Original article http://dx.doi.org/10.18623/rvd.v22.2749-ing

AQUIFER AS SUBJECT OF RIGHTS: THE BRAZILIAN LEGAL PRECEDENT[1]

AQUÍFERO COMO SUJEITO DE DIREITO: UM PRECEDENTE LEGAL BRASILEIRO

Article received on: 5/4/2024
Article accepted on: 3/13/2025

Luciana Cordeiro de Souza Fernandes
Universidade Estadual de Campinas (UNICAMP), Campinas/SP, Brazil
Lattes: http://lattes.cnpq.br/9687583143146959
Orcid: https://orcid.org/0000-0002-4754-1010
lucord@unicamp.br

Alexandre Martins Fernandes
Universidade Estadual de Campinas (UNICAMP), Campinas/SP, Brazil
Lattes: http://lattes.cnpq.br/0480082109645445
Orcid: https://orcid.org/0000-0002-7059-3142
alefernandes1966@yahoo.com.br

The authors declare no conflict of interest.

Abstract
The Right of Nature is increasingly reaffirming itself in the new Latin American constitutionalism by attributing legal personality to nature, to non-human subjects. This work discloses the pioneering spirit of granting an aquifer the status of subject of rights, in a worldwide unprecedented law, enacted on March 15, 2024, by the Cambuquira municipality, in the Minas Gerais state, Brazil. For this purpose, a documentary analysis of the law and a synthetic review of the literature were carried out, outlining considerations of environmental and civil legislation, with a focus on the subject of rights and on nature as a subject of rights in laws and judgments, based on international and national precedents. Next, it seeks to clarify groundwater and

Resumo
O Direito da Natureza vem cada vez mais se reafirmando no novo constitucionalismo latino-americano ao atribuir personalidade jurídica à natureza, a sujeitos não humanos. Este trabalho divulga o pioneirismo de conferir a um aquífero o status de sujeito de direito, em lei mundialmente inédita, promulgada em 15 de março de 2024, pelo município de Cambuquira, no estado de Minas Gerais, Brasil. Para tal, realizou-se análise documental da lei e uma revisão sintética da literatura, traçando considerações da legislação ambiental e civilista, com direcionamento para o tema sujeito de direito e sobre a natureza como sujeito de direito em leis e julgados, sustentando-se em precedentes internacionais e nacionais. Em seguida, busca-se esclarecer sobre as águas subterrâneas e os aquíferos,

[1] We would like to thank the São Paulo Research Foundation (FAPESP), which provided funding for this research through Process No. 2022/03913-6.

aquifers, the Carbogasous Water Aquifer in Cambuquira-MG and its recognition as a subject of rights by force of law. The Cambuquira municipality innovated in the national legal system by legislating the protection of groundwater and by granting the status of subject of rights to this aquifer, within the limits of its territory, as well as establishing a new precedent, both nationally and internationally, which will favor making groundwater visible and promoting greater protection thereof.
Keywords: groundwater; right of nature; non-human subjects.

sobre o Aquífero de Águas Carbogasosas em Cambuquira-MG e seu reconhecimento como sujeito de direito por força de lei. O município de Cambuquira inovou no ordenamento jurídico pátrio ao legislar a proteção das águas subterrâneas e ao conferir o status de sujeito de direito ao referido aquífero, nos limites de seu território, bem como estabeleceu um novo precedente, tanto nacional como internacional, que tornará visíveis as águas subterrâneas e promoverá maior proteção destas.
Palavras-chave: *águas subterrâneas; direito da natureza; sujeitos não humanos.*

Introdução

Groundwater is an important source of supply for the development of human activities, mainly for domestic and industrial use and agricultural irrigation. However, this resource is still poorly managed, poorly understood, undervalued, and, sometimes, overexploited. This situation has negative repercussions on economic and social development and also on the protection of this environmental asset, pointing to basic gaps that need to be addressed, such as investments in obtaining and disseminating knowledge, both to train professional and improve the infrastructure for the use of groundwater and to inform society.

Moreover, it is necessary to understand the interdependence between surface and groundwater, soil protection, the creation of specific zoning for the use and organization of soil in aquifer areas, and legislation for their protection. Therefore, it is no longer possible to speak of an absolute right to property, nor to ignore the legal nature of environmental assets and the Rights of Nature, which has been increasingly reaffirming itself in the new Latin American constitutionalism by attributing legal personality to nature, to non-human subjects.

Brazilian Environmental Law imposes responsibilities on current and future generations, in an ethical view of the Earth System, also considering hydrogeoethics, with a broad and integrative view of the environment and natural water resources, associating territorial space and its components with legislation, aiming to guarantee the resilience of surface and underground water resources in the face of anthropic interactions and the consequences of climate change.

Furthermore, it is necessary to recall the concept of environment, understand what an aquifer is, and understand the technical and legal aspects of groundwater in the national territory. Certainly, when referring to the subject of rights, one returns to issues related to national Civil Law, with the classic anthropocentric view, in which the human being is considered as such, sometimes being its sole owner.

Currently, this anthropocentrism is mitigated by international and national judgments and the enactment of laws related to the environment with an ecocentric bias, which extend to Nature or non-humans fundamental rights and guarantees to be exercised in their own name, as subjects of rights. These precedents will be presented below.

Therefore, this work presents and celebrates the pioneering work of the state of Minas Gerais in legislating and granting an aquifer the status of subject of rights, in a worldwide unprecedented law, enacted on March 15, 2024, by the municipality of Cambuquira, Minas Gerais, Brazil, which establishes an important legal precedent.

Its development was based on the analysis of Cambuquira's municipal law, supported by a synthetic review of environmental and civil legislation, oriented towards the subject of rights, and on international and national precedents that present nature as a subject of rights, with animals as precursors in judicial decisions. A brief explanation about groundwater and aquifers is added to address the focal point of this work, the Cambuquira's Carbonated Water Aquifer and its legal status as a subject of rights. This law brings the much-desired visibility to groundwater, even within the limits of the municipality, being an important reference for the protection of aquifers in other locations that are in a vulnerable situation, both in Brazil and around the world.

1 Environmental and civil legislations considerations: subject of rights

The concept of environment in Law No. 6.931/1981 (National Environmental Policy) is present in Art. 3 as "the set of conditions, laws, influences and interactions of a physical, chemical and biological nature, which allows, shelters and governs life in all its forms" (Brasil, 1981, free translation)[2]. Thus,

> […] it is understood that nature is a set of living beings, or it can be said that it is a single life, considering the interdependence of each organism present in the ecosystem. However, with all the changes and human interventions in nature, society

[2] In the original: "o conjunto de condições, leis, influências e interações de ordem física, química e biológica, que permite, abriga e rege a vida em todas as suas formas".

> is increasingly distancing itself from it, as if there were a chasm between them, and humankind has been detaching from its natural state, in which both – human beings and nature—are parts of a whole (Silva; Medyk, 2021, p. 140-141, free translation)[3].

In the 1988 Federal Constitution, the concept of environment was expanded based on four aspects: natural, artificial, cultural, and work environment. The environment is categorized as an "asset for the common use of the people", that is, "environmental asset", highlighting its essentiality for a healthy quality of life and ensuring the existential well-being of human and non-human life (Brasil, 1988). It is worth highlighting here the synergy with the precepts of Sarlet and Fensterseifer (2008, p. 180, free translation): "[…] the recognition that non-human life has a dignity, therefore, an intrinsic value, and not merely instrumental in relation to Man, has already been the object of endorsement by Law"[4].

By establishing the environment as an "asset for the common use of the people", it was given the category of asset owned by the people, which became a "diffuse asset", breaking the dichotomy that previously existed between public and private asset, inaugurating a third category of asset.

> Environmental assets include, among others: water; natural underground cavities and archaeological sites; energy; specially protected territorial spaces; fauna; flora; forests; islands; river and sea beaches; natural resources of the continental shelf and the exclusive economic zone; lands of the navy and additional lands; atmospheric air, and the airtime right. Therefore, the public assets regime is not applicable to environmental assets (Souza, 2004, p. 105, free translation)[5].

Traditionally, environmental assets have always been treated under the public law regime, as they were defined by the Civil Code (Brasil, 2002) as assets of the Administration. However, the constitutional order gave new legal treatment to these assets, as assets of a diffuse legal nature. In addition, there is an infinite range

[3] In the original: "entende-se que a natureza se trata de um conjunto de seres vivos, ou pode-se dizer que é uma só vida, considerando a interdependência de cada organismo presente no ecossistema. Todavia, com todas as mudanças e intervenções humanas na natureza, a sociedade está se distanciando cada vez mais dela, separando-se um do outro como se houvesse um abismo entre eles, afastando o homem do seu estado natural, no qual ambos – ser humano e natureza – são partes de um todo".

[4] In the original: "[…] o reconhecimento de que a vida não humana possui uma dignidade, portanto, um valor intrínseco, e não meramente instrumental em relação ao Homem, já tem sido objeto de chancela pelo Direito".

[5] In the original: "São bens ambientais, entre outros: as águas; as cavidades naturais subterrâneas e sítios arqueológicos; a energia; os espaços territoriais especialmente protegidos; a fauna; a flora; as florestas; as ilhas; as praias fluviais e marítimas; os recursos naturais da plataforma continental e da zona econômica exclusiva; os terrenos da marinha e acrescidos; o ar atmosférico; o direito de antena. Portanto, o regime de bens públicos não é aplicável aos bens ambientais".

of legal diplomas that deal individually with the various environmental assets, according to the multifaceted aspect that the environment encompasses (Fernandes, 2020). And water, wherever it is, surface or subsoil, is an environmental asset.

> It is therefore possible to note, with a minimum of sensitivity, that there is no way to reconcile the concept of public asset with the concept of diffuse asset, given that either the definition of public domain asset is overly broadened and, therefore, ends up mischaracterizing it, or a transformation in the system is admitted, so that public domain assets would be species of "community assets, in which diffuse assets would be included" (Fiorillo; Rodrigues, 1999, p. 93-94, fee translation)[6].

In this legal context, the so-called intergenerational anthropocentrism emerges, which emphasizes the obligations of the present in relation to the human beings of the future. This paradigm, dominant in several countries, is shaped by the ethics of solidarity. Benjamin (2009) points out that this intergenerational solidarity or equity is one of the pillars of sustainability. Furthermore, the author warns that "mitigated anthropocentrism is not limited to intergenerational discourse. There are other ways to protect Nature, especially animals, without being attached to the pure homocentric paradigm and without falling into non-anthropocentrism" (Benjamin, 2009, p. 59-60, free translation)[7].

Besides, non-anthropocentrism establishes human beings as part of Nature and makes it possible to recognize rights for non-human entities, figuring as one of the most important aspects of non-anthropocentric thought.

> By "non-anthropocentrism", we mean all currents that criticize or reject the anthropocentric doctrine (including mitigated anthropocentrism) as insufficient. It is a worldview informed by an ecological model of internal interrelationship, a rich system of permanent circulation between the "self" and the outside world, and which argues that Nature is more complex than we know and, possibly, more complex than we are able to know (Chaos Theory) (Benjamin, 2009, p. 60, free translation)[8].

[6] In the original: "Percebe-se, pois, com um mínimo de sensibilidade, que não há como se coadunar o conceito de bem público com o conceito de bem difuso, já que ou se alarga demasiadamente a definição de bem de domínio público e, portanto, acaba por descaracterizá-lo, ou então se admite uma transformação no sistema, de forma que os bens de domínio público seriam espécies de um gênero "bens da coletividade, no qual se incluiriam os bens difusos".

[7] In the original: "o antropocentrismo mitigado não se esgota no discurso intergeracional. Há outras formas de, sem apego ao paradigma homocêntrico puro e sem cair no não antropocentrismo, proteger-se a Natureza, em especial os animais".

[8] In the original: "Por "não antropocentrismo", queremos significar todas as correntes que criticam ou rejeitam por insuficiência a doutrina antropocêntrica (inclusive o antropocentrismo mitigado). É uma visão do mundo informada por um modelo ecológico de inter-relacionamento interno, um rico sistema de circulação permanente entre o "eu" e o mundo exterior, e que advoga ser a Natureza mais complexa do que a conhecemos e, possivelmente, mais complexa do que poderemos saber (Teoria do Caos)".

And, although it appears that there is an antagonism between the legal views of Nature, such as Nature-object and Nature-subject, these are not mutually exclusive, as the jurist states.

> Nature-object is reduced to the unique condition of an object made available to all, subject to appropriation, management, and even irreversible, pure and simple destruction. […] Nature-subject is based on a certain normative monism, where the legal positions of human beings and natural components do not operate by exclusion, but are, on the contrary, in a position of symmetry (Benjamin, 2009, p. 66, free translation)[9].

