

# THE IMPLICATIONS OF DRAFT BILL NO. 2334/2024 ON THE PROTECTION OF THE PANTANAL BIOME: ASPECTS IN THE CONTEXT OF ENVIRONMENTAL GOVERNANCE IN BRAZIL AND ITS RELATION TO GLOBAL COMMITMENTS WITHIN BRICS

RECEIVED:	APRIL 12 <sup>th</sup> , 2025
ACCEPTED:	<b>MAY 29<sup>th</sup>, 2025</b>

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**How to cite this paper:** BRASIL, D. R.; SANTOS, F. L. The implications of Draft Bill No. 2334/2024 on the protection of the Pantanal biome: aspects in the context of environmental governance in Brazil and its relation to global commitments within Brics. *Revista Direito Mackenzie*, São Paulo, SP, v. 19, n. 1, e17892EN, 2025. <http://dx.doi.org/10.5935/2317-2622/direito-mackenzie.v19n117892EN>.



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■ **ABSTRACT:** This paper analyzes Draft Bill No. 2334/2024, which proposes guidelines for the conservation, protection, restoration, and sustainable use of the Pantanal biome, linking it to Brazilian environmental governance and to the commitments assumed by Brazil within Brics. The central issue lies in the absence of specific legislation for the Pantanal despite its ecological relevance. The hypothesis is that the bill represents progress in environmental protection, aligned with international treaties. The study adopts the deductive method, with procedures based on documentary, bibliographic, doctrinal research, and analysis of legal texts. The results indicate that Draft Bill No. 2334/2024 strengthens the protection of the Pantanal and contributes to consolidating a model of sustainable development grounded in preventive actions, social participation, and institutional integration. It is observed that its approval may represent a milestone in Brazilian environmental policy, positioning the country as a leader in addressing climate change and preserving biodiversity on a global scale.

■ **KEYWORDS:** Pantanal; Draft Bill No. 2334/2024; environmental governance; Brics.

## O IMPACTO DO PROJETO DE LEI N° 2334/2024 NA PROTEÇÃO DO BIOMA PANTANAL: ASPECTOS NO CONTEXTO DA GOVERNANÇA AMBIENTAL NO BRASIL E SUA RELAÇÃO COM OS COMPROMISSOS GLOBAIS NO BRICS

■ **RESUMO:** O presente estudo analisa o Projeto de Lei nº 2334/2024, que propõe diretrizes para a conservação, proteção, restauração e uso sustentável do bioma Pantanal, vinculando-o à governança ambiental brasileira e aos compromissos assumidos pelo Brasil no Brics. A problemática reside na ausência de norma específica para o Pantanal, apesar de sua relevância ecológica. Parte-se da hipótese de que o referido projeto representa um avanço na proteção ambiental, alinhado aos tratados internacionais. Adota-se o método dedutivo, com procedimentos baseados em pesquisa documental, bibliográfica, doutrinária e análise de textos legais. Os resultados indicam que o PL nº 2334/2024 fortalece a proteção do Pantanal e contribui para consolidar um modelo de desenvolvimento sustentável, alicerçado em ações preventivas, participação social e integração institucional. Verifica-se que sua aprovação pode representar um marco na política



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ambiental brasileira, projetando o país como liderança no enfrentamento das mudanças climáticas e na preservação da biodiversidade em escala global.

■ **PALAVRAS-CHAVE:** Pantanal; Projeto de Lei nº 2334/2024; governança ambiental.

## 1. Introduction

The Pantanal biome, recognized as the largest continuous wetlands on the planet, constitutes one of the most complex and strategic ecosystems in South America, with significant influence over climate regulation, hydrological stability, and biodiversity conservation. Its territory, located across the Brazilian states of Mato Grosso and Mato Grosso do Sul, is part of the Upper Paraguay River Basin and encompasses various interdependent ecological formations, such as seasonal forests, wetlands, open grasslands, levees, forested islands, and channels. Despite its high ecological and sociocultural value, the Pantanal faces increasing pressures from the expansion of agricultural frontiers, livestock farming, the construction of dams, and, more recently, large-scale wildfires, which have affected millions of species and significantly altered the region's hydrological regime.

In this context, Draft Bill No. 2334/2024 establishes guidelines aimed at protecting, restoring, and promoting the sustainable use of the Pantanal biome with the purpose of fostering sustainable development in the region. Among the core objectives of the legislative proposal are the preservation and recovery of the Pantanal's natural heritage; the promotion of economic activities compatible with environmental conservation, ensuring employment and income for the local population; the protection of biological diversity and human health; the promotion of ecotourism and the traditional knowledge of Indigenous peoples, riverside communities, and artisanal fishers; and social inclusion through the reduction of regional inequalities. The Draft Bill also seeks to strengthen national and international cooperation, foster integrated public policies, expand access to credit for sustainable production chains, restore permanent preservation areas, establish and maintain ecological corridors, combat wildlife trafficking, and promote environmental education. By incorporating these guidelines, the bill seeks to integrate ecological conservation, balanced territorial development, and the strengthening of environmental governance in Brazil.



The general objective of this research is to analyze to what extent Draft Bill No. 2334/2024 contributes to the strengthening of environmental governance in Brazil and to the fulfillment of the international obligations assumed by the country under multilateral agreements and forums such as Brics. The specific objectives include: a) examining the main legal instruments and guidelines set out in the proposal; b) assessing its alignment with current environmental legislation, such as the Forest Code and the National Water Resources Policy; c) determining whether the Draft Bill No. 2334/2024 addresses existing institutional gaps; and d) analyzing its capacity to generate structural impacts on the protection of the Pantanal.

The central problem lies in the absence of a robust and specific legal framework that recognizes the ecological complexity of the Pantanal and offers effective legal responses to the growing socio-environmental challenges faced by the region. Thus, the hypothesis is that Draft Bill No. 2334/2024 represents significant step forward by promoting integration between environmental conservation, territorial justice, and sustainable development based on a territorialized, participatory, and intersectoral approach.

The methodological approach adopted is deductive, starting from the analysis of constitutional principles and international treaties ratified by Brazil to critically interpret the legal innovations set forth in Draft Bill No. 2334/2024. The methodological procedures include a documentary analysis of the legislative proposal, bibliographic and doctrinal review of Environmental Law and International Environmental Law, as well as the study of international best practices for the protection of wetlands, such as the guidelines of the Ramsar Convention.

