

AMENDMENT PROJECT TO MUNICIPAL CONSTITUCION 5/2015 - ALDERMAN EDUARDO TUMA (PSDB)

Includes the “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 wording next:

Art . 180 A - The Municipality will promote the development of environment policies, considering that members of nature have rights intrinsic to life and maintenance its ecosystem processes in interdependence with the dignified life of citizens, with the goal of achieving sustainability in city.

To the competent committees. "

This text not replaces the published at Official Gazette of the City on 18.9.2015 , p. 108
For information on this project, visit the website www.camara.sp.gov.br.

BACKGROUND PLO 5/2015

The last United Nations Conference on Sustainable Development - Rio + 20, in his statement 39, recognized as a way to achieve the desired sustainable development, the need for Member States to promote harmony with nature and the concept that the Earth is our "home", considered by many cultures as Mother Earth. Brazil is one of the exponents in the preservation of their indigenous culture, which originates consideration of the Earth and all members of nature, as mother and brothers, respectively.

In this regard, many countries, like Ecuador that, as well as Brazil, is related to the primeval indigenous culture, did recognize the rights of nature in their homeland legislation.

The dignity of the Earth is subject of the planetary community and has been discussed by all international human community. Since 1972, with the completion of the United Nations Conference on the Human Environment in Stockholm, following the meetings held in Rio de Janeiro in 1992, 2002 and most recently Rio+20 in 2012, the international community has is provided to the debate with notes of relevant principles to the internal decision-making by each of the UN Members States, particularly the internalization of the environmental protection legislation, such as Brazil in its Federal Constitution, promulgated in 1988.

In this sense, the United Nations has been given to the dialogue with civil society on ways to traversal of a relationship of harmony with nature. The United Nations is marking the passage of humanity and walking with relevant propositions to achieve the paradigm shift that the planet needs to stay on your life support condition and that human beings reach sufficient levels of peace to their use.

The "Harmony with Nature" are conversations that have been held since 2009 with the creation of the International Day of Mother -Terra - April 22 - and are being received by United Nations General Assembly and published on some resolutions, particularly the number 67 who recognized guidelines before identified by the Rio + 20 that the Earth is our home; the need to establish a relationship of harmony with nature and for both a holistic and integrated approach is needed.

This important initiative of the United Nations opened an important space for the recognition by the world community, of the largest community, the planetary community, as a subject of rights, especially when some of its members have done enact laws that recognize such rights, as is the case of Ecuador and Bolivia, and some laws that make reference to the rights of nature, in New Zealand, India, Mexico City and in dozens of US cities and other local communities in countries around the world.

The question of recognition of the nature of rights is intrinsically dependent on a new approach to the concept of sustainable development, which calls for development with the adjective to be sustainable only adjacent manner; therefore, the market economy of the agenda remains at the heart of policy, with the need for a real paradigm shift in understanding that it is not dealing with the economic resources.

Legal theories about the rights of nature have been built over decades, with special reference to "Natural Contract" by Michel Serres and more recently especially the publication *La Naturaleza with Derechos - De la philosophy a la policy*, organization Alberto Acosta - Ecuadorian leader in the constitutional reform of their country, a pioneer law in the introduction of the standard that ensures the rights of nature, consolidating on the recognition of larger rights of the community, the rights of the planetary community of which all human and other things in their universality are the Planet.

Brazil has approached this understanding with the discussions on the environmental services that, beyond the protection of the economic values of nature, turn out to show her invaluable, intangible, compared even to the human being, both in concerning their cultural relationship - especially the identity of some human communities and their spiritual values as in the case of indigenous and other traditional - and in the fact that the intrinsic value of nature, corresponds to the very value of life, taking into account which is the proper support maintenance of life, of all that is living on the planet, including human.

In 2011 was published the theoretical framework of the Humanist Capitalism - object of proposed constitutional amendment in Brazil - PEC 383/2014 - and the Amendment Project to Municipal Constitution of São Paulo - PLO 0001 / 2014 - advocating, given the urgent need of planetary dignity, that we are finally recognized that we are all members of the earth community, brothers, inaugurating a Humanistic Planet of Law instead a Democratic State of Law, from which the planet becomes the rightholder or recipient of law himself. Its author, phd professor at the Catholic University of São Paulo - PUC / SP, Dr. Ricardo Hasson Sayeg says: *[...]considering the man in the middle difuse 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 collective, the planetary one, at legal status, will be the foundation of a Humanistic Planet instead a democratic state of law that recognizes only the dignity of a part of the planetary community, the human one. Therefore the natural law should be revisited into account the interdependence of life of all living the planetary community, which refers to the common right and duty of man to preserve the worthy life and the planet.

From designing the instrument of Agenda 21, opened under the document signed in ECO/92, held in Rio de Janeiro, planning of environmental issues is based on the action in local communities, thus justifying the amendment to the Municipal Constitution of São Paulo, that now being proposes, so that the text magno the municipality strengthen environmental policies at the local level, in order to contribute from its constitutional autonomy with planning for the achievement of sustainability in the country.