

# **Sustainable Development In Brazil: Ignacy Sachs' Ecological And Environmental Protection Criteria**

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## **Abstract:**

*This article aims to analyze the environmental protection established in the Constitution of the Federative Republic of Brazil from the perspective of Ecodevelopment, a theory developed by Ignacy Sachs, focusing on the following question: Is ecological environmental protection in Brazil in line with Ignacy Sachs' criterion of ecological sustainability? Thus, a qualitative approach was used, with a bibliographic procedure, and the objective was explanatory. Initially, environmental protection was only instituted by the Federal Constitution of 1988, since discussions about the need and essence of environmental preservation only gained strength in the 1960s, culminating in the Stockholm Conference in 1972. After the Citizen Constitution, the regularization towards sustainable development occurred gradually. The conclusion was that the environmental protection under the CRFB/88 is in line with the pillar of ecological sustainability; however, not in a totally effective way. Considering that there are eight (8) pillars listed in Ignacy Sachs' Ecodevelopment theory, only two (2) pillars were analyzed. It was possible to conclude, through bibliographical analysis, that there is still much to be developed in Brazilian legislation for sustainable development; therefore, it was concluded that the Brazilian legal system is not fully developed in terms of environmental protection.*

**Key Word:** *environmental protection; eco-development; sovereignty; environmental laws.*

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## **I. Introduction**

This article seeks to examine the relationship between the environmental defense and protection established in the Constitution of the Federative Republic of Brazil of 1988 and the pillars of sustainability developed by Ignacy Sachs, especially the criteria of ecological and environmental sustainability.

Human rights are regularly divided into three generations – or dimensions – with an allegory to the motto of the French Revolution (1789-1799), with the first generation related to freedom (political and civil rights); the second, to equality (economic, social, cultural, and collective rights); the third, to fraternity (right to development, peace, the environment, and the common heritage of humanity).

At the international level, third-generation human rights, which emerged in the mid-1960s, brought the fundamental right to an ecologically balanced environment to the fore, resulting in political conflict. This occurred because of debates on whether environmental sustainability and preservation hindered economic development, leading to worldwide government resistance to developing public policies aimed at broadly protecting the natural environment.

Following environmental reflections during the 1960s, the United Nations (UN), an organization "to maintaining international peace and security, developing friendly relations among nations, and promoting social progress, better living standards and human rights" (United Nations 2024), convened the United Nations Conference on Development and Environment in Stockholm in 1972, where the importance of a quality environment for a dignified life and well-being was officially recognized.

In response to this international context, the Constitution of the Federative Republic of Brazil, known by the acronym CRFB/88 (Brazil 1988), as a fundamental and supreme norm, enshrined the right to an ecologically balanced environment among its unchangeable clauses. It emphasizes that this right, essential to a healthy quality of life, is a common good for the people, and imposes on both the Government and the community the duty to defend and preserve it for present and future generations.

To implement the environmental protection mandated by the CRFB/88, the National Environmental Policy (NEP) was established. Its goals include preserving, improving, and restoring environmental quality to support life, ensuring conditions for socioeconomic development, safeguarding national security, and protecting

the dignity of human life. The policy also emphasizes the compatibility of economic and social development with the preservation of environmental quality and ecological balance.

Thus, a challenge is perceived between the social need to promote economic development, using limited natural resources, and the constitutional obligation to preserve an ecologically balanced environment. This is because the term "development" is often associated with the exploitation and degradation of biomes, fauna, and traditional populations, as can be seen with the rates of deforestation, burning, illegal mining, and the reduction/death of indigenous communities in Brazil. In this scenario, we aim to explore the consonance between Ignacy Sachs' Ecodevelopment theory and Brazil's sustainable socioeconomic development, focusing on environmental degradation within the pollution limits set by the competent agencies. Therefore, this article seeks to understand the pursuit of ecological balance in the CRFB/88 and to relate it to a comprehensive understanding of the pillars presented by the author.

Brazil still faces challenges in implementing and ensuring an ecologically balanced environment. This analysis is conducted through bibliographic and documentary procedures, with an explanatory aim.

## **II. Ecodevelopment By Ignacy Sachs**

In 1970, invited to the first international colloquium on the environment and social sciences, Sachs came into contact with the premise that the natural environment is something to be protected, still unaware that he would become the main author and developer of the Ecodevelopment theory. It was then that he grasped the "deep link that unites the problems of the environment and development" (Sachs 2009a, 230).

