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"Tomorrow will be another day..." sang Chico Buarque in 1970 as an expression of hope for a democratic Brazil struggling against the dictatorship. Democracy was re-established in 1985 and with it came the intrinsic challenge of fighting for the realization of the rights agreed upon in 1988. The achievement of democracy did not mean, however, the materialization of a permanent project. It meant a starting point, which was, unfortunately, put to the test in our recent history. The government, which ended in 2022, brought with it deep attacks on democratic institutions within the scope of an authoritarian project that violated the minimum guarantees of protection for dignity and life. After many losses, struggles, and resistance, in October 2022, democracy could speak louder again, and 2023 begins as a year in which hope will blossom again and democracy begins to be recovered.

The reconstruction of democracy extends to all spaces of civil society, and the academy must increasingly offer its contribution. With this mission in mind, we begin our fourteenth volume of the Revista Direito e Práxis with a set of unpublished articles derived from rigorous and critically engaged research. Our general section features fourteen articles that address topics such as restorative justice, trade unionism and the effects of COVID, theories of civil disobedience, constitutionalism, theories of the state, and works in the fields of law and Marxism and critical criminology.

The special section of this issue also offers a more than necessary contribution to think about the role of law within the processes of destruction and corporate extractivism of natural goods. The invited editors, professors Marcelo Cafrune and Emiliano Maldonado, invite us to read eight unpublished contributions by international and



national researchers under the theme "Rights of nature, extractivisms and climate litigation". The contributions selected for the dossier are a useful starting point for academic reflection and legal practice in the context of strategic litigation against climate catastrophe and the devastation of the human rights of those affected by extractive projects, which are increasingly present in the Global South.

The sections on translations and reviews bring, finally, an interesting body of work and analysis of works of legal theory, decolonial thought, and radical readings of human rights. As always, we thank everyone who contributed to this issue of the Journal: authors, translators, and guest editors. Collaborative work is fundamental to the quality of our publication! We remind you that the editorial policies for the different sections of the journal can be accessed on our website and that submissions are permanent and always welcome! We thank, as always, the authors, reviewers, and collaborators for the trust placed in *Direito e Práxis*.

Enjoy the Reading!

Direito e Práxis Team



"Rights of nature, extractivisms and climate litigation"

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The climate emergency is one of the major issues that challenge societies and institutions in the present time. Despite the seriousness of this civilizational crisis, the debate in the legal field seems to discuss the problem without properly identifying its roots, actors, and mechanisms; and also fails to recognize the entitlement of the subjects who act in defense of the rights of nature and the economic, social, cultural, and environmental rights of indigenous and traditional peoples and popular movements.

Extractivism, with emphasis on mineral extractivism, in addition to locally impacting territories, traditional ways of life, and nature, is a determining factor for the deterioration of life on Planet Earth. Nature and subalternized subjects are the main victims of serious violations of rights carried out by transnational corporations that act to maintain extractivism imposed on the Latin American continent and Brazil.

This is not a recent phenomenon: the colonial origin that marks extractivism (which goes hand in hand with imperialism, racism, and patriarchy) must be taken into account. The genocide of indigenous peoples and the extermination of other ways of life have historically been structured there, which have become extremely serious in recent years. Moreover, Brazil was the scene of two of the largest socio-environmental crimes of the 21st century: the collapse of dams that dumped thousands of tons of ore tailings into the Rio Doce and Paraopeba basins, claiming hundreds of lives and altering the lives of millions of people in the region.

In view of this, the rhetoric of sustainability (greenwashing), which ultimately reinforces the processes of commodification of nature, is not enough. Despite the greed



and strength of the "development" ideology, people have strengthened resistance and struggle processes. Our perspective is therefore based on the radical critique of the current system, because it is not possible to face the dilemmas and challenges of the present time without subverting its logic or just remodeling its language and concepts.

