



**CÂMARA MUNICIPAL DE
SÃO PAULO**
VEREADOR EDUARDO TUMA

**Amendment Project to Municipal Constitution /2015 – Alderman Eduardo Tuma
(PSDB)**

*“Includes de Art 180^a to the Constitution of
Municipality of São Paulo and other measures”*

The Town Hall of São Paulo promulgates:

Art. 1º - Includes Art 180 A to the Constitution of Municipality of São Paulo enacted on April 4, 1990, with the following words:

Art. 180 A – The Municipality will promote the development of environmental policies, considering that the members of nature have intrinsic rights to life and the maintenance of their ecosystem processes in their interdependence with the dignified life of citizens, in order to anchieve sustainability in the city.

EDUARDO TUMA
Alderman



BACKGROUND

The last United Nations Conference on Sustainable Development (Rio+20) recognized, in its statement 39, that all Member States must promote the harmony with the nature as well as recognize the concept that the Earth is our home, pointing that some cultures consider it as Mother Earth. Those procedures are the way to achieve the desired sustainable development.

Brazil is one of the exponents in preserving its indigenous culture, from where the concept that all members of the nature are mother and children comes from.

In this sense, many countries, including Ecuador and Brazil, recognize the rights of nature in their homeland legislation.

The condition of our planet matters the whole world and has been discussed by all international human community. Since 1972, when the United Nations Conference on Human Environment took place in Stockholm and some other meetings were held in Rio de Janeiro in 1992, 2002 and 2012, the international community has been debating the issue pointing some relevant principles to the internal decision-making by each of the UN Member States. One relevant principle is to ensure that environmental protection should be guaranteed in the legislation of countries, as it is in the Brazilian federal constitution, promulgated in 1988.

In this sense, UN has been dialoguing with civil society in order to establish a harmony relationship with nature. In addition, The United Nations is doing a remarkable job to show the society the importance of the earth as a life support condition and how human beings can better use the planet's resources without harming it.



On April 22, 2009, it was created the International Day of Mother Earth and since then some conversations, named “Harmony with Nature”, have been held. The UN have recognized some resolutions from those conversations, including number 67 that points that the Earth is our home and it is necessary to establish a harmony relationship with the nature through a holistic and integrated approach.

All those initiatives from UN established an important path for the international community understand how important it is to recognize that the nature must have its own rights and they must be in the legislation of the countries, as it happens in New Zealand, India, Mexico City, USA and other parts worldwide.

Those issues are directly linked to a new approach of the concept of sustainable development including changing the paradigm that the environment is not a matter of dealing with economic resources.

Legal theories about the rights of nature have been built over decades, with special reference to “Contrato Natural”, by Michel Serres as well as “La Naturaleza com Derechos – De la filosofia a la política”, organization by Alberto Acosta, an ecuatorian leader that took part in the constitutional reform of his country, a pioneer law which introduced the standard that ensures the rights of nature.

Brazil has an important role in that issue and has been discussing about the environmental services, considering the trully importance of mother nature and its relation to some cultures which consider the nature the very value of life.

A theoretical framework about Humanist Capitalism was published in 2011 and it was an object of proposed constitutional amendment (PEC 383/2014) and also an amendment project to Municipal Constitution of São Paulo (PLO



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0001/2014). The Humanist Capitalism tells that we ought to recognize all people as members of the earth community as a whole. That is the beginning of the Humanistic Planet of Law, instead of the Democratic State of Law, from which the planet becomes the rightholder or recipient of law itself. Its author is Dr. Ricardo Hasson Sayeg, phd and professor at the Catholic University of São Paulo – PUC/SP, who says: *[...] considering the man in the difused middle of all things, and the planet as the universality of them, it must be attributed to the latter the necessary condition of owner of its proper right whereby conquer for himself peace with the inclusion and empowerment of all, which means democracy in its broadest sense.*

The dignity of the larger collectivity at legal status will be the foundation of the Humanistic Planet of Law instead of a democratic state of law that only recognizes the dignity of human beings. Therefore, the natural law should be revised taking in consideration the interdependence of life and its connection to all living creature of the planet, which refers to the common right and duty of man to preserve the life and the planet.

Since Agenda 21, held in Rio de Janeiro, all the environmental issues are based on the local communities' actions in order to strengthen all the environmental policies to make the sustainability in our country a reality.