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## ARTICLE

# Climate litigation, sovereignties and gender: an intersectional analysis of women's quest for climate justice

— *Tatiana Castelo Branco*

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## Abstract

This article discusses the specific impacts of climate change on women from an intersectional perspective. Intersectionality allows to address gender-sensitive climate vulnerability together with racial vulnerability in such a way that the concept of environmental racism is embraced by this analysis. From this standpoint, environmental and climate justice enter as ethical and political horizons guiding the actions of women in three movements which will be analyzed. The first is ecofeminism as a theoretical and political movement with a brief history in order to understand the relationship between feminist and environmental movements. The second is the *Marcha das Margaridas*, a fundamental expression of the Brazilian Peasant Women's Movement, which includes food, water and energy sovereignty in its agenda for political struggle. The third is the Interstate Movement of Babassu Coconut Breakers (MIQCB, for its acronym in Portuguese), which combines the protection of biodiversity — fundamental to combating climate change — with the guarantee of rights for traditional populations. The last two movements take climate litigation as a strategic tool to achieve their objectives, although the relationship with state power has its contradictions inasmuch as the state is a guarantor of rights (thus the access to state through litigation) but also a perpetrator of rights violations.

### KEYWORDS

Climate Litigation; Sovereignty; Climate Justice; Intersectionality; Biodiversity.

# Climate litigation, sovereignties and gender: an intersectional analysis of women's quest for climate justice

Tatiana Castelo Branco<sup>1</sup>

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## 1. Introduction

The topic of climate change has taken up space in everyday life, whether in the news, in conversations, or on social networks. This process is not surprising, since extreme weather events<sup>2</sup> have become more and more common and intense, affecting daily life with the increase in average temperatures and rainfall, especially for people in greater socioeconomic vulnerability. Climate change is no longer a topic of the future and has become a problem of the present.

In this article, I present the current overview on climate inequality as an unfolding of colonial inequalities and hierarchies. The hierarchies imposed by colonization remain to the present day with coloniality, that is, the political, economic and epistemological subjugation of the former colonies to the former settler states. Coloniality also affects interactions in the international system, producing effects both on its governing principle of anarchy and on the sovereignty of its entities. Thus, the impacts on anarchy and sovereignty in the international system also affect international climate governance, which is evident, for example, with the growth in the practice of climate litigation against states.

From this starting point, I discuss the climate vulnerability of women in light of the concepts of environmental racism and climate justice, which is only possible from an intersectional analysis. The third section of this article highlights the position of women at the forefront of environmental and climate struggles, whether based on ecofeminism or other movements that intersect gender and environmental issues. Regarding women's movements and their role in facing climate change and protecting biodiversity, I bring as an example the *Marcha das Margaridas*, a movement of peasant women that has climate justice and other elements related to the environmental agenda, such as water and energy sovereignty, as main axes of its political struggle; and the Interstate Movement of Babassu Coconut Breakers (MIQCB), considered an

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1. PhD in International Relations at the Institute of International Relations of PUC-Rio (IRI/PUC-Rio) with "Faperj Nota 10" scholarship, M.A. in International Relations also from IRI/PUC-Rio (2017) with CNPq scholarship and B.A. in International Relations from UFRJ (2014). She has experience with social movements that promote gender equity in local and national contexts. She was a research assistant at IRI/PUC-Rio for two years in methodologies projects in the Global South. She worked on projects with g7+, Clipping CACD and Ibmec, SESC-RJ and PACS. She has experience in teaching and research (inside and outside the university), public management and civil society, especially in the topics of environment, climate, development and gender, including sustainability and ESG agenda. Her most recent productions have focused on climate change and the environment, postcolonialism and decoloniality, development and gender. She is currently Climate Change Coordinator at the Municipal Secretariat for the Environment of the City of Rio de Janeiro.

2. Extreme climatic and meteorological events are understood to be those that "are classified as of hydrological origin (sudden and gradual floods, landslides); geological or geophysical (erosive processes, mass movement and landslides resulting from geological processes or geophysical phenomena); meteorological (lightning, tropical and extratropical cyclones, tornadoes and windstorms); and climatological (drought, fires and forest fires, hailstorms, frost, and cold and heat waves)" (Fundação Oswaldo Cruz, n.d.).

emblematic case of women's movement with environmental agenda directly impacted by the effects of climate change and which takes litigation as a tool for engaging with the state, despite its ambivalent positions as both a guarantor and a violator of human rights.

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### 2. State, climate and litigation

The impacts of extreme weather events are imposed mainly on vulnerable populations: women, Black and young people, slum dwellers, and people with disabilities. A reason for that is because climate vulnerability overlaps with socioeconomic vulnerabilities which are deepened by inequalities. For example, about 40 million children are exposed to more than one climate or environmental risk in Brazil (UNICEF, 2022) and 80% of people displaced by the effects of climate change are women (ONU, 2021). The Climate Inequality Report 2023 (Chancel *et al.*, 2023) shows that the poorest 50% of the world's population are responsible for 12% of GHG emissions but suffer from 75% of relative losses and have only 2% of the capacity to finance adaptation, while the richest 10% are responsible for 48% of emissions, suffer from only 3% of relative losses and concentrate 76% of the financing capacity.

The origins of today's climate and social inequalities date back to the colonial period. The colonization process and its continuity with coloniality produced hierarchies based on binomials: man and woman, white and non-white, nature and culture, among others (Grosfoguel, 2010). Regarding the latter, the "great separation" (Descola, 2013) produced an epistemological division between nature and what is "produced" by the human being, in addition to a political and hierarchical division between manual and intellectual work.