In this sense, research committed to social transformation seeks to investigate, describe, and think about reality, positioning itself critically in the face of injustice, violence, and oppression. Such an attitude makes scientific work and the construction of alternatives challenging and complex, pointing to the qualification of impact assessment methods, political participation processes and community consultation, and above all, accountability for human rights violations.

Based on these premises, this dossier brings together contributions that seek to identify the roots of extractive spoliation, its main phenomena, name the subjects involved, and propose actions that concretely allow for social, political, and legal confrontation to defend nature, life, and common goods. Such reflections result, to some extent, from the dialogues that took place during the 2nd edition of the Summer Course "Rights of Nature, Extractivism, and Climate Litigation"¹ in February 2022.

The objective of this dossier is thus to echo the diagnoses, experience reports, and contribute to the expansion of the socio-environmental debate with elements of incidence in the political, legal, and judicial fields through strategic climate litigation. To this end, it is structured into eight articles, which will be briefly presented below.

To begin with, the article by researcher Horacio Machado Aráoz (CONICET-UNCA, Argentina), entitled "Extractivism and the roots of the "Anthropocene". Regimes of

¹ The 2nd Summer Course "Rights of Nature, Extractivism, and Climate Litigation" (Direitos da Natureza, Extrativismos e Litigância Climática) was held with broad collaboration from: Institute of Research on Rights and Social Movements (IPDMS); Preservar Institute; Climate and Society Institute (ICS); Federal Institute of Rio Grande do Sul (IFRS); Federal University of Rio Grande (FURG); Research Group on International Relations and Environment of the Federal University of Rio Grande do Sul (GERIMA-UFRGS); National Network of Popular Lawyers (RENAP); Committee Against Mega-Mining in RS (CCM-RS); Landless Rural Workers Movement (MST); Observatory of Community Protocols for Free, Prior, and Informed Consent; and General Ombudsman's Office of the Public Defender's Office of the State of Rio Grande do Sul. (O 2º Curso de Verão "Direitos da Natureza, Extrativismos e Litigância Climática" foi realizado com ampla colaboração: Instituto de Pesquisa Direitos e Movimentos Sociais (IPDMS); Instituto Preservar; Instituto Clima e Sociedade (ICS); Instituto Federal do Rio Grande do Sul (IFRS); Universidade Federal do Rio Grande (FURG); Grupo de Pesquisa em Relações Internacionais e Meio Ambiente da Universidade Federal do Rio Grande do Sul (GERIMA-UFRGS); Rede Nacional de Advogadas e Advogados Populares (RENAP); Comitê de Combate a Megamineração do RS (CCM-RS); Movimento de Trabalhadores Rurais Sem Terra (MST); Observatório de Protocolos Comunitários de Consulta e Consentimento Livre Prévio e Informado; e Ouvidoria-Geral da Defensoria Pública do Estado do Rio Grande do Sul.)



sensitivity, climatic regime and rights of Nature” (*El extractivismo y las raíces del “Antropoceno”. Regímenes de sensibilidad, régimen climático y derechos de la Naturaleza*) proposes to decolonize the geological discourse and unravel naturalizations of the “Anthropocene.” The article argues that the “Rights of Nature” express a dispute over regimes of sensitivity to truth that seek to revise and reformulate the ontological status of the Earth.

Next, the article “Brazilian anti-indigenous politics: tracking changes on indigenous rights regulation during Bolsonaro’s government” (*A política anti-indígena brasileira: mudanças nos direitos dos povos indígenas durante o governo Bolsonaro*) by Veronica Korber Gonçalves (UFRGS) and Marcelo Eibs Cafrune (FURG), describes how the Bolsonaro government (2019-2022) propagated a strong anti-environmental and anti-indigenous rhetoric, analyzing the relationship of these discourses with legal propositions involving indigenous peoples and indigenous lands.

Afterwards, researchers from EKOA, Katya Regina Isaguirree-Torres (UFPR) and Tchenna Fernandes Maso (UFPR), problematize climate capitalism and indicate that peoples and social movements, as highly vulnerable groups to climate change, are important social agents for ecological transition from the perspective of climate-environmental justice, in the article entitled “Struggles for socio-environmental justice in the face of climate emergency” (*As lutas por justiça socioambiental diante da emergência climática*).