The results achieved demonstrate that Draft Bill No. 2334/2024 proposes an advanced legal model grounded in ecological rationality, social inclusion, and cooperative governance. It contributes to a new paradigm of evidence-based environmental public management guided by climate justice and the equitable distribution of socio-environmental benefits. Its legislative approval has the potential to become a landmark in Brazilian environmental policy, while also positioning Brazil as a leading actor in global agendas on biodiversity, climate, and sustainability.

## 2. The Brazilian Pantanal biome

Vladimir Oliveira da Silveira, in the preface to the book *Tutela jurídica do Pantanal* (Legal protection of the Pantanal), writes that



[...] the Pantanal biome is characterized by its rich biological diversity and by a complex hydrological cycle regulated by a system of floods and droughts. It is one of the largest floodable wetlands on the planet, of great importance for the maintenance of water reservoirs, climate regulation, and essential ecosystem services, all of which are relevant both to the stability of its natural ecosystems and to human beings, especially the traditional populations that inhabit the region (Moreira, 2021, p. 11, translated by the authors).

Fernandes and Campello (2023, p. 487-488) reinforce the ecological significance of the Pantanal biome. The authors emphasize that the Pantanal creates a connection between different biomes, such as the Cerrado (located in central Brazil), the Chaco, in Bolivia, and the Amazon Rainforest, to the north. Due to this strategic geographical position, they write that the Pantanal hosts extremely rich biodiversity, which is essential to the well-being of local communities, while also providing resources for activities such as tourism, commercial fishing, and the subsistence of traditional populations. They go on to stress that the periodic flooding of the Pantanal plays a crucial role in the adaptation of species to this ecosystem, supporting the maintenance of biological diversity. As such, the Pantanal performs essential functions for climate stability, water security, and habitat preservation, offering both commercial ecosystem services – such as fishing and ecotourism – and non-commercial ones, such as native pastures and scenic landscapes. In addition to its direct and indirect benefits, the authors state that protecting the Pantanal is fundamental for ensuring essential human rights, including access to clean water and a healthy environment.

Eliotério Fachin Dias *et al.* point out that the Pantanal, recognized as a Biosphere Reserve, plays an essential role in maintaining environmental balance, with repercussions that go beyond the local context and reach global dimensions. According to the authors, protecting this biome is imperative for the preservation of biodiversity and the safeguarding of planetary health (Moreira, 2021, p. 62). This understanding reveals that the defense of the Pantanal should not be viewed merely as a localized environmental policy but rather as an expression of a broader ecological ethic – one that articulates socio-environmental responsibility, intergenerational justice, and the duty of the State. The degradation of this ecosystem implies not only the loss of natural heritage but also the disruption of systemic balances that sustain life at multiple scales. In this context, normative policies such as Draft Bill No. 2334/2024 acquire central



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importance, as they offer a structured legal response to the contemporary demands for conservation and integrated environmental governance.

Data from the Instituto Brasileiro de Geografia e Estatística (Brazilian Institute of Geography and Statistics [IBGE]) (2025) indicate that the Pantanal covers an area of approximately 150,355 km<sup>2</sup>, representing 1.8% of Brazilian territory. Regarding its fauna and species diversity, the Instituto Chico Mendes de Conservação da Biodiversidade (Chico Mendes Institute for Biodiversity Conservation [ICMBio]) (2025) reports the presence of approximately 264 fish species, 652 bird species, 102 mammal species, 177 reptile species, and 40 amphibian species in the Pantanal. Furthermore, it notes that the population density of several large vertebrate species found in the Pantanal is unmatched in any other region of the continent.

In light of the fires and deforestation, whose causes stem from various factors – particularly the pressure of economic development – vast areas of the Pantanal biome have been devastated, intensifying biodiversity loss and damaging the local economy. The natural alternation between floods and droughts, essential to the ecosystem's balance, has also been disrupted. According to data from the Amazon Environmental Research Institute (IPAM, 2025), as early as November 2020, the damage to the Pantanal caused by fires and deforestation was already estimated to affect up to 40% of the biome's total area. More recent data from the SOS Pantanal Institute (SOS Pantanal, 2025) report that, as of June 2024, burned areas had reached 680,000 hectares (equivalent to 4.53% of the entire biome), surpassing the levels recorded in 2020 for the same period. The year 2024 had already shown a 143% increase compared to 2020, driven by extreme heat, lack of rainfall, and persistent, severe drought conditions, which contributed to increased soil desiccation.

Regarding the degradation suffered by the Pantanal biome, Moreira *et al.* (2021, p. 47, translated by the authors) underscore that “[...] the impact experienced locally reverberates regionally and globally. Therefore, the degradation of the Pantanal biome, with the substantial loss of its fauna and flora due to anthropogenic actions, can even negatively impact human health and life.” This observation highlights that the destruction of this ecosystem is not limited to direct environmental loss but triggers cascading effects that compromise climate stability, water resources, and public health. It is a phenomenon that transcends the territorial limits of the biome, reflecting broader consequences for planetary health and life-support systems at regional and global scales.



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This scenario presents serious challenges for environmental governance, demanding coordinated action among different levels of government, productive sectors, and civil society. The urgency to halt the degradation of the Pantanal requires not only emergency containment measures but also the formulation of structural, integrated, and long-term public policies – such as those outlined in Draft Bill No. 2334/2024. This legislative proposal recognizes the biome's strategic value and aims to promote its conservation based on principles such as prevention, precaution, social participation, and intergenerational solidarity, repositioning the Pantanal as a central element of contemporary Brazilian environmental policy.

### 3. Environmental governance in the Brazilian Pantanal biome

Environmental issues, ecological ethics, and the relationship between humans and nature are at the core of contemporary national political debates in the search for solutions and models of economic development that reconcile progress with sustainability.