**“Here, I understand coloniality as the ‘colonial situations’, defined as ‘cultural, political, sexual and economic oppression/exploitation of subordinate ethnic/racialized groups by the dominant ethnic-racial groups.’”**

Here, I understand coloniality as the “colonial situations”, defined as “cultural, political, sexual and economic oppression/exploitation of subordinate ethnic/racialized groups by the dominant ethnic-racial groups” (Grosfoguel, 2010, p. 468). Thus, differing from colonialism as “colonial situations imposed by the presence of a colonial administration” (Grosfoguel, 2010, p. 468), coloniality takes place in a current scenario “in which colonial administrations have been practically eradicated from the capitalist world-system” (Grosfoguel, 2010, p. 468). In this context, the nation-state has been the main form of political organization through which, in the context of Enlightenment, there was the epistemological subjugation and cognitive destruction of traditional knowledge, besides the imposition of contractualist structures, norms, and morality. The prevailing state model has as its historical milestone the year 1648, with the end of the Thirty Years' War in Europe and the Treaty of Westphalia, which marked the replacement of the vassalage system with the notion of sovereignty. This new model was characterized by the control of the territory and the population (including the colonies); the cession of freedoms to the sovereign — the Hobbesian Leviathan — in exchange for protection (and, for this, the consolidation of the monopoly of the use of force by the Leviathan); the establishment of an administrative and bureaucratic body; and, in the structure of the (state) system, interstate recognition, that is, sovereignty.

Thus, sovereignty is relevant both to the internal stability of the nation-state and to its colonial expansion, since the colonies are also in its zone of influence. In order to understand sovereignty, it is also important to understand anarchy. Inasmuch as the limits of sovereignty are the limits of anarchy, since both concepts become relevant one to the other, the anarchy of the system only exists because its parts are sovereign. The formation of the state system consolidates the notion that the system is allegedly permeated by anarchy, based on the understanding that there is no authority “above” the states. This anarchy has different understandings depending on the different theories of the discipline of International Relations (IR). Anarchy may be “what states make of it” (Wendt, 1992) or a “tropical anarchy” (Sampson, 2002), among many other examples scattered throughout IR literature.

Sampson's (2002) notion of “tropical anarchy” indicates the process by which the settler states subjugate the colonies, taking them as “primitive” and as closer to the Hobbesian

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“state of nature”. The subjugation of the colonized has to a large extent a racial bias. Since the conception of anarchy of the international system is mainly supported by the Social Contract thesis (whose rise as a political and epistemological model is, as said before, connected to the colonial rule), through the “racist dualism in prominent concepts of the state of nature”, there is the understanding that “the racism that inheres in the social contract theses became central to the theses of IR theorists who drew on them to devise the paradigms that continue to orientate the field” (Henderson, 2015, p. 33). In other words, it is relevant to rethink the epistemological foundations upon which rely relevant concepts to IR, such as sovereignty and anarchy, in order to identify where intrinsic racism and sexism (and other oppressions) arise and how to suppress them. Intersectional analyses of IR theories and its objects of study — such as the international environmental governance — are important ways to change the mindset.

In the context of an anarchic international system, multilateralism has grown as a possibility of international political articulation without disrespecting states’ sovereignty that constitute such a system. Power asymmetries within multilateralism foster some IR theoretical framework which argue that the system is not an anarchic domain, but a hierarchical one. However, although such asymmetries are facts in international politics, I focus here on the possibilities that multilateralism presents for the advancement of important matters, especially the environmental agenda.

The environmental agenda in the context of multilateralism has been taking place at least since the 1970s, with the landmark Conference on the Human Environment — the Stockholm Conference, Sweden, in 1972 — gaining prominence throughout the 1990s (O’Neill, 2009). It was in the context of the Stockholm Conference that the United Nations Environment Programme (UNEP) was created. In 1987, the Brundtland Report commissioned by UNEP was published and responsible for consolidating the concept of sustainable development: “it is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs” (Brundtland *et al.*, 1987). In 1988, it was created the Intergovernmental Panel on Climate Change (IPCC), a political-scientific organization responsible for disseminating up-to-date data and information on climate change through the UNEP and the World Meteorological Organization (WMO) initiatives.

In 1992, the United Nations Conference on Environment and Development was held in Rio de Janeiro, known as Rio 92, and its results were: the Rio Declaration, a document in which the term “sustainable development” is consolidated in the international agenda (referring to the Brundtland Report’s concept) and which presents the principle of “common but differentiated responsibilities”; the Convention on Biological Diversity (CBD), and the United Nations Framework Convention on Climate Change (UNFCCC). In 1997, the Kyoto Protocol was signed (which only came into force in 2005) and was the first mechanism that establishes targets for reducing greenhouse gas (GHG) emissions: Member States, especially the most industrialized ones, should reduce its emissions by at least 5.2% in relation to 1990 levels, from 2008 to 2012.

Finally, the Paris Agreement was signed at the 21st Conference of the Parties to the UNFCCC (COP 21) in 2015. In the same year, the UN held the United Nations Summit on Sustainable Development, which established the Sustainable Development Agenda, the 2030 Agenda, with its 17 Sustainable Development Goals (SDGs) and 169 targets. Before the 2030 Agenda, throughout the 2000s and 2010s, we had the Millennium Development Goals (MDGs), a multilateral development agenda that indicated goals for the least developed countries in a context of reducing official development aid flows, from 2000 to 2015. The MDGs were narrower than the SDGs but included goal 7 “quality of life and respect for the environment”. At COP 26 (2021), COP 27 (2022) and COP 28 (2023), a recurring topic was the Loss and Damage Fund, a mechanism already provided for in the Paris Agreement, but which has faced difficulty in implementation and would be a way of putting the principle of “common but differentiated responsibilities” into practice.

