



PODER LEGISLATIVO CÂMARA MUNICIPAL DE JOSÉ DE FREITAS - PIAUÍ

EMENDA A LEI ORGÂNICA Nº 02/2023

'Amendment to the Organic Law of the Municipality of Jose de Freitas, altering art. 215 to recognize the **right of Nature**'.

Article 215 of the Organic Law of the Municipality of Jose de Freitas - Piauí is now worded as follows:

SECTION VI - THE ENVIRONMENT

Art. 215 - Everyone has the right to live in harmony with nature, ecologically balanced, essential to a healthy quality of life, imposing on the municipal government and the community the duty to defend and conserve it for present and future generations, recognizing that nature has rights, and must therefore fully respect its existence and maintenance, regeneration of its vital, structural cycles, as well as its function and evolutionary process.

§Paragraph 1 - In order to ensure the effectiveness of this right, the public authorities are responsible for:

- I - preserve and restore essential ecological processes and provide for the ecological management of species and ecosystems;
- II - preserve the diversity and integrity of the municipality's genetic heritage and supervise entities dedicated to the research and manipulation of genetic material;
- III- define territorial spaces and their components to be specially protected, with alteration and suppression permitted only by law, prohibiting any use that compromises the integrity of the attributes that justify their protection.



LEGISLATIVE POWER CITY COUNCIL OF JOSÉ DE FREITAS - PIAUÍ

- 4 - x4g4 ea eiaç @e bra u at es ' potentially causing significant degradation of nature, a prior environmental impact study, which will be publicized;
- V - control the production, marketing and use of techniques, methods and substances that pose a risk to life, the quality of life and environmental education at all levels of education and to raising public awareness of nature conservation;
- VI - promote environmental education at all levels of education and public awareness of nature conservation;
- VII - protect fauna and flora, prohibiting, in accordance with the law, practices that endanger their ecological function, cause the extinction of species or subject animals to cruelty.
- VIII - ensure that an ecological reserve is maintained in areas over a thousand hectares;
- IX - ensure that there is no deforestation in areas close to the municipality's rivers and streams;
- X - prevent projects and works that could damage nature and cause a rural exodus.
- XI - prohibit illegal fishing during the fish spawning season in the municipality's fishing areas, as well as other hunting;
- XII - prohibit burning indiscriminately on land belonging to the Municipality;
- XIII - to guarantee the Ecology subject in the school curriculum of municipal schools.

§Paragraph 2 - Anyone who exploits mineral resources is obliged to restore degraded nature, in accordance with the technical solution required by the competent public body, in accordance with the law.



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- natural or legal persons, to criminal and administrative sanctions, regardless of
of the obligation to repair the damage caused.

Session room of the City Council of José de Freitas- Piauí, on July 11, 2023.

Y M TE RODRIGUES DEUSA ALVES"
Councillor for the municipality of José de Freitas-
Piauí "SOLIDARIEDADE"

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President of the CMJF / Councillor of the municipality of José de
Freitas- Piauí "PROGRESSISTS"

Francisco das Chagas Ferreira dos Santos - Chagas do Sindpesca
FRANCISCO DAS CI4GAS FERREIRA DOS SANTOS- CHAGAS DO SINDPESCA
Councillor for the municipality of José de Freitas-
Piauí "SOLIDARIEDADE"

RAIMUNDO ANTÔNIO DE SOUSA JÚNIOR- JÚNIOR DO XIS
Councillor of the municipality of José de Freitas-
Piauí "PV"



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After analyzing the municipal organic law, I found that Section VI - THE ENVIRONMENT is anthropocentric terminology, which gives man a central position to the detriment of Nature's rights. And, with the ideal of counter-production, let's look at the position of the author Mariana Ribeiro Santiago (18.05.2021), in A EFETIVA PROTEÇÃO DOS DIREITOS DA NATUREZA A PARTIR DA SUPERAÇÃO DO PARADIGMA ANTROPOCENTRISTA - let's see:

*According to Pilau Sobrinho and Borile (2020, p. 26), the proposal to make nature the subject of rights is particularly
* R-environmental protection, given that the wishes of many environmental protection groups, universities and traditional communities have been met through constitutional positivization
of the rights of Nature, initiated by the Constitution of Ecuador and the Law of Mother Earth in Bolivia.*

To this end, concrete actions are needed to defend nature's right to be a subject of rights. The contemporary socio-ecological crisis, which generates social inequality, poverty and the degradation of natural resources, has generated interest in the community in general in discussing economic development and the environment.

Still referring to the aforementioned article, it can be seen that all the theories on the subject have positive and negative points. However, there is one point in common between them, which is the need to overcome the anthropocentric paradigm in order to guarantee the survival of the planet's ecosystem, harmonizing coexistence between human and non-human beings. In Brazil, there are several examples of discussions involving the protection of animals from acts of cruelty. The crux of the matter is the conflict between the use of animals in activities considered cultural and/or sporting, entertainment and even scientific research, and practices that jeopardize the ecological function of these animals, cause their extinction or subject them to cruelty.



LEGISLATIVE POWER CITY COUNCIL OF JOSÉ DE FREITAS - PIAUÍ

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The result will have two solutions, one from an anthropocentrist perspective and the other from an ecocentrist perspective. The most recent of these was a decision by the Superior Court of Justice (STJ) in March 2019, which innovated by recognizing the ecological dimension of human dignity, maintaining the permanent custody of a parrot with its owner. The rapporteur, Justice Og Fernandes, points out that it is essential to reflect on the materialization of the dignity of non-human animals, admitting their rights and changing the way human and non-human animals live together.

It is indisputable that the degradation of nature can have harmful repercussions for the entire system, including human life, and for this reason I hereby reiterate my request for the amendment proposed above.

Session room of the City Council of José de Freitas- Piauí, on July 11, 2023.

YAN LEITE IGUES D SOUSAA S
Councillor for the municipality of José de Freitas-
Piauí "SOLIDARIEDADE"


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President of the CMJF / Councillor of the municipality of José de Freitas- Piauí
"PROGRESSISTS"


FRANCISCO DAS CHAGAS FERREIRA D'OS SANTOS- CHAGAS DO SINDPESCA
Councillor for the municipality of José de Freitas-
Piauí "SOLIDARIEDADE"

RAIMUNDO ANTÔNIO DE SOUSA JÚNIOR- JÚNIOR DO XIS
Councillor of the municipality of José de Freitas- Piauí