

## Sustainable Development: The Need for Balance in the Model

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**Abstract:** This article aims to analyze the need for balance between socioeconomic growth and environmental protection within the scope of the development model called sustainable development. To obtain the desired results from the research, the approach method to be followed will be deductive, using bibliographical research, having, as a reference system, a combination the Complexity Theory of Edgar Morin with the Law and Economics of Richard A. Posner. In conclusion, it is pointed out that the effectiveness, efficiency and effectiveness of the development model, called sustainable development, are subordinated to the existence of so-called environmental justice, expressed in economic and social development, linked to environmental protection, considering cultural differences, political, economic, social and environmental aspects of each continent, country or region, otherwise, the aforementioned development model may prove to be a development model with a merely rhetorical character.

**Keywords:** Sustainable development; Balance. Economy; Environmental Law; Environmental justice.

### INTRODUCTION

Economic production processes find, in nature, the raw materials and energy essential to their most varied economic production processes. Hence the close relationship between the environment and the economy can be seen.

To ensure balance between this close relationship, Environmental Law emerged, which evolved over time to guarantee balanced economic, social and environmental development, with the primary purpose of guaranteeing the existence of a dignified life for present and future generations.

Faced with this reality, the following question arises: What must be observed within the scope of the sustainable development model so that it can be considered as an efficient, effective and effective model?

The justification for researching the topic at hand is the need for discussion about the sustainable development model, with the aim of verifying whether such a model proves to be efficient, effective and effective in providing development based on equity between socioeconomic gains and environmental protection, or it is nothing more than mere rhetoric.

Despite the paramount importance of the subject covered, the topic still requires in-depth research from the perspective that it now intends to focus on, a gap that, when filled, will certainly bring doctrinal assistance to the interpreter and applicator of Law, contributing to the norms national and international legal regulations related to development can be applied more efficiently, effectively and effectively.

To obtain the desired results from the research, the approach method to be followed will be deductive, using bibliographical research, having, as a reference system, a combination the Complexity Theory<sup>1</sup> of Edgar Morin with the Law and Economics<sup>2</sup> of Richard A. Posner.

### 1 Environmental Imbalance As a Result of Unregulated Exploration

Between the 19th and 20th centuries, nature was explored and subjugated by the way of life of the liberal period, which is characterized by industrial and technological development, which transformed nature into a prerequisite for consumption and the market. In this sense, when dealing with the opposition between nature and society, Ulrich Beck [Beck, U, 2011] states that:

The opposition between nature and society is a 19th century construct that serves the dual purpose of controlling and ignoring nature. Nature was subjugated and exploited at the end of the 20th century and thus transformed from an external

1 The science of non-linear dynamics, or complexity theory, aims to link the most varied disciplines, such as physics, biology, chemistry, economics, law, sociology, engineering, etc., in the search for balance from which the state of chaos distances itself [1] (our own translation).

2 The economic analysis of law, as it now exists not only in the United States but also in Europe, which has its own flourishing law and economics association, has both positive (that is, descriptive) and normative aspects. It tries to explain and predict the behavior of participants in and persons regulated by the law. It also tries to improve law by pointing out respects in which existing or proposed laws have unintended or undesirable consequences, whether on economic efficiency, or the distribution of income and wealth, or other values. It is not merely an ivory-towered enterprise, at least in the United States, where the law and economics movement is understood to have influenced legal reform in a number of important areas. [...] Economic analysis of law is generally considered the most significant development in legal thought in the United States since legal realism petered out a half century ago [2].

phenomenon into an internal one, from a predetermined phenomenon into a manufactured one (our own translation).

Aiming to quickly meet the growing demand for food, pure water, wood, fibers and fuel [Reid, W. V. *et al.*, 2005] with the main purpose of producing wealth – accumulation of capital – human beings gave beginning of the Industrial Revolution, which was enhanced by technological development [Leite, J. R. M, 2012], culminating in the installation of a state of environmental chaos, which is characterized by the rapid and extensive modification of ecosystems caused by humans.

