

STATE OF MATO GROSSO
CÁCERES CITY COUNCIL

Amendment to Organic Law J'v ° ____ of ____ of _____ of 2023

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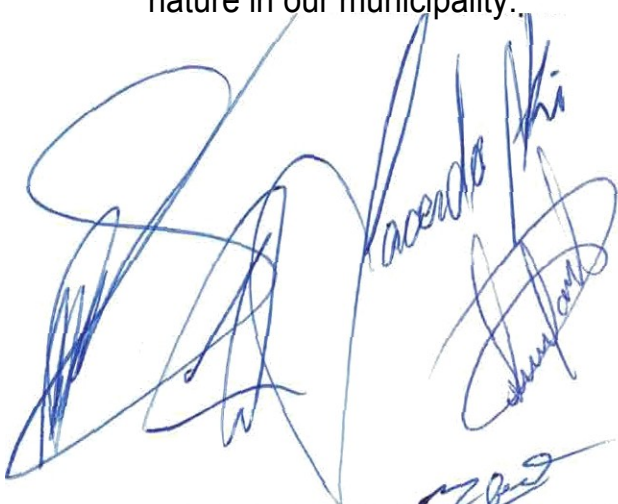
PMDB

Green Party

*Proposes the inclusion of
Nature's Rights in the Municipal
Organic Law.*

The undersigned councillors propose to the august and sovereign
assembly. Given the importance and relevance of the proposed amendment, we ask
you to approve the amendment and, consequently, to recognize the rights of
nature in our municipality.

Sittings room, June 5, 2023



Councillors



This document contains an
annex, which is digitally signed in
the m
of Law № 14.063/2020.



PROVIDES FOR THE PROTECTION OF THE RIGHTS
OF NATURE AND MAKES OTHER PROVISIONS.

The people of *Cáceres*, represented in the CÂMARA MUNICIPAL DE CÁCERES - MATO GROSSO have approved and I, the Mayor, hereby promulgate the following Amendment to the Organic Law:

Article 1 of the Municipal Organic Law is hereby amended to read as follows:

Art. 1º The Municipality of Cáceres, located on the border with the neighboring country of Bolivia, confronting the State of Mato Grosso do Sul, covering a vast area of the Pantanal of Mato Grosso, in indissoluble union with the State of Mato Grosso and the Federative Republic of Brazil, constituting within the democratic state of law, a sphere of local government, aims to, in its territorial area and competence, its development, based on its political-administrative autonomy, harmony with nature, the dignity of the human person, the social values of work, free enterprise and political pluralism, exercising its power by decision of the citizens by elected representatives under the terms of this Organic Law, the Federal and State Constitutions.

Art. 2 - Subsection VI of Art. 150 of the Municipal Organic Law shall read as follows:

[...]

VI - **defense of the rights of nature;**




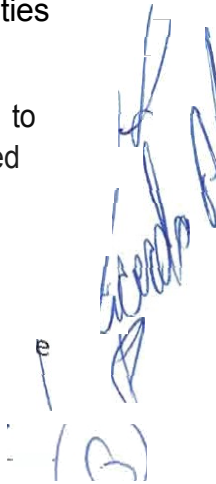
Art. 3 - Article 204 of the Municipal Organic Law shall read as follows.

Art. 204 The Municipality is responsible for promoting diversity *and in a*
with nature
and preserve, recover, restore and expand natural ecosystem
processes in order to provide resilience.

socio-ecological aspects of urban and rural environments, and the planning and management of natural resources must/shall foster the sustainable management of common-use resources and agro-ecological practices, in order to guarantee the quality of life of human and non-human populations, respect the principles of good living and give nature its rightful title.

§ Paragraph 1 - The public authorities shall promote public policies, with the participation of the community, and environmental monitoring instruments so that nature acquires its rightful ownership and is taken into account in municipal budget programs and government projects and actions, and decision-making shall be based on science, use nature conservation principles and practices, observe the precautionary principle, and seek to involve the legislative and judicial branches, the state and the federal government, the other municipalities of the Upper Paraguay river basin and the Pantanal, taking into account regional and local peculiarities.

§ Paragraph 2 In order to ensure that this right is effective, the public authorities must:

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- I - Observe and defend the Right to Integrity, understood as the right of all elements of nature to maintain their ecological functions and develop freely, without harmful human interference;
 - II - Observe and defend the Right to Regeneration, understood as nature's right to regenerate and recover from the damage caused by human activity;
 - III - preserve and restore essential ecological processes and provide for the ecological management of species and ecosystems;
 - IV - to preserve the diversity and integrity of the municipality's genetic heritage and biodiversity and to supervise entities dedicated to the research and manipulation of genetic material;
 - V - defining territorial and their components a to be specially protected, with alteration and suppression only permitted by law, and any use that compromises the integrity of the attributes that justify their protection being prohibited;
 - VI - control the production, marketing and use of techniques, methods and substances that pose a risk to life and nature;

VII - promoting ecological education at all levels of education and public awareness of nature conservation;

Cáceres, June 5, 2023.

