

The Importance of Indigenous Participation in COP Deliberations: Promoting Climate Justice and Advancing SDG 13 Implementation in Brazil
La importancia de la participación indígena en las deliberaciones de la COP: promoviendo la justicia climática y avanzando en la implementación del ODS 13 en Brasil

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Abstract: The article "The Importance of Indigenous Participation in COP Deliberations: Promoting Climate Justice and Advancing SDG 13 Implementation in Brazil" highlights the urgency of including Indigenous peoples in international climate change discussions. It argues that their participation in the Conferences of the Parties (COP) is crucial for promoting climate justice and advancing the implementation of the Sustainable Development Goal (climate action) in Brazil. The article emphasizes that the ancestral knowledge of these peoples can offer effective and equitable solutions to current climate challenges. The study also addresses the history of colonization and exploitation that has led to the marginalization of Indigenous peoples, underscoring the need for a fairer and more sustainable economic model.

Keywords: Indigenous participation, Conference of the Parties, Climate justice, Sustainable Development Goal, Climate change.

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Resumen: El artículo "The Importance of Indigenous Participation in COP Deliberations: Promoting Climate Justice and Advancing SDG 13 Implementation in Brazil" destaca la urgencia de incluir a los pueblos indígenas en las discusiones internacionales sobre el cambio climático. Argumenta que su participación en las Conferencias de las Partes (COP) es crucial para promover la justicia climática y avanzar en la implementación del Objetivo de Desarrollo Sostenible (acción climática) en Brasil. Se enfatiza que el conocimiento ancestral de estos pueblos puede ofrecer soluciones efectivas y equitativas a los desafíos climáticos actuales. El estudio también aborda la historia de colonización y explotación que ha llevado a la marginación de los pueblos indígenas, subrayando la necesidad de un modelo económico más justo y sostenible

Palabras claves: Participación indígena, Conferencia de las Partes, Justicia climática, Objetivo de Desarrollo Sostenible, Cambio climático.

INITIAL CONSIDERATIONS

The climate emergency experienced more intensely by humanity in recent decades has sparked profoundly relevant reflections on the concept of climate justice³. The United Nations (UN), mindful of these and other social and environmental issues, has formulated seventeen Sustainable Development Goals (SDGs)⁴. These goals are aimed, among other things, at reducing the impacts of ongoing climate change.

From this perspective, this research aims to focus specifically on the topic of climate justice, highlighting the need to include Indigenous peoples in international democratic discussions. This is based on the experiences of the last two Conferences of the Parties (COPs). The study will analyze how the participation of these social actors can contribute to the achievement of the Sustainable Development Goals (SDGs) outlined by the United Nations (UN), particularly SDG 13, which calls for urgent action to combat climate change.

Considering this thematic focus, the study presents the following research question: How can the inclusion of Indigenous peoples in COP discussions strengthen the concept of climate justice and contribute to Brazil's achievement of Sustainable Development Goal 13 (climate action)? The initial hypothesis, based on data from various studies on this topic, suggests that including Indigenous peoples in COP discussions brings visibility to the knowledge of the Global South. This perspective is crucial as it can enhance efforts to meet SDG 13 and combat climate injustice both locally and globally. Thus, the importance of this study lies in its potential to highlight and leverage valuable Indigenous knowledge for achieving climate goals.

In light of this, the research highlights that the active inclusion of Indigenous peoples in COP discussions is not only a moral imperative but also a pragmatic strategy for advancing the Sustainable Development Goals, particularly SDG 13. By recognizing and valuing the ancestral knowledge and practices of these communities, we not only deepen our understanding of climate challenges but also pave the way for more inclusive and effective solutions. Therefore, the proposed inclusive perspective not only

³ The term “climate justice” refers to the ethical and political framing of climate change. It recognizes that climate change is not only a result of physical and natural conditions but is also directly linked to prevailing economic, social, and cultural models. By bringing climate change to the forefront of the international community’s ethical and political agendas, there is an opportunity to include historically marginalized populations, such as Indigenous peoples, in these new dialogues.

⁴ Sustainable Development Goals (SDG).

strengthens the concept of climate justice but is also essential for achieving a holistic and equitable approach to combating climate change on both national and global levels.

