



## Constitution Amendment proposal

**Changes the art. 181, and adds to §§ 1º e 2º, of the Constitution of the State of Santa Catarina, recognizing the existence of the inherent rights of nature.**

**Art. 1º The art. 181 of the Constitution of the State of Santa Catarina, and its §§ 1º and 2º, shall come into force as follows:**

**Art. 181 Nature has rights inherent to its existence, and it lies with the Government and the community the promotion of the recovery, the protection and the maintenance of fauna, flora and other ecological, biological, genetic and biogeochemical, human and non-human processes, ensuring the rights of nature to thrive and evolve, and harmoniously coexist with the culture.**

**§ 1º Any citizen has active legitimacy to demand from the Government, through administratively or judicially means, enforcement of the rights of nature and its elements.**

**§ 2º The Public Prosecutor, the Public Defender and entities that include among their institutional purposes the protection of public and social heritage, the environment, the rights of racial, ethnic or religious groups, of the cultural, artistic, aesthetic, historical, touristic and scenic heritage, have active legitimacy to, through appropriated action, require the Government to enforce the rights of nature and its elements. (NR)"**

**Article 2. This Constitutional Amendment comes into force on the date of its publication.**

Session room,

Congressman Father Pedro Baldissera



## Justification

This Constitution Amendment Proposal changes the article 181 of the Constitution of the State of Santa Catarina, adding two paragraphs (1st and 2nd) that recognize the inherent rights of nature, aiming to remove anthropocentrism from the cognitive center of State's initiatives and from the society as a whole, putting in place life, human and non-human.

Furthermore, these paragraphs allow citizens to legitimately require from the Government commitment to the rights of nature through administrative or judicial means. Moreover, they delegate to Public Prosecution, to Public Defense and to the entities related to the concerned area, active legitimacy to file lawsuits demanding the Government to enforce the rights of nature and its elements.

This proposal meets the requirements of admissibility and constitutionality, and further legislative requirements, according to articles 72 and 210 of the Internal Regulation of the State's Legislative Power. Moreover, the proposal gives efficacy to article 225 of the Federal Constitution, that ensures the human right to a balanced environment and inserts this important subject among the Environmental Law principles of precaution and prevention.

The United Nations (UN) conducts debates on this subject in the Harmony with Nature program, aiming to approve a Universal Declaration of the Rights of Mother Earth.

Countries like Ecuador, Bolivia, Argentina, New Zealand, India, Colombia, the United States, the state of Colorado and the cities of Santa Monica and Pittsburgh have already incorporated the recognition of the rights of nature. In Brazil, the cities of Bonito and Paudalho (Pernambuco) and the capital of the State of Santa Catarina introduced this concept in their organic law. Similar Constitution Amendment Proposals are being processed in the States of Pará and Minas Gerais. These legislative initiatives were propelled by organized civil society, guided by the association of nature defense MAPAS.

Excellencies, the inversion and the displacement of this conceptual axis, from men to life, comes from the simple but fundamental understanding that we, human beings, belong to nature - and not the opposite. Planet Earth is a living organism, and it has interdependencies. We are endowed with life and rights, and so are animals and plants.

The anthropocentric vision was important to the history of science and culture. A leading humanism strengthened the transformations that were necessary to break the shackles of the medieval system. From this humanism, science and politics were improved.

The cradle of modern science nurtured the ideal of the control of nature. In the beginning of the XVIIth century, when the philosopher Francis Bacon coined the expression "tormented nature", he did not imagine that he would be tormenting philosophers, scientists and jurists that face the challenge of the existence of life on the planet. After all, to Bacon, the "torment" of nature was necessary in order to know it, transform it and utilize it in an efficient manner.



However, we come to an extremely concerning situation, where the efficiency of technique and science, sometimes in service of a consumerist and mercenary logic, results in great and irreversible aggressions to nature, risking all life forms.

Therefore, this proposal aims to include in the legal and institutional order of the State of Santa Catarina, the promotion of Earth, this living organism, containing humans and non humans, and to put on the agenda an important constitutional norm: the defense of life.

Given the above and considering the importance of the subject, I require the invaluable support from Your Excellencies.

Session Room,

Congressman Father Pedro Baldissera