

PRESENTATION

The *Veredas do Direito* journal, which holds the A1 stratum from the Qualis System of the Coordination for the Improvement of Higher Education Personnel (CAPES) of the Brazilian Ministry of Education, presents with great joy, at the end of 2022, one more issue.

Always attentive to the *Magis Inaciano* principle, understood as the search for the best, this publication presents the most fruitful research in Environmental Law and Sustainable Development, the focus of the Doctoral and Master's degrees in Law of the Escola Superior Dom Helder Câmara, an institution of excellence that also offers undergraduate courses in Law, Integral Law, Civil Engineering, Computer Science, and Architecture and Urbanism.

This issue includes articles from all regions of Brazil, as well as from other countries of the world.

“Searching for procedural sustainability: considerations from the perspective of Brazilian Procedural Law” was written by Maria Claudia da Silva Antunes de Souza, from the Universidade do Vale do Itajaí (UNIVALI), Danilo Scramin Alves, from the Universidade Federal do Acre (UFAC), and Gabriel Real Ferrer, from the Universidad de Alicante (UA), and identifies the scientific possibility of developing what is intended to be called procedural sustainability, putting the proposal to the test, starting from the current Brazilian Procedural Law. From the designing of this model, the text proposes that lawsuits in Brazil should also be conducted based on the necessary ideal of sustainability.

In “Guarani Ka’ahẽ: the legal (dis)protection of biodiversity and ethno-knowledge of Brazilian indigenous peoples”, Aline Andrighetto, from the Centro Universitário Cenecista de Osório (UNICNEC), and Lais Nardon Martins, from the Universidade do Vale do Rio dos Sinos (UNISINOS), assess the legal regulations existing in the Brazilian Social State regarding biodiversity in Brazilian indigenous lands and their ethnoknowledges, in the light of the case study of *ka’ahẽ* (*stevia*), involving the Guarani peoples and Coca-Cola.

“Climate constitutionalism: the three-dimensionality of climate change law” was written by Délton Winter de Carvalho, from the Universidade do Vale do Rio dos Sinos (UNISINOS), and describes the effects of climate change, increasingly present in society, requiring the Law to

face and regulate global, regional, and local demands for responses to the mitigation, adaptation, and losses and damages related to this phenomenon potentiated in the Anthropocene.

Danielle Mendes Thame Denny, from the Centro de Estudos Avançados em Economia Aplicada (CEPEA), in the article “Socio-environmental sustainability in the World Trade Organization”, exposes social-environmental concerns provided for in various World Trade Organization documents. The author points that its implementation today to curb socio-environmental dumping, for example, is a challenge. She states that these barriers are often domestic, that is, traditionally subject to the sovereignty of member states and, therefore, outside the scope of WTO multilateralism.

In “Climate change on the international plane: risk management and the nature of the Precautionary Principle”, Jamile Bergamaschine Mata Diz, from the Escola Superior Dom Helder Câmara (ESDHC), and Elizabeth Accioly, from the Universidade Europeia de Lisboa, analyze the treatment of climate change in the international scenario, which is premised on the precautionary principle and risk management, unique elements for understanding the effects generated by such a phenomenon. This article verifies to what extent the international regime established by the Kyoto Protocol and, later, by the Paris Agreement can be correlated with the legal nature of the precautionary principle.

The article “Approximation between Law and sustainability: critical theoretical approaches” was written by Gabriela Fauth, from the Universitat Oberta de Catalunya (UOC), and Alberto Olivares, from the Universidad Internacional de La Rioja (UNIR), and explains an expressive structural crisis that led societies to rethink their production and consumption patterns, producing an interpretation of the sustainable development paradigm that reached several mechanisms of legal regulation in the context of the international economic system, legitimizing powers and discourses converted into hegemonic ones.

Alexandra Aragão, from the Universidade de Coimbra (UC), Tatiana Reinehr de Oliveira, from the Instituto de Direito Urbanístico de Brasília (IDUB), and Grace Ladeira Garbaccio, from the Instituto Brasileiro de Ensino, Desenvolvimento e Pesquisa (IDP), in “Symbolic struggle in cycling policy and smart mobility”, unveil the symbolic game in the process of development of the cycling policy in the Federal District (FD), as part of the urban planning of Brasília, with regard to the active mobility policies implemented in the last 15 years, related to the resignification of

mobility – in the context of the Human, Smart, Creative and Sustainable City (CHICS) – with the support of using bicycles.

