# A new Latin American climate constitutionalism emerges to protect disaster-induced internal displacement: lessons from the Mendoza Bohórquez and Niño de Mendoza case

*Um novo constitucionalismo climático latino-americano emerge para proteger o deslocamento interno induzido por desastres: lições dos casos Mendoza Bohórquez e Niño de Mendoza*

*Un nuevo constitucionalismo climático latinoamericano emerge para proteger el desplazamiento interno inducido por desastres: lecciones de los casos Mendoza Bohórquez y Niño de Mendoza*

Manoel Maurício Ramos Neto[1]

**Abstract**

Neto, M. M. R. A new Latin American climate constitutionalism emerges to protect disaster-induced internal displacement: lessons from the Mendoza Bohórquez and Niño de Mendoza case. ***Rev. C&Trópico***, v. 49, n. 2, p. 103-124, 2025. Doi: 10.33148/ctrpico.v49i2.2674

The article analyzes Judgment T-123/2024 of the Constitutional Court of Colombia, also known as the Mendoza Bohórquez and Niño de Mendoza Case, which inaugurates a new paradigm in Latin American constitutionalism by recognizing disaster-induced internal displacement as a violation of fundamental rights. The decision transforms the climate protection deficit into a normative model of constitutional governance, structured around the tripod of state duties of prevention, response, and reparation. Based on a theoretical-analytical and interpretive-critical approach, the study examines how the Colombian Court turns an individual claim into a structural precedent that articulates climate justice, human dignity, and socio-environmental solidarity. The analysis demonstrates that the Constitutional Court redefines the role of the State in the face of the ecological crisis by integrating it as an agent of reconstruction and collective resilience, thus overcoming the traditional assistentialist paradigm. It concludes that the Mendoza Bohórquez and Niño de Mendoza Case (T-123/2024) marks a transition from a constitutionalism of omission to a constitutionalism of climate reconstruction, in which climate justice assumes a structuring function within the constitutional order and guides the formulation of public policies aimed at comprehensive reparation and resilient reconstruction of communities displaced by disasters in the Global South.

**Keywords:** Disaster-induced internal displacement; Climate justice; Latin American new constitutionalism; State duties; Climate governance.

**Resumo**

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O artigo analisa a Sentença T-123/2024 da Corte Constitucional da Colômbia, também referida como Caso Mendoza Bohórquez e Niño de Mendoza, que inaugura um novo paradigma no constitucionalismo latino-americano ao reconhecer o deslocamento interno por desastre como violação de direitos fundamentais. A decisão converte o déficit de proteção climática em um modelo normativo de governança constitucional, estruturado no tripé de deveres estatais de prevenção, resposta e reparação. Com base em abordagem teórico-analítica e na metodologia interpretativo-crítica, o estudo examina como o tribunal colombiano transforma um litígio individual em precedente estrutural, articulando justiça climática, dignidade humana e solidariedade socioambiental. A análise demonstra que a Corte Constitucional redefine o papel do Estado diante da crise ecológica ao integrá-

[1] Doutorando em Direito pela Universidad de Zaragoza (Espanha). Mestre em Derecho de Daños pela Universitat de Girona (Espanha). Chefe da Assessoria de Controle Interno do Corpo de Bombeiros Militar do Estado do Rio Grande do Sul (CBMRS). E-mail: mm.ramosneto@gmail.com. Orcid: https://orcid.org/0009-0004-3858-7422

lo como agente de reconstrução e resiliência coletiva, superando o paradigma assistencialista. Conclui-se que o Caso Mendoza Bohórquez e Niño de Mendoza (T-123/2024) representa um marco de transição entre um constitucionalismo da omissão e um constitucionalismo da reconstrução climática, no qual a justiça climática assume função estruturante da ordem constitucional e orienta a formulação de políticas públicas voltadas à reparação integral e à reconstrução resiliente das comunidades deslocadas por desastres no Sul Global.
**Palavras-chave:** Deslocamento interno por desastre; Justiça climática; Novo constitucionalismo latino-americano; Deveres estatais; Governança climática.

**Resumen**

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El artículo analiza la Sentencia T-123/2024 de la Corte Constitucional de Colombia, también conocida como el Caso Mendoza Bohórquez y Niño de Mendoza, que inaugura un nuevo paradigma en el constitucionalismo latinoamericano al reconocer el desplazamiento interno por desastres como una violación de los derechos fundamentales. La decisión transforma el déficit de protección climática en un modelo normativo de gobernanza constitucional, estructurado sobre el trípode de deberes estatales de prevención, respuesta y reparación. A partir de un enfoque teórico-analítico y una metodología interpretativo-crítica, el estudio examina cómo el tribunal colombiano convierte un litigio individual en un precedente estructural que articula la justicia climática, la dignidad humana y la solidaridad socioambiental. El análisis demuestra que la Corte Constitucional redefine el papel del Estado frente a la crisis ecológica al integrarlo como agente de reconstrucción y resiliencia colectiva, superando el paradigma asistencialista tradicional. Se concluye que el Caso Mendoza Bohórquez y Niño de Mendoza (T-123/2024) representa una transición entre un constitucionalismo de la omisión y un constitucionalismo de la reconstrucción climática, en el cual la justicia climática asume una función estructurante del orden constitucional y orienta la formulación de políticas públicas destinadas a la reparación integral y la reconstrucción resiliente de las comunidades desplazadas por desastres en el Sur Global.
**Palabras clave:** Desplazamiento ambiental interno; Justicia climática; Nuevo constitucionalismo latino-americano; Deberes estatales; Gobernanza climática.