The history of environmental and climate multilateralism is long and full of important milestones and documents, which this text does not intend to approach. The synthesis of international climate governance abovementioned aims to point out some turning points on environmental and climate international politics, which has been accompanied by changes in

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the patterns of engagement of organized civil society and social movements. States have also been engaging differently, for example, with island countries and African countries strengthening their climate agenda<sup>3</sup>.

An important part of changes in climate governance — international, national or local — is the introduction of climate litigation. The term synthesizes the process of access to justice systems — national and international — in order to address the direct and indirect effects of climate change, as well as to demand the implementation of existing legislation, especially for climate adaptation and mitigation. It is a global phenomenon, which began in the 1990s in countries in the Global North, with emphasis on the United States and Australia (JUMA, 2023; UNEP, 2017). The multiplication of international, national and local climate standards has created a proper domain for more litigated cases related to the topic, including action or inaction related to mitigation and adaptation efforts<sup>4</sup> (UNEP, 2017). Since the 2010s, litigation has grown in the Global South due to the expansion of climate legislation (UNEP, 2017), even after the signing of the Paris Agreement, which generated commitments to be fulfilled by national governments.

The consolidation of the scientific understanding of the relationship between greenhouse gas (GHG) emissions and climate change has also intensified the judicialization of entities that generate emissions (UNEP, 2017). This includes projects and policies for the extraction of natural water, marine, mineral and fossil resources, inasmuch as this extraction of resources both generates emissions (highlighting the use of fossil fuels), and reduces mitigation and adaptation capacities (UNEP, 2017). That becomes an evidence, if we take Brazil as an example, a country with a high number of lawsuits against mining (JUMA, 2023), which is related specifically with the issue of capacity reduction.

In recent years, there has been a “significant increase in climate litigation in Brazil, especially from 2018 onwards, with the total number of cases at the end of 2017 increasing by almost nine times in only five years” (JUMA, 2023, p. 4), which is more evident when compared to the growth of international litigation in the same period, with an increase of “only” 2.5 times (JUMA, 2023). Regarding the Brazilian context, the Interdisciplinary Center for the Environment of the Pontifical Catholic University of Rio de Janeiro (PUC-Rio, for its acronym in Portuguese) created the Climate Litigation Platform in Brazil, where cases of climate litigation have been registered in the country since 1996, following this methodology:

To integrate the Platform, the case must have been proposed in the Brazilian Judiciary and be directly and expressly related to climate change. The Platform considers two different approaches to climate change. The first deals with cases in which climate change constitutes the main or one of the main issues discussed in the action, which may or may not be linked to other environmental and/or other arguments. The second approach refers to cases in which climate change is explicitly mentioned, although only in the background, in order to support legal grounds which are not directly related to climate (JUMA, 2023, p. 3, translated).

Furthermore, “cases are only included if they are considered relevant due to their media or academic repercussion and their potential to contribute effectively to the development of climate litigation in Brazil” (JUMA, 2023, p. 3), and they can be included after suit filing, as long as the climate issue is encompassed afterwards, such as in the defense, in *amicus curiae*, in court proceedings, etc.

In 2023, the Center published the Bulletin of Climate Litigation in Brazil 2023, which consolidates and analyzes the Platform’s data. In this Bulletin it is possible to identify the nine-fold

3. The holding of two international climate conferences on the continent — Africa Climate Summit, organized by the African Union and held from September 4 to 6, 2023 in Nairobi, Kenya; and the ministerial meeting of the Group of Least Developed Countries on September 28, 2023 in Dakar, Senegal — shows how Africa has sought to organize, especially around the African Union, to demand especially climate finance.

4. The process of mitigating climate change means trying to avoid it, especially by reducing emissions of gases that intensify the greenhouse effect — the retention of heat in the atmosphere. Adaptation, on the other hand, means transforming society and existing infrastructures for the new climate reality — for example, changes in architecture to adapt to increased heat, or in urban drainage infrastructure to adapt to increased rainfall.

increase in cases between 2017 and 2023 (JUMA, 2023, p. 5), and 2020 was the year that received the most applications in the period analyzed - from 1996 to September 2023 - 17 in total (JUMA, 2023, p. 6). The Bulletin also shows that public authorities are the most involved in cases, but that the number of lawsuits filed against legal entities in the private sector has grown. It also shows that the Federal and State Public Prosecutors' Offices continue to be the main actor in the filing of climate dispute in the country, but civil society has intensified its action based on this method (JUMA, 2023).

### 3. Intersectionality and climate: women, struggle against environmental racism and climate justice

Climate change has unequal impacts, depending on the social group. This is evident when we identify that socioeconomically vulnerable people suffer more from the effects of extreme weather events. In the context of relating environmental struggles to "identity" struggles, especially for Black people's civil rights, the notion of "environmental justice" was developed in the United States, which understood the struggles for rights and environmental preservation as inseparable (Bullard, 1993; Ferdinand, 2022; Davis, 2022), and that the environmental crisis cannot be effectively resolved without environmental justice (Bullard, 1993). An important development of "environmental justice" is "climate justice", which has as its broad topic the discussion on the "historical responsibility of developed and rich countries in the global north for greenhouse gas emissions" (Lima, 2021, p. 212). The understanding of climate justice has been advancing and encompasses, for example, "the human rights guarantee for the populations most vulnerable to the impacts of climate change: poor people, women, children, slums dwellers, Black and indigenous people, immigrants, people with disabilities and other marginalized minorities" (Marcha das Margaridas, 2023b, p. 8, translated).