Corroborating this non-anthropocentric view, Nalini (2001, p. 3, emphasis added, free translation) points out that "only ethics could rescue Nature, hostage to human arrogance. It is the tool to replace deformed anthropocentrism with a healthy *biocentrism*"[10].

In this non-anthropocentric current, one can point out several distinct and/or complementary perspectives, such as "deep ecology", supported by the precursor Naess (2011), for whom the meaning of "life" is not restricted to an understanding that attributes this sign only to living beings, but also to rivers, landscapes, and ecosystems. There is also Capra (2006), and his holistic vision widely disseminated in the work *The Web of Life*, or, even, Lovelock (2006) with the Gaia theory, which confronts the paradigm of the dissociation of man from nature and for whom the Earth is a living organism. Finally, Beck (2011), who presents the risk society and the metaphor of the "boomerang effect". In all these perspectives, non-human nature must not only be protected, but must also be the holder of rights.

There is also the term coined by Thomas Berry (Earth…, 2022), which states that human laws must be aligned with the laws of Mother Earth if people want to live in harmony on the planet, the so-called Earth Jurisprudence, which recognizes nature as the main source of ethical principles and laws. Earth Jurisprudence requires that dominant, anthropocentric, human-centered ways of seeing things be transformed into Earth-centered understandings of humankind's place on Earth and how individuals should lead their lives.

In this sense, the new Latin American constitutionalism, with the

[9] In the original: "A Natureza-objeto está reduzida à condição única de objeto posta à disposição de todos, passível de apropriação, de manejo e, até de destruição irreversível, pura e simples. […] Já a Natureza-sujeito funda-se em um certo monismo normativo, onde as posições jurídicas do ser humano e dos componentes naturais não operam por exclusão, estando, ao revés, em posição de simetria".

[10] In the original: "somente a ética poderia resgatar a Natureza, refém da arrogância humana. Ela é a ferramenta para substituir o deformado antropocentrismo num saudável biocentrismo".

participation of traditional and Indigenous peoples present in the Constitutions of Ecuador (2008) and Bolivia (2009), is guided by good living and the Rights of Nature, bringing it closer to Earth Jurisprudence.

Serres (1990), when proposing the natural contract, argues that what nature gives to the human being is what they must return to it, thus becoming a subject of rights, a true relationship of reciprocity.

> Reciprocity is the practical form of the interaction of the principles of relationality, correspondence, and complementarity. From a Western perspective, there is a behavior based on individualism, autonomy of will and freedom to make decisions. On the other hand, in Andean philosophy, the acts of human beings and those of Nature condition each other mutually, indicating that the basis of all relationships is the cosmic order, and, therefore, an improper act can alter the global order (Serres, 1990, p. 66, free translation)[11].

In this context, Brazilian law promotes the procedural defense of the environment in its components, present in the four aspects established constitutionally, with a list of legitimate active parties that seek the Judiciary to protect the environment in situations of threat or environmental damage. In these procedural circumstances, the Federal Constitution presents instruments such as the popular lawsuit, the injunction, the security order, and the public civil lawsuit (Fernandes, 2020).

The legitimate active parties, that is, the plaintiffs that initiates a lawsuit in favor of the environment, are listed in law, namely, the Public Prosecutor's Office, the Public Defender's Office, the Union, the States, the Federal District and the Municipalities, in addition to autonomous agencies, public companies, foundations or mixed-economy companies and associations regularly constituted for at least one year and whose purposes include the protection of public and social assets, the environment, the consumer, the economic order, free competition, the rights of racial, ethnic or religious groups, or artistic, aesthetic, historical, tourist, and landscape heritage. For environmental lawsuit, the requirement is that the plaintiff be a "citizen".

Understanding this issue is extremely important, because, according to the legal diplomas, these are the ones considered eligible to appear as plaintiffs of any

[11] From the original: "Reciprocidad es la forma práctica de la interacción de los principios de relacionalidad, correspondencia y complementariedad. Desde el pensamiento occidental hay una conducta basada en el individualismo, en la autonomía de la voluntad y la libertad para tomar decisiones. Mientras que, en la filosofía andina, los actos de los seres humanos y los de la Naturaleza se condicionan mutuamente, indicando que la base de toda relación es el orden cósmico, por ello, un acto indebido puede alterar el orden global".

of the environmental lawsuits to be filled in defense of the environment in favor of society.

However, being a subject of rights has to do with the capacity to be the plaintiffs of procedural lawsuits and the holder of rights and obligations—whether individuals or legal entities—to which legal personality corresponds. Legal personality can be conceptualized as the human being's ability or attribute[12] as holder of legal relations, that is, to be the subject of rights and duties in the legal system.

Although this new order seems to contravene the current Civil Code, it is clear that "being a subject of rights" is not exclusive to "human beings", given that there are depersonalized entities, such as the bankrupt estate, the inheritance, and the condominium, for example, which have judicial procedural capacity, that is, they are also subjects of rights for procedural purposes.

It is known that classical Civil Law is based on anthropocentrism, in which the human being is both a person and a subject, and that in the 1988 Federal Constitution the human being's dignity is exalted in Art. 1, III (Brasil, 1988), permeating the entire legal system. Therefore, it can be concluded that, contrary to classical civil law doctrine, every person is a "**s**ubject of rights", but "not every subject of rights is a person".

According to Comparato (1977 *apud* Coelho, 2020, p. 93, free translation), "not every subject of rights is a person. Thus, the law recognizes rights to certain patrimonial aggregates, such as the estate or the bankruptcy estate, without personalizing them"[13]. According to Coelho (2020, p. 93, free translation), "a subject of rights is a genus and a person is a species; that is, not every subject of rights is a person, although every person is a subject of rights"[14]. In conclusion, the author states that "the subject of rights is the holder of interests in their legal form", that is

> […] the complexity of economic and social relations, however, requires the law to construct concepts (i.e., abstract concepts) intended to give a legal form to the ownership of interests. This form does not always coincide with the reality in fact, in which only humans have interests. In other words, for the law, interests are held not only by men and women, but also by some "ideal beings" of an incorporeal nature. The subject of rights is the center of imputation of rights and obligations referred to in legal norms with the purpose of guiding the overcoming of conflicts of interests that involve men and women directly or indirectly.

[12] Nevertheless, it is known that, in the past, some human beings – slaves and women, among others – were not given the status of subjects of rights.

[13] In the original: "nem todo sujeito de direito é uma pessoa. Assim, a lei reconhece direitos a certos agregados patrimoniais, como o espólio ou a massa falida, sem personalizá-los".

[14] In the original: "sujeito de direito é gênero e pessoa é espécie; isto é, nem todo sujeito de direito é pessoa, embora toda pessoa seja sujeito de direito".

> Not every subject of rights is a person and not all people, for the law, are human beings (Coelho, 2020, p. 93, free translation)[15].

In this vein, the civil lawyer also adds:

> There are two criteria for classifying legal subjects. The former divides them into personified (or personalized) and de-personified (or de-personalized). The latter distinguishes, on the one hand, human (or corporeal) subjects and, on the other, non-human (or incorporeal) subjects.
> […]
> Every non-human de-personified entity has a purpose, which justifies its constitution and, mainly, circumscribes the legal transactions it is authorized to practice (Coelho, 2020, p. 93-102, free translation)[16].

Corroborating this idea, Benjamin (2009) discusses the social transformations and the integration of minorities that affect and alter Brazilian Law. In the last 30 years, such transformations have revisited and profoundly modified the treatment given to Nature.

> We have moved from an unsustainable situation, where the environment elements were things and only things, seen in isolation and condemned, unrestrictedly, to private appropriation, to another, in better harmony with contemporary thought and the state of scientific knowledge, based on the valuation not only of the Nature fragments or elements, but of the whole and its reciprocal relationships; a whole that must be "ecologically balanced", seen, on the one hand, as "essential to a healthy quality of life", and, on the other, as "a common good for the use of people". In short, the legislator not only made the environment autonomous (= de-elementalized), but also de-objectified it, giving it a relational meaning, of an ecosystemic nature and an intangible feature. A truly extraordinary advance (Benjamin, 2009, p. 49-50, free translation)[17].

---

[15] In the original: "a complexidade das relações econômicas e sociais, contudo, exige do direito a construção de conceitos (isto é, de abstratos), destinados a dar uma forma jurídica para a titularidade dos interesses. Essa forma nem sempre coincide com a realidade de fato, na qual somente humanos têm interesses. Em outros termos, para o direito, titularizam interesses não apenas homens e mulheres, mas também alguns "seres ideais" de natureza incorpórea.
"Sujeito de direito é o centro de imputação de direitos e obrigações referido em normas jurídicas com a finalidade de orientar a superação de conflitos de interesses que envolvem, direta ou indiretamente, homens e mulheres.
Nem todo sujeito de direito é pessoa e nem todas as pessoas, para o direito, são seres humanos".

[16] In the original: "Há dois critérios de classificação dos sujeitos de direito. O primeiro os divide em personificados (ou personalizados) e despersonificados (ou despersonalizados). O segundo distingue, de um lado, os sujeitos humanos (ou corpóreos) e, de outro, os não humanos (ou incorpóreos). […] Todo ente despersonificado não humano tem uma finalidade, que justifica a sua constituição e, principalmente, circunscreve os negócios jurídicos que está autorizado a praticar".

[17] In the original: "Saímos de uma situação insustentável, onde os elementos do meio ambiente eram coisas e só coisas, vistas isoladamente e condenadas, irrestritamente, à apropriação privada, para uma outra, em melhor sintonia com o pensamento contemporâneo e o estado do conhecimento científico,

In view of this, one could present evidence of this new ecocentric view based on Federal Law No. 11.105/2005 (Biosafety Law; Brasil, 2005), which ensures the protection of animal and plant life and health (Art. 1), that is, non-humans could be considered subjects of rights; and, in the promotion of the well-being of animals involved in sports practices characterized as cultural manifestations, present in Art. 225, Paragraph 7, of the Federal Constitution (Brasil, 1988), included by EC No. 96/2017 (Brasil, 2017).

> The granting of legal personality to entities previously outside this category can bring about major and important changes. It must be said, however, that the construction of new subjects does not mean a new legal paradigm in itself because it does not necessarily modify the bases which Western Law is based on (Blanco, 2018, p. 52, free translation)[18].

Nevertheless, it is necessary to understand that the status of subject of rights for non-humans presupposes the existence of a "legal representative" constituted to enforce the exercise of the right and to be able to "speak" for it. In this sense, Santamaría (2010, p. 13, free translation) states that

> Nature does not need human beings to exercise its right to exist and regenerate. But if humans destroy, contaminate, or plunder it, it will be necessary for humans, as representatives, to demand a ban on signing a contract or agreement through which a protected primary forest is cut down or to legally require its repair or restoration[19].

In this logic, international and national precedents enshrined in laws and judgments are aimed at conferring this status of subject of rights to non-humans, as explained below.

---

baseada na valorização não apenas dos fragmentos ou elementos da Natureza, mas do todo e de suas relações recíprocas; um todo que deve ser "ecologicamente equilibrado", visto, por um lado, como "essencial à sadia qualidade de vida", e, por outro, como "bem de uso comum do povo". Numa palavra, o legislador não só autonomizou (= deselementalizou) o meio ambiente, como ainda o descoisificou, atribuindo-lhe sentido relacional, de caráter ecossistêmico e feição intangível. Um avanço verdadeiramente extraordinário".

[18] In the original: "A concessão de personalidade jurídica a entes antes alheios a esta categoria pode trazer grandes e importantes mudanças. Entretanto, deve-se dizer que a construção de novos sujeitos não significa por si só um novo paradigma jurídico porque não necessariamente modifica as bases nas quais o Direito ocidental é pautado".

[19] In the original: "La naturaleza no necesita de los seres humanos para ejercer su derecho a existir y a regenerarse. Pero si los seres humanos la destrozan, la contaminan, la depredan, necesitará de los seres humanos, como representantes, para exigir la prohibición de suscribir un contrato o convenio mediante el cual se quiera talar un bosque primario protegido o para demandar judicialmente su reparación o restauración".

2 Nature as a subject of rights in laws and judgments: international and national precedents

The anthropocentric view of nature has been left behind by the United Nations (UN) since 1982, with the approval of the World Charter for Nature, UN Resolution No. 37/7 of 1982, which states that "Every form of life is unique, warranting respect regardless of its worth to man, and, to accord other organisms such recognition, man must be guided by a moral code of action" (UN, 1982).

Given the premise brought by the aforementioned Resolution, the utilitarian view of Nature could no longer prevail, and with the advent of Rio 92, the holistic conception was strengthened; proof of this is the Rio Declaration on Environment and Development (UN, 1992), which in its Presentation establishes the need for States to "[…] protect the integrity of the global environmental and developmental system, Recognizing the integral and interdependent nature of the Earth, our home […]". It provided greater scope for the concept of sustainable development adopted by the UN in the 1987 "Our Common Future" report.