*Data de submissão: 10/10/2025*
*Data de aceite: 07/11/2025*

## 1. Introduction

Disaster-induced internal displacement[2] has emerged as a defining challenge of the climate era. The intensification of hydrometeorological extremes — floods, droughts, landslides, and storms — has precipitated territorial loss, disrupted livelihoods, and compelled the intra-state movement of entire communities, particularly across the most vulnerable regions of the Global South. Yet a persistent normative gap remains: despite broad constitutional and international recognition of the rights to a dignified life and to an ecologically balanced environment, there is no sufficiently robust legal framework to ensure effective protection for those displaced by disasters. This article addresses that gap by

[2] This article adopts the expression "disaster-induced internal displacement" to designate situations in which individuals or communities are compelled to leave their habitual place of residence due to sudden-onset or slow-onset disasters, while remaining within their State's borders. The use of this expression highlights the causal relationship between disasters and forced internal mobility, and avoids broader formulations such as "environmental displacement," thereby ensuring conceptual accuracy and alignment with contemporary human rights scholarship (Scott & Salamanca, 2020).

examining the legal nature, governance implications, and justice claims surrounding disaster-induced internal displacement in Latin America, using the Colombian Constitutional Court's Judgment T-123/2024 as the analytical backdrop for this discussion.

Recent data confirm that climate-induced internal displacement is no longer a sporadic humanitarian concern but a structural and accelerating global trend. The Global Report on Internal Displacement 2025 (Grid 2025) indicates that, by the end of 2024, 83.4 million people were living in internal displacement worldwide, the highest figure ever recorded. Of this total, 9.8 million individuals remained displaced as a result of disasters, which represents a 29% year-on-year increase. In 2024 alone, 45.8 million new internal displacements triggered by disasters were registered, nearly twice the global annual average of the last decade, indicating that environmental events have become a central and persistent driver of forced mobility (IDMC, 2025).

In the Americas, this trend is particularly acute, since more than 13 million new disaster displacements occurred in 2024, which places the region among the most affected globally. Within Latin America, Colombia stands out not only because of its historical trajectory of conflict-induced displacement but also due to the intensification of climate-related mobility. In 2024, the country recorded 388,000 new internal displacements linked to disasters, a figure that exceeded those caused by conflict and violence in the same year. This turning point signals a shift in the primary vectors of forced internal mobility and underscores the urgent need for a dedicated normative framework for climate-induced internal displacement (IDMC, 2025).

In Latin America, this climate protection deficit reveals the growing gap between constitutional promises and the actual capacity of States to address the social and territorial impacts of climate change. In contexts marked by structural inequality, rural poverty, and administrative fragility, the absence of specific legal mechanisms perpetuates the invisibility of thousands of displaced persons deprived of fundamental rights, such as housing, food, work, and social participation.

It was within this scenario that the Constitutional Court of Colombia, through its T-123/2024 Judgment, broke paradigms by recognizing forced displacement caused by environmental factors as a form of internal displacement of equal legal gravity to that produced by armed conflict. The case of José Noé Mendoza Bohórquez and Ana Librada Niño de Mendoza, two farmers forced to abandon their property after successive floods of the Bojabá River, became emblematic of the State's inability to prevent, mitigate, and repair the harm suffered by populations affected by extreme climate events.

The decision, authored by Justice Natalia Ángel Cabo, transcends individual protection and assumes a structural and pedagogical nature by urging Congress and the National Government to establish a comprehensive legal framework and public policy for internal climate-induced displacement. The Court articulated a tripod of State duties — prevention, response, and reparation — which becomes a normative matrix for environmental risk governance, inaugurating a strand of Latin American climate constitutionalism in which fundamental rights are reinterpreted through the lens of ecological crisis and climate justice.

From this perspective, the present article offers a critical analysis of the T-123/2024 Judgment as an instrument of institutional and pedagogical transformation, situating it within the broader context of the challenges of climate justice in Latin America. It argues that the decision exposes a constitutional protection deficit, both normative and administrative, and proposes a new model of public policy centered on risk anticipation and the resilient reconstruction of vulnerable communities.

The methodology is interpretive and critical, based on the analysis of the judicial decision and relevant scholarship addressing the relationship among forced displacement, climate change, and human rights. The study also draws upon the Sendai Framework for Disaster Risk Reduction (2015–2030) and the United Nations Guiding Principles on Internal Displacement (1998) to position the Colombian decision within the global landscape of State obligations regarding environmentally induced human mobility.

In sum, this article contends that the T-123/2024 Judgment represents a turning point between the climate protection deficit and the constitutionalization of climate justice, translating State duties into operational obligations aimed at building a resilient society capable of confronting the intertwined challenges of inequality and climate crisis in the contemporary era.

## 2. Disaster-induced internal displacement and climate justice in Latin America

This section establishes the conceptual and normative baseline. It defines disaster-induced internal displacement and internally displaced persons (IDPs) in the Latin American context; situates the phenomenon within structural inequalities that heighten the impacts of the climate crisis; explains how climate justice reframes disaster-induced displacement as a human rights issue; synthesizes constitutional, Inter-American, and treaty commitments (e.g., Article 225 of the Brazilian Constitution, the Escazú Agreement, and the Sendai Framework) into State duties of prevention, response, and reparation, including accountability for

omissions and multilevel governance; and concludes by locating Colombia's T-123/2024 Judgment within Latin American climate constitutionalism to prepare the case analysis that follows.