Also, in the context of the development of the concept of "environmental justice" emerges the concept of "environmental racism". In 1982, Benjamin Chavis coined the term, describing environmental racism as racial discrimination in the formulation of public policies for the environment, in the elaboration and compliance with legislation on the topic, in the removal of Black people from decision-making spaces, including the leadership spaces of ecological movements, and a greater permissiveness to environmental crimes in black communities (see Davis, 2022). The concept also encompasses the "implicit naturalization of the inferiority of certain segments of the affected population — Black and indigenous people, migrants, extractivists, fishermen, and poor workers who suffer the negative impacts of economic growth (...)" (Herculano, 2006 apud Silva, 2012, p. 106).

In this context, intersectionality allows us to better understand the unequal impacts that are imposed on social groups based on their "social markers of difference" (Piscitelli, 2008). Regarding these markers, it is important to emphasize that they do not seek to essentialize identities, nor to see the overlaps of oppressions as a "sum of orders of domination", but that a "careful analysis of contexts of interaction, histories and conjunctural situations" is necessary (Díaz-Benítez and Mattos, 2019, p. 79, translated).

Firstly, contextualizing the origin of intersectionality is not a mere genealogy or historiography of the term, but the recognition of the political and epistemological importance of the context that allowed its emergence. The term "intersectionality" was defined by American race theorist and civil rights activist Kimberlé Crenshaw in 1989. Crenshaw engaged with other proposals of Black feminist theorists of the time. From this political and epistemological origin, intersectional feminisms:

make explicit the place of knowledge production on gender (and the interests, perspectives, and assumptions present therein); they are in permanent dialogue with social movements and activists; they are concerned with understanding the relations of oppression in society (Díaz-Benítez and Mattos, 2019, p. 68, translated).

**“In this context, intersectionality allows us to better understand the unequal impacts that are imposed on social groups based on their ‘social markers of difference’. Regarding these markers, it is important to emphasize that they do not seek to essentialize identities, nor to see the overlaps of oppressions as a ‘sum of orders of domination’, but that a ‘careful analysis of contexts of interaction, histories and conjunctural situations’ is necessary.”**



Thus, intersectional feminisms need to “think from the margins: if it is possible to improve the conditions of those who inhabit the margins, it is possible that this well-being reverberates to the entire society” (Díaz-Benítez and Mattos, 2019, p. 72). Thinking about the climate crisis, we can think that if the most vulnerable groups have better living conditions, society as a whole will too.

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Intersectional analysis allows us to identify how women are especially affected by climate change. Here, it is worth starting with Simone de Beauvoir reminding us that a political, economic or religious crisis is enough for women’s rights to be questioned (1949), and with the climate crisis it would be no different. From this, we have structural elements that make women more vulnerable to the effects of climate change. Women are 70% of people in extreme poverty in the world (Lima, 2021), they are 41% of the workforce, but own less than 20% of rural properties (ILO, 2018), and have unequal access to education (Lima, 2021). Moreover, they are mainly responsible for the collection of natural resources, such as wood (important for energy production) and water (threatened with scarcity and contamination), which is also impacted by the loss of biodiversity (Lima, 2021). Still, gender inequality in broader terms pulls women away from having more access to economic opportunities and from actively and fully participating in decision-making (Lima, 2021). Without economic autonomy and effective participation in decision-making spaces, women’s movements are extremely restricted to face the effects of climate change on their lives.

Greater climate vulnerability leads to other consequences in women’s lives. An alarming fact is the increase in domestic violence: “59% of cases of gender violence are linked to environmental issues” (Lima, 2021, p. 220). This becomes clear when we look at the increase in cases of domestic violence in the periods after extreme weather events:

In 2005, in Mississippi (southern United States), there was a 45% increase in the number of cases of sexual assault during the seven-month period after Hurricane Katrina. There was also a 300% increase in domestic violence after two tropical cyclones hit Vanuatu’s Tafea province (Oceania) in 2011. In New Zealand, during the Canterbury earthquake weekend in 2011, there was a 53% increase in domestic violence (Elas Social Fund, n.d., translated).

**“80% of people displaced by the effects of climate change are women.”**

Extreme weather events also increase forced displacement and the need for shelter allocation (Lima, 2021), and women are the most affected: 80% of people displaced by the effects of climate change are women (UN, 2021). Still, the “weakening of laws in times of social disruption” makes it difficult “to denounce and investigate violent facts” (Lima, 2021, p. 220).

The overlap of climate vulnerability with socioeconomic vulnerabilities is therefore evident, which makes the struggle against climate and social injustices an intersectional struggle. In this context, the following section deals with women’s movements that lead the struggle against climate change and the promotion of environmental preservation, without leaving aside the intersectional bias, that is, they act not only from gender oppressions, but also from oppressions of race, geographic origin, etc.

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### 4. Women at the forefront of environmental and climate struggles

Understanding the disproportionate vulnerability of women to climate change, from an intersectional analytical framework, leads us to think about how they can act to overcome such vulnerability.

Firstly, to ensure that women exercise their full potential in order to face climate change, it is necessary to build gender-sensitive policies on the topic:

[The] mitigation of the impacts of climate change should include local, national and global studies that help to understand gender inequalities and can develop solutions that include invisible women in decision-making processes; develop gender-sensitive criteria and indicators in all climate-related instruments, policies and financing; promote gender equality in all environments and especially where women suffer cultural discrimination, as mentioned in the case of access to natural resources; guarantee women's free access to credit markets and financing for the development of their work and personal activities, among others (Lima, 2021, pp. 220-1, translated).