Over time, humanity has learned, through the accumulation of knowledge, to defend itself against external threats; however, it was practically defenseless against threats of an internal nature, which, absorbed by the industrial system, generated dangers proportional to daily consumption. Such dangers – risks –, experienced by the industrial – risk – society, are characterized by not respecting borders or boundaries, as they travel hidden in what is most indispensable to life, such as air, water and food, in order to break the main and most developed forms of protection in modernity [Beck, U, 2011] deal with the transboundary effects of environmental risks.

The risks “[...] designate threats that transform modern individualism, already pushed to the limit into its most extreme opposite” [Beck, U, 2011]. Thus, they represent the “[...] bankruptcy of modernity, emerging from a post-modern period, as the threats produced throughout industrial society begin to take shape” [Leite, J. R. M. *et al.*, 2012].

There is no need to deny that the idea about growth or economic development<sup>3</sup>, based on the accumulation of capital, if not exclusively on it, in the vast majority of cases generated irreversible processes of environmental degradation, as human beings, for a long time, indiscriminately explored sources of non-renewable environmental resources as if they were infinite, bringing them to the brink of exhaustion. As a result, they transformed

available energy into unavailable energy, causing irreversible processes of environmental degradation, which resulted in environmental imbalances.

The distance from balance, according to chaos theory, creates the possibility of a new order, for this reason it is stated that “[...] chaos is not ‘chaotic’, but rather generative and self-creative. It opens up space for organization and the constitution of increasingly elegant (cosmetic) orders that carry meaning” [Boff, L, 1997].

Therefore, there is no absolute chaos, just as there is no stable balance, as what there is is a dynamic system, characterized by circular, open and continuous movement between balance – imbalance – interaction – new order. According to Leonardo Boff [Boff, L, 1997] “this process, as it progresses, tends to create more and more diversity and, with that, reinforce complexity” (our own translation).

With the migration from classical thinking to complex thinking, the logic of risk production begins to dominate the logic of wealth production in industrial society, having as a theoretical and practical basis the threats to life posed by risks, considerably enhanced by the modernization of production and by the massification of consumption, which do not respect borders, in order to reveal themselves as global threats [Beck, U, 2011].

Faced with this reality, the Nations, motivated by the state of environmental imbalance, installed due to the repeated environmental degradations occurring around the world as a result of unregulated industrial, technological and economic development, joined forces in the search for new orders capable of approaching a point of balance.

## 2 Emergence of the Sustainable Development Model

Based on what was contained in the Report The limits to growth, in 1972 the United Nations Conference on the Human Environment was held in the city of Stockholm, Sweden, which resulted in the drafting of the Stockholm Declaration, consisting of 7 postulates and 26 principles aimed at guiding the people of the world in preserving and improving the environment [United Nations Organization, 1972].

<sup>3</sup> Ewerton Ricardo Messias and Valter Moura do Carmo [6] state that: “The concept of economic development cannot be confused with the concept of economic growth, as the former represents an evolution of this by incorporating variables such as justice, quality of life, well-being, freedom, among others, which make it more complete and complex, given the intangible characteristics of some of these variables. This evolution takes the concept of development to a greater scope, in order to make it complex and intangible, by incorporating the economic dimension and, in addition, the political, social and environmental dimensions” (our own translation).

Among these principles, the 1st<sup>4</sup> deserves to be highlighted, which recognizes the right to a quality environment as a fundamental human right, essential for the existence of a dignified life for present and future generations.

From the Stockholm Conference, the idea of the need for a new form of development emerged and, with that, the indication of the need for a change in consciousness, gradually migrating from the idea of the industrial period of growth or purely economic development, that is, from development at any cost, to the idea of sustainable development with the adoption of actions aimed at meeting the needs of current generations without compromising the possibility of meeting the needs of future generations.

This idea was deepened in 1987 on the occasion of the publication of the Brundtland Report, prepared by the World Commission on Environment and Development, an opportunity in which a new way of understanding development was presented, based on the concept of sustainable development, as this, the process that “[...] meets the needs of the present without compromising the ability of future generations to also meet theirs” [United Nations Organization 1991].

The Brundtland Report also highlighted environmental problems such as global warming and ozone depletion and emphasized concern that the speed of change is outpacing the capacity of scientific disciplines and our abilities to assess and propose solutions [United Nations Organization, 1991].

