

## CLIMATE CHANGE: THE ROLE OF BRAZILIAN LEGISLATION IN PROTECTING FORESTS

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### SUMMARY

This article explores how climate change affects the planet globally, causing rising temperatures, rising sea levels and acidification of the oceans, among other problems. It will analyze how the United Nations (UN) has sought to mobilize countries to address these issues. In this context, Brazilian legislation plays a crucial role in establishing standards to protect forests, biodiversity and the population's quality of life, ensuring the right to an ecologically balanced environment, as provided for in the 1988 Federal Constitution. Despite the existence of legislation, such as the Forest Code and the National Policy on Climate Change (PNMC), which aim to reduce pollutant emissions and curb practices that cause the greenhouse effect, their implementation still lacks greater effectiveness and direct incentives to promote sustainable practices. In addition, the Public Prosecutor's Office is essential in defending the environment and preventing illegal deforestation. The research adopts a qualitative approach, based on bibliographic reviews and case analysis. The conclusion of the research indicates that Brazilian legislation, although robust, requires more effective implementation and collaboration from society to face the challenges posed by climate change and ensure a sustainable future. **Keywords:** Climate change; Forest Code; National Policy on Climate Change; Public Prosecutor's Office.

### ABSTRACT

This article explores how climate change affects the planet on a global scale, causing rising temperatures, rising sea levels, and ocean acidification, among other issues. It analyzes how the United Nations (UN) has sought to mobilize countries to address these challenges. In this context, Brazilian legislation plays a crucial role by establishing norms to protect forests, biodiversity, and the quality of life for the population, ensuring the right to an ecologically balanced environment as stipulated in the Federal Constitution of 1988. Despite the existence of laws such as the Forest Code and the National Climate Change Policy (PNMC), which aim to reduce pollutant emissions and curb practices that contribute to the greenhouse effect, implementation still lacks effectiveness and direct incentives to promote sustainable practices. Additionally, the Public Prosecutor's Office is essential in defending the environment and preventing illegal deforestation. This research adopts a qualitative approach, based on literature reviews and case analysis. The findings indicate that Brazilian legislation, although robust, requires more effective implementation and collaboration from society to tackle the challenges posed by climate change and ensure a sustainable future.

**Keywords:** Climate change; Forest Code; National Climate Change Policy; Public Prosecutor's

### 1. INTRODUCTION

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Climate change has affected the planet as a whole, given that, although some have a greater impact on this mess, everyone suffers equally. From this perspective, climate change causes They are facing rising temperatures, rising sea levels, ocean acidification and other problems that threaten life on the planet and civilization itself.

The United Nations (UN), faced with problems related to climate change, practices, plays a role in mobilizing countries to combat the causes of climate change.

In this sense, Brazilian legislation plays an important role in preventing practices that cause the greenhouse effect and global warming<sup>3</sup>, given that it seeks to establish standards for the protection of forests, biodiversity, the climate and the population's quality of life.

Furthermore, Brazil, since the Federal Constitution of 1988, has enshrined in its provisions that "all

have the right to an ecologically balanced environment" (BRAZIL, 1988), which is a fundamental right. It should also be noted that infra-constitutional legislation contains more specific aspects, aiming to reduce and even inhibit practices that cause the greenhouse effect.

Thus, climate change represents a threat that is already present today for the global population and its effects can already be seen, although some countries pollute more than others, joint measures are needed. In this sense, Brazil, in the global context, acts to reduce and even inhibit practices that aggravate climate problems, and constitutional and infra-constitutional legislation plays a very important role, as it has the coercive power.

## 2. THEORETICAL FRAMEWORK

Climate change became a global concern at the beginning of the Industrial Revolution, when the burning of fossil fuels began to increase the concentration of greenhouse gases in the atmosphere. This accelerated process had drastic consequences for the global climate, affecting weather patterns, ecosystems and human life. Growing concern about the environmental impacts of industrialization led to a gradual recognition of the need to preserve the environment. Since then, the relationship between human activities and climate change has become a central theme in environmental discussions.

Environmental preservation gained prominence on the political and social agendas of the 20th century, especially after events such as the United Nations Conference on the Environment, held in Stockholm in 1972. This conference was a landmark, as it introduced the idea that economic development and environmental protection can and should coexist. In their report, the organizers emphasized that "human beings are changing the physical and biological environment in ways that, if not taken, could threaten the well-being of future generations" (Stockholm Conference Report, 1972). This conference gave rise to global initiatives and international treaties aimed at environmental conservation, culminating in important agreements such as the Kyoto Protocol in 1997 and the Paris Agreement in 2015, which aim to mitigate the effects of climate change.