As gender-sensitive policies are not taken for granted, they become the object of social movements' struggle. Thus, I discuss three important movements below. Firstly, ecofeminism, as a broader theoretical and political perspective, synthesizes the relationship of struggles for gender equality and the preservation of nature. Secondly, women from the Brazilian peasantry in the context of the *Marcha das Margaridas* of 2023, highlighting the commonalities between the struggle of these women (Marcha das Margaridas 2023a; 2023b) and climate litigation processes in Brazil (JUMA, 2023). Finally, the MIQCB and the relationship between traditional communities, biodiversity and climate change, also with the topic of climate litigation.

### 4.1 Ecofeminism as a political synthesis of the struggle against patriarchy and climate crisis

Ecofeminism is “a critical theory, a philosophy and an interpretation of the world for its transformation”, which places in “a single perspective two strands of thought, the theory and the practice” (Peredo Beltrán, 2019, p. 113). This movement (or this set of movements) mainly puts into question “the relationship of dominance of the human being over nature, and the unequal and violent power relationship of the patriarchy” (Peredo Beltrán, 2019). It is also “an evolving proposal that is nourished by dynamic and propositional movements” (Peredo Beltrán, 2019, p. 115), which seeks to:

highlight the material bases of care and the sustainability of life, and denounce the links of the capitalist domination system: invisibility, devaluation, contempt, exploitation, expropriation and appropriation of knowledge, work and all activities — carried out mostly by women — without which human survival, the production and reproduction of culture and society would be impossible (Peredo Beltrán, 2019, p. 114, translated).

This movement-theory dates back to the European feminism of the early twentieth century, with references to authors such as Simone de Beauvoir and Françoise D'Eaubonne, who said that “women and nature will unite” (Peredo Beltrán, 2019, p. 119). From these antecedents, ecofeminism was developed into two main approaches: the essentialist, which “associates women with nature and, therefore, concludes that the defense of nature is inherent to gender identity” (Peredo Beltrán, 2019, p. 121), and the constructivist, for which the “women-nature relationship is based on the social construction that involves the attribution of [work, power and property] roles” (Herrero, 2013 apud Peredo Beltrán, 2019, p. 121).

With the growth of ecofeminism in the Global South, the strand of “Southern ecofeminism” and criticism of “bad development” emerged, which have the Indian ecofeminist theorist and activist Vandana Shiva as one of its main proponents. Shiva's work encompasses, besides ecofeminism (Shiva and Mies, 2014), criticism of the so-called “Green Revolution”, which promoted changes in productive, socioeconomic and epistemological structures in India (1993), in addition to the concept of “monoculture of the mind”, which relates the loss of biodiversity, imposed by the productive model of monoculture, with the loss of traditional knowledge (2002). Thus, for Shiva, the epistemological and productive issues are closely linked and unfold in the “bad development”, according to the synthesis of Peredo Beltrán (2019).

Finally, there are two prominent strands of thought in Latin American ecofeminism. Firstly, the ecumenical, related to religious progressive ecofeminists (in the case of Brazil, the

relationship with the Liberation Theology, which also has a long-standing relationship with the movements that struggle for land, is evident). Secondly, the communal, which is born in a context of socio-environmental conflicts and stands firmly against extractivism, in addition to proposing another relationship with nature, summarized in the notion of “my body, my territory” (Peredo Beltrán, 2019, p. 131).

In their diversity, “all ecofeminisms are reflecting, evolving and building theories, philosophies, visions and proposals for emancipatory transformation in only one direction: the destruction of patriarchy, colonialism and capitalism” (Peredo Beltrán, 2019, p. 137). In this sense, ecofeminisms have challenges that begin in the articulation between the “feminism of equality” and the “feminism of difference” (Peredo Beltrán, 2019, p. 136), and reach the relationship with more recent movements. On this matter, Peredo Beltrán (2019, pp. 138-9) understands that it is a challenge for ecofeminism to propose, based on the experiences of the movements of the commons<sup>5</sup>, which are “nowadays isolated, paths for processes of social, energetic, economic and cultural transition for the dismantling of the capitalist state that limits the capacity of society to reproduce life”.

Besides engaging with ecofeminism, it is possible to identify some ways in which women especially contribute to climate change mitigation and adaptation. Firstly, it is important to highlight that women occupy “a prevailing place in the construction of local knowledge and in community leadership” (Simões *et al.*, 2021, p. 229, translated), and therefore “they are in a better and strategic position to recognize some of the opportunities that climate change has to offer” (Simões *et al.*, 2021, p. 229).

### 4.2 *Marcha das Margaridas*: food sovereignty, energy sovereignty and climate justice

*The Marcha das Margaridas*<sup>6</sup> (from now on *Marcha*) is an event that has been held since 2000, every four years in Brasília, Federal District. It is coordinated “by the women of the National Confederation of Rural Workers and Family Farmers (CONTAG, for its acronym in Portuguese), from 27 federations and over 4,000 affiliated unions”. The history of these peasant women’s organization dates back to the 1980s, when they questioned the Rural Workers’ Union Movement (MSTTR, for its acronym in Portuguese) about the lack of articulation of the union class struggle with the struggle against inequalities and discrimination of gender, generation, race, and ethnicity. Throughout the 1980s and 1990s, peasant women fought for greater participation in union decision-making spaces, achieving, for example, in 1998, the implementation of the “participation quota of at least 30% of women in deliberative spaces, including in the executive direction of Contag”. This movement culminates in the first *Marcha* in 2000 and its subsequent editions, which made the *Marcha* “recognized as the largest Latin American action carried out by women of the countryside, forest and waters” (*Marcha das Margaridas*, n.d.). The title of the *Marcha* is a tribute to Margarida Alves, a rural worker and activist for agrarian reform, murdered in 1983 after receiving threats from landowners from her region, in the interior of Paraíba.