Accordingly, this chapter is structured into two sections. The first section will provide context on the climate emergency and the need for global shared responsibility in addressing climate issues. The second section will examine the importance of Indigenous peoples' participation in climate change discussions at both national and international levels.

To conduct the research outlined here, the hypothetical-deductive scientific method is employed, utilizing a qualitative approach in conjunction with the monographic procedure method. Additionally, indirect documentation through bibliographic research in books and journals serves as the research technique. For data interpretation, a sociological approach to legal interpretation is used, acknowledging that law is a social science in constant Evolution.

Climate issues and global shared responsibility

Human activity has caused significant transformations across the globe. Among the many changes resulting from human-nature interactions are climate changes, a phenomenon of high socio-environmental complexity. The intense industrialization of the last two centuries, aimed at mass production, has led to numerous environmental and climatic alterations, such as rising sea levels, droughts, extreme heat, and melting glaciers. These changes have increased the frequency of disasters like floods, landslides, storms, and hurricanes (Giddens, 2010). These extreme events have created a new global landscape characterized by social inequality and environmental degradation (Beck, 2018).

Given the context of increasing interaction between human activity and natural systems, it becomes evident that there is an urgent need to address the challenges posed by climate change. These transformations, largely driven by industrialization and the development models adopted in recent decades, have not only altered global climate patterns but also exacerbated socio-environmental disparities. Rising sea levels, extreme weather events, and melting glaciers are just a few visible manifestations of these changes. Therefore, it is imperative to recognize that the climate crisis does not affect everyone uniformly, exacerbating existing inequalities and deepening social and environmental injustices. To effectively address this complex challenge, it is essential to

adopt inclusive approaches that acknowledge the diversity of perspectives and knowledge, especially that of Indigenous peoples, and promote collective actions aimed not only at mitigation but also adaptation and resilience in the face of climate change.

In this context, it is observed that the climate emergency unfolding on the planet can profoundly affect the realization of human rights. Changes in the climate system and their consequences threaten a range of rights such as access to water, food, and shelter. Additionally, these changes can jeopardize the rights to life, health, and personal safety. They can also directly or indirectly impact the exercise of rights related to migration and resettlement (Albuquerque; Fagundez; Fabre, 2022).

Thus, it can be observed that the consequences of climate change represent a kind of collective compulsory inheritance bequeathed to humanity. Decisions made in a not-so-distant past resonate decisively in the contemporary landscape. Climate change and the risks it poses can be seen as the embodiment of a series of failures stemming from a continuous and massive process of economic "development" pursued by humanity (Beck, 2011; 2016; 2018). Therefore, it is imperative to highlight that this development model, primarily guided by neoliberal capitalist logic, is fundamentally at odds with the concept of environmental sustainability.

Clearly, addressing climate change and its adverse effects poses a challenge for humanity, as it requires, among other measures, a critical analysis of the current model of economic development adopted globally (UN Brazil, 2015), which proves to be unsustainable. In this regard, it is worth noting that the concept of sustainable development is linked to the idea of development that does not compromise the ability of future generations to meet their own **needs**⁵ (Augustin; Castilho, 2017). "Never in the history of humanity has there been such concern, research, and environmental preservation projects as in the last three decades." (Schonardie, 2016, p.21). Indeed, it is evident that this concept cannot be divorced from a condition of climate stability.

Furthermore, it is essential to consider that climate change has been compromising the ability of many countries to achieve sustainable development. In fact, developing countries in particular have been more severely affected by the consequences of climate change. As a result, the increasing exposure of vulnerable communities and the

⁵ It's important to note that the concept of Sustainable Development has faced significant criticism. One argument is that this concept serves as a smokescreen, allowing for the continuation, maintenance, and enhancement of market exploitation by those in power (capital holders) (Dias, Aquino, 2019).

socioecological strain on these countries have also driven massive displacement of people in search of decent living conditions (Albuquerque; Fagundez; Fabre, 2022).

As can be observed, the distribution of the effects of climate change presents a dilemma of justice (Robinson, 2021). According to Beck (2016), climate change should be understood as a force that redistributes social inequalities. The author explains that these changes alter the timing and intensity of rainfall and winds, soil moisture, and sea levels. Because of this redistributive power, climate change is closely tied to issues of justice. It's not merely a physical process; climate change involves political responses and discourses surrounding it that introduce - and perpetuate - both old and new social inequalities (Beck, 2011; 2018).