The intensification of extreme climatic events in recent decades, including floods, prolonged droughts, landslides, and storms, has generated a growing number of people displaced within their own territories. This phenomenon, referred to as disaster-induced internal displacement, constitutes one of the greatest contemporary challenges for the protection of human rights in Latin America, where structural inequalities and institutional fragility amplify the impacts of the climate crisis. The issue is no longer restricted to the environmental sphere but has entered the legal domain, revealing the need to rethink the relationship between the State, territory, and human dignity (Cazabat, 2024).

Disaster-induced internal displacement is the forced movement of individuals or communities who, due to sudden-onset or slow-onset disasters, must leave their habitual residence while remaining within their country's borders. It is distinguished from voluntary mobility by the absence of genuine choice and by a direct causal link between the disaster and the loss of conditions for a dignified life. Beyond physical relocation, it disrupts social, economic, cultural, and territorial ties, often exacerbating pre-existing vulnerabilities. In line with the IDMC and the UN Guiding Principles on Internal Displacement (1998), it entails specific protection needs—housing, livelihoods, health, access to justice, and participation—requiring State measures of prevention, response, and reparation (Cazabat, 2024).

Within this context, climate justice emerges as the theoretical and normative framework capable of grounding the legal recognition of disaster-induced internal displacement as a human rights violation. As Guimarães (2018) observes, the principle of environmental justice, incorporated into the Brazilian Constitution (Article 225) and into new forms of Latin American ecological constitutionalism, affirms that environmental degradation is not neutral and disproportionately affects vulnerable groups, especially rural, indigenous, and traditional communities. Climate justice therefore broadens the horizon of environmental protection by integrating dimensions of equity, solidarity, and democratic participation, linking environmental protection to fundamental guarantees such as life, housing, food, and work (De Andrade Moreira & Herschmann, 2021; Silva & Romano, 2017).

Under this perspective, violations of the right to a balanced environment, enshrined in Article 225 of the Brazilian Constitution and reaffirmed by the Escazú Agreement (2018), directly compromise the enjoyment of other human rights by undermining the material conditions necessary for dignity (Pinheiro & Treccani, 2020; Parola, 2020). When such

violations lead to forced displacement, environmental damage becomes a complex legal phenomenon that requires State action not only from an emergency perspective but also through structural approaches of prevention, adaptation, and reparation.

As Messias et al. (2020) argue, climate justice, when articulated with the Democratic Environmental Rule of Law, calls for an expanded understanding of State obligations. Environmental protection ceases to be a merely administrative duty and becomes a public responsibility grounded in solidarity and intergenerational equity. This interpretation aligns with the Sendai Framework for Disaster Risk Reduction (2015–2030), which calls for the integration of disaster risk reduction into governance and planning instruments. Prevention, adaptation, and reconstruction policies must therefore be conceived as constitutional State duties guided by distributive justice and the precautionary principle (Guimarães, 2018; Seleguim et al., 2025).

Consequently, climate justice imposes upon public authorities the duty to design inclusive protection and resilience policies capable of addressing environmental inequalities and ensuring the effectiveness of the rights of populations affected by disasters. Such policies must ensure, among other aspects, public participation and access to environmental justice, as emphasized by Bolson and Miranda (2017) and Parola (2020), consistent with the Escazú Agreement. They must also adopt measures of prevention, adaptation, and reparation, prioritizing groups in situations of heightened vulnerability, such as indigenous peoples and traditional communities (Silveira, 2018; Souza & Paaz, 2019).

In the legal sphere, State liability for environmental omissions assumes particular significance. As Nunes et al. (2020) argue, Brazilian legal doctrine and consolidated jurisprudence have affirmed the application of strict State liability when environmental oversight duties are not fulfilled, an understanding that, by analogy, encompasses situations in which governmental inaction contributes to disaster-induced internal displacement. This perspective reinforces the need to conceptualize such displacement not as a mere outcome of natural phenomena, but as the result of systemic failures in environmental governance.

Climate justice, therefore, not only exposes the unequal distribution of environmental risks and harms but also provides the ethical and legal foundation for reorienting public policies toward reducing vulnerabilities and strengthening social resilience. As Guimarães (2018) notes, the principle of solidarity, present in Latin American constitutions and reaffirmed by Messias et al. (2020), should function as a guiding norm for policies aimed at ecological reconstruction and equity. Seleguim et al. (2025) similarly proposes the adoption

of multilevel governance models in which national, regional, and local governments share responsibilities for implementing mitigation and adaptation strategies.

These approaches converge in the idea of climate constitutionalism, which has been consolidated in Latin America through judicial decisions that expand the content of fundamental rights in response to the ecological crisis. The T-123/2024 Judgment of the Colombian Constitutional Court is situated within this movement, as it recognizes that displacement caused by disasters, such as the recurrent flooding of the Bojabá River, constitutes a violation of fundamental rights and generates positive State duties of prevention, response, and reparation. By equating disaster-induced internal displacement with displacement caused by armed conflict, the decision inaugurates a new paradigm of protection grounded in human dignity and climate solidarity, marking a regional milestone in the development of Latin American climate justice.