“The National Payment Policy For Environmental Services: a step backwards?” was written by Silas Silva Santos, from the Universidade do Oeste Paulista (UNOESTE), Airton Roberto Guelfi, from the Universidade do Oeste Paulista (UNOESTE), and Samira Monayari Bertão, from the Faculdade São Paulo de Presidente Venceslau (FASPREV), and discusses legal consequences of the enactment of Law No. 14.119/2021, “Law on Payment for Environmental Services”, whose Article 9, sole paragraph, provides for awarding Payment for Environmental Services (PES) to owners/possessors of Permanent Preservation Areas (PPA), Legal Reserves (LRA), and Administrative Limitations Areas. PPA and LRA, provided for in the Forest Code (Law No. 12.651/2012), are types of administrative limitations, operationalizing fundamental precepts of Article 225 of the Federal Constitution, referring to the ecologically balanced environment.

In “Pesticides: inequality, multiple trauma agents and worker protection”, Felipe Rodolfo de Carvalho, from the Universidade Federal de Mato Grosso (UFMT), and Plinio Gevezier Podolan, from the Universidade Federal de Mato Grosso (UFMT), explain that the use of pesticides is a practice that highlights economic and social differences in Brazilian society. Therefore, the article seeks to, on the one hand, evaluate the “benefits” that this practice brings to the increase of agricultural production in the country and, on the other hand, emphasize the price paid in terms of the worker’s health and environmental impact.

“The protection of the environment in armed conflicts” was written by Sidney Guerra, from both the Universidade do Grande Rio (UNIGRANRIO) and the Universidade Federal do Rio de Janeiro (UFRJ), and Samara de Sousa Sampaio, from the Universidade do Grande Rio (UNIGRANRIO) and analyzes the set of regulations of International Humanitarian Law, focusing on evaluating norms aimed at protecting the environment to highlight the interdisciplinarity between the aspects of International Human Rights Law, International Environmental Law, and International Humanitarian Law. The article also shows the effectiveness of applying the referred environmental protection norms in armed conflicts.

Soraya Giovanetti El-Deir, from the Universidade Federal Rural de Pernambuco (UFRPE), and Evaldo Dantas Silva, from the Tribunal de Justiça de Pernambuco (TJPE), in “The water issue in public policies: study of the Sustainable Logistics Plan of the Pernambuco Court Of

Justice”, show that public policies must be relevant for the elaboration and subsequent implementation of actions of governments and other entities, with the purpose of mitigating environmental impacts, of which human activities are preponderant. In this sense, the Court of Justice from the state of Pernambuco has been taking sustainable initiatives by the institution’s Sustainable Logistics Plan.

In “Environmental disasters: successes and failures of a new repair model in the Samarco Case”, Lyssandro Norton Siqueira and Elcio Nacur Rezende, both from the Escola Superior Dom Helder Câmara (ESDHC), explain that the rupture of the mining tailings dam called Fundão, owned by the mining company Samarco, in the municipality of Mariana in 2015, caused one of the biggest socio-environmental disasters in Brazilian history. The authors seek to analyze, from the perspective of civil environmental responsibility, the successes and failures in imputing legal responsibility to those who caused the damage, mainly aiming to show how the environmental command and control system must be improved to prevent the occurrence of new tragedies.

“Supreme courts about the air: the impact of transnational normative air pollution control standards on the decisions of the Supreme Court (USA) and the Federal Supreme Court (Brazil) in times of populism” was written by Márcio Ricardo Staffen, from the Universidade do Vale do Itajaí (UNIVALI), who states that the first half of 2022 in the Supreme Court (United States of America) and in the Federal Supreme Court (Brazil) was marked by the discussion, in the area of constitutionality control, of actions in which the normative standards of air pollution control are judged by constitutional principles. The author shows that both courts recognize the material relevance of both environmental protection and the need to take a stand about the challenges of climate change, and the protection of the environment as a diffuse legal claim.

Marcelo Dias Varella, from the Centro Universitário de Brasília (Uniceub), in the article “Why do States protect the environment? The influence of cultural diversity in the International Environmental Law-making process”, argues that the reasons why States engage in environmental defense vary in such a way that their objectives are different with the same multilateral treaties. The environment is understood differently with the cultural background of each group of countries. Understanding this dynamic is important to understand the positions, limits, and objectives of each group of States, as well as international environmental law itself.

Thus, dear reader, the *Veredas do Direito* journal and the Escola Superior Dom Helder Câmara proudly present one more issue, aiming at an intellectually profitable reading and, above all, hoping that the texts serve as inspiration to raise awareness that we must all build a healthier environment for present and future generations.

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