In this line of reasoning, it is understood that achieving climate justice entails recognizing the social inequalities stemming from the climate debt owed by Northern Global countries to those in the Global South. Therefore, climate justice movements advocate for a necessary transition to a fairer economic model that includes measures for prevention, mitigation, and adaptation to the impacts of climate change. This transition should consider the differentiated responsibilities among countries (Observatório do Clima, 2022).

Thus, it is evident that discussions on climate justice should not only address traditional issues of redistribution but also examine the processes that lead to misallocation⁶. This is because climate injustice is closely linked to socio-environmental inequality, where social, economic, environmental, and cultural factors make peoples and groups in poorer regions more vulnerable to the impacts of climate change (UN Brazil, 2022). Vulnerability, therefore, results from the negative relationship between the availability of material or symbolic resources for actors, whether individuals or groups, and their access to social, economic, and cultural opportunities (UNESCO, 2022).

In response to this scenario, the United Nations (UN) formulated seventeen universal and long-term goals in 2015 aimed at promoting sustainable development across its economic, social, and environmental dimensions. Among these goals is SDG 13, which calls for urgent measures to address climate change (UN Brazil, 2015).

The declaration outlining these seventeen Sustainable Development Goals also recognizes the United Nations Framework Convention on Climate Change (UNFCCC)

⁶ In this regard, it is important to move beyond the historically entrenched view of environmental goods and resources as privatized commodities driven by market forces. Instead, we should emphasize their status as social assets shared by all peoples of the planet (Schonardie, 2016).

as the primary international and intergovernmental forum for negotiating the global response to climate change. Established during the Rio-92 summit, the Convention entered into force on March 21, 1994, and has been ratified by 196 Parties committed to stabilizing the global climate system. Annually, these Convention signatories convene at the Conference of the Parties (COP) to discuss strategies for tackling the effects of climate change worldwide (Carvalho; Barbosa, 2019).

In 2015, during the 21st Conference of the Parties (COP 21) held in France, the Paris Agreement was adopted. One of its key objectives is to keep the global average temperature rise well below 2°C compared to pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels. Additionally, the Agreement underscores the need for countries to implement measures for climate change mitigation and adaptation. In this regard, it emphasizes the principle of common but differentiated responsibilities among countries, taking into account their respective capabilities and unique national circumstances (Carvalho; Barbosa, 2019), aligning with the concept of climate justice.

COP 21 also reinforced that the global nature of climate change necessitates broad international cooperation to mitigate its adverse impacts (UN Brazil, 2015). The active participation of a wide range of international actors is crucial because no single nation alone can effectively address the global risk posed by climate change (Beck, 2016; 2018).

There is, therefore, an urgent need for cooperation and interdependence among nations and multilateral actors. To make this possible, it is necessary to establish a new, definitively more democratic decision-making framework at the international level. This is because an imperialistic structure still persists, where decision-making processes and their consequences are attributed to entirely different groups (Beck, 2018). This dimension will be explored more deeply in the following section, which focuses specifically on the participation of Indigenous peoples in discussions on climate change.

The participation of indigenous peoples in climate change discussions

The ongoing climate changes highlight the need for new epistemological frameworks. Merely reproducing a globalized and homogeneous knowledge that can be exported, grasped, and applied universally as a common model proves inadequate in addressing the consequences of extreme climatic conditions (Beck, 2018). Therefore, it is essential to value knowledge systems that have been marginalized by imperialist

colonization. At this juncture, the current agenda of Climate Justice encompasses reexamining concepts such as equality, human rights, collective rights, and exploring the possibility of assigning differentiated responsibilities, considering social actors who have been historically marginalized.

Throughout history, mankind's narrative reveals that Europe's pioneering drive was fueled by the colonization of peoples, cultures, languages, and naturally, predatory extraction (vegetal, mineral, and animal). Like many other countries, Brazil experienced the bitter taste of colonization. From the plundering of brazilwood during the narrative of its "discovery" (territorial conquest), to present times, the country has faced a series of environmental violations, such as the exploitation of its forests and natural resources (Mignolo, 2017).