At the last *Marcha* of 2023, the topics of climate justice and food, water and energy sovereignty strengthened in the internal and external political articulation. Not surprisingly, these topics were published in specific booklets — the *Margaridas* usually prepare thematic booklets on topics related to their demands, which were created collectively and distributed before the *Marcha*, to align the conceptual and political bases of that movement. The concepts of environmental racism and environmental justice are import-

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5. The notion of commons comes from the resistance to the process of “enclosure” in England during the Industrial Revolution, having been updated with anti-capitalist movements that treat land and nature as “commons”. The dialogue between ecofeminism and the movements of the commons, cited by Peredo Beltrán (2019), is engaged by Silvia Federici when she proposes that a “feminist perspective of the Commons” is important because women are the main subjects of reproductive work, being more dependent on access to community natural resources and, therefore, “more penalized by their privatization”, in addition to being “more committed to their defense” (Federici, 2018 [2011]).

6. The word “*Marcha*”, in English, means “march” and refers to the strategic action of the movement that takes place every four years in a large demonstration, in the capital Brasília. Furthermore, “*Margarida*” refers to the name Margarida Alves, a rural worker and activist for agrarian reform, who gives the movement its name, in addition to referring to the name of a flower, the daisy (“*margarida*”, in Portuguese).

ant starting points in the struggle for popular sovereignty. The Margaridas place their struggle for environmental justice so that “it is ensured that no group of people, whether ethnic, racial, class or gender groups, are forced to endure a disproportionate share of the degradation of their territories” (Marcha das Margaridas, 2023b, p. 6). Based on the understanding that “all climate injustice is environmental” (Marcha das Margaridas, 2023b, p. 8), it is understood that for climate justice to be achieved, “it is essential that decisions on climate change are participatory, transparent and responsible, and that they are always in search of gender equality and equity, as well as the sharing of benefits and burdens equitably” (Marcha das Margaridas, 2023b).

With these horizons of equity, the Margaridas get into the domain of sovereignty. For them, the concept of food sovereignty “was proposed by La Via Campesina in the context of the struggles against the World Trade Organization (WTO)” (Marcha das Margaridas, 2023a, p. 4), being an expansion of the concept of food and nutritional security, as defined by Law N. 11.346/2006. Thus:

Food sovereignty is the right of peoples to define the bases and organization of food systems in their different phases, from production, through distribution, preparation, consumption and disposal of food, based on the rights and respect for food cultures. This concerns the quality of the food that reaches the population’s table, the agricultural production model, the inequalities that condition access to food, the interests and patterns that impact on food consumption and preparation work, the right to consume pesticide-free food, among many other issues (Marcha das Margaridas, 2023a, p. 4, translated).

To advance the political project of self-determination of peoples — the “possibility of freely conducting aspects of political, economic and cultural life” and the “reparation for structural inequalities and historical injustices” (Marcha das Margaridas, 2023a, p. 3) —, in addition to food sovereignty, peasant women also defend water sovereignty, understood as:

[The] defense of both the right to water for human consumption, production and preparation of food, and the sovereign right of peoples to protect their water sources, territories and waters from the interests of corporations, ensuring the reproduction of the ways of life for the waters, riverside, coastal and marine populations, and the ways of life of the beings that inhabit the waters (Marcha das Margaridas, 2023a, p. 5, translated).

When dealing with water sovereignty, the Margaridas also draw attention to the impacts of mining on the environment and women’s lives, with emphasis on the “crimes of the Brumadinho and Mariana dam collapses” and the “genocide of the Yanomami people” (Marcha das Margaridas, 2023a, p. 7), the latter being related to the use of mercury in mining in the far north of Brazil, according to the Margaridas. Moreover, they understand that mining companies are large consumers of water and that their dam systems “produce tailings that contaminate the waters used by communities” (Marcha das Margaridas, 2023a, p. 7).

Finally, they deal with energy sovereignty:

Popular energy sovereignty is when peoples define how energy is planned, organized, produced and distributed, which also includes the right to participate in decisions about how the wealth generated by energy production is distributed and how strategic energy reserves are managed in a given territory. As feminists, we are aware of how well-being, care for people and nature are at the center of these definitions (Marcha das Margaridas, 2023a, p. 8, translated).

The *Margaridas’* concepts of food, water and energy sovereignty show that their understanding of “sovereignty” is broader than that traditionally referenced in the discipline of International Relations. If in IR sovereignty is the self-determination of states in relation

**“The Margaridas’ concepts of food, water and energy sovereignty show that their understanding of ‘sovereignty’ is broader than that traditionally referenced in the discipline of International Relations.”**

to others within the international system, with important implications in terms of power asymmetries and socioeconomic inequalities both between states and within them, for the Margaridas, it is more about the self-determination of peoples and their possibility to define social, political and economic aspects based on local ways of life and knowledge, without impediment from the state itself or third parties, such as mining companies or large energy generation enterprises.

**“The Margaridas’ demands on the topics of climate justice, food, water and energy sovereignty engage with some of the most recurring issues in the lawsuits filed in the Brazilian judiciary on the environment and climate. They engage, therefore, with climate litigation processes.”**

The *Margaridas’* demands on the topics of climate justice, food, water and energy sovereignty engage with some of the most recurring issues in the lawsuits filed in the Brazilian judiciary on the environment and climate. They engage, therefore, with climate litigation processes. Following the survey presented in the Bulletin of Climate Litigation in Brazil, in its second edition, most of the legal actions of climate litigation were related to mining and the energy issue.

