

# **The impacts and the loss on Human Rights from a Brazilian perspective: A Layered Approach on Climate Change**

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## **The impacts and the loss in Brazil**

Until the end of 2023, Brazil suffered from the adverse effects of climate change. The massive unregulated urbanization on São Sebastião (State of São Paulo – Brazil) added to the extreme weather event that occurred during the 2023 carnival resulted in the loss of human lives and countless homeless people.

The experience on the absence of resilience recurs to The States of southern Brazil and its people which suffered from the massive rain flow with the loss of human lives, leaving a trail of destruction. Part of the agricultural expansion on the “Cerrado” increased the temperature above 1° Celsius and made the weather 10% drier.

Brazil is one of the largest food exporters in the world. In quantity, it is the first in soybeans, beef, poultry and, more recently, corn surpassing the United States, which until then was the world leader in sales of this cereal. It supplies a substantial part of the global coffee, sugar, and orange juice market. There is a forecast of a reduction in the grain harvest for the year 2024 assigned to the adverse effects on climate change, affecting the global economy and food security abroad.

The Northeast region of the Amazona’s State could experience an increase of 5°C in temperature and a reduction of up to 25% in the volume of rainfall over the next 25 years. This information is part of an unprecedented survey for the northern region of the country, which identified vulnerability to climate change in 62 municipalities located in the Amazon region.

Coordinated by the Oswaldo Cruz Foundation (Fiocruz), the study is one of the activities carried out within the scope of the Vulnerability to Climate Change project, carried out in partnership with the Ministry of the Environment<sup>3</sup>.

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<sup>3</sup> Fiocruz (2018). Fiocruz launches Climate Vulnerability System. Available from: <<https://portal.fiocruz.br/en/news/fiocruz-launches-climate-vulnerability-system>>. Access on: 08 Jan. 2024.

The projections made in the study indicate direct consequences in the Amazon region and future climate impacts point to a possible decrease in biodiversity, due to changes in the reproductive cycle of plants and animals. Another important effect would be the savannization process of the Amazon Forest, due to the increase in temperature.

Losses in matters of human rights are widespread as we can see by the general consequences of Climate Change, considering the offense against all types of rights, whether in relation to the enjoyment of an ecologically balanced environment, the right to the city, or the food security of individuals.

## **An overview of the studies and the premises of the Change**

It is well documented in the International Relations Regimes Theory<sup>4</sup> that it represents a “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relation”. The International Climate Change Regime starts within the global players assuming a global effort establishing an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. Until the year of 2009 the Top-Down approach of Kyoto's Protocol ineffectively tried to use a global market instrument to regulate the emissions of greenhouse gases by an international impose on the global agenda.

The first major change on this scenario emerges from the United States and the BASIC countries, composed by Brazil, South Africa, India and China that shifts the approach after the establishment of the Copenhagen Accord as a Bottom-Up Policy plan to increase the overall commitment, culminating in the Paris Agreement on the year of 2015 and its iNDC with the first major challenge surpassed by the 28<sup>th</sup> COP.

The subsequent nine years of the Paris Agreement determined the initial steps towards a shift in Global Environmental Governance within the High-Level Advisory Board on Effective Multilateralism (HLAB) presenting the document entitled “A Breakthrough for People and Planet: Effective and Inclusive Global Governance for Today and the Future”<sup>5</sup> on the year of 2023.

Hardin's<sup>6</sup> “The tragedy of the commons” designed a view of the Environmental Problem that demands a non-technological approach, addressing a morally shift change designed to modify the behavior of the participating players, if we see it connected to the International Relations Regimes

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<sup>4</sup>Krasner, Stephen D. Structural Causes and Regime Consequences: Regimes as Intervening Variables Stephen D. Krasner Source: International Organization, Vol. 36, No. 2, International Regimes (Spring, 1982), pp.185-205

<sup>5</sup> UN (HLAB, 2023). A Breakthrough for People and Planet: Effective and Inclusive Global Governance for Today and the Future. New York: United Nations University, 2023. Available from:<[https://unu.edu/sites/default/files/2023-05/highleveladvisoryboard\\_breakthrough\\_fullreport.pdf](https://unu.edu/sites/default/files/2023-05/highleveladvisoryboard_breakthrough_fullreport.pdf)>, Access on: 08 Jan. de 2024

<sup>6</sup> Hardin, Garrett. “The Tragedy of the Commons.” Science 162, no. 3859 (1968): 1243–48

General Theory, especially by the cognitivism approach of Oran Young<sup>7</sup>, Distinguished Professor Emeritus - Bren School of Environmental Science & Management at the University of California.

The main principles that drive an effective change may be seen on the research and the publications of Edith Brown Weiss<sup>8</sup> - University Professor at Georgetown University and it's resumed for this proposition by the Intergenerational Equity, Climate Justice<sup>9</sup> and Common but Differentiated Responsibilities<sup>10</sup>.