Aldo Leopold, in his classic work *A sand county Almanac*, emphasizes the human responsibility in environmental preservation by highlighting the interconnectedness and interdependence of all elements of nature, thereby proposing a new ethic of relationship with the Earth (Leopold, 1970). In the same vein, Leonardo Boff advocates for the construction of a new civilizational pact centered on care and respect for all forms of life. As he writes:

We need to develop a new paradigm of coexistence that serves as a foundation for building a more caring relationship with the Earth and that inaugurates a new social pact among peoples, oriented toward respect for and the preservation of all that exists and has life (Boff, 2017, p. 7-8, translated by the authors).

The ideas of Leopold (1970) and Boff (2017) concerning land ethics, respect, and the preservation of nature represent the ideal of a society striving to harmonize its actions with the ecological limits of the planet, promoting a model of truly sustainable development. This vision requires a profound reformulation of economic practices and regulatory structures grounded in principles of collective responsibility and environmental justice, which recognize the intrinsic value of life in all its forms.



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Bosselmann (2015, p. 48) relates sustainability to the preservation of the integrity and essence of ecological systems, asserting that true sustainable development can only occur within the natural limits imposed by these systems. In other words, there is no legitimate sustainability without respect for the ecological processes essential to the maintenance of life, such as the hydrological cycle, climate balance, soil regeneration, and biodiversity.

The notion of “ecological integrity” proposed by Bosselmann (2015) refers to the understanding that the environment is not merely a collection of resources to be rationally exploited, but rather an interdependent system of which humans are a part and to which they are subject. This perspective implies that Environmental Law must not be limited to regulating the use of natural goods, but must instead assume a transformative normative role aimed at protecting the functionality of ecosystems.

Thus, public policies and legal frameworks that disregard planetary boundaries and operate under the logic of unlimited economic growth become incompatible with the foundations of sustainability. The contemporary challenge, therefore, lies in reorienting the legal and institutional paradigm of development so that it aligns with the principles of deep ecology, environmental justice, and intergenerational solidarity, ensuring that human activities respect the carrying capacity of natural systems.

In this context, environmental governance emerges as a set of collective management tools and best practices in favor of sustainability. Jacobi and Sinisgalli (2012, p. 1471) write that “environmental governance involves everyone in decisions concerning the environment, through civil and governmental organizations, with the goal of achieving broad and unrestricted adherence to the project of maintaining the integrity of the planet.” According to the authors, “the concept centers on the transformation of governance and regulatory models that transcend traditional state hierarchies and market systems,” and that

the prevailing interpretation under this approach is that governance represents a process resulting from the articulation of classical forms of authority typical of the State (hierarchical organization) with those of the private sector (driven by market competition) and of the voluntary or civil society sector (characterized by voluntary, reciprocal, and solidarity-based citizen action).

Andrighetto *et al.* (2016) argue that the environmental crisis has become central to the discussion of international environmental governance, given the need for an



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ecologically balanced environment. The environmental issue transcends national borders, requiring the recognition of ecological interdependence among foreign States. This assertion reveals the inadequacy of state-based responses to the transboundary nature of contemporary ecological problems, such as climate change, biodiversity loss, and the pollution of international waters.

In this sense, the recognition of ecological interdependence requires the adoption of more robust mechanisms of international cooperation guided by principles such as solidarity, precaution, and environmental justice. International environmental governance must, therefore, go beyond mere formal coordination between States and be structured as a model of global co-responsibility, capable of integrating binding multilateral commitments, social participation, and respect for the ecological limits of the planet.

Glazenapp and Cruz (2013, p. 224) provide an operational definition for the concept of governance, characterizing it "as a process involving both decision-makers and non-decision-makers, sharing the common goal of environmental, social, and economic management, in which decentralized and co-responsible participation becomes the core of the process." It also presupposes "an integrated, synergistic, and networked action, with a shared empowerment of all actors involved in management, interacting with decision-makers." According to the authors,

[...] environmental, social, and economic governance - considered a fundamental prerequisite for achieving sustainability - may involve multiple strategies (institutional or otherwise), including negotiation arenas, educational practices, and civil society participation. These are tools aimed at contributing to the process of constructing shared decision-making mechanisms (Glazenapp; Cruz, 2013, translated by the authors).

This understanding reveals an essential dimension of contemporary environmental governance: its horizontal, participatory, and pluralistic character. In contrast to traditional state-centered decision-making, the authors propose a management model based on collaborative articulation among diverse social actors, where the legitimacy of decisions stems from inclusion, dialogue, and shared responsibility. In times of interconnected ecological crises - such as climate, water, and biodiversity crises - this model proves not only desirable but necessary. Networked governance, with real negotiation spaces and ongoing educational practices, provides not only greater regulatory



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effectiveness but also fosters the democratic empowerment of local communities, an essential condition for embedding sustainability as a social value. It, therefore, entails a reconfiguration of the role of the State, which ceases to be the monopolizing center of decisions and becomes a facilitator of processes for the collective and equitable construction of alternative ways of coexisting with the environment.

Environmental governance, therefore, inherently carries the idea of sustainability. In this regard, we turn to the lessons of Deilton Ribeiro Brasil, who writes:

The principle of sustainability directly and immediately imposes the responsibility of both the State and society for the collective realization of material and immaterial development that is socially inclusive, lasting, and equitable; environmentally clean, innovative, ethical, and efficient. Its purpose is to ensure – preferably through preventive and precautionary measures, both now and in the future – the right to well-being as a deliberate commitment to dynamic rebalancing in favor of life (Brasil, 2020, p. 6737).

In this regard, environmental governance entails the participation, interaction, and inclusion of the various social sectors involved, as well as the planning, formulation, and implementation of actions aimed at addressing environmental issues. It also encompasses decision-making based on shared responsibility, oriented toward environmental justice and in accordance with both domestic regulations and international agreements to which the State is a party.

Environmental governance is directly linked to Environmental Law, which provides it with guiding principles and parameters for action. Fernandes and Campello (2023, p. 485-496) write that “Environmental Law emerged to address environmental degradation, with the State assuming the responsibility of protecting the environment and raising public awareness.” This statement reinforces the structuring function of Environmental Law within the context of governance by positioning the State not only as the implementer of public policies but also as the legal guarantor of sustainability and a mobilizing agent of collective awareness. The recognition of environmental protection as a duty of both the government and society (Article 225 of the 1988 Federal Constitution) requires the adoption of legal mechanisms to ensure the effectiveness of environmental governance, including the regulation of social participation, the precautionary principle, damage remediation, and access to environmental justice.