The economic imbalance caused by the liberal period meant that the Western economic model was based on the predatory relationship between humans and nature, through the use of environmental resources, generating the deforestation of native forests, the slaughter and imprisonment of native fauna, the filling of springs and watercourses, industrial pollution, among other activities that degrade environmental resources, developed in search of unruly economic growth. This stance generated such an environmental imbalance that it required a

4 “O homem tem o direito fundamental à liberdade, à igualdade e ao desfrute de condições de vida adequadas em um meio ambiente de qualidade tal que lhe permita levar uma vida digna e gozar de bem-estar, tendo a solene obrigação de proteger e melhorar o meio ambiente para as gerações presentes e futuras. A esse respeito, as políticas que promovem ou perpetuam o *apartheid*, a segregação racial, a discriminação, a opressão colonial e outras formas de opressão e de dominação estrangeira são condenadas e devem ser eliminadas” [8].

profound review of the mode of production and consumption.

The Brundtland Report pointed to the unsustainability [United Nations Organization, 1991] of existing production and consumption patterns, indicating the need for a change in behavior in the face of the finiteness of environmental resources, in order to promote development sustainable through the achievement of economic growth reconciled with respect for social and environmental issues.

Thus, the balance of the environment has become a common good for humanity, imposing its protection on Nation-States and the community due to its indispensability for the existence of a life worth living<sup>5</sup> for present and future generations.

Four years later, in 1992, the United Nations Conference on Environment and Development, better known as Eco-92, took place with the aim of reconciling socioeconomic development with conservation and environmental protection. This conference adopted “[...] in the Rio Declaration and Agenda 21, sustainable development as a goal to be sought and respected by all countries” (author’s emphasis) [Milaré, E, 2001]. In this sense, principle 4<sup>6</sup> of the Rio de Janeiro Declaration inserts environmental protection into the development process, aiming to achieve sustainable development.

The Rio de Janeiro Declaration on Environment and Development also provides, in its principle 16<sup>7</sup>, the promotion of internalization, in the costs of economic enterprises, of negative externalities resulting from environmental degradation promoted by the economic activities carried out.

Thus, according to the idea of sustainable development<sup>8</sup>, “[...] all negative externalities

5 A dignified life is one lived with dignity, with dignity understood as a material end, an objective, “[...] which is achieved through equal and widespread access to goods” (health, safety, ecologically balanced environment, education, among others) “[...] that make life “worthy” of being lived” [10].

6 “To achieve sustainable development, environmental protection will constitute an integral part of the development process and cannot be considered in isolation from it” [12]

7 “National authorities should seek to promote the internationalization of environmental costs and the use of economic instruments, taking into account the approach according to which the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without cause distortions in international trade and investments” [12].

8 Susana Borràs Pentinat [13] state that “[...] the concept of sustainable development is the result of the evolution of the same notion of development, but also of the recognition that there are limits in the biosphere and its natural resources to satisfy the needs of present and future generations” (our own translation).

resulting from environmental degradation, carried out by productive processes of the most varied economic activities, must be internalized in the costs of economic business” [Messias, E.R.M, 2015].

With this, the aim is to avoid the socialization of such negative externalities, which must be internalized by economic agents together with the positive externalities resulting from the economic activities carried out. The internalization of such externalities brings the production cost closer to reality.

### **3 Equity, Environmental Law and Economy:**

Environmental justice as a condition for the efficiency, effectiveness and effectiveness of the sustainable development model

For the sustainable development model to be efficient, effective and effective, the constitutional economic order of Nation-States must be focused on valuing human work and free initiative, with the defense of the environment as one of its guiding principles in the pursuit of fulfillment of its purpose, which is to ensure a dignified existence for all in accordance with the dictates of equity.

Therefore, economic activities must be developed to ensure the dignified existence of human beings. To achieve this, its planning, installation and operation must be guided by the defense of the environment, the rules of which are contained in Environmental Law. Environmental Law aims to defend and preserve an ecologically balanced environment due to its essentiality to the healthy quality of life of present and future generations.

When dealing with the relationship between the economic and environmental systems, Cristiane Derani [Derani, C, 2008] states that such a relationship has the ultimate purpose of providing human beings with a dignified existence through the balanced functioning of both systems.