Despite global efforts, implementing effective environmental preservation and climate change control policies remains a challenge. Environmental degradation, deforestation and biodiversity loss have been occurring at alarming rates. According to the "Global Biodiversity Outlook 5" report by the Convention on Biological Diversity, more than one million species are at risk of extinction, and climate change is among the main causes of this loss (CBD, 2020). It is clear that protecting the environment must be a global and local priority, and that civil society, governments and businesses have crucial roles to play in building a sustainable future. The fight against climate change and preserving the environment are not only environmental issues, but also ethical ones, which require a reassessment of our values and actions towards the planet.

### 2.1. THE CONSTITUTIONAL ROLE OF ENVIRONMENTAL PROTECTION AND BRAZILIAN FORESTS

The analysis of the constitutional role in environmental protection is essential to understand the Brazilian State's commitment to forest conservation and climate change mitigation. The 1988 Federal Constitution enshrines in article 225 that "everyone has the right to an ecologically balanced environment" (BRAZIL, 1988), and establishes that environmental protection is a duty of the State and society, creating a normative basis for state and civil action in defense of the environment.

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In the work "*Constitutional Environmental Law*", José Afonso da Silva speaks about the perspective ecological humanist associated with the Federal Constitution of 1988. Silva argues that the Constitution incorporates an innovative environmental vision by combining environmental protection with human dignity, approaching the environment as a fundamental right and linking sustainability to citizens' quality of life.

In his analysis, José Afonso highlights that article 225, which enshrines the right to the environment ecologically balanced, was inspired by an "ethics of integral protection", in which the relationship between the environment and society is conceived as an intergenerational right. This vision gives a humanist dimension to environmental protection, as it seeks to ensure that sustainable development promotes not only ecological balance, but also social justice and quality of life for future generations.

From the perspective of Paulo Afonso Leme Machado, in his work "*Brazilian Environmental Law*", the Cons-

The 1988 constitution represents an advance in relation to previous constitutions, by including a chapter dedicated to environmental protection, standing out for its “preventive and integrative stance”, which aims to anticipate environmental damage, including climate damage.

Regarding forests, the Constitution, although it does not explicitly mention them in its environmental article, implicitly incorporates them by recognizing biodiversity as a national heritage. Brazilian forests, especially the Amazon, the Cerrado and the Atlantic Forest, are considered key elements for global climate stability due to their role in carbon sequestration and water regulation, and the preservation of these biomes, therefore, is part of the constitutional duty to promote an ecologically balanced environment.

“forests are fundamental to the Brazilian ecological structure and in the fight against climate change, as they act directly in the absorption of greenhouse gases” (SILVA, 2020).

However, the practical application of this constitutional provision faces significant challenges. Environmental monitoring is still weak in many areas, especially in the Amazon, where illegal logging operations and the disorderly expansion of agribusiness have a direct impact on deforestation and CO<sub>2</sub> emissions. Data from the National Institute for Space Research (INPE) indicate a 75% increase in the deforestation rate between 2018 and 2021, showing that constitutional protection mechanisms, such as the actions of the Public Prosecutor's Office and environmental agencies, are still insufficient to contain forest degradation.

The Brazilian Supreme Court (STF) plays a crucial role in interpreting this constitutional right to environmental protection. In recent decisions, such as Direct Action of Unconstitutionality by Omission (ADO) 59, the STF reaffirmed that the Brazilian State has the obligation to ensure compliance with the emission reduction targets set forth in the National Policy on Climate Change. This interpretation of Article 225 provides a broader view of the role of the Constitution, not only as a framework for individual guarantees, but also as a set of fundamental norms aimed at the collective right to a healthy environment and the fight against climate change.

The State's failure to implement environmental policies provided for in the 1988 Constitution has been the subject of strong criticism by experts such as João Paulo Ribeiro Capobianco and Beto Veríssimo, who warn of the consequences of this gap in the fight against deforestation and environmental protection. According to these authors, the ineffectiveness of public environmental policies and the weakening of oversight bodies, such as IBAMA and ICMBio, result in a significant increase in deforestation, especially in the Amazon, and the consequent emission of greenhouse gases.