The emergence of Environmental Law as an autonomous legal field reflects the need for legal responses capable of addressing the complexity of ecological risks, demanding institutional innovations, interdisciplinarity, and a transformation of the traditionally anthropocentric legal culture. In this sense, strengthening environmental governance requires an Environmental Law that acts not merely reactively, but as a normative and proactive tool for reorganizing society on ecological grounds.

Environmental governance actions and practices have been observable since the 1960s, emerging from a perspective of mutual cooperation between States and various sectors of society. Andrighetto, Censi and Estenssoro (2016, p. 77-80) highlight key moments in the international environmental debate, citing, for example, the 1968 proposal by Sweden and other Nordic countries to hold an international conference under the auspices of Unesco, which led to the 1972 Stockholm Declaration; the “Our Common Future” report – also known as the Brundtland Report – of the 1980s, produced by the World Commission on Environment and Development created by the UN General Assembly; the 1992 United Nations Conference on Environment and Development, also known as the Earth Summit or Rio-92, held in Rio de Janeiro; the 1993 creation of the UN Commission on Sustainable Development (CSD), tasked with encouraging and monitoring the implementation of Agenda 21 and the Rio Declaration; the 2002 World Summit on Sustainable Development in Johannesburg, which resulted in the Johannesburg Declaration on Sustainable Development; and, finally, the Rio+20 Conference and the People’s Summit held in 2012.

The environmental debate – through international conferences, reports, and declarations – embodies a perspective of mutual cooperation between States and different societal actors in response to the need to preserve species and reduce environmental pollution. Fernandes and Campello (2023, p. 485-496) assert that “UN International Conferences, such as those in Stockholm (1972) and Rio+20 (2012), reinforce the human right to a healthy and balanced environment, aligning with the Sustainable Development Goals (SDGs) of the 2030 Agenda.” This insight underscores the central role of international frameworks in consolidating the fundamental right to an ecologically balanced environment. UN conferences serve as catalysts for multilateral commitments and normative guidelines that influence both domestic legal systems and global governance standards. By linking this right to the SDGs, the authors demonstrate that environmental sustainability is not merely a technical goal but an ethical and legal imperative shared by the international community.



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The compatibility of Draft Bill No. 2334/2024 with the United Nations 2030 Agenda is particularly evident in the way its guidelines align with the Sustainable Development Goals (SDGs), especially SDG 6 (clean water and sanitation), SDG 13 (climate action), SDG 14 (life below water), and SDG 15 (life on land). The bill also contributes to SDG 10 (reduced inequalities) and SDG 16 (peace, justice, and strong institutions) by promoting inclusive governance mechanisms, social participation, and intergenerational justice. By proposing a territorially integrated model of environmental management, the bill reinforces the centrality of ecological sustainability as a structural axis of public policy, aligning Brazil's domestic commitments with the global targets established in multilateral agreements. In this sense, the bill not only incorporates the principles of the 2030 Agenda but also offers a concrete normative pathway for its implementation in the context of biome protection in Brazil.

Furthermore, the Draft Bill reflects a meaningful operational shift in Brazil's environmental governance by translating global development priorities – particularly those embodied in the SDGs – into enforceable domestic legal mechanisms. Rather than functioning as a mere declaratory instrument, the proposed legislation incorporates actionable mandates that require coordinated implementation by public authorities at federal, state, and municipal levels. By embedding sustainability indicators, ecological zoning procedures, and participatory planning structures into the legal framework, Draft Bill No. 2334/2024 strengthens institutional accountability and fosters policy integration across sectors. This normative internalization of the SDGs provides a model of how multilateral objectives can be transformed into justiciable rights and duties, enhancing the country's compliance capacity and transparency while promoting ecological coherence within national development strategies.

Moreover, the deliberate integration of the SDGs into the legislative architecture of Draft Bill No. 2334/2024 positions Brazil as a potential leader in the global advancement of environmental constitutionalism. As the international community grapples with intensifying climate emergencies, biodiversity decline, and social inequality, countries capable of legally codifying sustainability principles and operationalizing them through inclusive governance stand to influence the evolution of international environmental norms. The Draft Bill signals Brazil's commitment to sustainable multilateralism, not only by responding to ecological challenges in the Pantanal biome but also by aligning its internal legal order with transformative global agendas. In doing so, the bill reaffirms the role of law as a proactive and structuring force in ecological



transition – connecting local ecosystems to planetary stewardship and grounding environmental justice in legal certainty and democratic legitimacy.

The environmental crisis and the urgency of ensuring an ecologically balanced environment call for the participation of various internal and external international actors, making environmental governance a highly relevant issue in the maintenance and preservation of the Pantanal Biome – especially given the socio-environmental importance of this ecosystem and the pressure exerted by economic development. Fernandes and Campello (2023, p. 485-496) address environmental governance in relation to the legal protection of the Pantanal and note that environmental issues in countries that host the Pantanal – such as Brazil, Bolivia, and Paraguay – only began to be discussed in depth from the 1980s onward, when environmental protection was incorporated into the constitutions of these countries, thereby granting legal protection to the Pantanal Biome. In this regard, they cite the Bolivian Constitution, Article 9 of which states that the State must promote the responsible use of natural resources and ensure environmental preservation for the well-being of present and future generations; Article 30, which recognizes the rights of Indigenous peoples, including the right to a healthy environment; and Articles 33 and 34, which guarantee the right to an ecologically balanced environment for all. As for the Paraguayan Constitution, the authors reference Article 6, which establishes that the State must promote research on population factors and their impact on social, economic, and environmental development, and Article 7, which guarantees the right to a healthy environment and defines environmental conservation and improvement – aligned with human development – as State objectives.

In Brazil, environmental protection has elevated the right to an ecologically balanced environment to the status of a fundamental right. Article 225 of the 1988 Federal Constitution (Brasil, 1988) guarantees the right to the environment and establishes the duty of both the government and society to preserve and defend it for present and future generations. Silva (2006, p. 72-73) explains that the constitutional recognition of the fundamental right to the environment in Article 225 of the 1988 Federal Constitution seeks to safeguard human dignity while simultaneously constituting a foundational legal norm within the constitutional order. Furthermore, Article 225, paragraph 4 of the Constitution declares the Pantanal Biome of Mato Grosso as part of the national heritage, whose use must comply with legal provisions and conditions that ensure environmental preservation, including the sustainable use of natural



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resources. Article 170 of the same Constitution (Brasil, 1988) also enshrines environmental protection as a guiding principle of economic order, affirming that economic development must be subject to environmental preservation requirements.