The six shifts addressed by the United Nations University establishes an initial overview and it formulated to “identify concrete, actionable recommendations that support a radical shift in international cooperation for the resolution of shared global challenges and the advancement of the 2030 Agenda for Sustainable Development”. The document well establishes the “Triple Crises” (mitigation on loss of Biodiversity, necessary control of Pollution and concrete actions on Climate Change) as the greatest challenge ever faced by humanity.

The first shift, “Rebuild Trust in Multilateralism establishes the improve of legitimacy and effectiveness through inclusion and accountability by representing “we the peoples” in the multilateral system within meaningful inclusion of cities and regions in the multilateral system, Include and obligate the private sector within innovations for more effective decision-making.

The second shift establishes the transition to a clean energy with equitably distribution as a main goal and concludes that regulating and pricing the carbon an effective method for a just, green transition. The sixth shift determines that the actions need to take place on an anticipatory way to strengthen governance for current and emerging transnational risks on climate change, peace, and security.

For the proposition below we see the Triple Crises and its three major “areas of international relation” as overlapped in a Regimes Complex to “Maintain Life” on the Planet and the method to implement this change passes through a layered approach of the Triple Crises based on a Bottom-Up actions and shifts from the Individual to a Global perspective.

## **A Layered Approach on Climate Change**

As a first layer we purpose to connect directly to the people by establishing a United Nations participation on subnational adaptation programs on local risks areas, like the Coast Zone, the main

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<sup>7</sup> Urpelainen, J. Oran R. Young. 2010. Institutional dynamics: Emergent patterns in international environmental governance (Cambridge, MA: MIT Press). Rev Int Organ 7, 339–341 (2012). <https://doi.org/10.1007/s11558-011-9131-8>

<sup>8</sup> Brown Weiss, Edith, "Climate Change, Intergenerational Equity, and International Law" (2008). Georgetown Law Faculty Publications and Other Works. 1625.

<sup>9</sup> UN (UNEP). United Nations Environment Programme: Environmental Justice - Edith Brown Weiss. Available from: <<https://www.unep.org/pt-br/node/8145>>. Access on: 08 Jan. 2024.

<sup>10</sup> Weiss, E. B. (2002). Common but Differentiated Responsibilities in Perspective. Proceedings of the Annual Meeting (American Society of International Law), 96, 366–368

Rain Forests like The Amazon and other main affected Cities, giving concreteness to the UNCCC Paris Agreement article 7.1 and the and commitments of the New Urban Agenda from HABITAT-III. The logical applied is that people must feel part of the change.

As a second layer the establishment of a universal index for adaptation, mitigation, and resilience, gathering data to determine the progress and the effectiveness of the mitigation measures and the positive impacts of the reducing greenhouse emissions, mathematically establishing a relationship between the reduction unit (carbon unit saved) and a dollar saved with the impacts. The logical applied is that people have to objective see the change to be part of it.

The third layer is the establishment of a disclosure data protection on environmental social governance (ESGs) programs by the major players on the world economics, especially directed to the oil companies and its commitments to the energy transition. The logical applied is that people need to be seen as an equal to the major players as a main character of the climate change initiative by accounting their actions and commitments to the change.

The fourth layer is the establishment of a symmetry between the International Environmental Agreements and the National Policies to establish a “one state of mind” driven action on Climate Change. The logical is the accountability of the National Governments and its subnational entities to the cause, being responsible from an individual perspective and passive of Court Responsibilities by its own sovereign National Justice System and subsidiarily by the International Justice System as United Nations Resolution 76/300 recognizes the environment (healthy, clean and sustainable) as a human right.

The fifth layer is the recognition of an Asymmetric Multilevel Governance and the need for concrete action independently of the formal recognition as a subject of international law, relativizing sovereignty construction that its outdated and goes back to the treaty of Westphalia, permitting the Transnational Networks (Regions and Local actor) to be part of the change. The logical applied is to give voice to people and other organizations in a more organized and organic way to call for they responsibility in the case of their omission.

The sixth layer is the establishment of an epistemic community, could be the IPCC as a guideline for the adaptation and mitigation by recognized scientific methods to implement the necessary and meaningful actions to fulfill the final objective to decrease the greenhouse gas emissions as we fight its consequences. The logical it's the establishment of a global regulatory framework driven by an equal global scientific effort.

The purpose we submit for the appreciation of this Human Rights Council of our United Nations need to be read not as a construction site made by building blocks, but as a canvas made of layers in a non-cartesian way of thinking driven by a united effort to, in a fluid manner and through participation of the people, overcome the challenges provided by the Climate Changes.

Subjectively speaking we don't have to build a sports car, but to paint a “Mona Lisa” with some sort of overdrive system to stay on a high speed (economic viable and prosper) with low revolutions per minute (in a sustainable way).