This predatory logic imposed by colonizers on the colonized promoted exploitation and domination, erasing the culture and identity of colonized peoples and subjecting them to a hegemonic model of civilizational organization. The global colonial history shows that countries in the Global South, labeled as "developing countries," experienced the annihilation of their identity and knowledge through colonization (Mignolo, 2017). Furthermore, as highlighted in the previous section, these countries have borne the brunt of the effects of the climate crisis exacerbated by the predatory Eurocentric capitalist model. In this context, it is crucial to examine the discussions raised at the last two Conference of the Parties (COP 26 and COP 27), emphasizing plural and democratic participation in the debate on the climate emergency.

The 26th Conference of the Parties took place in 2021 in Glasgow, Scotland. Commonly known as COP 26, this conference revisited and expanded upon the discussions initiated by the Paris Agreement, focusing on issues such as deforestation, reduction of carbon dioxide and methane emissions, and the decrease in coal use in the energy sector. It also made decisions regarding the trading of carbon credits, providing financing to developing countries. However, perhaps the most significant achievement of the event, at first glance, was the participation of indigenous peoples, quilombola communities, and local communities in discussions on the impacts of climate change (UN, 2021).

Another significant achievement of the Global South at COP 26 pertains to consensus on the principle of common but differentiated responsibilities, linked to each nation's actual capacity to undertake global burdens. It was acknowledged that Global

South countries do not bear the same responsibilities as Global North countries, given the latter's more substantial role in shaping the climate emergency framework (UN, 2021).

It is also noteworthy that the final text of COP 26 included perspectives from local communities and peoples, recognizing that they are the most affected by the capitalist and neoliberal economic model perpetuated by Western anthropocentric society. This indicates a slight shift in awareness within the Global North regarding the Global South (UN, 2021).

Clearly, this movement allowed international environmental law to challenge classical international law, expanding the subjects of law and, consequently, their legal personalities (UN, 2021). Though modest, it was a milestone for Global South peoples. However, the conclusion drawn from COP 26 is that discourse and decision-making are still monopolized by colonizing countries. Therefore, the Global South requires greater emancipation, interaction, and interdisciplinary treatment in global environmental negotiations. Even post-decolonization, Global South peoples, colonized by the Global North, still lack significant decision-making power on issues that truly bind normatively and effectively within international law, particularly concerning environmental and climate regulations.

As for the 27th Conference of the Parties, also known as COP 27, held in 2022 in Sharm El-Sheikh, Egypt, there was an expansion of discussions on the climate emergency. The Conference also saw participation from Global South peoples and established a specific working group on indigenous peoples. This marks a significant victory as the involvement of Global South peoples in international legal discussions on climate change and justice has taken on more democratic dimensions (UN, 2022).

The participation of indigenous peoples in COP 26 and COP 27 brought their concerns, anxieties, needs, and alternative solutions for building social public policies focused on climate change to the global discussion. This is because these peoples live in a true symbiosis with nature, cultivate a unique relationship with the environment, and establish deeper connections. It can be affirmed, then, that nature integrates the very human dimension of these individuals. In this perspective, Ailton Krenak (2020, p. 23-24) argues:

The idea of us humans disconnecting from the earth, living in a civilizational abstraction, is absurd. It suppresses diversity, denies the

plurality of forms of life, and habits. [...] We need to be critical of this molded idea of homogeneous humanity in which consumption has long taken the place of what was citizenship.

Clearly, there is a need for a metamorphosis in how individuals relate to capital; it is essential to establish a different approach to preserve the scarce natural resources that remain. In this light, addressing climate change demands a new economic model that is more "green" and "social," guided by ecological balance, since nature is the vital support for humanity. At this moment, there is a pressing need for greater contribution from the ancient knowledge and wisdom of indigenous peoples, quilombolas, and social movements in shaping economic and ecological policies focused on alternative and holistic ways to address social and environmental issues.

Certainly, COP 26 and 27 signal the need for epistemic emancipation, even if perceived as disruptive and dangerous to the entire system, as Slavoj Žižek (2016) aptly noted. Within this framework of recognition, blending concepts of colonization/decolonization and coloniality/decoloniality, their importance in understanding established national and international environmental policies becomes evident. Hence, it is pertinent to quote Fanon, who writes:

The city of the colonized people [...] is a place of ill fame, peopled by men of evil repute. They are born there, it matters not where or how; they die there, it matters not where or how. It is a world without space; men live there on top of each other. The city of the colonized is a hungry city, starved of bread, meat, shoes, coal, light. The city of the colonized is a squatting village, a town on its knees" (FANON, 2010, p. 41).