The criticism of the constitutional environmental provision therefore lies in the lack of effective coercive mechanisms that force the government to implement policies that directly combat deforestation and climate change. In other words, although the Constitution establishes an ideal of protection, implementation is still compromised by the lack of structure, consistent public policies and effective monitoring.

To address these challenges, there are legislative and regulatory proposals being processed in the National Congress that aim to make Article 225 more enforceable, creating stricter penalties for non-compliance with environmental standards and establishing specific reforestation targets. Proposed Constitutional Amendment (PEC) No. 504/2010, for example, seeks to explicitly recognize the Amazon and the Cerrado as national heritage sites, which could strengthen the protection of these biomes by requiring stricter deforestation regulations and encouraging forest preservation and regeneration actions.

Thus, the constitutional protection of Brazilian forests, as a highly relevant programmatic norm, requires more active and coercive implementation to fully fulfill its role in the combating climate change.

The Brazilian Forest Code, officially Law No. 12,651/2012, is an essential piece of legislation for the protection of forests and other types of native vegetation in Brazil. It establishes guidelines for land use, environmental preservation and recovery of degraded areas, and is one of the main legal frameworks for environmental sustainability in the country. Its contributions to combating climate change can be

observed on several fronts, mainly through forest conservation practices, protection of watersheds and reduction of deforestation.

The legislation replaced the old 1965 Forest Code, introducing significant changes and expanding environmental protection. However, it also generated intense debates about its impact, especially among environmentalists, farmers and government sectors. Among the changes are:

APPs (Permanent Preservation Areas) are protected areas on riverbanks, hilltops, slopes and springs. The purpose of these areas is to protect water resources, prevent erosion, conserve biodiversity and mitigate the impacts of natural disasters. The law established new rules for the width of APPs according to the size of the rivers and allowed the regularization of some areas occupied before July 2008. Critics argue that this flexibility could favor environmental degradation in some regions.

The Legal Reserve is a mandatory area of native vegetation that must be maintained or restored within rural properties. In the Forest Code, the percentage of RL area varies according to the biome: 80% in the Legal Amazon; 35% in the Cerrado within the Legal Amazon; 20% in other regions and biomes.

The law allows for RL compensation off-property, as long as it is within the same biome. While this offers flexibility for producers, critics question whether the practice guarantees effective environmental protection, as it does not ensure the conservation of native vegetation on the property.

The CAR (Rural Environmental Registry) is a mandatory registry for all rural properties, where areas of preservation, productive use and degradation are declared. It facilitates the monitoring of land use and compliance with environmental requirements. The implementation of the CAR is seen as a step forward in environmental monitoring and inspection, as it provides detailed data on rural areas, allowing for more efficient management of natural resources. However, practical inspection and regularization of registered properties still face challenges.

The PRA (Environmental Regularization Program) is a program that allows for the regularization of deforested areas that were not in accordance with previous legislation, through commitments to environmental recovery or compensation. Landowners can join the PRA to comply with the requirements of the Forest Code, avoiding fines. For producers, this measure facilitates regularization, but is seen by environmentalists as an "amnesty" for those who previously practiced illegal deforestation. Proper application of the PRA is crucial for environmental recovery to actually occur.

The law attempts to balance environmental protection with economic viability for the agricultural sector, which has generated disputes between environmental and rural sectors. The flexibility provided by the new legislation aims to meet the interests of landowners and producers, but raises questions about its long-term impact on the conservation of ecosystems and the fight against deforestation and climate change. The full implementation of Law No. 12,651/2012 faces practical challenges, especially in relation to monitoring and enforcement of compliance with environmental requirements. The CAR and the PRA, despite being innovative, require effective enforcement to ensure that commitments are met and that environmental protection areas are respected and restored.

The Brazilian Forest Code (Law No. 12,651/2012) was designed to protect native vegetation while enabling economic development. However, several loopholes and difficulties in enforcing this legislation affect its ability to effectively contribute to climate mitigation. These weaknesses are related to both the relaxation of regulations and practical enforcement challenges, and result in negative impacts on the preservation of ecosystems and the reduction of greenhouse gas emissions.