Next, the Earth Charter (Commission…, 2000) stands out, which calls for universal responsibility for the realization of the aspirations contained within it, both for the present and for the future, of human beings and all living beings, emphasizing the principles listed, such as respect for the Earth and life in all its diversity, in addition to the recognition that all beings are interconnected and each form of life has value, regardless of its usefulness to human beings. Later, April 22 was designated as "International Mother Earth Day", whose importance was recognized and reinforced by the UN General Assembly in 2009, according to Resolution 63/278 (ONU, 2009). Subsequently, Resolution A/RES/75/220 (ONU, 2020), known as "Harmony with Nature", reaffirms previous resolutions and strengthens the protection of nature as a subject.

Thus, biocentrism or ecocentrism are gradually being incorporated into legal systems and judicial decisions, leaving the anthropocentrism behind by granting Nature and its elements the status of subject of rights.

2.1 Non-humans as subjects of rights: animals as precursors in judicial decisions

From this perspective, initially, the break with anthropocentrism occurred in relation to "animal rights", which can be seen in the *habeas corpus* filed in Brazil in favor of animals, especially primates, as in the first case, of a chimpanzee named

"Suíça", in 2005, in the municipality of Salvador, state of Bahia; and, in 2010, in favor of the chimpanzee Jimmy, in the municipality of Niterói, state of Rio de Janeiro. However, the authors were not successful in obtaining the constitutional remedy, although the issue was brought to the attention of the Justice system and the public spotlight.

Despite the failures in Brazil, at the international level, in 2016, in Argentina, the first *habeas corpus* order was granted in favor of an animal.

> […] Cecília, a chimpanzee who had lost her companions at the Mendonça Zoo, was transferred to the Great Ape Sanctuary, located in Sorocaba, here in Brazil, by order of the Argentine court, granted in a *habeas corpus* filed by an animal rights NGO. This hypothesis can be described in two different ways. On the one hand, consider that the subject of rights is the NGO, which received support from the courts in its fight for the well-being of animals; or that the subject of rights would be Cecília, with the NGO being merely its procedural substitute. The first way of understanding the issue is currently accepted without difficulty; *but the second tends to assert itself over the years* (Coelho, 2020, p. 104, emphasis added, free translation)[20].

In Colombia, a similar decision was handed down in 2017,

> […] the Civil Appeals Court of the Supreme Court of Justice of Colombia, according to the vote of the rapporteur, Minister Luis Armando Tolosa Villabona, also with extensive legal and philosophical grounds, granted *habeas corpus* to the spectacled bear named Chucho, ordering the transfer of the animal from the Barranquilla Zoo to a nature reserve, in semi-captivity (Ataide Jr., 2022, p. 123-124, free translation)[21].

In Brazil, it was only in 2020 that a precedent was set in which an "animal" was the active party in the proceedings, when the Court of Justice of the State of São Paulo issued a decision in the appeal filed by the person responsible for the horse "Franc do Pec". But it was in 2021, in the district of Cascavel, state of Paraná, in a single-judge decision, that the first animals—the dogs Rambo and

[20] In the original: "[…] Cecília, uma chimpanzé que perdera os companheiros no zoológico de Mendonça, foi transferida ao Santuário de Grandes Primatas, situado em Sorocaba, aqui no Brasil, por ordem da justiça argentina, dada num *habeas corpus* pleiteado por uma ONG de defesa dos animais. Pode-se descrever esta hipótese de dois modos distintos. De um lado, considerar que o sujeito de direito é a ONG, que recebeu amparo da justiça em sua luta pelo bem-estar dos animais; ou que o sujeito de direito seria Cecília, sendo a ONG apenas sua substituta processual. A primeira forma de compreender a questão é aceita atualmente sem dificuldades; mas a segunda tende a se afirmar com o passar dos anos".

[21] In the original: "[…] a Sala de Casación Civil da Corte Suprema de Justicia da Colômbia, segundo o voto do relator, Ministro Luis Armando Tolosa Villabona, também com farta fundamentação, jurídica e filosófica, concedeu habeas corpus ao urso-de-óculos de nome Chucho, determinando a transferência do animal do Zoológico de Barranquilla para uma reserva natural, em regime de semicativeiro".

Spike—were definitively admitted and recognized as parties in a legal proceeding in Brazil, including with a sentence handed down in 2023. Although a partial sentence was handed down in favor of the dogs, since the request for compensation for moral damages and alimony was denied, the Court ordered reimbursement of amounts spent on veterinary care. The following sentence highlights: "that there was, in fact, the practice of mistreatment of non-human plaintiffs"[22] (free translation). despite stating that moral damages and alimony are only aimed at humans. This fact was considered by jurists to be a milestone in animal rights (Sartori; Canci, 2023). The aforementioned court decision confirms the thesis of non-humans as procedural parties, making them "subjects of rights".

2.2 International laws and decisions granting non-humans the status of subjects of rights

The "new Latin American constitutionalism" stands out worldwide for considering the environment a value and something that holds rights, establishing nature as a "subject of rights". This movement presupposes new frameworks for Environmental Law, present in the constitutions, laws, and judicial decisions of several Latin American countries.

In the Bolivian Constitution (Bolivia, 2009), water constitutes a fundamental right for life, in a framework for the people's sovereignty, an element that articulates life and the survival of cultures, vital for nature and humanity. In this sense, the State must promote the use of and access to water based on the principles of solidarity, complementarity, reciprocity, equity, diversity, and sustainability. Consequently, the *Ley de Derechos de la Madre Tierra* [Law on the Rights of Mother Earth] (Bolivia, 2010) granted the Earth the status of a subject of rights and established duties towards Mother Earth, corresponding to its human rights, with emphasis on the promotion of a life in harmony with nature, the diversity of life, balance, and restoration. In this law, "Mother Earth is the dynamic living system constituted by the indivisible community of all life systems and living beings, interrelated, interdependent and complementary, which share a common destiny" (Bolivia, 2010, free translation)[23].

In Ecuador, the 2008 Constitution (Ecuador, 2008) exalts the integration

[22] In the original: "que houve, de fato, a prática de maus-tratos aos autores não humanos".

[23] In the original: "La Madre Tierra es el sistema viviente dinámico conformado por la comunidad indivisible de todos los sistemas de vida y los seres vivos, interrelacionados, interdependientes y complementarios, que comparten un destino común".

between man and Nature, establishing a new paradigm by celebrating Nature, the *Pacha Mama*, of which we are a part and that is vital to our existence. To this end, it adopted the worldview of the Andean Indigenous peoples who extol the harmony between humans and nature. Based on this premise and for the good life (*buen vivir*), exalted in its Constitution (Art. 14), the court issued a decision granting the Vilcabamba River the status of subject of rights.

> This Andean peoples' worldview was, for the first time in history, used as a parameter for the filing of a lawsuit in Ecuador in December 2010, in which the plaintiffs were foreigners Eleanor Geer Huddle and Richard Fredrick Wheeler—who arrived in Ecuador in 2007, settling in the Vilcabamba outskirts in order to launch a model project for sustainable living (Suárez, 2015)—and as defendants the engineer Carlos Espinosa González, Regional Director of the provinces of Loja, El Oro and Zamora Chinchipe, linked to the Ministry of the Environment of the Ecuadorian government (Ecuador, 2017), in addition to a request for notification of the State Attorney General's Office and the National Water Secretariat (Suárez, 2015). Due to the environmental degradation of the Vilcabamba River, in the province of Loja, caused by the expansion of the Vilcabamba-Quinara road, which was being carried out by the regions's Provincial Government, the foreign citizens alleged the violation of "natural rights" before the Ecuadorian Judiciary, since the previous measures—complaint and inspections—did not produce the expected result (Maliska; Moreira, 2017, p. 168, free translation)[24].

In this decision, the Court judges granted the appeal, since they found the existence of a violation of the rights of nature, on the following grounds:

> a) the defendants were properly summoned; b) the protection lawsuit was the only suitable and effective way to protect the rights of nature, due to the existence of specific damage; c) the importance of nature, as well as its protection against degradation processes, whose damages affect generations of the present and future; d) activities that entail the probability or risk of causing contamination or environmental damage are subject to precautionary measures, even if there is no certainty that these

[24] In the original: "Essa cosmovisão dos povos dos Andes foi, pela primeira vez na história, utilizada como parâmetro para a instauração de uma ação judicial no Equador em dezembro de 2010, na qual figuravam como autores os estrangeiros Eleanor Geer Huddle e Richard Fredrick Wheeler – que chegaram ao Equador em 2007, instalando-se nos arredores de Vilcabamba a fim de lançar um projeto-modelo de uma vida sustentável (Suárez, 2015) – e como demandados o engenheiro Carlos Espinosa González, Director Regional de Loja El Oro e Zamora Chinchipe, vinculado ao Ministério do Ambiente do governo equatoriano (Ecuador, 2017), além de ter sido feito requerimento de notificação da Procuradoria-Geral do Estado e da Secretaria Nacional da Água (Suárez, 2015). Em virtude da constatação da degradação ambiental do rio Vilcabamba, na Província de Loja, acarretada pela ampliação da estrada Vilcabamba-Quinara, cuja execução estava a cargo do Governo Provincial da região, os cidadãos estrangeiros alegaram a violação dos "derechos de la naturaleza" perante o Poder Judiciário equatoriano, uma vez que as medidas prévias – denúncia e inspeções – não surtiram o resultado esperado".

> negative effects will be produced; e) reversal of the burden of proof, recognized by the Ecuadorian Constitution, assigning to the Provincial Government of Loja the obligation to provide evidence regarding the harmlessness of the actions to open the local road; f) the Court considered unacceptable the fact that the Provincial Government of Loja had not fulfilled its obligation to obtain an environmental license from the Ecuadorian Ministry of the Environment to expand the road; g) the expansion of the road could be carried out, as long as the rights of nature were respected and environmental regulations were complied with (Maliska; Moreira, 2017, p. 168, free translation)[25].

Despite the favorable ruling in the second instance in Ecuador, the plaintiffs of the protection lawsuit filed a non-compliance lawsuit in 2012 before the Ecuadorian Constitutional Court, since the decision of the Provincial Court was not fully complied with (Suárez, 2015 *apud* Maliska; Moreira, 2017, p. 168).

In Colombia, the Constitution promulgated in 1991 (Colombia, 1991) establishes that all people have the right to a healthy environment, recognizing that the law must guarantee the participation of communities in decisions that may affect them (art. 79). In 2016, by judicial decision of the Constitutional Court, the "Atrato River, its basin and tributaries" were declared to be subject to rights. The Atrato River is the mightiest river in Colombia and forms part of the traditional territory of several Afro-descendant and indigenous communities, which filed the Guardianship Action, seeking to denounce the damage caused by illegal mining activities, with a decision that "guaranteed the river basin the right to healthy maintenance, ordering the development of a plan to decontaminate the river and its tributaries, the riverside territories and also to restore the ecosystems and prevent further environmental damage in the region"[26] (Silva, 2017, p. 265, free translation).

Nevertheless, on April 5, 2018, the Colombian Supreme Court of Justice

[25] In the original: "a) os demandados foram citados adequadamente; b) a ação de proteção era a única via idônea e eficaz para proteger os direitos da natureza, em razão da existência de um dano específico; c) a importância da natureza, assim como da sua proteção frente a processos de degradação, cujos danos acometem gerações do presente e do futuro; d) atividades que acarretam a probabilidade ou perigo de provocar contaminação ou danos ambientais sujeitam-se a medidas de precaução, ainda que não exista certeza da produção desses efeitos negativos; e) inversão do ônus da prova, reconhecido pela Constituição equatoriana, atribuindo ao Governo Provincial de Loja a obrigação de aportar provas acerca da inocuidade das ações de abertura da estrada local; f) a Corte considerou inaceitável o fato de o Governo Provincial de Loja não ter cumprido a obrigação de obter perante o Ministério do Ambiente equatoriano uma licença ambiental para a ampliação da via; g) a ampliação da estrada poderia ser executada, desde que se respeitasse os direitos da natureza e em cumprimento às normas ambientais".

[26] In the original: "garantiu à bacia do rio o direito à manutenção sadia, ordenando a elaboração de plano para descontaminar o rio e seus afluentes, os territórios ribeirinhos e também recuperar os ecossistemas e evitar maiores danos ambientais na região".

issued a historic ruling against climate change in Latin America, when analyzing the request for guardianship in which 25 Colombian children and young people appeared as plaintiffs and presented it with the support from the Justice Organization[27]. According to the decision, the Colombian Amazon region is now a subject of rights (Castro, 2020).