Based on this framework, the current legal protection of the Pantanal in Brazil is structured on multiple levels. First, through general national legislation applicable to specific cases; second, in the international sphere, through human rights treaties to which Brazil has acceded. According to paragraph 2 of Article 5 of the 1988 Federal Constitution, and as interpreted by the Federal Supreme Court (STF), this understanding was reinforced in the judgment of Allegation of Breach of a Fundamental Precept No. 708 (ADPF 708/DF, 2022), in which the Court reaffirmed that international environmental treaties hold a special supra legal status – equivalent to the normative hierarchy previously attributed by the Federal Supreme Court to international human rights treaties.

This legal framing represents a significant advancement in Brazil's environmental protection regime, as it acknowledges the supra legal nature of international environmental commitments and strengthens its normative force within domestic law. By aligning the environmental duties of the Brazilian State with the consolidated jurisprudence of the Federal Supreme Court, the link between environmental protection and fundamental rights is reinforced, establishing the right to a balanced environment as an essential component of human dignity and intergenerational justice. This interpretation enhances environmental governance by relying on both domestic and international legal instruments, thereby increasing the effectiveness of public policies aimed at safeguarding sensitive ecosystems such as the Pantanal biome.

Regarding the international legal protection of the Pantanal, Moreira *et al.* (2021, p. 80-81) point out that the biome is protected under several international conventions, including the Convention on Wetlands of International Importance (Ramsar Convention), the United Nations Convention on Biological Diversity, the United Nations Framework Convention on Climate Change and its subsidiary agreements, and the Paris Agreement (COP 21), signed in 2015.

In this context, the 2030 Agenda for Sustainable Development is also presented. Adopted in September 2015 during the United Nations Sustainable Development Summit held in New York, the Agenda encompasses not only social and economic dimensions but also an environmental one (Zenóbio, 2023).



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These references demonstrate that the protection of the Pantanal biome is embedded within a broad framework of multilateral commitments, which strengthens its legal protection and requires the Brazilian State to align its public policies with the international treaties it has ratified. The simultaneous presence of specific treaties (such as the Ramsar Convention) and globally scoped pacts (such as the Paris Agreement and the 2030 Agenda) reinforces the ecological dimension of sustainable development and highlights the strategic significance of the Pantanal in the global environmental context. At the same time, it calls for an integrated interpretation of international instruments and domestic law in order to ensure normative effectiveness and coherence in environmental governance actions aimed at preserving this biome.

Moreover, all these obligations assumed by Brazil regarding environmental protection through international treaties aim to preserve natural resources while promoting sustainable development and reducing negative environmental impacts, all within the scope of a set of environmental governance processes.

The Ramsar Convention (Brasil, 1996) seeks to protect wetlands, such as the Pantanal, which is considered an essential ecosystem for global environmental balance due to its biodiversity. It is an intergovernmental agreement that sets goals and cooperation mechanisms to promote the conservation and wise use of wetlands worldwide. Signed in February 1971 in the Iranian city of Ramsar, the Convention entered into force on December 21, 1975, and was incorporated into Brazilian law in 1996 by Decree No. 1.905/96 (Brasil, 1996). Santilli (2005) writes that Brazil's natural resources represent 20% of the planet's biodiversity and that the country ranks fourth in wetland surface area on the Ramsar List, with eight Ramsar Sites of international importance.

It is also important to highlight that this international legal framework reinforces the recognition of the Pantanal's strategic importance as a wetland of global value, positioning Brazil within a network of global co-responsibility for environmental conservation. By adhering to the Ramsar Convention, the Brazilian State is obligated to reconcile the sustainable use of its wetlands with its multilateral commitments, integrating environmental protection, international cooperation, and local development. Santilli's (2005) emphasis on Brazil's biodiversity illustrates the magnitude of the country's ecological heritage and, simultaneously, the expanded responsibility it holds in preserving key ecosystems. In this sense, effective compliance with the Convention's obligations depends not only on domestic regulations but also on an



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active, coordinated, and participatory environmental policy capable of strengthening governance over these sensitive areas and ensuring their continuity for future generations.

With the Convention on Biological Diversity (Brasil, 1998), signed during the 1992 United Nations Conference on Environment and Development (Rio-92) in Brazil, the country committed to adopting and implementing public policies for environmental protection. At that time, Brazil also adopted Agenda 21, assuming obligations related to the sustainable management of natural resources – such as water, land, biodiversity, and the atmosphere – as well as the reduction of environmental degradation, including pollution and ecosystem decline.

Similarly, under the United Nations Framework Convention on Climate Change (Brasil, 1998), originally adopted in 1992, Brazil committed to adopting measures to control greenhouse gas emissions with the goal of stabilizing their atmospheric concentrations, given their impact on global climate. In this regard, Brazil ratified the Paris Agreement (Brasil, 2017), thereby committing to adopt measures to limit the rise in global temperatures.

Other notable examples include the Kyoto Protocol (Brasil, 2005), adopted in 1997 and ratified by Brazil, which addresses climate change adaptation policies, and the Stockholm Convention (Brasil, 2005), which aims to reduce the release of persistent organic pollutants (POPs), such as pesticides and industrial chemicals, which have long-term environmental and health effects.

Fernandes and Campello (2023, p. 493) also recall the existence of legal cooperation mechanisms between Brazil, Bolivia, and Paraguay for the protection of the Pantanal biome. In this regard, they cite the Treaty of the La Plata Basin, signed by Brazil, Bolivia, Argentina, Paraguay, and Uruguay, as well as the Declaration on the Conservation, Integrated, and Sustainable Development of the Pantanal, signed in 2018 by Brazil, Bolivia, and Paraguay.

