

Proposed Amendment to the Constitution No. 12/2023

Adds provisions to the Constitution of the State of Minas Gerais, which attributes to nature full, intrinsic and perpetual rights, inherent to its existence on the planet.

The Legislative Assembly of the State of Minas Gerais approves:

Art. 1 - Adds article 214-A and §§ 1 to 3 to the Constitution of the State of Minas Gerais, with the following wording:

"Art. 214-A - Nature, where life is also reproduced and realised, has full, intrinsic and perpetual rights, inherent to its existence on the planet, and it is the duty of the Public Authorities and the community to defend it, ensure its recovery, protection and the maintenance of the fauna, flora and other ecological, biological, genetic and biogeochemical processes, ensuring the rights of nature to thrive and evolve, and to live in harmony with the cultural processes of human life, for the benefit of current and future generations, human and non-human.

§ Paragraph 1 - Any citizen has the right to demand, administratively or judicially, compliance with the Rights of Nature and its elements from the public authorities.

§ Paragraph 2 - The Public Prosecutor's Office, the Public Defender's Office and associations that include among their institutional purposes the protection of public and social heritage, the environment, the rights of racial, ethnic or religious groups or cultural, artistic, aesthetic, historical, tourist and landscape heritage, have active legitimacy to demand from the Public Power the fulfilment of the Rights of Nature and its elements, by means of an appropriate action.

§ Paragraph 3 - It will be up to the public authorities to apply precautionary measures and restrictions to all activities that could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles."

Art. 2 - This Constitutional Amendment shall enter into force on the date of its

publication. Meeting Ground, 2 February 2023.

Leninha, 1st Vice-President (PT) - Alô Portela (PL) - Ana Paula Siqueira (Rede) - Andréia de Jesus (PT) - Beatriz Cerqueira (PT) - Bella Gonçalves (Psol) - Betão (PT) - Bim do Ambulância (Avante) - Celinho Sintrocél (PCdoB) - Cristiano Silveira (PT) - Dr Jean Freire (PT) - Grego do Fundaçõ (PMN) - João Magalhães (MDB) - Leleco Pimentel (PT) - Lohanna (PV) - Lucas Lasmar (Rede) - Luizinho (PT) - Macaé Evaristo (PT) - Maria Clara Marra (PSDB) - Mório Henrique Caixa (PV) - Marquinho Lemos (PT) - Professor Cleiton (PV) - Ricardo Campos (PT) - Rodrigo Lopes (União) - Thiago Cota (PDT) - Ulysses Gomes (PT).

Justification: This proposed amendment to the Constitution aims to add art. 214-A to the Constitution of the State of Minas Gerais, establishing full and concrete rights to nature, "imposing on the public authorities and the community the duty to defend it, ensure its recovery, protection and the maintenance of the fauna, flora and other ecological, biological, genetic and biogeochemical processes, ensuring the rights of nature to prosper and evolve, and in harmony with the cultural processes of human life, for the benefit of current and future generations, human and non-human.

In this sense, it establishes that "any citizen is a legitimate party to demand from the Public Power, administratively or judicially, the fulfilment of the Rights of Nature and its elements". It is up to the "Public

Power to apply precautionary measures and restrictions to all activities that could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles".

Brazil's current legal framework is based on anthropocentrism, where human beings are placed at the centre of the universe, as superior to the other species and elements that make up the Earth. Anthropocentrism, in this case, is perhaps the result of the desire to valorise the human species, which is why it has a positive aspect. However, the question arises as to whether, in order to recognise human dignity, respect for man, he has to be considered the best species on earth* And if so, does the best need to be the centre, does he need to subjugate all things non-human in the name of his supreme position? This logic has undermined socio-environmental impacts all over the planet, increasing the degradation of nature, the extinction of species and promoting profound changes in ecological, genetic and biogeochemical cycles and processes, some of which are already irreversible, jeopardising the maintenance of current and future generations of human and non-human beings.

The purpose of the proposed amendment to the Constitution presented here is to include in the legal and institutional order of the state of Minas Gerais the well-being of the Earth and all other non-human components, in a complementary way to the provisions of article 225 of the Federal Constitution, which guarantee the right of human beings to an ecologically balanced environment.

The aim here is to guarantee the rights of the Earth's other species and elements to their full existence, in line with the principles of precaution and prevention in environmental law.

The proposal is based on the experiences of several countries and state governments that are incorporating provisions in this regard into their legal frameworks, in particular Ecuador, which amended its national constitution to recognise the "rights of nature", and Bolivia, which passed a national law including the "rights of the earth", serving as the basis for the creation of the "Harmony with Nature" platform, approved at the 71st United Nations General Assembly in 2016.

It is important to note that this experience has not been restricted to the Americas. On 15 March 2017, the New Zealand Parliament approved the recognition of the Whanganui River as having legal personality, making it the first river in the world to legally have the same rights as human beings.

Other Brazilian states are engaged in this important debate. And the state of Minas Gerais, being a summary of Brazil, by approving this right-principle in its State Constitution, will once again be a national vanguard in the construction of a nation that takes care of its natural resources just as it takes care of its people. In pursuit of the good life and the common good of the people of Minas Gerais.

These are the reasons why we are presenting this proposal for an amendment to the Constitution, hoping to count on the support of the noble parliamentarians of this House.

- Published, the proposal goes to the Justice Committee and the Special Committee for an opinion, under the terms of Article 201 of the Rules of Procedure.