> For the court, Colombian authorities are not doing enough to protect the region from deforestation and the effects of climate change.
> Among the decisions it issued, the Court ordered the Federal Government and the Ministry of the Environment to formulate short, medium, and long-term action plans to combat deforestation and climate change within a maximum period of four years. Besides, it has to formulate, within five months, an intergenerational pact for the life of the Colombian Amazon (Lana, 2018, free translation)[28].

In Peru, on March 18, 2024, in an lawsuit filed in 2021 by the Huaynakana Kamatahuara Kana Indigenous women and supported by the *Instituto Defensa Legal*, an unprecedented decision was issued by the Nauta Court, resulting in the recognition of the "Marañón River and its ecosystems" as a subject of rights (Ferreira, 2024).

> The Marañón River, which flows from the Andes Mountains in Peru to the Amazon River, has "intrinsic" value and has the right to exist, flow, and be free from pollution, among other rights.
> The provincial court of Nauta, located in the Peru's Loreto region, also ruled that indigenous organizations and various government agencies are "guardians, defenders and representatives of the Marañón River and its tributaries", which means that these entities have the authority to speak on behalf of the waterways in government decision-making and in court (Ferreira, 2024, free translation)[29].

[27] The lawsuit was filed by Andrea Lozano Barragán, Victoria Alexandra Arenas Sánchez, José Daniel, and Félix Jeffry Rodríguez Peña, among others. The plaintiffs identify themselves as a group of 25 children and young adults between the ages of 7 and 25, who live in cities at greater risk caused by climate change (Castro, 2020).

[28] In the original: "Para o tribunal, as autoridades colombianas não estão fazendo o suficiente para proteger a região do desmatamento e dos efeitos das mudanças climáticas.
"Entre as decisões que emitiu, a Corte ordenou que ao Governo Federal e ao Ministério do Meio Ambiente que, em um prazo de no máximo quatro anos, formule um plano de ação de curto, médio e longo prazo para combater o desmatamento e as mudanças climáticas. E que num prazo de cinco meses formule um pacto intergeracional pela vida do Amazonas colombiano".

[29] In the original: "O rio Marañón, que flui das montanhas dos Andes no Peru até o rio Amazonas, tem valor 'intrínseco' e possui o direito de existir, fluir e estar livre de poluição, entre outros direitos.
"O tribunal provincial de Nauta, localizado na região de Loreto, no Peru, também decidiu que as organizações indígenas e diversas agências governamentais são 'guardiãs, defensores e representantes do rio Marañón e seus afluentes', o que significa que essas entidades têm autoridade para falar em nome das hidrovias em tomada de decisões governamentais e nos tribunais".

In Europe and other parts of the world, although without the same strength and vigor as in Latin America, one can found decisions and laws, such as in New Zealand, India, and Spain.

The recognition of the Whanganui River, located in New Zealand, resulted from a long process initiated in 1975 by the Maori people before the Waitangi Tribunal, with legal personality obtained after 39 years. The Whanganui River now has the same rights as human beings. The New Zealand minister responsible for the agreement said that he recognizes "that the initial reaction of many people is that it is strange that a natural resource should be given legal personality"[30] (Whanganui…, 2017, free translation).

> On 5 August 2014, a large crowd, including representatives for the Whanganui iwi River, signed an agreement with the New Zealand government that legally recognized the river as a living being, and in March 2015, the Whanganui River was granted legal personality. To this end, two people, mutually chosen by the Crown and the Whanganui iwi people, are established as the human face of the river, acting on its behalf and in its interests. At the time, a fund of US$30 million was directed and administered to support the health and well-being of the river (Blanco, 2018, p. 63, free translation)[31].

In India, in a 2014 lawsuit, the Uttarakhand state High Court, in a ruling handed down in March 2014, ordered that India's sacred rivers, the Ganges and Yamuna, and their tributaries, be granted the status of "living entities". The landmark ruling made pollution or any harmful behavior toward the rivers legally comparable to harming a person and appointed three government officials as guardians. Nevertheless, the Himalayan state of Uttarakhand, where the Ganges originates, petitioned the Supreme Court arguing that the legal status of the venerated rivers was "untenable in law". The appeal was successful, and the decision was overturned by the Supreme Court of India on July 7, 2017 (India's…, 2017; Justiça…, 2017; Agência EFE, 2017).

In Spain, Teresa Vicente[32], a law professor at the University of Murcia, led

[30] In the original: "que a reação inicial de muita gente é achar estranho que se dê personalidade jurídica a um recurso natural".

[31] In the original: "Em 5 de agosto de 2014, uma grande multidão, incluindo representantes do Rio Whanganui iwi assinaram uma escritura de acordo com o governo da Nova Zelândia que legalmente reconhecia o rio como um ser vivo e, em março de 2015, o Rio Whanganui recebeu personalidade jurídica. Para tanto, duas pessoas, mutuamente escolhidas pela Coroa e pelos iwi Whanganui, são estabelecidas como a face humana do rio, atuando em seu nome e em seus interesses. Na época, foi direcionado e administrado um fundo de US$ 30 milhões para apoiar a saúde e o bem-estar do rio".

[32] In 2024, the professor was awarded the "The Goldman Environmental Prize" (The Goldman…, 2025).

a historic campaign by drafting a bill (*projeto de lei* – PL) with the support from her colleagues and popular participation with 639,826 signatures to present the bill to the Parliament with the aim of saving the Mar Menor ecosystem from collapse. After great popular pressure, a new law was passed on September 21, 2022, granting unique legal rights to the lagoon as a subject. The Mar Menor is located in Murcia, is 52 square miles in size and forms the largest permanent saltwater lagoon in Europe. Considered the most important coastal saltwater lagoon in the Western Mediterranean, the once crystal-clear waters of the Mar Menor have become polluted due to mining, the unbridled development of urban and tourist infrastructures and, in recent years, intensive agriculture and livestock farming (The Goldman…, 2025).

2.3 National laws and decisions to grant non-humans the status of subjects of rights

Initially, it is worth highlighting that Brazil ratified international standards[33] that strengthen and underpin judicial decisions and laws already enacted on this topic, thus favoring a change from an anthropocentric view to an ecocentric one, aimed at granting the status of subject of rights to non-humans, such as rivers and, more recently, to an aquifer.

In addition to the aforementioned court decisions regarding animals, it is worth noting that shortly after the Mariana tragedy in Minas Gerais, the NGO Pachamama filed a lawsuit in 2017 for the Doce River seeking recognition of the Doce River basin as a subject of rights, together with a series of measures aimed at protecting the basin. However, the initial petition was dismissed, without a ruling on the merits (Sales; Isaguirre, 2018).

In this sense, in the states of São Paulo and Minas Gerais, there are bills that seek to grant the status of subject of rights to "rivers", such as PL No. 1422/2023, dated 09/21/2023, in progress at the Legislative Assembly of the State of São Paulo (ALESP), which aims to recognize the intrinsic rights of the Tietê River as

[33] In the list of international standards ratified by Brazil that corroborate such judicial and legal decisions, there are subsidies in Convention 169 on Indigenous and Tribal Peoples (ILO, 1989), in the UN Convention on Biological Diversity (UN, 1992), in the UN Declaration on the Rights of Indigenous Peoples (UN, 2008), in the Organization of American States Declaration on the Rights of Indigenous Peoples (OAS, 2016) and in the UNESCO Convention concerning the Protection of the Intangible Cultural Heritage (UNESCO, 2003), which greatly favors that Brazilian traditional and indigenous peoples have the same rights that were guaranteed to the communities of their Latin American neighbors, since art. 13 of ILO Convention 169 (1989) obliges the State to respect the spiritual relationships that indigenous peoples may have with the land they occupy.

a living being and subject of rights, and of all living beings that exist naturally in the river or that interacts with it, including human beings, to the extent that they are interdependent in a complex, connected, and integrated system, constituting a Committee to give voice to the river (São Paulo, 2023).

In the Legislative Assembly of Minas Gerais (ALMG), there are three bills that deserve to be highlighted, PL No. 1974/2024, which provides for the recognition of the rights of the Watu—Doce River—aiming to guarantee its right to exist, live free from contamination, preserve its life cycles, regenerate itself and restore its life systems in a timely and effective manner (Minas Gerais, 2024a); PL No. 2178/2024 (Minas Gerais, 2024b), which regulates the recognition of the rights of the Mosquito River, and PL No. 2947/2024 (Minas Gerais, 2024c), which provides for the recognition of the rights of the São Lamberto River, a tributary of the Jequitaí River in the São Francisco River basin, in the State of Minas Gerais, and its classification as a specially protected entity.

Furthermore, there is still a Proposed Amendment to the Constitution under consideration at ALMG, PEC No. 12/2023 (Minas Gerais, 2023), which proposes adding Art. 214-A and Paragraphs 1 to 3 to the Minas Gerais Constitution, in order to grant nature full, intrinsic, and perpetual rights, inherent to its existence on the planet.

> Art. 214-A – Nature, where life is also reproduced and happens, has full, intrinsic and perpetual rights, inherent to its existence on the planet, imposing on the Public Power and the community the duty to defend it, ensure its recovery, protection and maintenance of fauna, flora and other ecological, biological, genetic and biogeochemical processes, ensuring the rights of nature to prosper and evolve, and to coexist harmoniously with the cultural processes of human life, for the benefit of current and future generations, human and non-human.
>
> Paragraph 1 – Any citizen is a legitimate party to demand from the Public Power, administratively or judicially, compliance with the Rights of Nature and its elements.
>
> Paragraph 2 – The Public Prosecutor's Office, the Public Defender's Office, and the association that includes among its 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, through appropriate lawsuit, demand that the Public Authorities comply with the Rights of Nature and its elements.
>
> Paragraph 3 – The Public Authorities shall be responsible for applying precautionary and restrictive measures for all activities that may lead to the extinction of species, the destruction of ecosystems, or the permanent alteration of natural cycles (Minas Gerais, 2023, free translation)[34].

[34] In the original: "Art. 214-A – A natureza, onde também se reproduz e realiza a vida, tem direitos plenos, intrínsecos e perpétuos, inerentes a sua existência no planeta, impondo-se ao Poder Público e à coletividade, o dever de defendê-la, zelar por sua recuperação, proteção e a manutenção da fauna,

This new legislative approach, evidencing the evolution of ecocentrism or the so-called mitigated anthropocentrism, as previously explained, highlights the first and, possibly, only occurrence of a municipality that included in its Organic Law the rights of nature with the status of subject of rights. This event occurred on April 17, 2020, in Bonito, state of Pernambuco, a municipality located in the transition zone between the forest and Pernambuco countryside, between green mountains and waterfalls, with a great vocation for ecotourism, by recognizing the rights of nature in a broader way as a non-human subject.

> Art. 236. The Municipality recognizes the right of nature to exist, prosper and evolve, and must act to ensure that all members of the natural community, human and non-human, in the Municipality of Bonito, have the right to an ecologically healthy and balanced environment and to maintain the ecosystem processes necessary for quality of life, with the Public Authorities and the community being responsible for defending and preserving it for present and future generations of the members of the land community (Bonito, 2020, free translation)[35].

Although there are bills being processed in Brazilian states and municipalities with the aim of recognizing the rights of non-humans, one celebrates the first law enacted in Brazil, in the state of Rondônia, in the municipality of Guajará-Mirim, which recognized "a river as a subject of rights". Ordinary Law No. 2579, of July 28, 2023 (Guajará Mirim, 2023), recognized the rights of the Laje River—also called *Komi Memen*—granting this non-human entity the status of subject of rights.

---

flora e demais processos ecológicos, biológicos, genéticos e biogeoquímicos, assegurando os direitos da natureza de prosperar e evoluir, e de forma harmônica conviver com os processos culturais da vida humana, em benefício das gerações atuais e futuras, humanas e não humanas.
"§ 1º – Qualquer cidadão é parte legítima para exigir do Poder Público, administrativamente ou judicialmente, o cumprimento dos Direitos da Natureza e de seus elementos.
"§ 2º – O Ministério Público, a Defensoria Pública e a associação que inclua entre suas finalidades institucionais a proteção ao patrimônio público e social, ao meio ambiente, aos direitos de grupos raciais, étnicos ou religiosos ou ao patrimônio cultural, artístico, estético, histórico, turístico e paisagístico, têm legitimidade ativa para, por meio de ação cabível, exigir do Poder Público o cumprimento dos Direitos da Natureza e de seus elementos.
"§ 3º – Caberá ao Poder Público aplicar medidas de precaução e restrição para todas as atividades que possam conduzir à extinção de espécies, à destruição dos ecossistemas ou à alteração permanente dos ciclos naturais".