Thus, free enterprise must not operate in an absolute manner, but rather conditioned by norms and principles arising from the constitutional economic order and Environmental Law, which aim to establish a healthy balance between socioeconomic growth and environmental protection, through an efficient, effective and effective legal protection of free enterprise and the protection of environmental balance, to be carried out by Nation-States and the community.

It is in this sense that it is stated that the purpose of Economics and Environmental Law is to guarantee the existence of a dignified life, so their efforts must converge towards this guarantee, not only for current generations, but also for future generations. In this regard, Vladimir Oliveira da Silveira and Samyra Haydêe Dal Farra Napolini Sanches [Silveira, V.O. *et al.*, 2015] state that “the practice of sustainability reflects concern not only with development, but also with the quality of life of society and future generations” (our own translation).

Economy and environment have a relationship of adherence and dominance. This means that it is necessary to relativize one to the detriment of the other, always having as a basis the existence of a life worth living, understood as a fair, healthy and quality life, in which equal and equitable access is guaranteed, to education, housing, leisure, work, health and an ecologically balanced environment, aiming at the implementation and social effectiveness of the constitutional principles of equality, solidarity and human dignity.

Law is part of development; therefore it cannot and should not be understood as a mere tool at its disposal. To guarantee sustainable development, Environmental Law and Economics must act in a transdisciplinary way, aiming to align the market economy with the environmental economic constitutional purpose to provide a life worth living.

Economic activities maintain a potentially proportional relationship with impacts on the environment, as the greater the development of economic activities, the greater the potential for impacts on the environment.

Efficient, effective and effective legal protection of environmental resources, to be carried out by Nation-States and the community, is a *sine qua non* condition for establishing a healthy balance between socioeconomic growth and environmental protection.

The search for profit at any price, marked by individualism and patrimonialism, typical of the liberal period, must give way to the search for sustainable development which, guided by the environmental principles of prevention, the polluter pays, cooperation, ubiquity and protector-recipient, among others, privileges the collective through complex thinking, which contemplates transdisciplinarity in the search for solutions in favor of environmental balance for present and

future generations. Along this line of reasoning, Janet M. Thomas and Scott J. Callan [Thomas, J.M, 2010] teach that:

Although economic growth is a favorable outcome, there are long-term implications, as the material balance model suggests. Finding an appropriate balance between economic growth and preservation of natural resources is the essence of the objective known as sustainable development, which strives for the management of the planet's resources to guarantee their quality and abundance in the long term. (our own translation)

In the market economy, one of the main objectives to be pursued by governments and the private sector is economic development. As already clarified, the concept of economic development cannot be confused with the concept of economic growth, as the former represents an evolution of this, by incorporating variables that make it more complex, such as peace as a pillar, the economy as the engine of progress, the environment as a basis for sustainability, justice as a pillar of society, and democracy in governance [Boutros-Ghali B, 1992].

Likewise, the concept of economic development cannot be confused with the concept of sustainable development, which, according to John Elkington, has its bases in the Triple Bottom Line Theory, which consists of obtaining economic development externalized in the form of profit – Profit – associated with the generation of social development – People – and environmental protection – Planet (ELKINGTON, 2012, p. 111-124).

## CONCLUSIONS

In relation to raising awareness about the need for sustainable development to maintain the conditions for a dignified life on planet Earth, it is too early to say whether the theory of sustainable development will be able to bring us closer to a point of environmental balance.

However, it is possible to affirm that the sustainable development model emerges as a new order aimed at seeking an approximation of balance, given the imbalance caused by the development models that preceded it.

As previously stated, chaos is generative, as the imbalance that accompanies it encourages the emergence of successive new orders. Aiming to approach the equilibrium point, sustainable

development may prove to be one of these new orders.

In this context, it is important to emphasize that sustainable development has as its aspects respect for free enterprise, free competition, standards for protecting environmental balance, the reduction of social inequalities and economic growth.

Balance must be respected so that this development model does not have one of its aspects supplanted by one or more aspects.

Thus, to reveal itself as a new order capable of feeding back the complex system in search of a balance point, sustainable development must provide environmental justice, expressed in economic and social development, linked to environmental protection, considering cultural, political differences, economic, social and environmental aspects of each continent, country or region, otherwise it will prove to be a development model with a merely rhetorical character.

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