

**The text that follows is a PREPRINT**  
**O texto que segue é um PREPRINT**

Please cite the original article:  
Favor citar o trabalho original:

Coelho-Junior, M.G., J. Mariano, A.Thuault, E. Amaral,  
L.E.A. Silva, L. Ferrante & P.M. Fearnside. 2024.

## **Brazil's court threatens**

**Amazon biodiversity**. *Science*

385: 377. <https://doi.org/10.1126/science.adq3536>

ISSN: 0036-8075

DOI: 10.1126/science.adq3536

Copyright: American Association for the Advancement of Science (AAAS)

The original publication is available at:  
O trabalho original está disponível em:

<https://doi.org/10.1126/science.adq3536>

# Brazil's court threatens Amazon biodiversity

*Marcondes G. Coelho-Junior*<sup>1\*</sup>, *Júlia Mariano*<sup>1</sup>, *Alice Thuault*<sup>1</sup>, *Edilene Amaral*<sup>2</sup>, *Lucas E. Araújo-Silva*<sup>3</sup>, *Lucas Ferrante*<sup>4,5</sup>, *Philip M. Fearnside*<sup>6</sup>

<sup>1</sup>Instituto Centro de Vida, 78043-580, Cuiabá, MT, Brazil. <sup>2</sup>Observatório Socioambiental de Mato Grosso, 78043-580, Cuiabá, MT, Brazil. <sup>3</sup>Fundação Ecológica Cristalino, 78580-000, Alta Floresta, MT, Brazil. <sup>4</sup>Escola de Artes, Ciências e Humanidades, Universidade de São Paulo, 03828-000, São Paulo, SP, Brazil. <sup>5</sup>Laboratório de Evolução e Genética Animal, Universidade Federal do Amazonas, 69067-005, Manaus, AM, Brazil. <sup>6</sup>National Institute for Research in Amazonia (INPA), 69067-375, Manaus, AM, Brazil.

\*Corresponding author. Email: marcondes.junior@icv.org.br

Since 2011, a private company has sued to terminate protections for the Cristalino II State Park in Brazil's state of Mato Grosso. The company is suspected of being a shell to enable private entities to gain rights to government land (1). On 23 April, after repeated appeals and counter-repeals, the Mato Grosso Court of Justice sided with the company and annulled the 2001 decree that created the park (2), despite evidence that the park's creation was legal (3). The contested park area, spanning 118,000 ha, is a top conservation priority (4), especially for Amazonian tree species (5) and vulnerable faunal communities, such as the Endangered spider monkey *Ateles marginatus* (6). Moreover, the protected region plays a crucial role in inhibiting deforestation in the southern Amazon. Mato Grosso must appeal the decision.

The ruling is consistent with Brazil's trend of downsizing, downgrading, and degazetting protected areas (7). Even before this decision, farms had been registered inside the park boundaries (8), and requests for mining within park boundaries by multinational corporations had been submitted (9). Mato Grosso's politics are dominated by agribusiness interests, which frequently advocate for reducing environmental protections. A proposed amendment to the state constitution (PEC no. 12/2022) that is advancing toward a vote in the state Legislative Assembly would make the creation of new state-protected areas unfeasible (10). The April decision also sets a precedent for the annulment of other state parks, putting a much wider area at risk both in Mato Grosso and elsewhere in the Amazon.

The governor of Mato Grosso stated that he will not appeal to the supreme court because it would represent an expense to the state coffers (11). The state's failure to preserve this park would exacerbate carbon emissions and increase outbreaks of zoonotic diseases (12), with the potential to trigger a new global pandemic. It is crucial that the government of Mato Grosso and the state's Public Prosecutor's Office appeal the ruling, which can be done through a special appeal (*Recurso Especial*) to the Superior Court of Justice and through an extraordinary appeal (*Recurso Extraordinário*) to the Federal Supreme Court. Scientists and citizens of Mato Grosso should urge the governor to act.

## References and Notes

1.M. Favalessa, "Laranja de maior desmatador da Amazônia é dono de empresa que extinguiu parque," *MídiaJur*, 8 August 2022; <https://www.midiajur.com.br/justica/laranja-de-maior-desmatador-da-amazonia-e-dono-de-empresa-que-extinguiu-parque/45149> [in Portuguese].