The Treaty of the La Plata Basin (Brasil, 1970) established rules for the navigation and use of the rivers that comprise the La Plata River Basin. Although it was not specifically designed for environmental protection, it contributed to the sustainable use of water resources in the region. The Declaration on the Conservation, Integrated and Sustainable Development of the Pantanal is an intergovernmental cooperation agreement among Bolivia, Brazil, and Paraguay, through which these countries express their intention to carry out joint actions to preserve and implement integrated



management strategies for water resources and biodiversity in the Pantanal, with the aim of conserving ecosystems and ensuring their continuity.

Despite the existence of international environmental protections – including those covering the Pantanal biome – and its constitutional recognition, Brazil still lacks specific legislation addressing the Pantanal biome. On the other hand, there is environmental legislation that applies subsidiarily, legitimizing the actions of State agencies. On this matter, Moreira *et al.* (2021, p. 80-81) note that the Environmental Crimes Law (Brasil, 1998) provides penalties for those who cause fires in forests or woodlands. Similarly, the National Forest Code (Brasil, 2012) permits, in Article 3, item XXV, only the ecologically sustainable exploitation of areas subject to legal protection. The authors also mention the role of the Ministry of the Environment and the Constitutions of the states of Mato Grosso and Mato Grosso do Sul, which follow the guidelines of the 1988 Federal Constitution, as well as local state laws.

This situation reveals a significant normative gap: although there are general legal provisions that may be applied to the Pantanal, the Brazilian legal system lacks a specific and systematic legal framework dedicated to the comprehensive protection of the Pantanal biome. This absence undermines the effectiveness of environmental safeguards, particularly in light of the ecological, hydrological, and social specificities of the region. While the subsidiary application of general rules is important, it is insufficient to address the complex and interdependent challenges that threaten the biome's resilience. Hence, the relevance of legislative proposals such as Draft Bill No. 2334/2024, which aims to overcome this normative fragmentation and to establish coherent, integrated guidelines for the preservation of the Pantanal, grounded in the principles of sustainability, territorial equity, and ecological security.

#### **4. Brics and its international commitments to environmental preservation**

According to Elena Gulyaeva (2024, p. 11-12), the multipolar world implies the existence of multiple centers of decision-making that interact with one another and shape global politics. In this context, States or their coalitions form international organizations, political and military alliances, and integration associations. The main unifying factors of the Brics include an established multipolarity, global economic growth, significant human and resource potential, and the formation of shared traditional values.



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Originally formed by Brazil, Russia, India, China, and South Africa, Brics is a forum for dialogue and international coordination in the areas of politics, security, economy, and culture. According to Silva *et al.* (2020, p. 1), "It was initially established with the purpose of reforming the international financial architecture and providing its members with more influential political positions in the global order." Now composed of eleven countries -Brazil, Russia, India, China, South Africa, Saudi Arabia, Egypt, the United Arab Emirates, Ethiopia, Indonesia, and Iran - Brics, in exercising influence over global governance, seeks to promote sustainable socio-economic development and foster social inclusion (Brics, 2025).

Cavalcanti (2018, p. 124) highlights that sustainable development is a recurring theme in the joint declarations of Brics leaders, reflecting the group's commitment to sustainability goals. In this regard, reference may be made to the joint declarations of 2011 in Sanya, China; 2012 in New Delhi, India; and 2017 in Xiamen, China, which reaffirmed the group's commitment to implementing the 2030 Agenda for economic development.

Undoubtedly, the consolidation of a multipolar world demands not only the redistribution of power among different decision-making centers but also the strengthening of global environmental governance. Within the Brics framework, multipolarity will only gain legitimacy if accompanied by the construction of a common agenda oriented toward climate justice, biodiversity protection, and sustainable development - fostering cooperative arrangements that reflect the ecological interdependence among States.

In this sense, different forms of multilateralism and participation in coordination mechanisms emerge: the accession of new States to high-level governance forums, the increase in voting power for emerging countries in international organizations, and the creation of new agreements and institutions designed to coordinate and contribute to regional or global governance (Larionova; Kirton, 2018, p. 3).

In this regard, Bueno writes that:

At the beginning of the 21st century, the group composed of Brazil, South Africa, India, and China (BASIC) held numerous consultations with other developing countries, as well as with the African Group and the G-77, on environmental negotiation matters, especially climate change. Subsequently, the BRICS countries (Brazil, Russia, India, China, and South Africa) began to include concerns with the environment, development, and sustainability in a common agenda,



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emphasizing the principle of “common but differentiated responsibilities” (Bueno, 2019, p. 117, translated by the authors).

The author also highlights that, at the 4th Brics Summit, held in 2012, a common environmental agenda was defined for its members, namely:

sustainable development together with food and energy security; responsibility toward future generations; addressing issues related to climate change; the importance of the United Nations Conference on Sustainable Development (Rio+20) as a source for renewing the commitments undertaken; the principle of common but differentiated responsibilities; the concept of a green economy, still to be defined at Rio+20, which should be understood in the broader context of sustainable development and poverty eradication - as a means to achieve higher-priority goals rather than as an end in itself; and the importance of clean and renewable energy sources and the use of efficient alternative technologies (Bueno, 2019, p. 121, translated by the authors).

Lacerda and Nóbrega (2014, p. 99), on this topic, mention that at the 6th Summit, held in July 2014, an agreement was established for the creation of the so-called New Development Bank, with the purpose of mobilizing resources for infrastructure and sustainable development projects within the Brics framework. Barbosa Júnior *et al.* (2024, p. 79, translated by the authors) write that:

In addition to economic matters, environmental issues and their consequences are a major concern for BRICS members. In March 2023, a cooperation agreement was signed to develop mechanisms for science, technology, and innovation aimed at multilateral cooperation on matters related to natural disasters.

Environmental issues within the Brics framework are directly linked to the model of trade and the way in which the group’s economic growth may affect sustainability and global power relations. Lacerda and Nóbrega (2014, translated b) write that “[...] in the midst of a reality that urgently demands more practical sustainable development measures, the BricsS can enhance the power relations of a new international order, with environmental concerns discussed and implemented by States.” In this sense, the authors emphasize that the adoption of “a common sustainable agenda among Brics



members may foster environmental protection as an essential factor within the international sphere" (Lacerda; Nóbrega, 2014, p. 105, translated by the authors).