For Sachs (2009b, 32), productive use does not necessarily need to harm the environment, as long as there is awareness of all activities rooted in the natural environment. Thus, it is necessary to plan the sustainability of the Earth and renewable resources from a multiple perspective.

In "Pathways to Sustainable Development," Sachs (2009b) established eight (08) criteria for what he calls Ecodevelopment—also known as Sustainable Development—which are: social, cultural, ecological, environmental, territorial, economic, international, and national political sustainability.

In the social sustainability criterion, he lists the need to reach a reasonable level of social homogeneity, in which there is fair income distribution, full and autonomous employment with a decent quality of life, as well as equal access to social resources and services.

In the cultural criterion, he establishes the essential balance between respect for tradition and innovation, so that changes within the group give continuity to the social group, with the capacity for autonomy to develop an integrated and endogenous national project, as opposed to servile copies of alien models.

In the parameters of ecological and environmental sustainability, Sachs (2009b 86) emphasizes the preservation of the potential of natural capital in its production of renewable resources and limiting the use of non-renewable resources, as well as respecting and enhancing the self-purification capacity of natural ecosystems.

As for the pillar of territorial sustainability, balanced urban and rural configurations are required, with the elimination of urban biases in the allocation of public investment, improvements to the urban environment, overcoming inter-regional disparities, and environmentally safe development strategies for ecologically fragile areas—conservation of biodiversity through Ecodevelopment.

In the economic sphere, the aim is to achieve balanced intersectoral economic development, food security, the capacity for continuous modernization of production instruments, a reasonable level of autonomy in scientific and technological research, and sovereign insertion in the international economy.

In national politics, the criteria for sustainable development are democracy defined in terms of universal appropriation of human rights, development of the State's capacity to implement the national project in partnership with all entrepreneurs, and a reasonable level of social cohesion.

Finally, in the area of international politics, the criteria include the effectiveness of the UN war prevention system in guaranteeing peace and promoting international cooperation, a North-South co-development package based on the principle of equality (rules of the game and sharing of responsibility favoring the weaker partner), effective institutional control of the international financial and business system, effective institutional control of the application of the Precautionary Principle in the management of the environment and natural resources, prevention of negative global changes, protection of biological and cultural diversity, management of the global heritage as a common heritage of humanity, and an effective system of international scientific and technological cooperation, including the partial elimination of the commodity character of science and technology, also as property of the common heritage of humanity.

Sachs (2009b, 50) presents the two positions that were clearly set out at the Stockholm Conference: those who predicted abundance (the cornucopians) and the catastrophists (doomsayers). Brazil was in the first position, which considered any concerns about the environment to be unfounded and at risk of delaying the development of developing countries. The second position predicted the apocalypse, and some of these pessimists were Malthusians—environmental disruption was seen as the result of the population explosion.

However, the World Population Prospects 2022 report predicts that the global population reached 8 billion in November 2022 and, although annihilation has not occurred, global society is suffering from environmental disasters and a reduction in quality of life.

### **III. Environmental Protection In The Constitution Of The Federative Republic Of Brazil Of 1988**

From a doctrinal perspective, the environment can be understood as a third-generation human right, while, in general doctrine, it can be understood as a natural, cultural, artificial, and labor environment.

In the course of this research, it is difficult to state that the focus is solely on the natural environment, because Sachs defined eight pillars that go beyond the natural scope.

However, in relation to the term "environment" Fiorillo (2022, 42) concludes that the definition of the environment is broad, and that the legislator opted for an indeterminate legal concept, creating a positive space for the application of the norm.

There is no doubt that the CRFB/88, in its Article 225, did not provide a detailed concept of the environment but rather addressed the right to an ecologically balanced environment. However, the concept of the natural environment is provided in Article 3 of the NEP, as "the set of conditions, laws, influences, and interactions of a physical, chemical, and biological nature, which allows, shelters, and governs life in all its forms." There is an intrinsic relationship between the environment and society, which is evident in the need for environmental protection, preservation, and development as essential for the socioeconomic development of the country, as well as for society itself, as it is imperative to preserve for present and future generations. Using the words of Machado (2020, 163), it is possible to state that "a healthy quality of life can only be achieved and maintained if the environment is ecologically balanced."

Regarding the environment and its historical milestones throughout human history, it is necessary to mention the United Nations Conference on Development and Environment held in Stockholm in 1972, which was essential for initiating general actions aimed at environmental protection and conservation.