2. Tribunal de Justiça de Mato Grosso, Acórdão n. 0001322-40.2011.8.11.0082 (2024) [in Portuguese].
3. Ministério Público do Estado de Mato Grosso, “Embargos de Declaração opostos no Recurso de Apelação Cível PJe nº 0001322-40.2011.8.11.0082, 5 August 2022” (2022) [in Portuguese].
4. Ministério do Meio Ambiente e Mudança do Clima, “2ª Atualização das Áreas Prioritárias para Conservação da Biodiversidade 2018” (2023); <https://www.gov.br/mma/pt-br/assuntos/biodiversidade-e-ecossistemas/ecossistemas/conservacao-1/areas-prioritarias/2a-atualizacao-das-areas-prioritarias-para-conservacao-da-biodiversidade-2018> [in Portuguese].
5. H. ter Steege *et al.*, *Sci. Adv.* **1**, e1500936 (2015).
6. R. A. Mittermeier *et al.*, Eds., “Primates in Peril: The World’s 25 Most Endangered Primates 2022–2023” (2022); [https://cdn.www.gob.pe/uploads/document/file/3574458/Primates\\_in\\_Peril\\_2022\\_2023.pdf.pdf](https://cdn.www.gob.pe/uploads/document/file/3574458/Primates_in_Peril_2022_2023.pdf.pdf).
7. E. Bernard, L. A. O. Penna, E. Araújo, *Conserv. Biol.* **28**, 939 (2014).
8. Secretaria de Estado de Meio Ambiente de Mato Grosso, Geoportal – SIMCAR (2024); <https://geoportal.sema.mt.gov.br/> [in Portuguese]. To find the registered farms within the park's boundaries, click and drag the map until the northern border of Matto Grosso and the label “Alta Floresta” are visible. Expand “GEOPORTAL” in the left-hand column. Expand “BASE DE REFERÊNCIA,” and check the box for “UNIDADES DE CONSERVAÇÃO.” The green shaded region that appears just to the north of Alta Floresta is Cristilino State Park. In the left-hand column, expand “SIMCAR,” expand “CAR REQUERIDO,” and check the box for “SIMCAR EM ANÁLISE/NÃO ANALISADO.” The farms will be displayed in orange.
9. Agência Nacional de Mineração, Sistema de Informações Geográficas da Mineração (2024); <https://geo.anm.gov.br/portal/apps/webappviewer/index.html?id=6a8f5ccc4b6a4c2bba79759aa952d908>. At the bottom, click on the magnifying glass icon. Click the arrow on the left of the search box that pops up and scroll down to select “Unidades de conservação.” Type “Parque Estadual Cristalino II” into the search box, and click the magnifying glass icon on the right to search. The parks boundaries will show on the map in blue. Shaded areas are mining requests.
10. Defensoria Pública da União, Nota Técnica nº 1 – DPU MT/GABDPC MT/DRDH MT (2023); [https://www.dpu.def.br/images/stories/pdf\\_noticias/2023/SEI\\_DPU\\_-\\_5939967\\_-\\_Nota\\_T%C3%A9cnica\\_Unidade\\_de\\_Conserva%C3%A7%C3%A3o.pdf](https://www.dpu.def.br/images/stories/pdf_noticias/2023/SEI_DPU_-_5939967_-_Nota_T%C3%A9cnica_Unidade_de_Conserva%C3%A7%C3%A3o.pdf) [in Portuguese].
11. A. Pereira, “Mauro reforça que não vai recorrer da decisão do TJ que anulou Cristalino II e promete mostrar impactos de ações judiciais para cofres públicos,” *MídiaJur*, 4 May 2024; <https://www.midiajur.com.br/politica/mauro-reforca-que-nao-vai-recorrer-da-decisao-do-tj-que-anulou-cristalino-ii-e-promete-mostrar-impactos-de-aco-es-judiciais-para-cofres-publicos/57065> [in Portuguese].
12. G. R. Winck *et al.*, *Sci. Adv.* **8**, eabo5774 (2022).