Following that, the researchers from the Institute of Research, Rights, and Social Movements (IPDMS), Guilherme Cavicchioli Uchimura (UFPR), José Ricardo Vargas de Faria (UFPR), and Ricardo Prestes Pazello (UFPR), in the article “Botocudos, affected people and extractivism: essay on the strange order of the capital territorialization at Barra Longa’s territories” (*Botocudos, atingidos e extrativismo: ensaio sobre a estranha ordem geométrica da territorialização do capital nos territórios de Barra Longa (MG)*) discuss to what extent the disputes around territorial planning, intensified after the burial of roads and buildings in this city by mining rejects, are also echoes of the methods of permanent primitive accumulation of capital.

Then, the article by the researcher from the Movement for Popular Sovereignty in Mining (MAM), Rikartiany Cardoso Teles, “Forced migration and mining: The City of Maceió-AL under the human rights perspective” (*Migração forçada e mineração: A Cidade de Maceió-AL sob a Ótica dos Direitos Humanos*) analyzes how the exploitation of natural



resources amplifies forced environmental displacements, based on the paradigmatic case of Maceió-AL, where more than 60,000 people are in the process of forced migration due to mineral extraction in urban soil.

Finally, the article “Unconstitutional State of Affairs in Brazil: the capture by companies of State’s duty to consult to traditional peoples for environmental licensing process” (*Estado de Coisas Inconstitucional no Brasil: a captura pelas empresas do dever estatal de consultar os povos e comunidades tradicionais diante dos procedimentos de licenciamento ambiental*) by Isabella Cristina Lunelli (IPEA) and Liana Amin Lima da Silva (UFGD), researchers from the Observatory of Community Protocols, discusses the growing attempt by private companies to lead the Free, Prior, and Informed Consultation processes in Brazil in the course of environmental licensing procedures, reinforcing the characterization of an unconstitutional state of affairs (EIC) in socio-environmental matters.

In the last part of the dossier, seeking to advance the systematization of concrete experiences of strategic litigation promoted by the Instituto Preservar and other entities of the Committee to Combat Megamining in Rio Grande do Sul (CCM/RS), the renapians E. Emiliano Maldonado, Alice Hertzog Resadori and Thales Zendron Miola, in the article “Climate litigation in southern Brazil: the case of the Nova Seival Thermoelectric Power Plant” (*Litigância climática no sul do Brasil: o caso da Usina Termelétrica Nova Seival*) present a case study on the paradigmatic socio-environmental conflict linked to the damages that would be generated by the largest thermal project in Rio Grande do Sul, whose licensing was suspended through community mobilization and a broad network of scientific contributions that supported this case of strategic litigation, which resulted in an emblematic climate sentence.

Finally, Alexandre Gaio, Raquel Frazão Rosner and Vivian M. Ferreira, members and legal advisors of the Brazilian Association of Members of the Environmental Public Prosecutor's Office (ABRAMPA), authors of the article entitled “Environmental permitting as a climate policy instrument” (*O licenciamento ambiental como instrumento da política climática*) explain that, although climate variability is required in environmental licensing processes, its development in environmental agencies is still incipient. In this regard, the authors indicate criteria and strategies for the necessary evaluation of climate impacts so that we can advance with appropriate measures for real environmental protection in our country.



Thus, it is evident that this dossier was thought and organized from the construction of a series of dialogues, debates, and various investigative approaches on the serious socio-environmental problem that we experience today and the challenges that we must assume to think deeply about the socioecological transformations that we so desperately need.

From the various approaches, it is hoped to contribute to the academic, technical, social, and political debate to expand the understanding of the phenomenon and the urgent and necessary awareness of the limits of the current mode of production and the need to act in defense of nature, community territories, peoples, and their ways of life.

Enjoy reading!



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