The Stockholm Declaration of 1972 states that human beings have the fundamental right to freedom, equality, and adequate living conditions in a quality environment that allows them to live with dignity and enjoy well-being. In addition, they have the solemn responsibility to protect and improve the environment for present and future generations.

In retrospect, Brazil, while studies on third-generation rights were taking shape, was still in denial regarding environmental preservation. At that time, it was believed that industrial development necessitated the predatory exploitation of environmental resources, without any regard for preservation, as noted by Leuzinger and Varella (2014, 301). According to Sirvinskas (2018, 67), the history of legal protection of the environment in Brazil can be divided into three broad periods, each characterized by a different understanding of environmental protection.

The first period spans from the discovery of Brazil (1500) to the arrival of the Portuguese Royal Family (1808), during which there was a predatory search for natural resources, such as brazilwood and gold, and control of any profitable area, with the aim of economic appropriation of nature for the Crown. In other words, the aim was not to protect but rather to centralize the possibility of economic exploitation.

The second period spans from the arrival of the Portuguese Royal Family (1808) to the creation of the NEP in 1981. During this period, there was some concern with preserving the environment for economic purposes, but there was still no comprehensive idea of preserving and maintaining it.

Since legal protection was provided for what was economically interesting, laws and provisions were formed according to assessed needs. For example, the Forest Code, which was created by Decree No. 23,793 in 1934, but has since been revoked, is worth mentioning.

Finally, the third period began with the NEP and was marked by the beginning of general and comprehensive protection of the environment, becoming a historical milestone in the Brazilian legal system regarding Environmental Law.

The NEP aims to preserve, improve, and restore environmental quality that is favorable to life, aiming to ensure, in Brazil, conditions for socioeconomic development, the interests of national security, and the protection of the dignity of human life (Brazil 1981).

It is evident that, in the first two periods, concern and protection were driven by an individualistic view of the environment, as society was not yet seen as dependent on ecological balance for well-being, but rather as a means of developing society, regardless of the damage caused, since studies on environmental protection were still in their infancy.

### **IV. Consonance Between Sachs' Criteria And Brazilian Legislation**

Sachs (2009b, 86) highlights the ecological sustainability criterion with two items: the "preservation of the potential of natural capital in its production of renewable resources" and the limitation of the use of non-

renewable resources. The environmental criterion, on the other hand, is to respect and enhance the self-purification capacity of natural ecosystems.

As explained previously, the NEP is a regulatory framework for Brazilian environmental protection, which includes provisions on the preservation of nature, the protection of renewable resources, limiting the use of non-renewable resources, and preventing predatory exploitation. Therefore, to analyze the consonance between environmental protection and Sachs' ecological and environmental sustainability criteria, it will be necessary to examine the adoption of environmental protection policies. In defense of sustainable development, Ribas and Santos (2021, 153) state:

Environmental governance is implemented through institutional arrangements aimed at managing these interests through structuring, competencies, and processes, based on strategic planning, with scope for all federative entities and that enhance partner actions, cooperatives, and multilateral initiatives from a regional approach. This governance cannot and should not forget the geopolitical aspects inherent to the issue, preserving Brazil's territorial integrity.

As a measure to ensure sustainable development is effective, the United Nations (UN) developed the 2030 Agenda and, in September 2015, listed 17 Sustainable Development Goals (SDGs), with 193 countries agreeing to achieve them by 2030. These goals include the eradication of poverty; ending hunger and promoting sustainable agriculture; ensuring healthy lives and general well-being; providing quality education; achieving gender equality; ensuring the availability of water and sanitation for all; promoting sustainable and affordable energy; supporting decent work and economic growth; developing sustainable and inclusive infrastructure; reducing inequalities; creating sustainable cities and communities; fostering responsible consumption and production; combating climate change; preserving, restoring, and protecting life below water; preserving, restoring, and protecting life on land; promoting peace, access to justice, and effective institutions; and, finally, building partnerships and means of implementation.

Based on the 17 SDGs, it can be seen that 193 countries agreed to take measures to achieve them, and that, for the most part, the SDGs seek sustainability—that is, ensuring development not at any cost, but through sustainable development.

However, these objectives represent guidelines for countries to align their internal policies with the interests of society and the pursuit of the common good. In this way, the social contract is built, which also guarantees national sovereignty. The adoption of the SDGs as a guideline for the 2020-2023 Multi-Year Plan (PPA) was vetoed, specifically in Article 3 of Law No 13,971 of December 27, 2019. International interests should not override the interests of Brazilians, who should seek to ensure the continuity of their own agenda and not the global agenda.