At its core, climate justice provides the normative and axiological framework that legitimizes the legal recognition of disaster-induced internal displacement as a human rights violation. It also guides the design of public policies aimed at comprehensive protection, social participation, and the resilient reconstruction of affected communities. The legal debate on disaster-induced internal displacement thus extends beyond the realm of environmental emergency and becomes a field for the affirmation of rights, in which the State is required to rebuild its legitimacy through the effective guarantee of social, ecological, and intergenerational justice.

## 3. The T-123/2024 Judgment: a new paradigm in Latin American constitutionalism

This section reconstructs Judgment T-123/2024 of the Colombian Constitutional Court and explains why it inaugurates a new paradigm in Latin American climate constitutionalism. First, it presents the facts and procedural path and frames the core question: whether displacement caused by disasters can be recognized as a violation of fundamental rights. It then synthesizes the Court's reasoning and holdings, including the reframing of displacement as disaster displacement, the role of State omissions in producing locally specific vulnerability, and the assignment of duties of prevention, mitigation, response, and reparation. Next, it details the remedies ordered, clarifies the *inter comunis* effects and their reach beyond the parties, and situates the ruling within regional jurisprudence on climate justice and rights-based protection of internally displaced persons (IDPs). Finally, it highlights the

decision's contribution to a governance model that links constitutional rights, risk management, and resilient reconstruction.

The Constitutional Court of Colombia's Judgment T-123/2024 marks a turning point in the expansion of Latin American constitutionalism concerning environmental rights and climate justice. The case arose from an *acción de tutela* — Colombia's constitutional protection action — filed by José Noé Mendoza Bohórquez and Ana Librada Niño de Mendoza, a smallholder couple aged 63 and 66, who alleged that recurrent flooding of the Bojabá River forced them to abandon their rural property, El Paraíso, in the Department of Arauca. The floods destroyed their crops, made agricultural life impossible, and caused the loss of their livelihoods, placing them in conditions of extreme vulnerability.

The plaintiffs sought recognition by the *Unidad para la Atención y Reparación Integral a las Víctimas* (Uariv) as victims of internal forced displacement, which would entitle them to the benefits provided by Law 1448/2011 (Law on Victims and Land Restitution). The request was denied on the grounds that their displacement was unrelated to the armed conflict and therefore did not meet the legal criteria for recognition (Constitutional Court of Colombia, 2024).

This administrative refusal exposed a normative and institutional vacuum: Colombia lacked a system to recognize or register people displaced by environmental factors, as well as public policies specifically designed to protect them. Considering this omission, the plaintiffs filed a Colombia's constitutional protection action, alleging violations of their fundamental rights to a dignified life, housing, food, livelihood, personal security, and a balanced environment (Constitutional Court of Colombia, 2024).

The case reached the Constitutional Court, presided over by Justice Natalia Ángel Cabo, who partially upheld the claim. The Court found that, although the Uariv could not be held responsible for the denial, as it acted according to the law in force, the local authorities had violated the petitioners' fundamental rights through their failure to adopt effective measures of prevention, response, and risk mitigation. Consequently, the Court ordered the Municipality of Saravena and the government of the Department of Arauca to take immediate action to ensure adequate housing, humanitarian assistance, and technical studies on the feasibility of a safe return to the property or, if the risk persisted, inclusion in housing and economic support programs (Constitutional Court of Colombia, 2024).

The central legal question raised by the judgment can be summarized as follows: Is it possible to recognize forced displacement caused by environmental factors as a violation of fundamental rights and, therefore, as a modality equivalent to displacement caused by armed

conflict, requiring a constitutional response from the State? (Constitutional Court of Colombia, 2024).

The court answered affirmatively, asserting that forced displacement is not limited to contexts of sociopolitical violence but may also result from environmental factors aggravated by climate change, which produce analogous effects on the dignity and human rights of affected individuals. This understanding places disaster-induced internal displacement within the scope of comprehensive constitutional protection, recognizing the State's duty to provide coordinated, preventive, and reparative responses to environmental emergencies (Constitutional Court of Colombia, 2024).

The decision also innovated by granting *inter comunis* effects, extending its protection to all persons in situations similar to those of the plaintiffs, including other families affected by the Bojabá River floods and analogous regions. In doing so, the Court transformed an individual dispute into a structural precedent grounded in climate justice and substantive equality, representing a significant advancement in the process of constitutionalizing environmental rights in Latin America (Constitutional Court of Colombia, 2024).

From the perspective of Latin American constitutionalism, the T-123/2024 Judgment does not merely redress an individual injustice but expands the Constitution's role as an instrument of social and ecological transformation. By recognizing disaster-induced internal displacement as a human rights issue, the Court reaffirms the conception of a "living Constitution" committed to the effective realization of rights — a hallmark of the region's new constitutionalism. This tradition — inaugurated in countries such as Colombia, Ecuador, and Bolivia — conceives the Constitution not merely as a framework for organizing power, but as an ethical-political project aimed at reconstructing the relationship between society and nature, founded on the principles of human dignity, solidarity, participation, and environmental protection (Constitutional Court of Colombia, 2024).

In this sense, the T-123/2024 Judgment situates itself within the horizon of Latin American new constitutionalism by recognizing disaster-induced internal displacement as both a constitutional and human rights issue, thereby overcoming the traditionally sectoral and assistance-based approaches of State action in disaster contexts. By linking environmental vulnerability to the violation of fundamental rights, the Court reaffirms the transformative function of the Colombian Constitution and aligns its jurisprudence with the tradition established by the Constitutions of Bolivia and Ecuador, which elevated nature to the status of a subject of rights (De Carvalho et al., 2018; Lara & Torres, 2024).