[35] In the original: "Art. 236. O Município reconhece o direito da natureza de existir, prosperar e evoluir, e deverá atuar no sentido de assegurar a todos os membros da comunidade natural, humanos e não humanos, no Município de Bonito, o direito ao meio ambiente ecologicamente saudável e equilibrado e à manutenção dos processos ecossistêmicos necessários à qualidade de vida, cabendo ao Poder Público e à coletividade, defende-lo e preservá-lo, para as gerações presentes e futuras dos membros da comunidade da terra".

> Art. 1. The intrinsic rights of the Laje River—*Komi-Memen*—as a living being and subject of rights, and of all other bodies of water and living beings that exist naturally in it or that interacts with it, including human beings, are hereby recognized, insofar as they are interrelated in an interconnected, integrated and interdependent system (Guajará Mirim, 2023, free translation)[36].

According to the law, the river has the right to: maintain its natural flow and in sufficient quantity to guarantee the ecosystem health; nourish the riparian forest and be nourished by it, in addition to the surrounding forests and endemic biodiversity; exist with its physical and chemical conditions adequate to its ecological balance, and interact with human beings in spiritual, leisure, artisanal fishing, agroecological, and cultural practices.

By executive decree, a Guardian Committee will be created, composed of a member of the Igarapé Laje indigenous community; a member of the fishing community; a representative from the Oro Wari organization; a representative from indigenous women artisans, and a representative from the Federal University of Rondônia, who will act as guardian of the rights established in the aforementioned law.

After all this research and precedents previously listed, it is important to mention aquifers and groundwater before presenting the first world law, inspired by the Laje River Law, which granted "an aquifer the status of a subject of rights".

More recently, having the aforementioned law as inspiration, Vermelho River, in the municipality of Goiás, state of Goiás, obtained recognition as a subject of rights through Municipal Law No. 387, of June 13, 2024 (Goiás, 2024), which also established November 4 as " Vermelho River Municipal Day" and adopted the first week of November as "Vermelho River Municipal Week", in addition to establishing the creation of a Guardianship Committee for the aforementioned river.

3 Groundwater and aquifers

The water present on our planet has been the same since the beginning of time and there is a continuous and balanced process that maintains the natural order of life. All living things are members of the body of Mother Nature, but "groundwater […], stored for thousands of years in the Earth's underground, is

[36] In the original: "Art. 1º. Ficam reconhecidos os direitos intrínsecos do Rio Laje – Komi-Memen – como ente vivo e sujeito de direitos, e de todos os outros corpos d´água e seres vivos que nele existam naturalmente ou com quem ele se inter-relaciona, incluindo os seres humanos, na medida em que são inter-relacionados num sistema interconectado, integrado e interdependente".

beginning to generate interest today, although it has been used since the dawn of civilization"[37] (Souza, 2009, p. 28, free translation).

Rebouças (2002), navigating the history of humanity and "invisible waters", reports the trajectory of groundwater in the human being's life:

> From the beginning, the collection of groundwater became one of the most important possessions of primitive peoples, given the scarcity or irregularity of rainfall in these areas. Certainly, the initial collection works were simple water holes, as wild horses and wolves did.
> […]
> The oldest traces – known to date – of wells dug to extract clean drinking water date back to 8000 BC. In turn, the strict codes established by King Hammurabi, for example, thousands of years before Christ, many chapters of Genesis being true primers on groundwater, the horizontal groundwater collection that was carried out by primitive peoples—or "qanat system"—attest to their importance in these areas. In Eastern civilizations (mainly China and India) the traces of the first drilled wells date back to 5000 BC. Nevertheless, at the turn of the First Millennium to the Second, Europe was rebuilt on the ruins of the Roman Empire. It was only around 1100 AD that the first artesian wells were drilled in the city of Artois, France, hence the name of this type of collection. However, until around 1600 AD, the origin of the spring waters, so common on the Mediterranean Sea islands, the birthplace of ancient peoples, and in the mountainous terrains of Italy, was attributed to the action of mythological figures and their penetration into caves and underwater holes (Rebouças, 2002, p. 120; 194-195, free translation)[38].

According to Manoel Filho (2000, p. 120, free translation):

> Almost all the Earth groundwater originates from the hydrological cycle, that is, the system by which nature makes water circulate from the ocean to the atmosphere and

[37] In the original: "as águas subterrâneas […], armazenadas há milhares de anos no subsolo da Terra, começam a gerar interesse na atualidade, embora já utilizada desde os primórdios da civilização".

[38] In the original: "Desde o início, a captação da água subterrânea tornou-se uma das importantes possessões dos povos primitivos, face à escassez ou irregularidade das chuvas nessas áreas. Certamente que, inicialmente, as obras de captação eram simples buracos d'água, como faziam o cavalo selvagem e o lobo. […] Os vestígios mais antigos – até agora conhecidos – de poços escavados para extração de água limpa de beber datam de 8.000 a.C. Por sua vez, os severos códigos estabelecidos pelo rei Hamurabi, por exemplo, milhares de anos antes de Cristo, muitos capítulos de Gênesis sendo verdadeiras cartilhas de águas subterrâneas, as captações horizontais de águas subterrâneas que foram realizadas pelos povos primitivos ou "canates", bem atestam a sua importância nestas áreas da Terra. Nas civilizações orientais (China e Índia, principalmente) os vestígios dos primeiros poços perfurados datam de 5.000 a.C. Entretanto, na virada do Primeiro Milênio para o segundo a Europa se reconstruída sobre as ruínas do Império Romano. Somente por volta de 1100 d.C. é que foram perfurados os primeiros poços artesianos da cidade de Artois, França, daí o nome deste tipo de captação. Porém, até por volta de 1600 d.C., a origem das águas das fontes, tão frequentes nas ilhas do Mar Mediterrâneo, berço de povos antigos, e nos terrenos montanhosos da Itália era atribuída à ação de figuras mitológicas e à sua penetração nas cavernas e buracos submarinos".

> from there to the continents, from where it returns, superficially and underground, to the ocean. This cycle is governed, in the soil and subsoil, by the action of gravity, as well as by the type and density of vegetation cover and in the atmosphere and liquid surfaces (rivers, lakes, seas, and oceans), by climatic elements and factors, such as air temperature, winds, relative humidity (a function of the vapor pressure deficit), and sunlight (a function of solar radiation), which are responsible for the processes of water circulation from the oceans to the atmosphere, at a given terrestrial latitude[39].

In the legislation of the State of São Paulo, in its Law No. 6.134/1988 (São Paulo, 1988, free translation)—a pioneering law in the country that regulates this subject—it presents a simple concept[40] in its Art. 1, sole paragraph, verbatim: "Water that flows naturally or artificially underground, in a form susceptible to extraction and use by man, is considered groundwater" (free translation)[41].

In technical terms, Rebouças (2002, p. 126-127, free translation) explains: "Although all water located below the surface of the earth is evidently underground, in hydrogeology the term groundwater is attributed only to water that circulates in the saturated zone, that is, in the zone located below the water table"[42].

In the Groundwater Program of the Ministry of the Environment (MMA), it is found that,

> Groundwater corresponds to the slowest part of the hydrological cycle and constitutes our main water reserve, occurring in volumes much greater than those available on the surface. It occurs by filling spaces formed between mineral granules and in rock fissures, which are called aquifers.

[39] In the original: "Quase toda a água subterrânea existente na Terra tem origem no ciclo hidrológico, isto é, sistema pelo qual a natureza faz a água circular do oceano para a atmosfera e daí para os continentes, de onde retorna, superficial e subterraneamente, ao oceano. Esse ciclo é governado, no solo e subsolo, pela ação da gravidade, bem como pelo tipo e densidade da cobertura vegetal e na atmosfera e superfícies líquidas (rios, lagos, mares e oceanos) pelos elementos e fatores climáticos, como por exemplo, temperatura do ar, ventos umidade relativa do ar (função do déficit de pressão de vapor) e insolação (função da radiação solar), que são os responsáveis pelos processos de circulação da água dos oceanos para a atmosfera, em uma dada latitude terrestre".

[40] This definition was also adopted by CNRH Resolution No. 15 of 2001 (CNRH, 2001), in its art. 1, I, and by the Normative Instruction of the Ministry of the Environment No. 4/2000 (MMA, 2000), in its art. 2, II.

[41] In the original: "São consideradas águas subterrâneas as águas que corram natural ou artificialmente no subsolo, de forma suscetível de extração e utilização pelo homem".

[42] In the original: "Embora toda a água situada abaixo da superfície da terra seja evidentemente subterrânea, na hidrogeologia a denominação água subterrânea é atribuída apenas à água que circula na zona saturada, isto é, na zona situada abaixo da superfície freática".

> Groundwater represents the portion of rain that infiltrates the subsoil and continually migrates towards springs, riverbeds, lakes, and oceans. By retaining rainwater, aquifers play a fundamental role in controlling floods.
> In aquifers, water finds natural protection against polluting agents or losses due to evaporation. Contamination, when it occurs, is much slower and recovery costs can be prohibitive (MMA, 2001, p. 10, free translation)[43].

Thus, aquifers refer to the geological formation that contains water and allows significant quantities of this water to move within it under natural conditions. They can also be defined as any stratum or geological formation that allows water to circulate through its pores and fractures, in sufficient quantity to be exploited (Souza, 2009).

> Groundwater can move through the original pores or voids in the rock (primary porosity) or in the fissures and dissolution cavities developed after its formation (secondary porosity).
> Primary porosity generally occurs (except for some volcanic rocks) in sedimentary rocks, giving rise to porous aquifers. Secondary porosity is associated with the so-called anisotropic media, giving rise to fissure aquifers in the case of fractures and fissures in crystalline rocks (igneous and metamorphic), and karst aquifers in the case of the dissolution of carbonate rocks (Cabral, 2000, p. 35, free translation)[44].

According to the 1988 Federal Constitution (Brasil, 1988), municipalities and the Federal District are responsible for legislating on local matters and promoting, where applicable, adequate territorial planning, through planning and control of the use, subdivision, and occupation of urban land (Art. 30, I and VIII, CF/88); the states and the Federal District are responsible for managing groundwater (Art. 26, I, CF/88); legislation on water is the exclusive responsibility of the Union (Art. 22, IV, CF/88), which did so with Law No. 9433/1997 (National

[43] In the original: "A água subterrânea corresponde à parcela mais lenta do ciclo hidrológico e constitui nossa principal reserva de água, ocorrendo em volumes muito superiores aos disponíveis na superfície. Ela ocorre preenchendo espaços formados entre os grânulos minerais e nas fissuras das rochas, que se denominam aquíferos.
As águas subterrâneas representam a parcela da chuva que se infiltra no subsolo e migra continuamente em direção às nascentes, leitos de rios, lagos e oceanos. Os aquíferos, ao reterem as águas das chuvas, desempenham papel fundamental no controle das cheias. Nos aquíferos, as águas encontram proteção natural contra agentes poluidores ou perdas por evaporação. A contaminação, quando ocorre, é muito mais lenta e os custos para recuperação podem ser proibitivos".

[44] In the original: "A água subterrânea pode mover-se pelos poros ou vazios originais da rocha (porosidade primária) ou nas fissuras e cavidades de dissolução, desenvolvidas após a sua formação (porosidade secundária).
A porosidade primária ocorre geralmente (excetuando-se algumas rochas vulcânicas) nas rochas sedimentares, dando origem aos aquíferos porosos. A porosidade secundária está associada aos chamados meios anisotrópicos, originando o aquífero fissural, no caso de fraturas e fissuras em rochas cristalinas (ígneas e metamórficas), e o aquífero cárstico, no caso da dissolução de rochas carbonáticas".

Water Resources Policy; Brasil, 1997). At the same time, the common constitutional authority of the federative entities to protect the environment and combat pollution in any of its forms is established (Art. 23, VI).

In this sense, the municipality—a federative entity—begins to play a leading role in the protection of aquifers in the country, since the planning and use of the land must also promote the protection of vulnerable areas of aquifers in national soil.

4 The Healing Carbonated Water Aquifer of the Water Circuit in Cambuquira (MG) as a subject of rights

Minas Gerais is one of the Brazilian states with the highest number of aquifers. Nonetheless, due to the mineral characteristics of its waters, it is known for the tradition and importance of the hydromineral resorts in the state's southern region, which promote the recovery of human health and well-being.

Amidst the mountains of southern Minas Gerais, the municipality of Cambuquira is surrounded by a remaining Atlantic Forest, making up the microregion of the Minas Gerais Water Circuit (Conheça…, 2024), together with the municipalities of Baependi, Campanha, Carmo de Minas, Caxambu, Conceição do Rio Verde, Cruzília, Dom Viçoso, Jesuânia, Lambari, São Lourenço, Soledade de Minas, and Três Corações.