However, in the 2024-2027 Multi-Year Plan established by Law No. 14,802 of January 10, 2024, the 2030 Agenda was once again included in the final and general provisions of the law, specifically in article 26. This may return to discussions about the benefits or not of introducing general global objectives in Brazil.

Art. 26. The PPA 2024-2027 programs must contribute to achieving the United Nations' Sustainable Development Goals as outlined in the 2030 Agenda.

For Sachs (2009b, 53), the objective should be the rational and ecologically sustainable use of nature, in order to benefit local populations and incorporate in these communities a concern for biodiversity conservation—demonstrating to communities that preservation is in the interest not only of the State but also of the communities themselves.

Therefore, the inclusion of these interests in Brazilian public policies is necessary due to the “need to adopt negotiated and contractual standards for biodiversity management” (Sachs 2009b, 53).

On the other hand, on January 13, 2021, Law No. 14,119 was enacted, establishing the National Policy for Payment for Environmental Services (NPPE), some of whose instruments are regulated by other laws. It can be said that Payment for Environmental Services (PES) is an economic instrument created to protect ecosystems while providing a beneficial exchange with those who control the area to be protected.

Regarding Payment for Environmental Services (PES), Wunder, Wertz-Kanounnikoff, and Moreno-Sánchez (2007, 7) present arguments in favor of Pagos por Servicios Ambientales (PSA). It is possible to conclude that the conservation methods already established are not enough, as those who produce on the land also seek positive financial benefits. In this way, payment instruments for environmental services should not put existing conservation methods at risk but should be an addition to environmental and ecological preservation.

Therefore, it is possible to conclude that PES has the potential to mitigate and reduce environmental damage and fits perfectly into Sachs' ecological and environmental sustainability criteria.

This is stated because Sachs (2009b, 56) has already pointed out that subsidies, when properly dimensioned, can play a significant role in promoting sustainable resource use patterns. It is possible to say that the adoption of international guidelines must be observed and combined with the country's interests, serving as guidance and demonstrating a commitment to environmental protection. Similarly, the pursuit of additional means of environmental preservation and restoration continues to emerge.

## V. Final Considerations

It is important to highlight that the reflections carried out in this research revealed the urgent need to comprehensively align Brazilian society with the constitutional precepts of protecting an ecologically balanced environment.

This alignment is crucial not only for the continuity of human life but also to ensure a high quality of life for current and future generations. In this context, it is essential that the Public Authorities—through the Union, the States, the Federal District, and the Municipalities—actively engage in promoting an environment that meets constitutional requirements, guaranteeing the protection of biomes, fauna, flora, and the various other components that make up the environment.

In addition to the State, it is also important to recognize the role of Brazilian citizens, as well as collective communities in general, in realizing this fundamental right. It is essential to consider the development of Brazil's regions, but always with a focus on sustainability, and in this regard, individuals play an extremely important role. Environmental protection in Brazil partially complies with Sachs' criteria for ecological and environmental sustainability through the implementation and regulation of environmental protection institutes. There remains, however, a need to monitor government policies to evaluate the State's overall approach to environmental preservation.

The implementation of environmental protection in Brazil is based on sovereignty, ensuring that the concept of global environmental governance does not weaken Brazilian interests. The ecological and environmental contexts differ in each country; therefore, international principles must be present and combined with national interests to guide measures and responses to climate change, which vary from country to country.

Forests, animals, water, soil, and other components of the Brazilian environment are the foundation of an ecologically balanced scenario and, consequently, benefit all life, human and non-human. Therefore, it is the duty not only of the State but also of the general population to consider the environment as intrinsic to a quality life.

Reflecting on the evolution of Brazilian environmental legislation reveals that significant work has been and continues to be done, but there is still dissatisfaction with the current state of affairs. There must be ongoing critical evaluation of how environmental protection is being implemented, allowing for improvements while preventing regression.