According to De Carvalho et al. (2018), the new Latin American constitutionalism is characterized by the integration of social, environmental, and collective rights, establishing a normative order that breaks with the liberal individualist paradigm and adopts a relational view of humans and nature. From this perspective, environmental protection ceases to be an abstract diffuse interest and becomes a justiciable fundamental right with immediate effectiveness and material content. The T-123/2024 Judgment embodies this conception by holding that disaster displacement entails direct violations of the rights to a dignified life, adequate housing, food, personal security, and a healthy environment, thereby requiring the State to adopt public policies of prevention, assistance, and reparation (Constitutional Court of Colombia, 2024).

Velásquez (2016) notes that the Colombian Constitutional Court has played a pioneering role in consolidating the fundamental right to a healthy environment, recognizing its interdependence with the rights to health, life, and housing, and allowing for its direct judicial protection. This jurisprudence provides the foundation for the interpretive expansion observed in the T-123/2024 Judgment, wherein the Court reaffirms the State's obligation to guarantee minimum conditions for a dignified existence in contexts of foreseeable environmental risk. Hence, disaster-induced internal displacement, once regarded as a mere collateral effect of disasters, is now framed as the result of structural governance failures and State omissions, requiring a robust constitutional and reparative response (Velásquez, 2016; De Carvalho et al., 2018).

Simultaneously, the decision resonates with regional trends that incorporate climate justice into the constitutional discourse. Salazar et al. (2018) argue that, in Andean countries such as Colombia, climate justice manifests through the need to integrate environmental protection, social equity, and peacebuilding, recognizing that ecological and climatic harms disproportionately affect rural and marginalized communities. From this perspective, the Constitutional Court of Colombia (2024) held that, in the case under review involving disaster-induced displacement, such displacement constitutes an expression of structural inequality, calling for public policies of territorial resilience, social inclusion, and comprehensive reparation consistent with constitutional duties of solidarity and the prevention of environmental harm.

By combining these constitutional, ecological, and social dimensions, the T-123/2024 Judgment consolidates what De Carvalho et al. (2018) describe as a "third-generation environmental constitutionalism", in which the rights of nature, community participation, and distributive justice become structuring principles of the constitutional order. By applying

these principles, the Court reaffirms that environmental protection is not merely a state duty but an essential component of human dignity and social peace, which must guide both public policy design and judicial interpretation in contexts of climate crisis (Constitutional Court of Colombia, 2024).

At a deeper level, the T-123/2024 Judgment expands the scope of Latin American new constitutionalism by redefining disaster-induced internal displacement as a complex constitutional issue grounded in the indivisibility of human and nature's rights. This interpretive shift advances a model of constitutionalized climate justice, wherein the judiciary acts as guarantor of coherence between national law and international obligations on environmental protection and human rights. Thus, the Colombian Constitutional Court contributes to the consolidation of Latin American climate constitutionalism, in which the Constitution is understood not merely as a supreme norm, but also as an instrument for the ethical and ecological reconstruction of society.

## 4. The T-123/2024 judgment and the transformation of the protection deficit into a constitutional governance model for disaster-induced internal displacement

This section explains how Judgment T-123/2024 converts a protection deficit into a constitutional governance model for internal disaster displacement. It first clarifies the concept of disaster displacement as the outcome of hazards interacting with locally produced vulnerability shaped by human action or omission. It then situates the ruling within Latin America's climate constitutionalism, emphasizing dignity, solidarity, participation, and the rights of nature, and reframes State omissions as violations of fundamental rights. Next, it sets out the model's four State duties — prevention, mitigation, response, and reparation — with due-diligence standards for risk management, participatory assessments consistent with Escazú, and distributive-justice criteria. It also details the structural remedies and *inter comunis* effects, including coordination mandates, timelines, monitoring, and durable solutions for IDPs. Finally, it translates these holdings into policy pathways for resilient reconstruction and multilevel governance.

Judgment T-123/2024 is a landmark in Latin American climate constitutionalism: it reframes the protection gap affecting people displaced by disasters — outcomes of hazards interacting with locally produced vulnerability shaped by human action or omission — into a constitutional governance model with concrete State duties of prevention, mitigation, response, and reparation. The decision reflects the maturation of a regional trend - identified

by De Carvalho, Tonial, and Machado (2018) - in which constitutions operate not merely as instruments for limiting power, but also as vehicles of ecological and social transformation. From this perspective, the Constitutional Court of Colombia (2024) recognizes that disaster-induced internal displacement cannot be reduced to an administrative issue but must be understood as a complex violation of fundamental rights that demands active, preventive, and reparative State action.

The new Latin American constitutionalism, inspired by the Constitutions of Ecuador (2008) and Bolivia (2009), provides the conceptual framework for this paradigmatic shift. It introduces nature as a subject of rights, deepens the material content of human dignity, and promotes a model of solidary socio-environmental governance founded on participation and equity (De Carvalho et al., 2018). The Constitutional Court (2024), applying these principles, adopts a systemic interpretation of human and environmental rights, reaffirming that the State's duty to protect extends beyond the reparation of consummated harm to include the prevention of risks and the mitigation of structural vulnerabilities. As Guimarães (2018) observes, when the State remains passive in the face of environmental inequality, it violates the very core of the Environmental Rule of Law, which presupposes a solidarity-based distributive role of public authority in protecting the most vulnerable.