What becomes evident is that international law, as exemplified by COP 26 and 27, needs to communicate with and respect previously ignored social strata. However, this communication must be interdisciplinary because international law, as it stands, merely upholds the status quo, devoid of change, grounded in the same retrograde verticality. Decisions, debates, and science always come from the colonizer to the colonized. Therefore, it is affirmed that it is always the "people of the dining room" who decide on globally significant climate environmental issues (UN, 2022).

Presently, the UN General Assembly consists of 193 countries, predominantly from what is historically termed the Third World—countries colonized by Western

capitalist culture and still categorized as "developing." The General Assembly grants participant countries voice in discussions and recognition but lacks binding decision-making power. In other words, regarding COP 26, proposed by the UN General Assembly, decisions are made by consensus without enforceable authority. Therefore, countries voluntarily adhere to such conventions (UN, 2022).

In this context, it's evident that the decision-making power on global climate issues lies with the UN Security Council, whose permanent seats (with veto power) are held by the colonizing countries of the Global North:

The UN Security Council consists of 15 members: 5 permanent and 10 non-permanent, elected for two-year terms by the General Assembly. According to Article 23 of the UN Charter, the Permanent Members of the Security Council are: United States of America; Russian Federation (which replaced the Soviet Union); France; United Kingdom; and People's Republic of China" (UN, 1968).

Despite this colonizing and predatory history, what is expected from the Global South is genuine liberation. This implies that these countries should not limit themselves to the false notion that their histories are merely products of imperialism but should take a strong and active stance against Northern Global hegemony. Thus, expanding the participation of indigenous peoples in international discourse is an immensely significant step. However, this does not mark the end of the long journey toward epistemic emancipation.

CONCLUDING REMARKS

This chapter has focused extensively on the theme of climate justice, which is highly relevant today given the increasing number of extreme climate events disproportionately affecting vulnerable populations. Specifically, it investigated how the inclusion of indigenous peoples in COP discussions can strengthen the concept of climate justice and contribute to Brazil's fulfillment of Sustainable Development Goal 13 (action against global climate change).

Addressing the research question posed, it is crucial to elucidate that Brazil's history, like that of many other countries worldwide, has been marked by a massive process of domination. The country endured a long period as a colony subjected to extractive exploitation and slavery, suffering the consequences of colonial actions that

led to the epistemicide of indigenous knowledge and intense exploitation of natural resources. Indeed, the capitalist economy imposed by the West historically viewed natural resources through a mechanistic lens, perceiving them as infinite.

In light of the current climate emergency, numerous questions and discussions arise regarding the rights and duties of present and future generations in using environmental resources, given their planetary finitude. It is also understood that the climate issue must be discussed in a transversal, global manner, with active participation from the most affected social segments, particularly those in the Global South. Therefore, it is suggested that international law, in its negotiation rounds, give voice to grassroots movements from the Global South, granting them the power of choice and decision-making in respect of their decoloniality.

It is emphasized that the inclusion of Global South peoples in international discussions plays a fundamental role in building climate justice, an urgent issue requiring immediate action and global collaboration. Particularly, to ensure a sustainable future for all, it is indispensable to address climate inequalities, recognize historical responsibilities, and promote the transition to a more equitable, resilient, and environmentally conscious world. By combining ancient and new knowledge in pursuit of climate justice, a legacy of planetary care can be created for future generations.

In this regard, considering the body of research conducted on this topic within the field of law, it is possible to conclude that the active participation of indigenous peoples in the Conference of the Parties (COPs) provides visibility to the knowledge and wisdom of the Global South. This broader and more inclusive dialogue can contribute to achieving climate agendas and also assist Brazil in fulfilling Sustainable Development Goal 13 related to action against global climate change.

Thus, it is hoped that Global South peoples in their territories seek holistic solutions and alternatives based on their ancestral knowledge, while also forging their own political and economic paths. Ultimately, recovering their identity and self-awareness is a crucial step in the journey towards finding solutions to confront the climate crisis.

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