When the law doesn't see the land: The destruction of a living urban block in Brazil

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The story of a block in the centre of Osasco (SP), a city in the São Paulo Metropolitan Region of Brazil, demolished to make way for a real estate development, does not begin with technical documentation or with public-administration offices, but with the living ground that existed there before the intervention. Mature trees that had accumulated decades of presence, canopies that sheltered birds and insects, roots that stabilized the soil, subtle variations of humidity and shade that shaped the local microclimate, and even a piped spring that – although rendered invisible by asphalt – continued to emerge quietly into the public drainage system. This ecological fabric destroyed by clear-cutting – part of what Malcom Ferdinand (2022) identifies as the ecological injustice and forms of coloniality intertwined within contemporary urbanization processes – never entered the legal equation guiding decisions about the fate of that block. The legislation governing land-use planning, tree suppression and environmental approval in Osasco, as in many Brazilian cities, reflects an urban paradigm that insists on treating land as a mere platform for construction rather than as what Ferdinand (2022) describes as the surface of the "common world", where life interweaves, resists and demands recognition.

The administrative and legal procedures involved in the Osasco case reveal this structural limitation. I belong to the kind of human who is deeply outraged by attacks on nature, especially those directed at urban trees. In this region, all urban trees are part of the Atlantic Forest, one of Brazil's major biomes, which once covered fifteen per cent of the national territory but now retains only a quarter of its original area (Atlantic Forest Foundation, 2024). When I noticed unusual activity on the land next to my building – an area I can fully observe from my bedroom window – I suspected that the work was being carried out without proper authorization. I filed an anonymous complaint with the São Paulo State Public Prosecutor's Office, arguing that the small woodland hosted

important species, including two ipê trees (*Handroanthus albus*), emblematic of the state of São Paulo. My hypothesis proved correct: according to the subsequent investigation, demolition had indeed begun without the required permit. As a result of my complaint, the project was embargoed and a formal inquiry into potential irregularities was opened in September 2024. It was, at least momentarily, a partial victory.

I knew the embargo would not last long; in a political landscape increasingly judicialized, a single injunction is often enough to clear the way for destruction – a pattern well documented in the city of São Paulo (Troi and Caldas, 2025) and repeatedly reproduced as a *modus operandi* across Brazil. In November 2025, when I was awakened by the sound of chainsaws cutting through the trees, I received a notification from the Public Prosecutor's Office informing me that the complaint had been dismissed. The real estate development had been regularized on the basis of Municipal Law 3.995/2005 and Decrees 12.741/2021 and 13.950/2023 (Municipality of Osasco, 2005; 2021; 2023), regulations that – although recent – are grounded in a profoundly asymmetrical logic of environmental compensation. Under this framework, each mature tree felled must be 'offset' by the planting or donation of seedlings, as if ecological time could be converted into a kind of vegetal currency.

According to the case file, City Hall informed the Public Prosecutor's Office that no changes had been made to the vegetation on the plot and that all environmental obligations had been fulfilled. The investigation report issued by the Public Prosecutor's Office further stated that none of the tree species identified on the site were classified as endangered. These official justifications were deemed sufficient, leading the Public Prosecutor's Office to close the inquiry on the grounds that there had been no administrative omission, no proven environmental harm and no risk to collective or trans-individual interests. Yet this logic – technically coherent within the framework of an outdated regulatory system – reveals itself to be ecologically blind.

The disregarded temporalities of the climate emergency

The notion that the loss of a mature tree can be compensated by the promise of a sapling planted elsewhere in the city is an administrative fiction that disregards the temporality of vegetal life. A tree that reaches twenty or thirty meters does not materialize overnight; it emerges through decades of slow, cumulative ecological relations that shape microclimates, regulate moisture, sustain soils and provide habitats for multiple species. Félix Guattari's concept of ecosophy (Guattari, 1990) helps illuminate how these relations exceed bureaucratic categories, as they involve inseparable connections between environment, subjectivity and social organization. Guattari (1992) further argues that industrial capitalism produces a generalized entropy in urban environments, erasing heterogeneity and destroying ecosystems in the name of the endless reproduction of architectural and economic models. Nothing exemplifies this entropy more vividly than the stark contrast between the two photographs of this block: in the first, a cluster of old houses sheltered by large trees; in the second, a bare expanse of exposed soil, waiting for concrete

and steel. This destruction – though rendered 'regular' by administrative procedures – is inscribed in the territory as an irreversible loss, at least for the coming decades.