One of the most controversial aspects of the Forest Code is the regularization of areas deforested before July 2008, which allows previously exploited lands to be maintained without the obligation of full recovery, as long as they are registered in the CAR and within legal limits. This "amnesty" is seen as a loophole that legitimizes historical deforestation, preventing the regeneration of areas important for capture carbon. Off-property Legal Reserve (RL) offsetting, as long as it is within the same biome, creates another problem. Although it offers flexibility to landowners, it allows the preservation of native areas to occur far from deforested areas, making it difficult to recover local ecosystems and connect green areas, which are essential for biodiversity and carbon sequestration.

CAR and PRA are innovative tools, but their implementation and enforcement are insufficient. Although CAR is mandatory and has encouraged property regularization, the high number of pending registrations and the lack of data analysis and validation limit their impact. Many CAR registrations are incomplete or irregular, and the capacity of environmental agencies to inspect all properties is limited.

is limited. The PRA, which allows landowners to regularize irregularly deforested areas through recovery commitments, faces a series of challenges to ensure compliance with environmental recovery goals. The lack of monitoring and effective sanctions for landowners who fail to comply with PRA agreements weakens the effectiveness of this initiative.

Enforcement of the Forest Code relies heavily on enforcement, but the agencies responsible, such as the Brazilian Institute of the Environment and Renewable Natural Resources (IBAMA), face operational and funding difficulties. Limited enforcement encourages illegal deforestation, especially in the Amazon, where the expansion of economic activities and difficulties in monitoring have increased deforestation rates. This gap in enforcement reduces the law's ability to curb deforestation, which is one of the largest sources of greenhouse gas emissions in Brazil, directly compromising climate goals and environmental preservation.

Since its approval, the Forest Code has been the target of political pressure to further loosen its rules, especially to benefit agribusiness. Some proposed amendments aim to further reduce the mandatory preservation areas or allow the use of APPs and RLs for economic activities, compromising conservation efforts. This scenario of regulatory instability weakens the enforcement of the law and generates uncertainty about the future of environmental preservation, in addition to making it difficult to meet Brazil's carbon emission reduction targets.

The Forest Code is a potential tool for climate mitigation, but the legislation often lacks direct incentives to promote sustainable development practices, such as agroecology, agroforestry systems, and regenerative pasture. The law imposes restrictions, but the lack of incentive policies for sustainable practices reduces its effectiveness as a climate policy. This disconnect limits the adoption of low-impact agricultural practices and prevents Brazil from leveraging its full carbon mitigation potential in the agricultural sector, which also affects the country's competitiveness and image in international markets.

The law faces critical challenges in its enforcement and legal loopholes that weaken its role in climate mitigation. The relaxation of environmental requirements, the lack of robust enforcement, and political pressures on legislation undermine the law's ability to curb deforestation and promote the recovery of degraded areas. For the law to effectively contribute to climate mitigation, it is necessary to strengthen monitoring and enforcement mechanisms, eliminate loopholes that favor deforestation, and introduce incentive policies that support sustainable practices.

### 2.3. NATIONAL POLICY ON CLIMATE CHANGE (PNMC) AND ITS EFFICACY IN PROTECTING FORESTS

The National Policy on Climate Change (PNMC), established by Law No. 12,187/2009, represents one of Brazil's main legal instruments in the pursuit of sustainable development, involving specific guidelines for the protection of forests and the mitigation of climate change. This policy aims to align Brazil with global commitments, such as the Paris Agreement, in addition to addressing local challenges, such as illegal deforestation and the increase in greenhouse gas (GHG) emissions. This article discusses the effectiveness of the PNMC in protecting forests, addressing progress made since its implementation and the persistent challenges in implementing and achieving the established goals.

The PNMC was implemented in a context in which Brazil faced internal and external pressure to adopt a more active stance against deforestation and environmental degradation. The country is responsible for approximately 60% of the Amazon, the largest tropical forest in the world, which plays a crucial role in carbon sequestration and regulating the global climate. The creation of the PNMC comes as a response to Brazil's commitment to reduce GHG emissions and address the adverse impacts of climate change.

Law No. 12,187/2009 defines the PNMC as a long-term strategy to achieve sustainable development and ensure the protection of strategic ecosystems, such as tropical forests. The law specifically 5 It specifies voluntary targets for reducing GHG emissions, to be achieved primarily by reducing deforestation, and proposes the use of economic, financial and regulatory instruments to promote this transition. This policy is complemented by a National Climate Change Plan, which describes mitigation and adaptation measures in specific sectors, such as energy, agriculture and industry.