According to the history presented in the Economic Use Plan for the Cambuquira Hydromineral Resort (PAE, 2006), it can be seen that the discovery of mineral water springs on the old Boa Vista Farm gave rise to the settlement of Cambuquira, which was still part of the municipality of Campanha. The property belonged to three single sisters and was inherited by slaves after their deaths. In 1861, these lands were considered to be of public utility by the Municipal Council of Campanha, due to the presence of medicinal waters in the area; with the expropriation, the formation of the village called Boa Vista de Cambuquira began. Elevated to the status of district in 1872, it was called Águas Virtuosas de Cambuquira, and with the installation of the parish, in 1880, its name was changed to São Sebastião de Cambuquira. The municipality became independent with State Law No. 556, of August 30, 1911. In 1923, its name was shortened to Cambuquira, which means "sprouted plant, sprout, tender leaves"[45] (PAE, 2006, p. 6, free translation). Finally, it was elevated to the category of hydromineral resort in 1970. Currently, the municipality has 12,313 inhabitants (IBGE, 2022)

[45] In the original: "planta grelada, grelo, folhas tenras".

distributed over an area of 246.38 km².

Cambuquira region's hydrogeology is described in the PAE (2006), presenting predominantly fissured or fractured aquifer systems, in addition to granular or porous ones, whose general terms are:

- Fissured or fractured aquifers are free to semi-confined in Precambrian rocks, characterized by the absence of intergranular spaces (pores) in the rock; water is stored in areas of discontinuity in the rock mass (fissures, fractures, joints, and faults). It is a heterogeneous medium, generally with low permeability. Several studies on aquifer systems in fractured environments show that the fracture network is denser and more frequent in the most superficial zone, becoming sparser and less frequent in deeper zones.
- Granular or porous aquifers are usually free, associated with superficial formations, such as soils and alluvium, and can be several meters thick. The advantage of the porous medium is that it favors the rainwater recharge; the disadvantage is that it represents a natural physical-chemical barrier that is less efficient in protecting against contaminants. Nonetheless, once contaminated, the regeneration of the aquifer system takes a long time and requires high financial investment.

Due to this vulnerability, according to Ordinance DNPM 231/98 (DNPM, 1998), an Environmental Protection Zone was established for the Cambuquira hydromineral resort, which covers the municipality's urban area. This protection zone aims to guarantee the preservation of the groundwater quality and quantity, with the adoption of measures that prevent the installation of any contaminating agent in the protection zone.

In line with the new Latin American constitutionalism and taking as a paradigm the Law of Guajará Mirim/RO, which granted the Laje River the status of subject of rights, councilman Helber Augusto Reis Borges presented PL No. 004/2024 (Cambuquira, 2024a), which provides for the recognition of the rights of the "Healing Carbonated Water Aquifer of the Water Circuit" as a subject of rights, aiming to promote greater protection of this aquifer, due to its importance for Cambuquira, given that the municipality shares its environment with tourism, mineral water bottling, and urban occupation in its territory.

The aforementioned PL establishes a series of considerations that emphasize the vital importance of the Cambuquira Aquifer for the region and its communities, being vital for the local communities' health and well-being, with historical roots and representing a living and interdependent entity; that this aquifer is a crucial source of water and food security, essential for the interdependence between human beings, nature, and other forms of life throughout its extension; that the preservation of this aquifer is essential to avoid negative impacts, such as loss of biodiversity, desertification and risk to the region's ecological integrity; and that it is an integral part of the ecosystem, whose protection through legislation

reinforces the local communities' ancestral wisdom. It also considers that many countries around the world have recognized the intrinsic rights of Nature, incorporating such precepts into their legislation and legal systems.

In addition, it justifies that the municipality's Organic Law advocates the inseparability between health, safety, and well-being of the municipality's residents and ecological balance, explicitly recognizing the rights of Nature; and establishes the obligation of the public administration to guarantee the recognition of the intrinsic rights of water bodies, in line with the recognition of the Rights of Nature.

After the PL processing in the City Council, Ordinary Law No. 2762, of March 15, 2024 (Cambuquira, 2024b) came into force on the date of its publication, recognizing the "Healing Carbonated Water Aquifer of the Water Circuit" within the limits of its territory as a subject of rights, classifying it as a specially protected entity.

Art. 1 states that:

> Art. 1 – The intrinsic rights of the Healing Carbonated Water Aquifer of the Water Circuit are hereby recognized as a living entity and subject of rights, including all bodies of water and naturally present or interrelated living beings, also encompassing humans and non-humans, to the extent that they are all interconnected in an integrated and interdependent system (Cambuquira, 2024b, free translation)[46].

In Art. 2, the rights of the Aquifer are listed, which are:

> I – to maintain its natural flow and in sufficient quantity to guarantee the health of the ecosystem;
>
> II – to nourish and be nourished by the riparian forest and the surrounding forests and by endemic biodiversity;
>
> III – to exist with its physical and chemical conditions adequate to its ecological balance;
>
> IV – to interrelate with human beings through biocultural identification, its spiritual, leisure and cultural practices;
>
> V – to be used for therapeutic purposes, recognizing the historical role of crenotherapy and the ancestral healing capacity of the waters, ensuring the preservation of this cultural and therapeutic legacy for present and future generations (Cambuquira, 2024b, free translation)[47].

[46] In the original: "Art. 1º – Ficam reconhecidos os direitos intrínsecos do Aquífero de Águas Carbogasosas Curativas do Circuito das Águas como ente vivo e sujeito de direitos, incluindo todos os corpos d'água e seres vivos naturalmente presentes ou inter-relacionados, abrangendo também os humanos e não humanos, na medida em que todos são interconectados em um sistema integrado e interdependente".

[47] In the original: "I – manter seu fluxo natural e em quantidade suficiente para garantir a saúde do ecossistema; II – nutrir e ser nutrido pela mata ciliar e as florestas do entorno e pela biodiversidade endêmica; III – existir com suas condições físico-químicas adequadas ao seu equilíbrio ecológico; IV – inter-relacionar-se com os seres humanos por meio da identificação biocultural, de suas práticas

The aforementioned law determines that "the Aquifer and the interrelated beings must be protected and express their requests and voices through legal guardians, who will serve as their public representation and act as advisors to the Public Authorities and the community in the exercise of these rights" (Cambuquira, 2024b, free translation)[48]. These "Legal Guardians" will constitute a Guardianship Committee.

The creation of the Guardianship Committee on the Interests of the Carbonated Water Aquifer, whose role is to act as guardian of the rights established in the law, with the responsibility of participating in all public decision-making processes, will be determined by regulatory decree from the Executive Branch[49]. The Committee will be elected based on proven nominations from community members and with mandatory representation from the following entities: a member of the carbonated water user community; a representative from the local environmental organization; a representative from women involved in sustainable practices, and a representative from the academic institution with relevant knowledge.

The Committee is also required to prepare a concise report every 12 months, in collaboration with the Public Authorities, to be presented to the community on the health and condition of the Aquifer, as well as detailing the planning of strategic actions for the enforcement of rights. The report will be published and discussed with the participation of members of the Executive and Legislative Branches at the headquarters of the City Council, and presented to the community in at least two public hearings per year to elicit recommendations from participants. Among its responsibilities, the Committee may request immediate access to data, analyses, reports, opinions, agreements, contracts, or any other documents necessary for its core activities being done, and the requests must be submitted by the competent authority within 21 days.

After all, water, whether surface, underground or mineral, should not be seen as a commodity, but as an environmental asset managed by the State and society, aiming not only at economic objectives, but also at social and environmental ones.

espirituais, de lazer e cultural; V – ser utilizado para fins terapêuticos, reconhecendo o papel histórico da crenoterapia e a capacidade curativa ancestral das águas, assegurando a preservação desse legado cultural e terapêutico para as gerações presentes e futuras".

[48] In the original: "o Aquífero e os seres inter-relacionados devem ser protegidos e manifestar seus requerimentos e vozes por meio de guardiões legais, que servirão como sua representação pública e atuarão como conselheiros do Poder Público e da comunidade no exercício desses direitos".

[49] A period of up to 90 days from the date of publication of this law is set for the decree preparation and entry into force.

The legal pioneering work demonstrated by Cambuquira will encourage the creation and enactment of laws aimed at the comprehensive protection of aquifers. In addition, neighboring municipalities that share the same aquifer will be able to join forces to protect this source.

Conclusion

The visibility of groundwater promoted and advocated by UNESCO is embodied in the Cambuquira law, unprecedented worldwide, which elevates an aquifer to the legal status of a subject of rights.

Although anthropocentrism is considered the foundation of Brazilian Environmental Law, the new Latin American constitutionalism, by granting *Derechos a la Naturaleza* [Rights to Nature], with the participation of traditional and Indigenous peoples, as in the Constitutions of Ecuador and Bolivia, has influenced the creation of laws and judicial decisions in the national territory. This movement means a new perspective that shifts from a mitigated anthropocentrism to a growing ecocentrism, also supported by international documents and standards ratified by Brazil.

By granting non-humans the status of subjects of rights, initially with decisions related to animals, there was legal enactments that encompass the Earth, nature, rivers, lakes, waterfalls and, more recently, an aquifer in Brazil, breaking the paradigm of the human person as the sole holder of rights. The Laje River, with the Law enacted in the municipality of Guajará Mirim, state of Rondônia, opens up this new path for the environment, and such precedents have enabled the drafting of bills in states and municipalities aiming to attribute the same status to important water bodies in the country.

According to the 1988 Federal Constitution, the competence to legislate on groundwater lies with the states and the Federal District; municipalities are responsible for legislating on the use and management of the soil, in addition to promoting ways to protect the environment and combat pollution in any of its forms.

In this sense, the municipality of Cambuquira, state of Minas Gerais, located in the Water Circuit, innovated in the national and global legal system, by legislating the protection of groundwater stored in the "Healing Carbonated Waters Aquifer of the Water Circuit", granting the status of subject of rights to this aquifer, within the limits of the aquifer present in its territory.

Ordinary Law No. 2.762/2024 determines that the aforementioned aquifer

and the interrelated beings must be protected and express their requests and voices through Legal Guardians (Guardianship Committee), who will serve as public representation and act as advisors to the Public Authorities and the community in the exercise of these rights, so that it will no longer be necessary for the legitimate assets described in the environmental laws to represent such aquifer, which may, on its own, take legal action to assert its legal rights.

Thus, a new precedent is established, both nationally and internationally, that will favor the groundwater visibility and allow neighboring municipalities to also legislate in this sense, in order to make this aquifer a "subject of rights", thus covering its entire aquifer territory. Moreover, it will allow other aquifers in the country to be considered subjects of rights, promoting greater protection of groundwater.

References

AGÊNCIA EFE. Justiça indiana declara rios Ganges e Yamuna "seres vivos" com direitos. *G1 Natureza*, 21 mar. 2017. Available from: https://g1.globo.com/natureza/noticia/justica-indiana-declara-rios-ganges-e-yamuna-seres-vivos-com-direitos.ghtml. Access on: April 20, 2024.

ATAIDE JR., V. P. Por um direito processual constitucional pós-humanista: *habeas corpus* para animais no Brasil e na América Latina. *Revista Gralha Azul*, Curitiba, v. 1, n. 2, p. 119-126, jun./jul. 2022.

BECK, U. *Sociedade de risco*: rumo a uma outra modernidade. Tradução de Sebastião Nascimento. 2. ed. São Paulo: Editora 34, 2011.

BENJAMIN, A. H. V. A natureza no direito brasileiro: coisa, sujeito ou nada disso. *In:* CARLIN, V. (org.). *Grandes temas de Direito Administrativo*: homenagem ao professor Paulo Henrique Biasi. Florianópolis: Conceito Editorial; Millennium Editora, 2009. p. 49-68.

BLANCO, B. G. *Uma reflexão antropológica sobre personalidade Jurídica de não humanos*. 2018. Dissertação (Mestrado em Antropologia) – Setor de Ciências Humanas da Universidade Federal do Paraná, Curitiba, 2018.

BOLÍVIA. [Constituição (2009)]. *Constitución Política del Estado (CPE)*. La Paz, 7 fev. 2009. Available from: https://www.oas.org/dil/esp/constitucion_bolivia.pdf. Access on: April 16, 2024.

BOLÍVIA. *Ley n. 071, de 21 de diciembre de 2010.* Derechos de La Madre Tierra. La Paz, 21 dez. 2010. Available from: https://www.planificacion.gob.bo/uploads/marco-legal/Ley%20N%C2%B0%20071%20DERECHOS%20DE%20LA%20MADRE%20TIERRA.pdf. Access on: 16 maio 2024.