Under this lens, the T-123/2024 Judgment establishes a new constitutional architecture of State duties, structured around three complementary axes — prevention, response, and reparation — that define State responsibilities in situations of human mobility caused by disasters and climate change. The duty of prevention, as argued by Carpenteri and Reis (2024), requires the formulation of public policies for territorial management and climate adaptation that account for the social and historical effects of environmental colonialism, whose legacies persist as geographic and institutional vulnerabilities. Prevention, therefore, is not merely technical or environmental, but also ethical and restorative, as it seeks to prevent the recurrence of socio-ecological injustices that disproportionately affect peripheral and peasant communities.

The duty of response entails the State's immediate action in the aftermath of extreme events, with the purpose of guaranteeing emergency protection and securing access to housing, food, and social participation for affected communities (Guimarães, 2018; Carpenteri & Reis, 2024). This understanding is reinforced by the Colombian Constitutional Court (2024), which requires that assistance to persons displaced by disasters be grounded in participatory and transparent assessments, consistent with the principles of the Escazú

Agreement, thereby ensuring that those affected become co-authors of the solutions that concern them.

Finally, the duty of reparation, the third pillar of the model, represents the transition from reactive liability to integral and transformative reparation. As Carpenteri and Reis (2024) emphasize, repairing is not merely to restore the pre-disaster status quo but to rebuild dignified and sustainable living conditions, addressing historical inequalities that render certain communities more exposed to extreme climatic events. In the T-123/2024 Judgment, the Court (2024) links this duty to distributive justice, recognizing that disaster displacement expresses cumulative inequality, combining socioeconomic vulnerability, political exclusion, and territorial exposure. Reparation, therefore, assumes a structural dimension, requiring the State to ensure durable solutions such as dignified resettlement, economic support programs, and the strengthening of local resilience capacities.

In this way, the decision transforms the protection deficit, characterized by the absence of legal and institutional recognition of disaster-induced internal displacement, into a constitutional model of climate action that redefines the relationship between State, society, and nature. By articulating prevention, response, and reparation as constitutional duties, the Constitutional Court (2024) inaugurates an integrated legal governance framework capable of operating across both emergency and reconstruction contexts. This transition, as synthesized by De Carvalho et al. (2018), embodies the practical realization of the new Latin American constitutionalism, which "recognizes the interdependence between sustainability, social justice, and fundamental rights," guiding the State toward the effectiveness of climate justice.

In essence, the T-123/2024 Judgment redefines the role of the State in the climate crisis: from a reactive agent to a constitutional protagonist of collective resilience. The decision consolidates climate justice as an operative principle of Latin American ecological constitutionalism, transforming environmental protection into an instrument of social emancipation. By imposing concrete State duties of prevention, response, and reparation, the Court reaffirms the Constitution as a technology of hope, a normative pact capable of confronting the Anthropocene[3] with responsibility and intergenerational solidarity.

## 5. Structural and *inter comunis* effects of the judgment

[3] The Anthropocene is understood as a historical and geological epoch marked by humanity's capacity to profoundly and irreversibly alter the functioning of the Earth's natural systems, affecting the climate, biodiversity, and biogeochemical cycles on a planetary scale. This shift transforms humans from mere biological agents into a geological force whose actions have lasting consequences for the future of life on the planet (Malhi, 2017).

Here we examine the structural and *inter comunis* effects of Judgment T-123/2024, i.e., the decision's capacity to transcend the individual dispute and produce binding guidance for similarly situated persons displaced by disasters. The section shows how the Court converts an individual tutela into an instrument of constitutional governance, extending remedies, duties, and benchmarks to broader populations and public authorities. It also explains the normative implications for prevention, response, and reparation, the requirements of participation and transparency (in line with Escazú), and the alignment with the Environmental Rule of Law, thereby situating disaster-induced internal displacement as a structural rights issue rather than a case-specific grievance.

The T-123/2024 Judgment of the Colombian Constitutional Court goes beyond the resolution of an individual dispute, acquiring a structural and collective dimension that redefines the scope of judicial protection in environmental and climate-related matters. By granting *inter comunis* effects, the Court extended the reach of its decision to all individuals in circumstances similar to those of the petitioners, that is, to other families displaced by the recurrent floods of the Bojabá River and by analogous environmental conditions in Colombia. This mechanism transforms what is traditionally an individual constitutional protection action into an instrument of structural constitutional governance, aimed at correcting systemic failures and ensuring comprehensive protection for disaster-displaced populations (Constitutional Court of Colombia, 2024).

The *inter comunis* approach functions as a normative multiplier, amplifying the distributive and pedagogical reach of constitutional decisions. As De Carvalho et al. (2018) emphasize, this interpretive practice exemplifies the transformative vocation of Latin American new constitutionalism, which envisions the judiciary as an agent of social and ecological reconstruction rather than a mere dispute arbiter. By adjudicating the case with disaster displacement as the principal backdrop and treating it as a structural rights issue, the Court elevates judicial protection to the realm of public-policy design, requiring the executive and legislative branches to establish legal and institutional frameworks aligned with constitutional principles of prevention, solidarity, and reparation.

