



**STATE OF PARAÍBA**

**LEGISLATIVE ASSEMBLY HOUSE  
OF EPITÁCIO PESSOA**

**OFFICE D.4 DEPUTY ESTELA BEZERRA**

**PROPOSED AMENDMENT TO THE CONSTITUTION NO. 42**

**/2022**

Amends and adds provisions to the Constitution of the State of Paraíba, which attributes to nature full, intrinsic and perpetual rights, inherent to its existence on the planet.

The Paraíba Legislative Assembly approves:

Art. 1º - Amends the heading of art. 227 and items III, IV, IX and adds item X and § 2 and 3 to the Constitution of the State of Paraíba, which shall come into force with the following amendment:

Art. 227 - Nature, where life is also reproduced and realised, has full, intrinsic and perpetual rights, inherent to its existence on the planet, imposing on the public authorities and the community the duty to defend it, ensure its recovery, protection and the maintenance of fauna, flora and other ecological, biological, genetic and biogeochemical processes, ensuring the rights of nature to thrive and evolve, and in harmony coexist with the cultural processes of human life, for the benefit of current and future generations, human and civil.

§ 1º - .....

II - .....

III - prohibit physical, chemical or biological alterations that are directly or indirectly harmful to the health, safety and well-being of the community;

IV - to promote ecological practice at all levels of education and public awareness of environmental preservation;

V - .....

VI - .....

IX - to **designate the Maiigues, Estuaries, Dunes, Reslingas, Rccites, Litrical Coi'dôes, Cliffs and Beaches** as permanent preservation areas.



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**DEPUTY ESTELA BEZERRA'S OFFICE**

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X - attributes to the Caatinga the qualification of state heritage, for its intrinsic rights, whose interventions, in the form of the law, should occur within conditions that ensure conservation and restoration, in respect for the principles of the rights of Nature and harmony with Nature, preserving the ecological balance of the environment;

§ Paragraph 2 - Any citizen is a legitimate party to demand from the Public Authorities, administratively or judicially, the fulfilment of the Rights of Nature and its elements.

§ Paragraph 3 - 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 compliance with the Rights of Nature and its elements from the Public Authorities by means of appropriate action.

Art. 2 - This Constitutional Amendment enters into force on the date of its publication.

João Pessoa - PB II of \_\_\_\_\_ 2022.

**ESTELA BEZERRA**  
State Representative - PT



STATE OF PARAÍBA  
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MP ESTELA BEZERRA'S OFFICE

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BACKGROUND

This proposed amendment to the Constitution aims to alter art. 227 of the Constitution of the State of Paraíba, 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 fauna, flora and other ecological, biological, genetic and biogeochemical processes, ensuring the rights of nature to thrive and evolve, and harmoniously coexist with the cultural processes of human life, for the benefit of current and future generations, both 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 and restrictive measures to all activities that could lead to the extinction of species, the destruction of ecosystems or the permanent alteration of natural cycles". The current Brazilian 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, may be the result of a desire to value the human species, which is why it has a positive aspect. However, in order to recognise human dignity and respect for man, must he be considered the best species on earth? Therefore, does the best need to be the centre, does it need to subjugate all non-human things in the name of its supreme position? This logic has deepened socio-environmental impacts across 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. According to Oliveira (2016), nature is not something separate from the human species and the other beings of the planetary collectivity, as well as human beings, are nature itself in its universality and diversity fOLI VEIRA, Vanessa Llasson de. *Direitos da Natureza*. Rio de Janeiro :

1.iimen Juris. 2016, p.115)

The aim of this proposed amendment to the Constitution is to include in the legal and institutional order of the State of Paraíba, ti *hei*"-CSU t)íl d PFFtl O UD all other non-human components. dC so ctiiTlplementai iiti prec ics'i in Article 225 of the Federal Constitution, which guarantees the right of human beings to a balanced environment. I'rtipdc atJtii *usscg* iirar tre direiltis 'his rleiii'iics

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and Bolivia, which passed a national law recognising the "rights of mother 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 Latin America. 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. This proposal came to our mandate through the coordination of the Semi-Arid Renewable Energy Committee (CERSA), the NGO MAPAS, the Forum for Climate Change and Socio-Environmental Justice (FMCJS), and the National Articulation for the Right to Nature (Mãe Terra), which has been discussing this issue of the right to nature nationally.

If Paraíba takes this big step and approves this right-principle in its state constitution, it will once again be at the forefront of building a nation that takes care of its natural resources as well as its people, and we will serve as a benchmark for other states and thus continue in the pursuit of the good life and common environment of the people of Paraíba and Brazil.

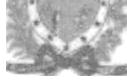
These are the reasons that lead us to present this Proposal for an Amendment to the Constitution, hoping to count on the support of the noble parliamentarians of this House.

João Pessoa - PB \_\_\_\_\_ of \_\_\_\_\_ 2022.

**ESTELA BEZERRA**  
**State Representative - PT**

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**HOUSE OF EPITÁCIO**  
**PESSOA**

**G 4BINE'FE DA DEPUTAD 4 ESTELA BEZERRA**

- State deputies who signed the proposed amendment to the constitution that "Amends and adds provisions to the Constitution of the State of Paraíba. which attributes to nature full, intrinsic and perpetual rights inherent to its existence on the planet".

*[Handwritten signatures in blue ink on lined paper]*