This argument draws attention to the strategic potential of Brics not as a formal economic bloc, but as a geopolitical coalition of emerging countries with the capacity to influence the dynamics of global environmental governance. By proposing a common agenda focused on sustainability, the group may break away from development models based on environmental degradation and position itself as a protagonist in a new, fairer, and ecologically responsible international order. The articulation between environmental protection norms and geopolitical rearrangements thus becomes a central element in legitimizing Brics as a strategic alliance for promoting sustainable multipolarity, whose effectiveness will depend on the adoption of concrete and integrated commitments among its members.

Brazil's participation in Brics is significant. The country maintains a substantial volume of trade with the members of the multilateral group, representing a high level of economic transactions (Brasil, 2025). João Emanoel Estofel Carlos (2024, p. 4-5) emphasizes the importance of Brics for Brazil's GDP and the opportunities it provides for economic growth and sustainable development among member states. Monteiro (2024, p. 1), in turn, notes Brazil's strategic position in global governance debates, particularly concerning the environment and international trade.

These analyses suggest that Brazil's participation in Brics represents a unique opportunity to strengthen cooperation strategies among developing countries through shared solutions aimed at environmental protection and climate justice. Within the framework of South-South cooperation, the group provides an alternative space to the dominant agendas of the Global North, enabling its members to formulate contextually appropriate responses to contemporary environmental challenges.

In this context, initiatives such as Draft Bill No. 2334/2024, which aims at the preservation and sustainable use of the Pantanal biome, reinforce Brazil's normative and institutional capacity to align domestic and international commitments. By taking an active role in these agendas, the country positions itself as a key actor in the formulation of integrated environmental policies, with the potential to influence global governance and promote a more balanced and ecologically responsible international order.



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## 5. Draft Bill No. 2334/2024 and the protection of the Pantanal biome in the context of environmental governance

The constitutional responsibility for environmental protection assumed by Brazil – along with the commitments arising from the international agreements and treaties to which the country is a signatory – drives internal actions that demand social, political, and governmental engagement. Within this effort is the pursuit of specific legislation to address the Pantanal Biome. This intention was set forth in the *Carta Caiman* (Brasil, 2016), signed in October 2016 by representatives of the Federal Government and the states of Mato Grosso and Mato Grosso do Sul during the First *Carta Caiman* Meeting held at the Caiman Ecological Refuge, located in the state of Mato Grosso do Sul. Similarly, the National Committee on Wetlands, linked to the Ministry of the Environment and created to promote the conservation and sustainable use of wetlands in Brazil, issued a specific recommendation – Recommendation CNZU No. 2 (Comitê Nacional de Zonas Úmidas, 2020) – highlighting the need to draft a law addressing the Pantanal Biome in order to ensure its protection.

It is observed, in this context, that the pursuit of specific legislation to safeguard the Pantanal is part of a broader set of environmental governance actions aimed at protecting this ecosystem, whose biodiversity holds transboundary significance. Mendes and Oliveira (2019, p. 172, translated by the authors) write that:

The regulation of the Pantanal biome is a matter of international relevance, as the United Nations Educational, Scientific and Cultural Organization (Unesco) has included the biome in the “Man and the Biosphere” Programme (MAB), recognizing it as both a Biosphere Reserve and a World Heritage Site since 2000.

The Draft Bill No. 2334/2024 (Brasil, 2024) is currently under consideration in the Chamber of Deputies. Its objective is the protection and restoration of the Pantanal biome, establishing strategies for conservation and ecological recovery. The bill was introduced by Congresswoman Camila Jara (PT/MS) on June 12, 2024, and, according to the official website of the Chamber of Deputies, it is undergoing legislative procedures. On November 13, 2024, Request No. 2451/2024, submitted by Congressman



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Odair Cunha, was approved, granting the Draft Bill urgent status under Article 155 of the Internal Rules Brasil, 2025).

Thus, the Draft Bill No. 2334/2024 (Brazil, 2024) states, in its opening provision, that it “provides for the conservation, protection, restoration, and sustainable use of the Pantanal biome and other related provisions” Accordingly, Article 2 defines the Pantanal Biome as: “[...] the biome composed of a set of associated fluvial ecosystems that experience seasonal, annual, and multi-annual floods and inundations, encompassing the floodplain of each of its forming rivers that drain the Upper Paraguay River Basin [...]” The article outlines 23 specific characteristics of the biome.

The primary goals of Draft Bill No. 2334/2024, aimed at achieving sustainable development while balancing environmental protection, respect for local populations, and the encouragement of responsible economic activities, are set forth in the guidelines established in Chapter II of the Draft Bill, as well as in the explanatory memorandum that accompanies it.

The Article 3 of the Draft Bill (Brasil, 2024) establishes that the guiding principles for the protection of the Pantanal aim to

[...] promote the sustainable development of the region, respecting the protection of biological diversity, human health, aesthetic and touristic values, the hydrological regime, and social stability, based on the conservation of essential hydro-ecological processes.

In the following items, the article also highlights the objective of preserving the environment, the traditions, and the way of life of the peoples who inhabit the Pantanal, in order to promote integration and harmony between the natural environment and human activities.

The Draft Bill also aims to promote the sustainable use of land. Accordingly, Chapter III proposes the creation of an Ecological-Economic Zoning (ZEE) plan for the Pantanal. The Article 4 provides for land tenure regularization and the establishment of industrial hubs and public policies to guide economic activities.

Chapter IV of Draft Bill No. 2334/2024 (Brasil, 2024) addresses the creation of restricted-use areas in order to protect the most vulnerable zones. Article 5 defines these areas under the criterion of special protection, in accordance with the provisions of the Forest Code and the recommendations of the National Committee on Wetlands.



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Additionally, Chapter V of the Draft Bill outlines national strategies to prevent and control deforestation in the Pantanal biome and the Upper Paraguay River Basin, aiming to promote the biome's sustainability in light of increasing human activity. Accordingly, Article 6 proposes measures to control deforestation and encourage the regeneration of affected areas.

In turn, the Chapter VI seeks to establish a legal reserve compensation program within the Upper Paraguay River Basin, through cooperation between the federal and state executive branches. The goal is to promote the creation of biodiversity corridors, enabling the movement of wildlife species and ensuring their survival.