With the PNMC, Brazil initially committed to reducing between 36.1% and 38.9% of its projected emissions by 2020. This commitment was reaffirmed with the signing of the Paris Agreement in 2015, where Brazil assumed a target of reducing emissions by 37% by 2025 and 43% by 2030, based on the year 2005. To achieve these targets, combating deforestation, mainly in the Amazon, was

established as one of the priorities of national climate policy.

In addition to mitigation targets, the PNMC also emphasizes the need to adapt to existing climate impacts, which include the intensification of extreme events and changes in the water regime of the Amazon and other Brazilian biomes. This policy recognizes the importance of sustainable forest management practices and encourages the use of economic instruments, such as payment for environmental services, to incentivize forest conservation.

Although the creation of the PNMC represents an important milestone for Brazilian environmental policy, the implementation of its guidelines faces a number of obstacles. Since its enactment, notable progress has been made in reducing emissions, especially between 2005 and 2012, when Brazil managed to significantly reduce deforestation rates in the Amazon.

A significant obstacle is the difficulty in implementing economic instruments such as payment for environmental services (PES). Although foreseen in the PNMC, PES still faces structural and budgetary challenges, and is implemented in only a few Brazilian states. This instrument could play a crucial role in protecting forests by offering direct incentives to landowners and communities that preserve forest areas.

Despite the challenges, the last decade has seen some promising initiatives. In 2020, Brazil submitted a new Nationally Determined Contribution (NDC) to the Paris Agreement, in which it reaffirms its commitment to reducing emissions and announces additional measures to reduce deforestation. Among the most recent actions, the creation of the Floresta+ Program in 2020 stands out, which aims to encourage forest conservation through payment mechanisms for environmental services.

The effective implementation of the PNMC requires an integrated approach that includes strengthening oversight bodies, promoting sustainable land use policies and expanding financial support for conservation activities.

The main challenges facing the PNMC include the need to address illegal deforestation and promote sustainable development in the Amazon. The expansion of agriculture and livestock farming, especially in regions on the agricultural frontier, poses a continuing risk to forests and to meeting emissions reduction targets. The lack of economic incentives for sustainable land use practices also contributes to the difficulty in curbing deforestation.

The success of the PNMC depends on Brazil's ability to reconcile economic development with environmental preservation, and to demonstrate a real commitment to the future of forests and the fight against climate change.

## 2.4. THE ROLE OF THE PUBLIC PROSECUTOR'S OFFICE IN PROTECTING FORESTS AGAINST ILLEGAL DEFORESTATION

The 1988 Federal Constitution ensures that everyone has the right to an ecologically balanced environment, article 225 (BRAZIL, 1988); for this, it is necessary that the state, through one of its entities, plays a role in defending the environment, which is exercised by the Public Prosecutor's Office.

The Public Prosecutor's Office plays a crucial role in protecting forests against illegal deforestation, given that the 1988 Federal Constitution establishes it as an institution committed to defending the legal order and the public interest, as provided for in article 127, (BRAZIL, 1988), "The Public Prosecutor's Office is a permanent institution, essential to the jurisdictional function of the State, and is responsible for defending the legal order, the democratic regime and the unavailable social and individual interests".

In view of this, the Public Prosecutor's Office has the role of ensuring the execution of legislation and case law decisions, repressing infractions against the law, which was conferred by the 1988 Magna Carta itself, being a protector of the community and diffuse rights (MILARÉ, 1995, p. 136).

With the powers conferred by the CRFB/88, environmental protection became a "duty" that is exercised by the Public Prosecutor's Office, which acts as an inspector of the law and promotes civil inquiries and public civil actions for environmental protection. "The Public Prosecutor's Office, as one of the main bodies for implementing the Environmental Rule of Law, must ensure the constant presence of respect for and implementation of environmental principles in State and institutional practices" (BRASIL, CNMP 2021, page 8).

THE *Parquet* It acts both in the judicial and extrajudicial spheres, in order to enforce environmental legislation and its rules, using, in particular, the Conduct Adjustment Term (TAC), in which the defendant makes a commitment to adjust its activities to the legislation, in addition to repairing possible

environmental damage caused (COLOMBO, 2020, p. 74).

Therefore, forest protection is a global challenge that requires joint action by several actors, the Public Prosecutor's Office in Brazil has a fundamental role as an inspector and defender of this diffuse right, in particular, promoting TACs, public civil actions, civil inquiries, among others.