## References

- [1]. Brazil. 1934. Decreto N. 23.793, De 23 De Janeiro De 1934. [Decree No. 23,793 Of January 23, 1934]. [https://www.planalto.gov.br/ccivil\\_03/Decreto/1930-1949/D23793.Htm](https://www.planalto.gov.br/ccivil_03/Decreto/1930-1949/D23793.Htm).
- [2]. Brazil. 1981. Lei N. 6.938, De 31 De Agosto De 1981. [Law No. 6,938 Of August 31, 1981]. [http://www.planalto.gov.br/ccivil\\_03/Leis/L6938.Htm](http://www.planalto.gov.br/ccivil_03/Leis/L6938.Htm).
- [3]. Brasil. 1988. Constituição Da República Federativa Do Brasil De 1988. [Constitution Of The Federative Republic Of Brazil Of 1988]. [https://www.planalto.gov.br/ccivil\\_03/Constituicao/Constituicao.Htm](https://www.planalto.gov.br/ccivil_03/Constituicao/Constituicao.Htm).
- [4]. Brazil. 2019. Lei N. 13.971, De 27 De Dezembro De 2019. [Law No 13,971 Of December 27, 2019]. [https://www.planalto.gov.br/ccivil\\_03/\\_Ato2019-2022/2019/Lei/L13971.Htm](https://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2019/Lei/L13971.Htm).
- [5]. Brazil. 2021. Lei N. 14.119, De 13 De Janeiro De 2021. [Law No 14,119 Of January 13, 2021]. [https://www.planalto.gov.br/ccivil\\_03/\\_Ato2019-2022/2021/Lei/L14119.Htm](https://www.planalto.gov.br/ccivil_03/_Ato2019-2022/2021/Lei/L14119.Htm).
- [6]. Brazil. 2024. Lei N. 14.802, De 10 De Janeiro De 2024. [Law No. 14,802, Of January 10, 2024]. [https://www.planalto.gov.br/ccivil\\_03/\\_Ato2023-2026/2024/Lei/L14802.Htm](https://www.planalto.gov.br/ccivil_03/_Ato2023-2026/2024/Lei/L14802.Htm).
- [7]. Fiorillo, C. A. P. 2022. Curso De Direito Ambiental. São Paulo: Saraiva Educação.
- [8]. Leuzinger, Márcia D., And Marcelo D. Varella. 2014. "O Meio Ambiente Na Constituição Federal E Na Legislação Infraconstitucional: Avanços Ou Retrocessos (1988 A 2014)?" *Revista Do Programa De Pós-Graduação Em Direito – UFC* 34 (2): 299-314. <https://repositorio.ufc.br/handle/riufc/12135>
- [9]. Machado, P. A. L. 2020. Direito Ambiental Brasileiro. Salvador: Juspodivm.
- [10]. Ribas, Lídia M., And Antonio Dos Santos. 2021. "Preservação Ambiental No Brasil Uma Trajetória Responsável: Política Nacional Do Meio Ambiente E O Bioma Amazônia". In *Coletânea De Artigos Sobre Os 40 Anos Da Política Nacional Do Meio Ambiente (Lei N. 6.938/81)*, Edited By Conselho Federal Da Ordem Dos Advogados Do Brasil And Comissão Nacional De Direito Ambiental, 133-158. Brasília, BR: OAB Editora.
- [11]. Sachs, I. 2009a. *A Terceira Margem: Em Busca Do Ecodesenvolvimento*. São Paulo: Companhia Das Letras.
- [12]. Sachs, I. 2009b. *Caminhos Para O Desenvolvimento Sustentável [Pathways For Sustainable Development]*. Rio De Janeiro: Garamond.
- [13]. Sirvinskas, L. P. 2018. *Manual De Direito Ambiental*. São Paulo: Saraiva Educação.
- [14]. UN (United Nations). 2015. *Transforming Our World: The 2030 Agenda For Sustainable Development*. <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.Pdf>.
- [15]. UN (United Nations). 1972. *Stockholm Declaration On The Human Environment*, In *Report Of The United Nations Conference On The Human Environment*, Stockholm, 5-16 June 1972.
- [16]. UN (United Nations). 2024. *The United Nations*. <https://www.un.org/pt/node/112038>.
- [17]. Wunder, Sven., Sheila Wertz-Kanounnikoff, And R. Moreno-Sanchez. 2007. "Pago Por Servicios Ambientales: Una Nueva Forma De Conservar La Biodiversidad". *Gaceta Ecológica* 84-85(2007): 39-52. <https://www.redalyc.org/articulo.Oa?id=53908505>.
- [18]. Sven W., Sheila W., & Rocío M. "Pago Por Servicios Ambientales:Una Nueva Forma De Conservarla Biodiversidad." *Gaceta Ecológica* , No. 84-85 (2007):39-52. [Redalyc, https://www.redalyc.org/articulo.Oa?id=53908505](https://www.redalyc.org/articulo.Oa?id=53908505)