From a governance perspective, the *inter comunis* effects of T-123/2024 generate a form of judicially induced norm creation, in which constitutional courts fill regulatory gaps through structural reasoning aligned with the principles of the Environmental Rule of Law. As Messias et al. (2020) point out, this mode of adjudication integrates environmental justice with the logic of shared responsibility, ensuring that judicial decisions produce not only immediate remedies, but also long-term institutional learning. Thus, the *inter comunis* effects

function as catalysts for the constitutionalization of climate governance, fostering coordination among local, regional, and national authorities.

The structural dimension of the ruling also carries a pedagogical function. According to Guimarães (2018), decisions of this nature reinforce the idea that environmental protection is inseparable from human dignity and social equality, prompting the State to act proactively to prevent foreseeable harm. The Court (2024) explicitly instructs public institutions to design participatory and context-sensitive mechanisms for prevention, assistance, and reparation, a directive that embodies the ethos of the Escazú Agreement (2018), particularly regarding access to information, public participation, and environmental justice.

In addition, the ruling advances what Velásquez (2016) calls "constitutional dialogue" between judicial and administrative institutions, turning litigation into a collaborative process for implementing rights. This approach reinforces the systemic function of constitutional adjudication: ensuring that the recognition of rights translates into effective institutional change. By coupling normative expansion with procedural innovation, the Court not only redefines the contours of Colombia's constitutional protection action but also consolidates the foundations of a constitutional state oriented toward climate justice.

In this way, the T-123/2024 Judgment bridges the gap between constitutional principles and the lived realities of vulnerable communities. Its *inter comunis* effects exemplify a shift from isolated judicial remedies to collective constitutional governance, where the judiciary becomes a facilitator of public policy and social transformation. The ruling thus contributes to the consolidation of a Latin American model of environmental constitutionalism, grounded in solidarity, participation, and distributive equity — a model in which courts act not as substitutes for the executive, but as normative architects of democratic resilience.

In essence, the structural and *inter comunis* effects of the decision illustrate the emergence of a constitutional pedagogy of resilience, whereby climate justice is no longer treated as a moral imperative but as a constitutional obligation. The judgment reaffirms the capacity of the law to organize collective responses to systemic crises, positioning the Constitution as the primary framework for ethical and ecological reconstruction in the Anthropocene.

To conclude, the structural and *inter comunis* effects of the decision illustrate the emergence of a constitutional pedagogy of resilience, whereby climate justice is no longer treated as a moral imperative but as a constitutional obligation. The judgment reaffirms the capacity of the law to organize collective responses to systemic crises, positioning the

Constitution as the primary framework for ethical and ecological reconstruction in the Anthropocene.

## 6. Implications for public policy design in the Global South

This section distills the policy-design lessons emerging from Judgment T-123/2024 for countries in the Global South. It translates the decision's structural reasoning into actionable governance commitments — organizing State duties of prevention, response, and reparation into a coherent policy toolkit; embedding participation, transparency, and access to justice (Escazú) in program design; and aligning climate and mobility agendas with disaster risk reduction (Sendai) and multilevel coordination. By framing disaster-induced internal displacement as a rights-based policy problem, the analysis sets out criteria for institutional learning, intersectoral coherence, and measurable resilience outcomes that can guide legislation, planning, and budgetary instruments across Latin America, Africa, and South Asia.

The T-123/2024 Judgment transcends the Colombian context, offering valuable insights for the design of public policies in the Global South within a framework of climate justice and constitutional governance. As countries across Latin America, Africa, and South Asia confront the social and ecological impacts of climate change, the ruling provides a model for how constitutional adjudication can stimulate institutional learning and foster coordinated responses to disaster-induced internal displacement.

Structural judicial decisions, such as T-123/2024, play a decisive role in shaping and transforming public policies for climate justice and resilience. By incorporating the three constitutional duties — prevention, response, and reparation — into the logic of governance, courts contribute to redefining the normative foundations of environmental policy in the Global South (Wedy & Moreira, 2021; Silva & Vasconcelos, 2019; Dimoulis & Lunardi, 2017). Judicial intervention thus becomes not an intrusion into policymaking, but a complementary mechanism of democratic correction, ensuring that public power aligns with the constitutional principles of solidarity, equality, and sustainability (Serafim & Albuquerque, 2020).

This dialogic model aligns with the new Latin American constitutionalism, which conceives the Constitution as a living instrument that both recognizes fundamental rights and requires their practical realization through participatory governance. Drawing from the experiences of Ecuador and Bolivia, this constitutionalism grounds environmental policies in the interdependence between human rights, ecological protection, and distributive justice (De

Carvalho et al., 2018). The T-123/2024 Judgment embodies these premises by transforming the rights of displaced persons into concrete state obligations, guiding the formulation of public policies capable of preventing environmental risks, responding to emergencies, and fostering long-term resilience.

In regions where structural inequalities and weak institutions exacerbate vulnerability to climate impacts, this approach provides a constitutional roadmap for adaptive governance. By framing disaster-induced internal displacement as a human rights issue, the Colombian Constitutional Court bridges the gap between constitutional law and development policy, integrating environmental protection into broader strategies for poverty reduction, territorial planning, and social inclusion. The preventive and reparative duties outlined in the judgment thus acquire developmental significance, linking the pursuit of climate justice to the realization of equity and sustainable livelihoods.