## 2.5. NEW LEGISLATIVE AND POLICY PROPOSALS FOR FOREST PROTECTION IN THE CONTEXT OF CLIMATE CHANGE

Climate change has intensified, and with it comes an urgent need to protect forests, not only because of their essential role in carbon sequestration, but also because of the biodiversity they support. In Brazil, which has one of the largest forest areas in the world, the debate on legislative proposals and public policies for environmental protection is prominent, driven by the worsening of deforestation and international commitments to reduce greenhouse gas emissions. This text examines recent bills and innovative policies aimed at protecting forests, analyzes their potential impacts, and discusses the role of non-governmental organizations (NGOs) and civil society in strengthening these initiatives.

Historically, Brazil has adopted public policies for forest conservation and combating deforestation, with emphasis on the Forest Code and the National Policy on Climate Change (PNMC), which establish guidelines for protecting biomes and reducing carbon emissions.

The Paris Agreement, signed in 2015, obliges Brazil and other signatory nations to develop national plans and targets to reduce emissions. In response, Brazil submitted Nationally Determined Contributions (NDCs), setting a target of reducing greenhouse gas emissions by 37% by 2025 and 43% by 2030, compared to 2005 levels. Meeting these targets, however, requires concrete and innovative actions that integrate economic development, forest protection and social participation (FERREIRA, 2022).

In recent years, new proposals have emerged in the National Congress that aim not only to limit deforestation, but also to implement technologies and mechanisms that favor sustainability and transparency in the management of forest resources.

Among the innovative legislative proposals, Bill No. 528/2021 stands out, which proposes the creation of a regulated carbon credit market in Brazil. This market aims to encourage companies to invest in forest preservation and emissions reduction initiatives.

The implementation of this market could represent a significant step forward for Brazil, aligning it with global sustainability practices and enabling the creation of a greener economy. Furthermore, the regulation of this market is expected to promote an economic appreciation of forests, discouraging deforestation practices and encouraging activities that generate ecological and economic benefits.

Another relevant bill is Bill No. 3,729/2004, which aims to review and update the environmental licensing process in Brazil. The bill seeks to simplify and streamline the process of granting environmental licenses, but it has been criticized. Critics point out that the flexibility proposed by the bill could compromise environmental protection by reducing oversight and reducing the requirements for authorizing activities that have a potential impact on forests (GONÇALVES, 2023). On the other hand, advocates argue that modernizing licensing can, if done responsibly, reduce conflicts between economic development and environmental preservation, promoting sustainable economic activities and preventing illegal deforestation.

In addition to the bills, several public policies are being developed with the aim of reinforcing forest protection, especially in regions of high environmental vulnerability, such as the Legal Amazon.

The Floresta+ Carbono Program, launched in 2020, aims to reward landowners and managers who preserve native forest areas. The program also enables these landowners to sell carbon credits from forest conservation, which economically incentivizes the preservation of forest areas.

This policy, considered innovative, strengthens the idea that the protection of forests must be a economically viable activity for landowners, especially in agricultural frontier regions. The adoption of this policy has the potential to significantly reduce illegal deforestation and create a value chain that favors conservation (CARVALHO, 2023).

The PPCDAm, which began its activities in 2004, has undergone recent updates to strengthen its impact in combating deforestation. With a focus on territorial management, environmental monitoring and

promoting sustainable economic activities, the plan represents a comprehensive strategy for reducing deforestation in the Amazon.

In addition to strengthening monitoring and control over protected areas, the plan seeks to involve local communities in conservation actions, promoting an economy based on sustainability.

Civil society organizations, including national and international NGOs, play an essential role in supporting and monitoring environmental policies. These organizations work primarily to conduct research, disseminate environmental data, and exert political pressure to strengthen environmental protection policies. Some of the most active organizations in this process are the Instituto Socioambiental (ISA), Greenpeace Brasil, and WWF-Brasil, which denounce and monitor deforestation practices and support traditional communities.

The role of civil society and NGOs is essential to the effectiveness of these proposals, as they promote transparency and ensure independent oversight of government. The fight against climate change and deforestation is a collective task, and Brazilian society, together with the government, NGOs and the international community, has the responsibility to protect its forests and ensure an environmentally balanced future.