BONITO. *Lei Orgânica*. Bonito, PE: Câmara Municipal, 2020. Available from: https://transparencia.bonito.pe.leg.br/uploads/5110/2/atos-oficiais/2020/lei-organica-municipal/1674738778_leiorganica.pdf. Access on: Feb. 26, 2025.

BRASIL. Lei n. 6.931, de 31 de agosto de 1981. Dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências. *Diário Oficial da União*: seção 1, Brasília, DF, p. 16509, 2 set. 1981. Available from: https://www.planalto.gov.br/ccivil_03/leis/l6938.htm. Access on: April 18, 2024.

BRASIL. [Constituição (1988)]. Constituição da República Federativa do Brasil de 1988. Promulgada em 5 de outubro de 1988. Diário Oficial da União: seção 1, Brasília, DF, ano 125, n. 192, p. 1-2, 5 out. 1988. Available from: https://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm. Access on: Sept. 26, 2025.

BRASIL. Lei n. 9.433, de 8 de janeiro de 1997. Institui a Política Nacional de Recursos Hídricos, cria o Sistema Nacional de Gerenciamento de Recursos Hídricos, regulamenta o inc. XIX do art. 21 da Constituição Federal, e altera o art. 1º da Lei n. 8.001, de 13 de março de 1990, que modificou a Lei n. 7.990, de 28 de dezembro de 1989. *Diário Oficial da União*: seção 1, Brasília, DF, p. 470, 9 jan. 1997. Available from: https://www.planalto.gov.br/ccivil_03/leis/l9433.htm. Access on: April 18, 2024.

BRASIL. Lei n. 10.406, de 10 de janeiro de 2002. Institui o Código Civil. *Diário Oficial da União*: seção 1, Brasília, DF, ano 139, n. 8, p. 1, 11 jan. 2002. Available from: https://www.planalto.gov.br/ccivil_03/leis/2002/l10406compilada.htm. Access on: Feb. 26, 2025.

BRASIL. Lei n. 11.105, de 24 de março de 2005. Regulamenta os incs. II, IV e V do § 1º do art. 225 da Constituição Federal, estabelece normas de segurança e mecanismos de fiscalização de atividades que envolvam organismos geneticamente modificados – OGM e seus derivados, cria o Conselho Nacional de Biossegurança – CNBS, reestrutura a Comissão Técnica Nacional de Biossegurança – CTNBio, dispõe sobre a Política Nacional de Biossegurança – PNB, revoga a Lei n. 8.974, de 5 de janeiro de 1995, e a Medida Provisória n. 2.191-9, de 23 de agosto de 2001, e os arts. 5º, 6º, 7º, 8º, 9º, 10 e 16 da Lei n. 10.814, de 15 de dezembro de 2003, e dá outras providências. *Diário Oficial da União*: seção 1, Brasília, DF, p. 1, 28 mar. 2005. Available from: https://www.planalto.gov.br/ccivil_03/_ato2004-2006/2005/lei/l11105.htm. Access on: April 29, 2024.

BRASIL. Emenda Constitucional n. 96, de 6 de junho de 2017. Acrescenta § 7º ao art. 225 da Constituição Federal para determinar que práticas desportivas que utilizem animais não são consideradas cruéis, nas condições que especifica. *Diário Oficial da União*: seção 1, Brasília, DF, ano CLIV, n. 108, p. 1, 7 jun. 2017. Available from: https://www.planalto.gov.br/ccivil_03/constituicao/emendas/emc/emc96.htm. Access on: Feb. 27, 2025.

CABRAL, J. Movimento das Águas Subterrâneas. *In*: FEITOSA, F. A.C.; MANOEL FILHO, J. (coord.). *Hidrogeologia – conceitos e aplicações*. 2. ed. Fortaleza: CPRM/REFO, LABHID-UFPE, 2000. p. 35-52.

CAMBUQUIRA. *Projeto de Lei n. 004/2024, de 19 de janeiro de 2024*. Dispõe sobre o reconhecimento dos direitos do Aquífero de Águas Carbogasosas Curativas do Circuito das Águas como sujeito de direitos, seu enquadramento como ente especialmente protegido e dá outras providências. Cambuquira, MG: Câmara Municipal, 2024a. Available from: https://www.legislador.com.br//legisladorweb.asp?WCI=ProjetoTexto&ID=356&inEspecie=1&nrProjeto=4&aaProjeto=2024. Access on: April 16, 2024.

CAMBUQUIRA. *Lei n. 2.762, de 15 de março de 2024*. Dispõe sobre o reconhecimento dos direitos do Aquífero de Águas Carbogasosas Curativas do Circuito das Águas como sujeito de direitos, seu enquadramento como ente especialmente protegido e dá outras providências. Cambuquira, MG: Câmara Municipal, 2024b. Available from: https://www.legislador.com.br//legisladorweb.asp?WCI=LeiTexto&ID=356&inEspecieLei=1&nrLei=2762&aaLei=2024. Access on: April 16, 2024.

CAPRA, F. *A teia da vida*: uma nova compreensão científica dos sistemas vivos. Tradução de Newton Roberval Eichemberg. São Paulo: Cultrix, 2006.

CASTRO, C. J. C. Amazônia colombiana como sujeito de direitos: sentença da corte suprema de justiça da Colômbia. *In*: LACERDA, L. P. (org.). *Direitos da Natureza*: marcos para a construção de uma teoria geral. São Leopoldo: Casa Leiria, 2000. p. 69-80.

COELHO, F. U. *Curso de Direito Civil*. vol. 1 – Primeira parte – Parte Geral do Direito Civil. São Paulo: Revista dos Tribunais, 2020.

COLÔMBIA. [Constituição (1991)]. *Constitución Política de Colombia 1991*. Actualizada com los Actos Legislativos a 2016. Bogotá: Poder Legislativo, 1991. Available from: https://siteal.iiep.unesco.org/pt/bdnp/193/constitucion-politica-republica-colombia. Access on:April 26, 2024.

COMISSÃO DA CARTA DA TERRA. *Carta da Terra*. Brasília, DF: MMA, 2000. Available from: https://antigo.mma.gov.br/educacao-ambiental/pol%C3%ADtica-nacional-de-educa%C3%A7%C3%A3o-ambiental/documentos-referenciais/item/8071-carta-da-terra.html. Access on: Feb. 26, 2025.

CONHEÇA Cambuquira. *Circuito das Águas Minas Gerais*, 2024. Available from: https://circuitodasaguasmg.com.br/cambuquira/. Access on: April 15, 2024.

CONSELHO NACIONAL DE RECURSOS HÍDRICOS. *Resolução n. 15, de 11 de janeiro de 2001*. Brasília, DF: CNRH, 2001. Available from: https://www.ceivap.org.br/ligislacao/Resolucoes-CNRH/Resolucao-CNRH%2015.pdf. Access on: April 30, 2024.

DEPARTAMENTO NACIONAL DE PRODUÇÃO MINERAL. *Portaria n. 231, de 31 de julho de 1998*. Brasília, DF: DNPM, 1998. Available from: https://www.dnpm-pe.gov.br/Legisla/Port_231_98.htm. Access on: April 16, 2024.

EARTH Jurisprudence: what you need to know. *The Gaia Foundation*, 19 abr. 2021. Available from: https://gaiafoundation.org/earth-jurisprudence/. Access on: Feb. 26, 2025.

EQUADOR. [Constituição (2008)]. *Constitución de la República del Ecuador*. Quito, 20 out. 2008. Available from: https://siteal.iiep.unesco.org/pt/bdnp/290/constitucion-republica-ecuador. Access on: April 18, 2024.

FERNANDES, L. C. S. Unicidade do Direito para proteção ambiental. Polifonia – *Revista Internacional da Academia Paulista de Direito*, São Paulo, n. 6, Nova Série, p. 20-44, 2020. Available from: https://apd.org.br/wp-content/uploads/2021/01/TEXTO-01.pdf. Access on: Feb. 25, 2025.

FERREIRA, S. Decisão histórica do tribunal peruano afirma que o rio Marañón tem direitos legais de existir, fluir e estar livre de poluição. *Naturlink,* 21 mar. 2024. Available from: https://naturlink.pt/decisao-historica-do-tribunal-peruano-afirma-que-o-rio-maranon-tem-direitos-legais-de-existir-fluir-e-estar-livre-de-poluicao/#:~:text=O%20caso%20marca%20a%20primeira,de%20existir%2C%20regenerar%20e%20evoluir. Access on: Feb. 25, 2025.

FIORILLO, C. A. P.; RODRIGUES, M. A. *Manual de Direito Ambiental e legislação aplicável*. 2. ed. São Paulo: Max Limonad, 1999.

GOIÁS. *Lei n. 387, de 13 de junho de 2024.* Dispõe sobre o reconhecimento dos direitos do Rio Vermelho no município de Goiás, seu enquadramento como ente especialmente protegido, institui o Dia Municipal do Rio Vermelho, institui a Semana Municipal do Rio Vermelho e dá outras providências. Goiás, GO: Câmara Municipal, [2024]. Available from: https://goias.go.gov.br/publicacoes/leis/lei387.pdf. Access on: June 20, 2024.

GUAJARÁ MIRIM. *Lei ordinária n. 2579, de 28 de junho de 2023*. Dispõe sobre o reconhecimento dos direitos do Rio Laje – Komi Memen – no município de Guajará-Mirim e seu enquadramento como ente especialmente protegido e dá outras providências. Guajará Mirim, RO: Câmara Municipal, 2023. Available from: https://www.guajaramirim.ro.leg.br/leis/legislacao-municipal-1. Access on: May 2, 2024.

INDIA'S Ganges and Yamuna rivers are 'not living entities. *BBC News*, 7 jul. 2017. Available from: http://www.bbc.com/news/world-asia-india-40537701. Access on: Feb. 25, 2025.

INSTITUTO BRASILEIRO DE GEOGRAFIA E ESTATÍSTICA. *Brasil/Minas Gerais/Cambuquira*. Rio de Janeiro: IBGE, 2022. Available from: https://cidades.ibge.gov.br/brasil/mg/cambuquira/panorama. Access on: April 15, 2024.

JUSTIÇA indiana afirma que rios não podem ter mesmos direitos que humanos. *Correio Braziliense*, 7 jul. 2017. Available from: https://www.correiobraziliense.com.br/app/noticia/mundo/2017/07/07/interna_mundo,607930/por-que-os-rios-na-india-sao-seres-vivos.shtml. Access on: April 15, 2024.

LANA, C. Agora, a Amazônia colombiana tem os mesmos direitos que uma pessoa, decreta a Corte. *Ekos Brasil*, 12 abr. 2018. Available from: https://www.ekosbrasil.org/agora-a-amazonia-colombiana-tem-os-mesmos-direitos-que-uma-pessoa-decreta-a-corte/#:~:text=12%20abr%202018-,Agora%2C%20a%20Amaz%C3%B4nia%20colombiana%20tem%20os%20mesmos%20direitos%20que%20uma,agora%20um%20sujeito%20de%20direitos. Access on: Feb. 25, 2025.

LOVELOCK, J. *A vingança de Gaia.* Tradução de Ivo Korytowski. Rio de Janeiro: Intrínseca, 2006.

MALISKA, M. A.; MOREIRA, P. D. O Caso Vilcabamba e El Buen Vivir na Constituição do Equador de 2008: pluralismo jurídico e um novo paradigma ecocêntrico. *Sequência*, Florianópolis, n. 77, p. 149-176, nov. 2017. Available from: http://dx.doi.org/10.5007/2177-7055.2017v38n77p149. Access on: Feb. 25, 2025.

MANOEL FILHO, J. Ocorrências das águas subterrâneas. *In*: FEITOSA, F. A.C.; MANOEL FILHO, J. (coord.) *Hidrogeologia – conceitos e aplicações*. 2. ed. Fortaleza: CPRM/REFO, LABHID-UFPE, 2000. p. 13-34.

MINAS GERAIS. Lei Estadual n. 556, de 30 de agosto de 1911. Dispõe sobre a divisão administrativa do estado e contém outras disposições. *Coleção das Leis Mineiras*, p. 10, col. 1, 30 ago. 1911. Available from: https://www.almg.gov.br/legislacao-mineira/LEI/556/1911/#:~:text=DISP%C3%95E%20SOBRE%20A%20DIVIS%C3%83O%20ADMINISTRATIVA%20DO%20ESTADO%20E%20CONT%C3%89M%20OUTRAS%20DISPOSI%C3%87%C3%95ES.&text=Observa%C3%A7%C3%A3o%20TEXTO%20COM%20A%20ORTOGRAFIA,DO%20ESTADO%20DE%20MINAS%20GERAIS. Access on: Feb. 26, 2025.