Moreover, the decision operationalizes what Wedy and Moreira (2021) conceptualize as judicial climate governance, a process through which courts act as catalysts of institutional accountability and intersectoral coordination. This approach is particularly relevant for the Global South, where fragmented bureaucracies and limited resources often hinder the enforcement of environmental norms. Through structural rulings like T-123/2024, courts can promote policy coherence, compelling governments to adopt integrated strategies that combine disaster risk reduction, human mobility, and social protection.

The ruling also reinforces international commitments, such as the Sendai Framework for Disaster Risk Reduction (2015–2030) and the Escazú Agreement (2018), both of which emphasize participatory governance, transparency, and access to environmental justice. By articulating these global instruments within a constitutional framework, the Colombian Court advances a multilevel governance model that connects local, national, and international norms. This configuration enhances the legitimacy of public policies and ensures their alignment with principles of intergenerational solidarity and environmental democracy (Guimarães, 2018; Seleguim et al., 2025).

In conclusion, the T-123/2024 Judgment illustrates how climate justice can be constitutionalized in the Global South through institutional innovation and normative integration. Its significance lies not only in the recognition of disaster-induced internal displacement as a constitutional issue but also in the construction of a governance model rooted in resilience, equity, and participation. By transforming constitutional law into a tool for rebuilding trust between the State and society, the judgment reaffirms that confronting the climate crisis is inseparable from the pursuit of human dignity and collective emancipation.

## 7. Conclusion

The examination of the T-123/2024 Judgment reveals that disaster-induced internal displacement constitutes one of the most acute expressions of the contemporary climate crisis and one of the greatest challenges for constitutional systems in the Global South. By recognizing that extreme environmental events, intensified by climate change, generate displacement flows comparable to those produced by armed conflict, the Court breaks away from a merely humanitarian or administrative understanding of the phenomenon and elevates it to the status of a constitutional and climate justice issue. The case of José Noé Mendoza Bohórquez and Ana Librada Niño de Mendoza, displaced by recurrent floods in the Department of Arauca, exemplifies the transition from individual suffering to the legal recognition of collective vulnerability in the face of environmental collapse.

The ruling of the Colombian Constitutional Court (2024) is situated within the emerging tradition of Latin American constitutionalism, which redefines the role of the State and of law in confronting ecological and social crises. This constitutional model broadens the notion of citizenship by incorporating the environment as an essential dimension of a dignified life and by recognizing nature as a subject of rights, thereby imposing positive duties of protection upon the State. From this perspective, disaster-induced internal displacement is not treated as an exceptional event but as a predictable consequence of inadequate prevention and adaptation policies, whose omission directly violates the principles of human dignity, solidarity, and intergenerational equity (De Carvalho et al., 2018; Guimarães, 2018).

Through the tripartite constitutional structure of prevention, response, and reparation, the T-123/2024 Judgment provides a normative model applicable to the management of disaster-induced internal displacement throughout the Global South. Prevention, in this sense, acquires a structural dimension, demanding public policies oriented toward reducing risks and environmental vulnerabilities; response embodies the immediate duty to protect and provide dignified assistance to displaced persons; and reparation requires the restoration not only of material living conditions but also of the territorial and social belonging of affected communities. This normative architecture transforms the historical protection deficit of environmentally displaced persons into a constitutional model of climate governance, in which the State is called upon to act proactively, distributively, and with participatory legitimacy (De Andrade Moreira & Herschmann, 2021; Carpenteri & Reis, 2024).

By framing internal disaster displacement as a question of constitutional jurisdiction, the Colombian Court redefines the judiciary's role in the design and oversight of public policies. Structural rulings such as T-123/2024 not only impose concrete obligations upon the State but also create dialogical governance mechanisms, in which courts, administrative agencies, and affected communities collaboratively develop solutions for complex and persistent situations of vulnerability (Serafim & Albuquerque, 2020; Silva & Vasconcelos, 2019). This proactive judicial stance — consistent with the paradigm of the Socio-Environmental State under the Rule of Law — strengthens the participatory dimension of climate justice and broadens the democratic space for deliberation on the future of territories.

In comparative perspective, the Colombian decision contributes to the development of a constitutionalism of climate action in the Global South, in which the effectiveness of human and environmental rights depends on the articulation between constitutional jurisdiction, public policy, and territorial governance. The recognition of disaster-induced internal displacement as a constitutional legal problem imposes upon States the obligation to integrate climate-induced human mobility into urban planning, housing, food security, and social protection policies. This movement signals the construction of legal frameworks for resilience, capable of reconciling environmental protection with social justice and the reparation of historical inequalities.

The T-123/2024 Judgment, therefore, symbolizes the transition from a constitutionalism of omission to a constitutionalism of reconstruction. By transforming disaster-induced internal displacement into a constitutional legal category, the Colombian Constitutional Court offers an exemplary response to the fragmentation of climate policies and to the invisibility of affected populations. More than a national precedent, it constitutes a regional milestone, projecting a model of State committed to ecological solidarity, democratic participation, and human dignity.

In conclusion, the case of Mendoza Bohórquez and Niño de Mendoza demonstrates that the future of climate justice in Latin America will depend on the ability of constitutional institutions to translate vulnerability into norm and norm into action. Disaster-induced internal displacement, far from being a natural tragedy, is both a legal and ethical indicator of the structural failure of state protection and the starting point for a new constitutional pact aimed at collective resilience and equitable reconstruction of societies at risk.

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