As energy sovereignty is a strong theme in the Margaridas’ struggle, we can understand it as an important issue for women’s advocacy in climate policy. Thus, the prevalence of the energy issue in climate litigation seems to be an important point for a gender-sensitive legal action by climate activists.

Taking the Bulletin mentioned as a starting point, it is possible to identify in four cases the issue of thermoelectric plants in the states of Santa Catarina, Rio Grande do Sul, Rio de Janeiro, and Ceará. Other topics approached are the Energy Compensation Mechanism, and issues involving transmission lines in the state of Rio de Janeiro, in addition to the “fair energy transition” policy, brought to the Federal Court in the Direct Action for the Declaration of Unconstitutionality (ADI, for its acronym in Portuguese) 7332. It is also worth mentioning ADI 6932, which deals with the privatization of Eletrobras<sup>7</sup>. According to this ADI:

(...) with a request for a precautionary measure, filed by the Brazilian Socialist Party (PSB, for its acronym in Portuguese), Socialism and Freedom Party (PSOL, for its acronym in Portuguese), Sustainability Network, Workers’ Party (PT, for its acronym in Portuguese), Democratic Labor Party (PDT, for its acronym in Portuguese), and Communist Party of Brazil (PCdoB, for its acronym in Portuguese), [...] requires the declaration of unconstitutionality of Law N. 14.182, of July 12, 2021, the conversion of Provisional Measure N. 1031/2021, which provides for the privatization procedure of Centrais Elétricas Brasileiras S.A. – Eletrobras.

The requesting parties claim that the contested rule violates the proper legislative process, due to non-compliance with the legislative technique, absence of the urgency requirement for issuing a provisional measure and legislative smuggling. Therefore, they point out the material defects of non-compliance with the separation of powers and the democratic principle, in addition to the duty to bid, the rights of indigenous populations and the principles of free competition and isonomy (ADI 6932, 2021. distribution of the ADI 6932 process to the rapporteur, prepared by Minister Luiz Fux, p. 2, translated).

Social and trade union movements demand that the company responsible for the management of Brazilian energy be public, as a matter of energy autonomy and, according to the Margaridas, also of energy sovereignty. In a request to intervene in such ADI as an *amicus curiae*, the main union centers in Brazil represented by LBS Advogadas e Advogados, mention the strategic and autonomous importance of a state-owned energy company, especially in the context of energy transition:

The current agenda of the electricity sector in the world is the energy transition and not the transition to the market. The urgency of this agenda was accentuated by the impacts of the global health crisis, and its implementation in Brazil will be seriously compromised if the Brazilian state gives up its role in the electricity sector with the eventual privatization of Eletrobras. In a context of high uncertainty

7. Eletrobras is an electric power holding company. It is the largest generation and transmission company in Latin America.

and technological change, the direction of investment for the energy transition will depend on political choices, guided by the public interest and the commitment to face climate change (DIEESE, 2021 apud LBS Advogadas e Advogados, 2023, no pagination, ADI 6.932, 2021, translated).

The *Marcha das Margaridas*, therefore, synthesizes the position of several organizations that make it up, especially unions and grassroots movements of peasant women. The movement articulates political and public opinion on issues that these partners involve the Brazilian state in, via climate litigation. Thus, the action of social movements that struggle for land is diffuse and mobilizes the state structure — the laws and the Judiciary — to demand the guarantee of rights from the Brazilian state, a recurring perpetrator of human rights violations. The contradictions inherent in the relationship between social movements and the state are explicit on the litigation issue: on the one hand, the movements rely on state to guarantee laws, for example, access to land, the social function of land and agrarian reform; on the other hand, they face state forces, especially police forces when they need to use unconventional tactics (for example, occupation of unproductive lands to demand the implementation of agrarian reform). In cases of litigation involving the country's energy sovereignty, this contradiction is evident in the very object of the struggle, in the case of ADI 6932: the maintenance of a state-owned company, Eletrobras, is a condition for guaranteeing Brazil's energy sovereignty, and the privatization of the company, promoted by the state itself, would generate a loss of this central objective.

### 4.3 Biodiversity, climate change and Babassu Coconut Breakers

Preserving biodiversity is, according to the UN, “the strongest natural defense against climate change.” That is because ecosystems and their biodiversity are natural carbon sinks. For example, protecting, managing and restoring forests ensures about two-thirds of the total mitigation potential of all nature-based solutions (ONU, n.d.). Flooded areas, such as wetlands, cover only 3% of the Earth's surface, but manage to store twice as much carbon as forests (ONU, n.d.). Seaweed and mangroves, in turn, sequester up to four times more carbon dioxide from the atmosphere than terrestrial forests (ONU, n.d.); in addition to large carbon sinks, mangroves are also important breeding grounds for marine life (Souza *et al.*, 2018). The increase in the average temperature of the planet also threatens the existence of pollinators, especially bees, which in turn threatens life on Earth in a broad way. The imbalance of pollinators can lead to the extinction of plant species, which reduces biodiversity and food production, and causes food and nutritional crisis for humans and animals (Ingenchki, 2023).

The parallel between climate change mitigation and biodiversity preservation leads us, finally, to the case of the Interstate Movement of Babassu Coconut Breakers (MIQCB). Babassu coconut breakers constitute a traditional community, under the terms of Decree N. 6.040/2007, and carry out the work of collecting and transforming babassu coconut, in an area that cuts through the states of Maranhão, Piauí, Pará and Tocantins. The MIQCB was one of the movements present and active in the *Marcha das Margaridas* of 2023, sharing with other peasant movements their demands for land and access to babassu palm groves. The Movement, founded in 1991, is one of the most organized and engaged in the struggles for land and respect for traditional communities:

When we talk about land, territory, forests, we are talking about our lives. We are connected to this nature (...) We, human beings who live in the forests, we are biodiversity (...) For us who are breakers, the relationship with the babassu palm tree is as if it were with another woman, with another companion. The pain of the babassu palm tree is our pain, our pain is the pain of the palm tree (Marcha das Margaridas, 2023a, p. 2, translated).