If we follow the perspective of Antônio Bispo dos Santos (2015), a *quilombola*[1] thinker who denounces the persistence of colonialism, we gain another interpretive key for understanding this case. For Bispo (2015), there is an ongoing conflict between the logic of merchandise and the logic of life – a tension that becomes especially visible when urban space is appropriated by real estate speculation for vertical developments that promise progress but ultimately deliver homogenization and heat. The block in Osasco, which once functioned as an ecological corridor – even if never officially recognized as such – performed essential environmental functions: regulating local temperatures, providing shelter for urban fauna and ensuring soil permeability. Yet because these functions produce no direct financial returns, the legislation assigns them little or no value. Even the spring on the side street, evidenced by the constant flow of water channelled into the storm drain – and audible to anyone walking by – is not treated as a living hydrological relation. Rather than being understood as part of a living system, it was simply absorbed into the urban drainage infrastructure, like so many other springs buried in the course of accelerated urbanization in the metropolitan region of Latin America's largest city (Diário Verde, 2016).

It is important to stress that the destruction of this vegetation does not merely represent the elimination of individual trees. It has compromised a complex web of environmental, historical and social relationships that, from an ecocentric perspective, cannot be reduced to figures in technical reports. Mature trees perform climate-regulating functions that no number of saplings

Images: April 2024 (A), at the time of the initial complaint to the São Paulo State Public Prosecutor's Office; November 2025 (B), with the houses demolished, vegetation removed and the land fenced off (source: author's archive).

can replace in the short or medium term. They offer shelter for birds that, under increasing pressure from habitat fragmentation, rely on the few remaining green islands to survive. Their root systems stabilize the soil and participate in the water cycle in symbiosis with subterranean microorganisms – organisms that were also obliterated in the process. The block's green area was not an accident; it was a collective creation of life over decades, shaped by domestic cultivation practices, trees planted by former residents and spontaneously emerging species. It was, in this sense, a form of ecological memory, and its erasure disrupts a continuity that cannot be rebuilt by decree. But who, within our current legal and political frameworks, is paying attention?

By allowing this block to be transformed into bare land, Osasco's urban legislation reaffirmed a model of city-making that prioritizes profit through verticalization over ecological responsibility. The laws and decrees in force operate under the assumption that administrative regularity is sufficient to legitimize environmental destruction, provided it is accompanied by formal compensations and minimal urban parameters such as the fifteen per cent permeability index (Municipality of Osasco, 2024). In practice, these norms function as legal technologies designed to enable questionable architectural developments rather than instruments aimed at protecting the living Earth. The result is that ecological time – slow, accumulative, patient – systematically loses out to the time of real estate capital, which moves at the pace of financing cycles, construction schedules and profitability targets.

If we look at this episode from the perspective of the land, as contemporary political ecology thinkers suggest, it becomes clear that the Public Prosecutor's decision to dismiss the case does not mean that no damage occurred; it simply means that such damage is not recognized within the existing legal grammar. The destruction of mature trees, the suppression of living soil, the disturbance of underground watercourses and the elimination of urban habitats are not classified as harm because the legislation itself has been crafted not to perceive these forms of life as integral components of the city. Under this framework, vegetation is treated as a decorative element rather than as critical ecological infrastructure. In times of climate emergency, such a conception is no longer tenable.

Final considerations: To the Earth what belongs to the Earth

It is urgent that Brazilian legislation incorporate new categories of protection for privately owned green areas with environmental relevance – recognizing that wooded backyards, lot edges and small clusters of trees form essential networks for the ecological functioning of cities. It is equally necessary to abolish the seedling-compensation model, which operates as an accounting fiction that obscures real environmental losses. The planting of saplings may function as a complementary policy, but never as a substitute for the ecological roles of mature vegetation. Urban springs must also be formally acknowledged, and strict protocols established for their protection, regardless of their visibility or their presence – or absence – in official cartographic records.

The case of the Osasco block exposes not merely an administrative failure, but a mode of urban existence that has become incompatible with the planet's

biodiversity and habitable climate future. By reducing life to technical indicators and formal compensations, municipal legislation reveals its inability to grasp that the city is a territory co-inhabited by multiple forms of existence. The destruction of the trees on that land, although legally regularized, is ecologically indefensible and ethically unacceptable. It reminds us that legal regularity does not ensure environmental justice, and that land – unlike administrative procedures – cannot simply be filed away.

Note

1 This term refers to members of Afro-Brazilian communities descended from enslaved people who established autonomous settlements (*quilombos*) as forms of resistance. These communities maintain distinct cultural, territorial and political traditions and are recognized in Brazilian law as traditional peoples with collective land rights.

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