strategic cases. Lastly, at the moment of incorporation, the decrease in the number of strategic cases was accompanied by the maintenance of the interpretations proposed during the moment of activation, thus, confirming the central argument of this essay.

Therefore, it was possible to project two scenarios of innovative interpretation proposals, one concerning new ways in which some principles were interpreted, such as the progressive nature of climate protection instilled in the non-regression principle, and the other regarding the presentation of truly unprecedented proposals, such as: i) the principle of protection of the integrity of the climate system; ii) the constitutional and supra-legal duty of climate protection based on the understanding of international climate treaties as human rights treaties; and iii) the constitutional environmental subsystem. However, it is important to emphasize that some of these innovative proposals were recognized by courts, as the principle of integrity of the climate system —in the TRF4 first instance's sentence in *Instituto Preservar vs. Copel-*

mi, the supra-legal duty of climate protection, in ADPF 708, and the constitutional environmental subsystem in ADPF 760.

As research finding, it was also possible to notice the innovative interpretative proposal of the fundamental right to climate stability and integrity in *Instituto de Estudos Amazônicos vs. União*, and *Conectas vs. BNDES and BNDESPAR*, but have not been analyzed by their courts yet.

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Appendix: Table of cases

N°	Case	Principiological Phase	Proceeding	Process Number	Filing date
1	MPF vs. Schneider S/A	Regular Behavior	Recurso Especial	650728/SC	13/5/2004
2	Maia Filho vs. IBAMA	Regular Behavior	Recurso Especial	1000731/RO	27/11/2007
3	MPSP vs. Oliveira and others	Regular Behavior	Agravo Regimental nos Embargos de Declaração no Recurso Especial	1094873/SP	21/10/2008
4	MPSP vs. KLM	Regular Behavior	Ação Civil Pública Apelação Cível Recurso Especial	0082072-08.2010.8.26.0224 0046991-68.2012.4.03.9999 1856031 / SP	27/12/2010
5	ABRAGET vs. Rio de Janeiro	Regular Behavior	Ação Ordinária	0282326-74.2013.8.19.0001	12/8/2013
6	IBAMA vs. Siderúrgica São Luiz Ltda.	Activation	Ação Civil Pública	1010603-35.2019.4.01.3800	2/7/2019
7	Fabiano and others vs. Ricardo Salles	Activation	PET	8351	27/8/2019
8	MPRS vs. RS and FEPAM	Activation	Ação Civil Pública	9065931-65.2019.8.21.0001	12/9/2019
9	Arayara vs. Copelmi	Activation	Ação Civil Pública	5069057-47.2019.4.04.7100	9/10/2019
10	MPF vs. União	Activation	Ação Civil Pública	1016202-09.2019.4.01.3200	12/12/2019
11	MPF vs. IBAMA	Activation	Ação Civil Pública	1007104-63.2020.4.01.3200	24/4/2020
12	Instituto Socioambiental and others vs. IBAMA and União	Activation	Ação Civil Pública	1009665-60.2020.4.01.3200	4/6/2020
13	ADO 59 (Amazon Fund)	Activation	ADO	59	5/6/2020
14	ADPF 708 (Climate Fund)	Activation	ADPF	708	30/6/2020
15	MPF vs. Ricardo Salles and União	Activation	Ação Civil Pública	1037665-52.2020.4.01.3400	6/7/2020
16	Arayara vs. Copelmi	Activation	Ação Civil Pública	5049921-30.2020.4.04.7100 / 5002559-45.2021.8.21.0001	8/9/2020
17	ADPF 746 (Fires in Amazonia and Pantanal)	Activation	ADPF	746	25/9/2020
18	ADPF 747, 748, and 749 (Res. CONAMA n. 500/2020)	Activation	ADPF	747 748 749	30/9/2020
19	Instituto de Estudos Amazônicos vs. União	Activation	Ação Civil Pública	5048951-39.2020.4.04.7000	8/10/2020

N°	Case	Principiological Phase	Proceeding	Process Number	Filing date
20	ADPF 760 (PPCDAm)	Activation	ADPF	760	12/11/2020
21	BRASILCOM vs. ANP	Activation	Mandado de Segurança	27093/DF	19/11/2020
22	Carbonext vs. Amazon	Activation	Ação de Execução de Obrigação de Fazer	1072768-63.2021.8.26.0100	7/2/2021
23	ADPF 814 (Environmental Public Counsels)	Activation	ADPF	814	22/3/2021
24	MPF vs. Rezende	Activation	Ação Civil Pública	1005885-78.2021.4.01.3200	7/4/2021
25	Jovens vs. União and others	Activation	Ação Popular	5008035-37.2021.4.03.6100	13/4/2021
26	Instituto Preservar vs. Copelmi	Activation	Ação Civil Pública	5030786-95.2021.4.04.7100	19/5/2021
27	Costa Legal vs. Florianópolis	Activation	Ação Civil Pública	5012843-56.2021.4.04.7200	19/5/2021
28	ADI 6932 (Eletrobrás)	Activation	ADI	6932	15/7/2021
29	Observatório do Clima vs. União	Activation	Ação Civil Pública	1027282-96.2021.4.01.3200	26/10/2021
30	Famílias pelo Clima vs. SP	Activation	Ação Popular Produção Antecipada de Prova	1068508-84.2021.8.26.0053 / 1047315-47.2020.8.26.0053	10/11/2021
31	ADI 7095 (Jorge Lacerda Thermal Power Complex)	Incorporation	ADI	7095	10/3/2022
32	Conectas vs. BNDES and BNDESPAR	Incorporation	Ação Civil Pública	1038657-42.2022.4.01.3400	21/6/2022
33	Arayara vs. ANEEL	Incorporation	Ação Civil Pública	1063902-55.2022.4.01.3400	27/9/2022
34	Instituto de Estudos Amazônicos vs. IBAMA and ICMBIO	Incorporation	Ação Civil Pública	1012197-54.2022.4.01.3000	28/10/2022
35	ADI 7332	Incorporation	ADI	7332	30/12/2022

Author's elaboration

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