Likewise, the Chapters VII and VIII of Draft Bill No. 2334/2024 (Brasil, 2024), encompassing Articles 8 to 13, establish restrictions on certain activities to support the protection of the Pantanal Biome. These include prohibitions on the construction of structures that block water flow, the cultivation of exotic fish or animal species, sugar-cane plantations, and the transport of potentially hazardous products. The Draft Bill also prohibits interventions in watercourses that could result in irreversible changes, such as the construction of hydroelectric dams - measures that reflect the intention to preserve the hydrological resources essential to the maintenance of the Pantanal.

Subsequently, Articles 14 to 18 (Chapter IX) introduce the Integrated Fire Management Plan into the bill, establishing a set of safe practices for the controlled use of fire in order to ensure sustainability and allow for the regeneration of areas devastated by natural or human-induced wildfires.

Chapters X and XI of Draft Bill No. 2334/2024 (Brasil, 2024) introduce measures to promote economic practices that are compatible with environmental conservation. Article 19 provides for public policies to encourage sustainable tourism. Articles 21 to 24 establish the Pantanal Sustainability Seal, certifying business practices that comply with principles of environmental responsibility and sustainability. Similarly, Chapter XIII, through Article 29, addresses the exemption from the Rural Land Tax (RLT) in areas classified as restricted use in order to encourage conservation and the sustainable use of land.

The Draft Bill No. 2334/2024 thus invites reflection on the construction of a sustainable development model for the Pantanal biome, promoting a balance between social, economic, and environmental interests. As an environmental governance strategy, the bill establishes mechanisms for coordination between public entities and civil society. With a technically sound structure, the proposal outlines a robust public policy



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for the protection of the Pantanal biome. By aligning instruments such as ecological zoning, fire management, and the certification of sustainable practices, the legislative text contributes to the alignment of the Brazilian legal framework with constitutional principles and international treaties aimed at the conservation of wetlands.

Still under discussion in the National Congress, the proposal calls for broad social participation to ensure that the Pantanal biome - with its transboundary ecological and economic relevance - is effectively addressed through legal and institutional practices aimed at restoration, conservation, and sustainability. It represents a legal instrument with the potential to strengthen Brazil's position in regional and global environmental policy, especially in confronting the climate crisis, preserving biodiversity, and promoting an inclusive green economy.

In this regard, five relevant conceptual contributions can be identified that deepen the analysis of Draft Bill No. 2334/2024: (i) its intersection with climate justice by recognizing vulnerabilities and explicitly including climate equity among its guiding principles; (ii) the enhancement of cooperative federalism, through coordination among federative entities for the joint implementation of environmental policies; (iii) the incorporation of tools drawn from adaptive governance, via provisions for periodic review and evidence-based decision-making; (iv) the potential replicability of the normative model for other Brazilian biomes, contributing to the consolidation of a national policy for territorially integrated ecological protection; and (v) its articulation with international climate finance, through the creation of instruments capable of attracting external resources aimed at environmental mitigation and adaptation. These elements position the bill as a promising normative milestone for 21st-century environmental governance.

## 6. Conclusions

The analyses developed throughout this research make it possible to affirm that Draft Bill No. 2334/2024 represents a significant legal milestone in consolidating a new paradigm of environmental protection in Brazil, particularly with regard to safeguarding the Pantanal biome. The proposed legislation addresses a long-standing and critical gap in the national legal framework: the absence of a robust and specific legal instrument that recognizes the ecological complexity of the Pantanal and offers effective legal responses to the growing socio-environmental challenges faced by the region.



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This constitutes the central problem addressed in this study. Based on this diagnosis, the research hypothesized that the draft bill represents a substantial advancement by promoting the integration of environmental conservation, territorial justice, and sustainable development through a territorialized, participatory, and cross-sectoral approach.

Over the course of the study, it was confirmed that Draft Bill No. 2334/2024 is coherently aligned with the international commitments assumed by Brazil, such as those established under the Ramsar Convention, the Paris Agreement, the United Nations 2030 Agenda, and the environmental deliberations of the Brics group. The proposal is also in full compliance with the constitutional principles enshrined in Article 225 of the 1988 Federal Constitution, which guarantees the right to an ecologically balanced environment as a fundamental right for present and future generations. The analysis demonstrated that the bill incorporates innovative regulatory mechanisms, such as ecological-economic zoning, restricted-use areas, integrated fire management, and the Sustainability Seal - tools that enhance environmental governance and increase its effectiveness.

With regard to the research objectives, it is evident that the general objective - examining the extent to which Draft Bill No. 2334/2024 contributes to strengthening environmental governance in Brazil and to fulfilling international obligations - was fully achieved, as the bill proposes an integrated, normative approach to territorial management, supported by instruments for prevention, conservation, and social participation. The specific objectives were also met: the legislative provisions were identified and analyzed; their compatibility with the Forest Code (Law No. 12.651/2012) and the National Water Resources Policy (Law No. 9.433/1997) was confirmed; it was demonstrated that the draft bill addresses relevant institutional gaps; and its capacity to produce structural impacts on the environmental management model in the Pantanal was evidenced, promoting ecological resilience, inclusive development, and long-term sustainability.

The research hypothesis is therefore confirmed. Draft Bill No. 2334/2024 advances the construction of a legal framework aimed not only at technical regulation but also at fostering transformative environmental governance grounded in contemporary ethical, scientific, and legal foundations. The proposal breaks with the historically fragmented and reactive logic of Brazilian environmental policy and points to a new level of integration between conservation and sustainable development. The emphasis on traditional communities, the inclusion of green economic incentives, and



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the promotion of intergenerational justice reflect an expanded conception of sustainability in dialogue with the principles of deep ecology and global co-responsibility.

It can thus be concluded that Draft Bill No. 2334/2024 not only addresses the previously identified normative omission but also positions Brazil as a potential leader in the international environmental agenda. Its approval could represent a watershed moment in the consolidation of a legal system committed to ecological integrity, fundamental rights, and the preservation of life in all its forms. By ensuring the effective protection of the Pantanal, the bill provides a model of sound regulatory practice and reaffirms the role of law as an instrument of environmental justice and the construction of a sustainable common future.

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