MINAS GERAIS. *Proposta de Emenda à Constituição n. 12/2023*. Acrescenta dispositivos à Constituição do Estado de Minas Gerais, que atribui à natureza direitos plenos, intrínsecos e perpétuos, inerentes a sua existência no planeta. Belo Horizonte, MG: ALMG, 2023. Available from: https://www.almg.gov.br/atividade-parlamentar/projetos-de-lei/texto/?tipo=PEC&num=12&ano=2023#:~:text=Proposta%20de%20Emenda%20%C3%A0%20Constitui%C3%A7%C3%A3o,a%20sua%20exist%C3%AAncia%20no%20planeta. Access on: April 26, 2024.

MINAS GERAIS. *Projeto de Lei n. 1.974/2024*. Dispõe sobre o reconhecimento dos direitos do Watu – Rio Doce, no Estado de Minas Gerais, e seu enquadramento como ente especialmente protegido e dá outras providências. Belo Horizonte, MG: ALMG, 2024a. Available from: https://www.almg.gov.br/atividade-parlamentar/projetos-de-lei/texto/?tipo=PL&num=1974&ano=2024#:~:text=Justifica%C3%A7%C3%A3o%3A%20O%20presente%20projeto%20de,os%20seus%20sistemas%20de%20vida. Access on: April 26, 2024.

MINAS GERAIS. *Projeto de Lei n. 2.178/2024*. Dispõe sobre o reconhecimento dos direitos do Rio Mosquito, afluente do Rio Gorutuba, no Estado de Minas Gerais e seu enquadramento como ente especialmente protegido e dá outras providências. Belo Horizonte, MG: ALMG, 2024b. Available from: https://www.almg.gov.br/atividade-parlamentar/projetos-de-lei/texto/?tipo=PL&num=2178&ano=2024. Access on: May 2, 2024.

MINAS GERAIS. *Projeto de Lei n. 2.497/2024*. Dispõe sobre o reconhecimento dos direitos do Rio São Lamberto, afluente do Rio Jequitaí na bacia do Rio São Francisco, no Estado de Minas Gerais e seu enquadramento como ente especialmente protegido e dá outras providências. Belo Horizonte, MG: ALMG, 2024c. Available from: https://www.almg.gov.br/atividade-parlamentar/projetos-de-lei/texto/?tipo=PL&num=2497&ano=2024. Access on: June 20, 2024.

MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA DO CLIMA. *Programas de Águas Subterrâneas*. Brasília: MMA, 2001.

MINISTÉRIO DO MEIO AMBIENTE E MUDANÇA DO CLIMA. Instrução Normativa MMA n. 4, de 21 de junho de 2000. Aprova os procedimentos administrativos para a emissão de outorga de direito de uso de recursos hídricos, em corpos d'água de domínio da União. Norma Federal. *Diário Oficial da União*, Brasília, DF, 30 jul. 2000. Available from: https://www.normasbrasil.com.br/norma/instrucao-normativa-4-2000_74194.html. Access on: March 17, 2024.

NAESS, A. The deep ecological movement: some philosophical aspects. *In*: BHASKAR, R.; NAESS, P.; HØYER, K. *Ecophilosophy in a World of Crisis.* [*S.l.*]: Routledge, 2011. p. 84-98. Available from: http://www.uv.mx/personal/jmercon/files/2011/08/Naess_DeepEcology.pdf. Access on: March 17, 2024.

NALINI, J. R. Ética ambiental. Campinas: Millenium, 2001.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Declaração das Nações Unidas sobre os Direitos dos Povos Indígenas*. Rio de Janeiro: Nações Unidas, 2008. Available from: https://www.un.org/esa/socdev/unpfii/documents/DRIPS_pt.pdf. Access on: April 29, 2024.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Resolução 63/278, de 22 de abril de 2009*. Dia Internacional da Mãe Terra. Nova York: ONU, 2009. Available from: https://docs.un.org/en/A/RES/63/278. Access on: April 23, 2024.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS. *Resolução A/RES/75/220, de 30 de dezembro de 2020*. Harmonia com a natureza. Nova York: ONU, 2020. Available from: https://undocs.org/es/A/RES/75/220. Access on: April 23, 2024.

ORGANIZAÇÃO DAS NAÇÕES UNIDAS PARA A EDUCAÇÃO, A CIÊNCIA E A CULTURA. *Convenção para a salvaguarda do patrimônio cultural imaterial*. Paris: Unesco, 2003. Available from: https://unesdoc.unesco.org/ark:/48223/pf0000132540_por. Access on: April 29, 2024.

ORGANIZAÇÃO DOS ESTADOS AMERICANOS. *Declaração Americana sobre os Direitos dos Povos Indígenas*: AG/RES.2888 (XLVI-O/16): Aprovada na terceira sessão plenária, realizada em 15 de junho de 2016. Santo Domingo, Republica Dominicana, 2016. Available from: https://www.oas.org/en/sare/documents/DecAmIND_POR.pdf. Access on: April 29, 2024.

ORGANIZAÇÃO INTERNACIONAL DO TRABALHO. *Convenção n. 169 da OIT sobre os Povos Indígenas e Tribais*. Genebra, Suíça: OIT, 1989. Available from: https://www2.camara.leg.br/legin/fed/decleg/2002/decretolegislativo-143-20-junho-2002-458771-convencaon169-pl.pdf. Access on: April 26, 2024.

PLANO DE APROVEITAMENTO ECONÔMICO. *Estância Hidromineral de Cambuquira*: Processo DNPM 135/51 – Manifesto de Mina 1.050/42. Belo Horizonte: C&D, 2006. Available from: http://www.codemge.com.br/wp-content/uploads/2018/05/cambuquira-pae.pdf. Access on: Feb. 26, 2025.

REBOUÇAS, A. C. Águas subterrâneas. *In*: REBOUÇAS, A. C.; BRAGA, B.; TUNDISI, J. G. Águas doces do Brasil – capital ecológico, uso e conservação. 2. ed. rev. ampl. São Paulo: Escrituras, 2002. p. 119-151.

SALES, J. O.; ISAGUIRRE, K. R. Uma discussão sobre os direitos da natureza a partir do novo constitucionalismo latino-americano e do caso do Rio Doce no Brasil. *Revista Culturas Jurídicas*, Rio de Janeiro, v. 5, n. 12, set.-dez. 2018. Available from: https://doi.org/10.22409/rcj.v0i0.646. Access on: Feb. 25, 2025.

SANTAMARÍA, R. F. A. *El derecho de la naturaleza:* fundamentos. Quito: Universidad Andina Simon Bolivar/UASB Digital, 2010. 26 p. Available from: https://repositorio.uasb.edu.ec/bitstream/10644/1087/1/%c3%81vila-%20CON001-El%20derecho%20de%20la%20naturaleza-s.pdf. Access on: Feb. 25, 2025.

SÃO PAULO (Estado). *Lei n. 6.134, de 02 de junho de 1988*. Dispõe sobre a preservação dos depósitos naturais de águas subterrâneas do Estado de São Paulo e dá outras providências. São Paulo: ALESP, 1988. Available from: https://www.al.sp.gov.br/repositorio/legislacao/lei/1988/lei-6134-02.06.1988.html. Access on: April 18, 2024.

SÃO PAULO (Estado). *Projeto de Lei n. 1.422/2023*. Autoria: Marina Helou. Determina o Rio Tietê como sujeito de direitos e dá outras providências. São Paulo: ALESP, 2023. Available from: https://www.al.sp.gov.br/propositura/?id=1000502851&tipo=1&ano=2023. Access on: May 2, 2024.

SARLET, I. W.; FENSTERSEIFER, T. Algumas notas sobre a dimensão ecológica da dignidade da pessoa humana e sobre a dignidade da vida em geral. *In:* MOLINARO, C. A.; MEDEIROS, F. L. F.; SARLET, I. W.; FENSTERSEIFER, T. (org.). *A dignidade da vida e os direitos fundamentais para além dos humanos:* uma discussão necessária. Belo Horizonte: Fórum, 2008. p. 175-205.

SARTORI, M.; CANCI, D. Primeiros cães do Brasil autores de processo judicial contra ex-tutores têm pedido de indenização por dano moral negado pela Justiça; entenda. *G1 Oeste e Sudoeste RPC*, 18 out. 2023. Available from: https://g1.globo.com/pr/oeste-sudoeste/noticia/2023/10/18/primeiros-caes-do-brasil-a-processarem-ex-tutores-perdem-na-justica-pedido-de-indenizacao-por-maus-tratos-entenda.ghtml. Access on: April 16, 2024.

SERRES, M. *Contrato Natural*. Tradução de Serafim Ferreira. Lisboa: Instituto Piaget, 1990.

SILVA, E. D.; MEDYK, K. A construção da personalidade jurídica no ordenamento brasileiro e os novos sujeitos de direitos. *Revista Brasileira de Direito e Justiça*, Ponta Grossa, v. 5, p. 125-152, jan./dez. 2021.

SILVA, L. A. L. *Consulta prévia e livre determinação dos povos indígenas e tribais na América Latina*: re-existir para co-existir. 2017. Tese (Doutorado em Direito) – Programa de Pós-graduação em Direito da Pontifícia Universidade Católica do Paraná, Curitiba, 2017.

SOUZA, L. C. Águas e sua proteção. Curitiba: Juruá, 2004.

SOUZA, L. C. Águas subterrâneas e a legislação brasileira. Curitiba: Juruá, 2009.

THE GOLDMAN Environmental Prize. Teresa Vicente, 2024 Goldman Prize Winner. *Goldman Environmental Foundation*, 2025. Available from: https://www.goldmanprize.org/recipient/teresa-vicente/#recipient-bio. Access on: Feb. 26, 2025.

UNITED NATIONS. *World Charter for Nature, A/RES/37/7*, UN General Assembly, 28 October 1982. Available from: https://www.refworld.org/legal/resolution/unga/1982/en/10627. Access on: June 10, 2025.

UNITED NATIONS. The Rio Declaration on Environment and Development. Rio de Janeiro, 1992. Available from: https://www.iau-hesd.net/sites/default/files/media_files/rio_e.pdf. Access on: June 10, 2025.

WHANGANUI: o rio que passou a ter os mesmos direitos que os seres humanos. *Público Comunicação Social SA,* Nova Zelandia, 15 mar. 2017. Available from: https://www.publico.pt/2017/03/15/mundo/noticia/whanganui-o-rio-neozelandes-com-os-mesmos-direitos-dos-seres-humanos-1765372. Access on: May 2, 2024.

ABOUT THE AUTHORS

Luciana Cordeiro de Souza Fernandes
Associate Professor at Faculdade de Ciências Aplicadas of Universidade Estadual de Campinas (UNICAMP), Campinas/SP, Brazil. PhD and Master's degrees in Diffuse Rights: Environmental Law from Pontifícia Universidade Católica de São Paulo (PUC-SP), São Paulo/SP, Brazil. Specialist Certification in Criminal Law and Procedural Law from Universidade São Francisco (USF), Bragança Paulista/SP, Brazil. Specialist Certification in Civil Procedural Law from Pontifícia Universidade Católica de Campinas (PUC-Campinas), Campinas/SP, Brazil. Degree in Law from USF. Professor of Law at FCA/UNICAMP and Coordinator for the Graduate Program in Teaching and History of Earth Sciences (PPG-EHCT) at the UNICAMP Instituto de Geociências Leader of the CNPQ/UNICAMP "Aquageo Ambiente Legal" Research Group. Lawyer. Environmental Consultant and Opinion giver. Founding member of the Environmental Law Professors Association of Brazil (APRODAB) and State Coordinator – São Paulo/SP, Brazil.

Alexandre Martins Fernandes
Post-doctoral degree from Instituto de Ciência e Tecnologia (ICT) of Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP), São José dos Campos/SP, Brazil. Post-doctoral degree from Faculdade de Engenharia de Bauru (FEB) da UNESP, Bauru/SP, Brazil. PhD and Master's degrees from Centro de Energia Nuclear na Agricultura da Universidade de São Paulo (CENA/USP), Piracicaba/SP, Brazil. Degree in Environmental Management from Escola Superior de Agricultura "Luiz de Queiroz" (ESALQ-USP), Piracicaba/SP, Brazil. Degree in Social Communication from Escola Superior de Propaganda e Marketing (ESPM), São Paulo/SP, Brazil. Leader of the CNPQ/UNICAMP "Aquageo Ambiente Legal" Research Group.

Authors' participation
Both authors participated in the discussions of the results, and reviewed and approved the final work.

How to cite this article (ABNT):
FERNANDES, L. C. S.; FERNANDES, A. M. Aquifer as subject of rights: the Brazilian legal precedent *Veredas do Direito*, Belo Horizonte, v. 22, e222749, 2025. Available at: Access: Month. day, year.