One of its strategies falls within the field of legislative dispute, and the other, in litigation. For example, one of the historical struggles of the breakers is for legislation — federal, state and municipal — that recognizes their right to collect babassu coconut, the Free

Babassu Law. In Piauí, for example, they won State Law N. 7.888 of December 9, 2022, which “recognizes as cultural heritage of the state of Piauí, the traditional activities of collecting and breaking babassu coconut, as well as the products resulting from them and their traditional way of producing”.

In 2023, CONTAG (the main organizer of the *Marcha das Margaridas*) filed an ADI 7.588 in Federal Court, challenging state Law N. 12.169 of 2023 of Maranhão, which proposed changes to the state’s Land Law. According to CONTAG, changes in legislation contradicted constitutional provisions on the social function of land (according to Art. 170, item III, Art. 184 and Art. 186 of the Federal Constitution) and prohibited “land regularization in favor of traditional peoples and communities, such as quilombola peoples and babassu coconut breakers, in addition to removing safeguards from areas of permanent environmental protection or of ecological or economic interest” (CONTAG, 2024, p. 8 apud ADI 7.588, 2024). The organization also highlights the severity represented by the suspension of environmental protection areas, considering the period of climate emergency in which we live.

The articulation of babassu coconut breakers illustrates the movement of women from traditional communities in the defense of biodiversity and, consequently, in the struggle against climate change. It also shows the relationship between environmental justice and climate justice, as well as reinforcing access to state institutions — through judicialization — as a mechanism of struggle to achieve justice and dignity, even though they recognize the contradictions of the action of the state, which is sometimes the perpetrator of rights violations.

**“The articulation of babassu coconut breakers illustrates the movement of women from traditional communities in the defense of biodiversity and, consequently, in the struggle against climate change.”**

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## 5. Final considerations

In this article, I argue how climate change especially affects women, and I present the contributions that organized women’s groups have made to addressing the climate crisis and understanding its effects. These analyses are conducted based on the intersectional methodology, which highlights how social markers of difference intensify the impacts of social disruptions — including the climate crisis — on certain social groups, increasing their vulnerability. Moreover, I take the promotion of climate justice as an ethical, political and social horizon when analyzing women’s actions.

Faced with these specific impacts of climate change on women, I turned to their actions: both their organization around ecofeminism and their action in the peasantry and traditional communities in Brazil. Regarding the peasantry, the *Marcha das Margaridas* appears as an example of action, with emphasis on its publications and political advocacy on topics of climate justice, autonomy of peoples, as well as food, water and energy sovereignty. Regarding traditional communities, I highlight the action of the Interstate Movement of Babassu Coconut Breakers — which also constitutes the *Marcha* —, both in defending their traditional ways of life and in preserving biodiversity, also illustrating the relevance of biodiversity to combat climate change.

At the same time, climate litigation has been growing as an instrument to advance the development and implementation of public policies and practices for adaptation and mitigation. Adding this to the context of women’s action, this text aimed to understand how climate litigation in Brazil has focused on the topics raised by peasant women in the *Marcha das Margaridas* and by babassu coconut breakers.

The theoretical and political production of the *Marcha* showed us the importance of energy sovereignty for women. It does not seem to be a coincidence that actions related to energy production and transition in Brazil are recurrent in cases of climate litigation in the country (JUMA, 2023). Another point of contact has been identified: the mining issue. The *Margaridas*

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**“...climate litigation has created contexts for the claim to promote gender equity and climate justice, in addition to consolidating popular participation in state structures.”**

highlight the dangers of mining for nature and for the so-called “autonomy of peoples”, something that also appears in cases of Brazilian climate litigation.

The work of these women’s organizations and Brazilian climate litigation have in common the objective of promoting climate justice. Here, intersectional analysis helps us to understand the relationship between promoting climate justice and facing environmental racism, reinforcing that oppressions do not add up, but overlap, creating layers of vulnerability. Such layers vary depending on the context in which they are embedded. In the case of climate vulnerabilities, even the UN has already recognized that women and people from the Global South are most vulnerable to extreme weather events. Not surprisingly, they are mostly non-white, and the debate on colonialism and coloniality shows us how the “subjugation” of the Global South is closely linked to the production of hierarchies, among which racial is the most relevant.

Climate litigation as a struggle mechanism for gender-sensitive climate justice has been growing in Brazil. Movements such as ecofeminism, *Marcha das Margaridas*, and MIQCB have as a strategy the “indirect” action on the state, presenting themselves as social movements that make claims to the three branches of government — Executive, Legislative and Judiciary —, and a direct grassroot action. This direct action includes the intensification of both the formation processes of the women who compose them, such as the *Marcha*’s booklets, and the engagement with the state’s own tools — whether the international commitments assumed by Brazil, federal, state and municipal legislation, or the judicialization of human rights violations and non-compliance with environmental and climate commitments.

Thus, climate litigation has created contexts for the claim to promote gender equity and climate justice, in addition to consolidating popular participation in state structures. Thus, it supports the construction of new sovereignties — such as those defended by the *Marcha das Margaridas*, in terms of self-determination of peoples — which, together with state sovereignty, impacts the formulation and implementation of international climate governance, seeking to overcome coloniality based on popular and common sovereignty practices. ■

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