### 3. CONCLUSION

Climate change affects the planet as a whole, regardless of whether or not it is a contributing agent to the cause of this problem, everyone suffers equally, which requires joint action by countries to combat climate change.

In this global context, Brazilian legislation plays an important role in curbing practices that cause climate change, given that it provides for measures to reduce pollutant emissions, sanctions, Conduct Adjustment Terms (TAC) among other actions that aim to protect forests, biodiversity, the climate and the population's quality of life.

The Federal Constitution of 1988 (CRFB/88) is an important milestone in the evolution of environmental legislation. This ensures that everyone has the right to an ecologically balanced environment, article 225, (BRAZIL, 1988); however, as a highly relevant programmatic norm, it lacks more active and coercive implementation to fully fulfill its role in combating climate change.

In line with the CRFB/88, the Forest Code, a specific infra-constitutional legislation, is a potential tool for climate mitigation, but it still lacks direct incentives to promote sustainable development practices, such as agroecology, agroforestry systems and regenerative pasture. Although there are restrictions, the lack of incentive policies for sustainable practices reduces its effectiveness as a climate policy.

The National Policy on Climate Change (PNMC), in turn, was implemented to fill gaps in other environmental legislation, given that it has a specific focus on tackling illegal deforestation and the increase in greenhouse gas (GHG) emissions, which are the main causes of climate change. Thus, the PNMC foresees the need to reconcile economic development with environmental preservation, and to demonstrate a real commitment to the future of forests and to combating climate change.

Furthermore, the Public Prosecutor's Office plays a crucial role in protecting forests against illegal deforestation, given that the 1988 Federal Constitution establishes it as an institution committed to defending the legal order and the public interest, acting as a law enforcer and promoting the necessary actions to protect the environment, consequently preventing and inhibiting actions that cause climate change.

In view of the above, Brazilian legislation plays an important role in the joint global action to combat climate change. Although Brazilian environmental legislation provides for a solid policy for this protection, it needs to be implemented effectively, with the participation of Brazilian society as a whole, in addition to institutions to face the new challenges imposed by climate change.

### REFERENCES

ARAGÃO, LEOC et al. **Deforestation and climate change in the Amazon**. Nature Communications, vol. 9, no. 1, p. 536, 2018.



BRAZIL. **Constitution of the Federative Republic of Brazil: promulgated on October 5, 1988.** Available at [https://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm) . Accessed on October 29, 2024.

BRAZIL. National Council of the Public Prosecutor's Office. **The role of the Public Prosecutor's Office in defending the environment: a practical and decisive approach.** Brasilia: CNMP, 2021, p. 8.

BRAZIL. Ministry of the Environment. **National Policy on Climate Change: Decree No. 7,390/2010.** Brasilia, 2010.

CARVALHO, A. **Floresta+ Program and the Green Economy in Brazil.** New York: Routledge, 2023.

Climate Observatory. **Greenhouse Gas Emissions Report 2023.** Available at: <https://www.oc.eco.br> . Accessed on October 30, 2024.

COLOMBO, SRB **The need for the Public Prosecutor's Office to act decisively in resolving environmental conflicts in light of the results of public civil actions filed with the Court of Justice of São Paulo.** Journal of City Law, Rio de Janeiro, v. 12, n. 1, 2020.

FERREIRA, M. **Environmental Protection Policies and the Paris Agreement.** Journal of Law and Sustainability, v. 12, no. 3, p. 56-78, 2022.

GONCALVES, R. **Challenges of the New Environmental Licensing in Brazil.** Brasilia: Legal Publisher, 2023.

MACHADO, Paulo Afonso Leme. **Brazilian Environmental Law.** New York: Routledge, 2014.

RICHTER, B. et al. **Economic instruments and the implementation of payment for environmental services in Brazil.** Brazilian Journal of Environmental Policy, v. 15, n. 2, p. 12-28, 2021.

SILVA, Jose Alfonso. **Constitutional Environmental Law.** New York: Routledge, 2019.

SILVA, L.S. **Traditional Communities and the Conservation of the Amazon Rainforest.** Manaus: Socio-Environmental Institute, 2023.

SOARES-FILHO, B. et al. **Deforestation dynamics in the Amazon and climate impacts.** Science, vol. 349, n. 6248, p. 1-7, 2015.

WWF-BRAZIL. **Legislative Proposals for Forest Protection.** New York: Routledge, 2023.