Luiz Laudo Paz Landim

Mayor of Cáceres

Digitally signed



IUSTIFICATIVA

Protecting the rights of nature is a fundamental issue in guaranteeing the sustainability and survival of planet Earth. Although human beings depend on nature to survive, they often treat it in an irresponsible and harmful way. To promote the protection of nature and its rights, it is possible to propose a bill specifically for this purpose

Interdependence: Nature and human beings are interconnected and interdependent. Without a healthy and sustainable environment, human beings cannot survive. It is therefore our duty to protect and preserve nature.

Sustainability: Nature is limited and finite. It is important that we use natural resources sustainably, so that they can be used by future generations.

Ethical responsibility: Nature has intrinsic value, i.e. value in itself. It should not just be seen as a resource for human benefit. We have an ethical responsibility to protect and respect nature for its own sake.

Disaster prevention: Environmental degradation can cause natural disasters such as floods, landslides and droughts. Protecting nature is one way of preventing these *disasters* and protecting human safety.

Health and well-being: Nature has a positive impact on our health and well-being. It is important to protect nature so that we can enjoy these benefits.

Preserving biodiversity: Nature is home to a wide variety of species, many of which are important for ecological balance. Protecting nature is a way of preserving biodiversity and preventing the extinction of species.

For a long time, humans were responsible for animals and by nature of being in possession of them, it is clear that this thought is totally wrong. At the hands of humans, nature has been suffering and in certain spheres the damage has already become irreversible. If we look at these actions, we realize that man, with his anthropocentric vision, is far from helping nature meet their demands. It is therefore necessary to change anthropocentric thinking so that nature itself, with the help of the judiciary and the legal system, can come to take care of themselves. In this way, just as in the case of animals, where the courts used already accept it by claiming actions, it is time that they accept that biomes, rivers and seas are subjects of rights, as provided for in art. 225 of the CFRB. Of course, I take existing changes into account, but it must reinforce this change, so that more cases are accepted by the judiciary without being viewed with surprise or even disdain. Once again, if even the bankrupt estates and estates of the

that are not living beings, that are not of such importance to human survival, can sue as plaintiffs, why should it be any different with ecosystems, biomes, seas and rivers? Article 225, §4 of the Federal Constitution states that ecosystems and biomes must be preserved, so why should there be any greater legitimacy to file a lawsuit than the security expressed in the Constitution itself? Nowadays, the debate about who can file a lawsuit when it comes to nature law should no longer prosper, because if it is everyone's duty to protect nature, it is paradoxical that it should be denied the right to sue. Change comes with small steps. Back in 2005, a chimpanzee had the right to an HC, today animals already have the right to a pension, are discussed in shared custody and sign their own petition with their paw, even if recognition as a plaintiff is slow, it still happens. Just as it is slow to see the acceptance of nature as a subject of law and an entity that can file a lawsuit, it is already happening, as in the case of Rio Doce, when it filed a lawsuit in 2017, an unprecedented action in the country. Looking at comparative law, this practice is already common in countries that use the concept of buen vivir, where it is not surprising when a river, lake, forest or any other entity of nature files a lawsuit requesting its protection. It is *necessary* to standardize nature in the Brazilian legal system by taking action on its behalf. This is why the vision of good living must become a reality in Brazil, so that changes can take place, and now no longer at a slow pace. The anthropocentric vision must be put aside to make room for new, much more useful and beneficial practices, such as ecocentrism and biocentrism, so that a systemic change can take place. There is pressure on nature and animals, and until a paradigm shift occurs, the least we can hope for is a change in the judiciary's attitude.

Sitting room, at the time of digital signature.

Valdenir Dutra
Vereadora - PSB
Câmara Municipal of Cáceres

Luiz Walk
Vereador - PV
Câmara Municipal de Cáceres

Prof. Leandro Santos
Vereador - DEM
Câmara the municipality of
Cáceres

afC Ribeiro
es®
Municipal de Cáceres

Lacerda
Vereador - PPTB
Câmara Municipal de Cáceres

CUSO Silva
1º Secretário - 2021-2022
Vereador - REPUBLICANO
Câmara Municipal de Cáceres