

**INSTITUTE OF APPLIED RESEARCH IN SUSTAINABLE ECONOMIC
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COMMENTS ON ECOLOGY AND SUSTAINABILITY

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Are of great conceptual value and practical technical articles of two distinguished experts of the eco-development for the future of humanity. "The principle of sustainability as a structuring principle of constitutional law", by José Joaquim Gomes Canotilho and "the development while ownership of human rights" by Ignacy Sachs, dealing with the issue of natural heritage of planet Earth and its future in relation to future generations and human rights. Both authors, each one according to your approach, establish the bases and discuss proposals to reconcile this controversial theme in terms of principles, and which should culminate in the establishment of an international pact with legal value, in order to commit all countries of the world by fulfilling a basic precept of essential protection of the terrestrial environment.

The current level of contention regarding the exploitation and use of natural resources of the planet concerns the target assigned to the final product of that holding, and who should benefit from these financial assets originated by this exploration and, in an order last, where should be counted the invoice of these losses and, moreover, how can be benefited the real donors of this heritage. The imbalance of the development process, according to Sachs, stems from the slow and gradual acceleration of the processes of use of natural resources involved with the Industrial Revolution, from the early 19th century. This acceleration was being increasingly provoked by the conquest of new markets in a fantastic snowball that specific interests of power packs culminated with two major war conflicts, with disastrous effects for the future of mankind and, more recently, with an uncontrollable lust that brings into the shock mercantilist destination on the planet.

The Universal Declaration of Human Rights, adopted by the UN in 1947 put to the test the real commitment of the signatory Nations, and social movements past and present require a more rigid and radical stance with regard to the procedure of respect to these basic principles.

Among the most relevant reports on the need for preservation of the environment must, without any doubt, the marine biologist Rachel Carson, when in 1962, released his menacing book "Silent Spring", where unruly and denounces the criminal use of agrochemicals in the plantations of the United States, with the indiscriminate use of the pesticide DDT that benefited ruthlessly chemical industry at the expense of the health of American society. From then on, tempers were extolling and natural resources in growing threat, have caused a more severe criticism and global attitude.

The first and most important meeting on the environment, in planetary character, was held in 1972, in Sweden, known as the Stockholm Conference. This event was recognition of the need and the fundamental right of every human being, both of this generation, as for the future, to have a healthy and balanced environment. As a result of this meeting was created the United Nations Environment Programme (UNEP).

Also in 1972, the "Club of Rome", a group consisting of distinguished celebrities discussing broad international issues, asked the Massachusetts Institute of Technology (MIT), the preparation of a study that showed how they met, quantitatively, the levels of the main products are vital for the development of mankind. The work, coordinated by Dana Meadows, published in 1973 under the title "The Limits to Growth", stipulated that, in 100 years, the Earth would reach their maximum saturation. From this finding, a group of eminent persons, led by Polish, later naturalized French Ignacy Sachs, launched the concept of eco-development.

This eminent economist and ecologist leads a fight to legitimize formally through international law principles dealing with human rights and their participation as rights holders about the natural resources that exist on the planet, and the benefits that should benefit from their exploitation. He considers extreme poverty as a denial of fundamental human rights expresses, the most important and to who must converge the fruits of your labor in Exchange for social welfare. He denounces the selfishness of market capitalism, on the other hand allows a comfortable life of a billion inhabitants on the other allows another billion humans survive in a misery that defies any description and that another four billion have modest incomes close to the minimum vital. That he

calls "bad development". He actually put in check the development term and proposes that development becomes a project (a standard), a path towards this development. The distribution of efforts for achieving a fullness of sustainability should be egalitarian and not with the latest countries penalty such as prevails today. In fact, this term sustainability becomes controversial by its subjectivity and lack of perceptive and clear content. Sachs believes that development should be a process of social learning.

The first World Conference on Climate in 1979, it was recognized that climate change was a serious problem and of international interest.

In 1987, under the auspices of the United Nations World Commission on environment (UNCED), coordinated by the Prime Minister of Norway, Gro Harlem Brundtland, the Brundtland Report was prepared, whose final document was the book "Our Common Future". There is established that "sustainable development is that which meets the present needs without compromising the ability of future generations to meet their own needs".

Still in 1987, studies conducted since 1985 on the possible action of 15 types of gases and found that concluded the Hydro-Fluorine-Carbon (HFC), the most powerful among them, would be reacting and destroying the ozone (O₃), known as the ozone layer. Given the harmful consequences to living beings, the phenomenon caused, in September 16, 1987, was drafted, discussed, approved and signed, a treaty known as the Montreal Protocol. This was one of the most successful agreements, in terms of efficiency and results.

At the initiative of the World Meteorological Organization (WMO) and the United Nations Environment Programme (UNEP) in 1988, created the Intergovernmental Panel on Climate Change (IPCC), or the Intergovernmental Panel on climate change, in Portuguese. This Committee is the highest world scientific authority on global climate change. Are hundreds of specialists in different areas related to the topic and that evaluate and summarize the data about climate change on a global scale.

The UN General Assembly, in 1990, began the negotiations for the adoption of the Convention on climate changes and, after five meetings, involving 150 countries, between the period of February and July 1991 May 1992, finally in May 9, 1992, was completed in New York.

Among these studies were conceived a Program of Action consisting of 40 chapters which proposed the promotion, on a global scale, a new pattern of development, combining methods of environmental protection, social justice and

economic efficiency. This consensual proposal became known as Agenda 21, which would be presented at the next international meeting on environment.

In July 1992, twenty years after the Stockholm Conference, was held in Rio de Janeiro, the International Conference on the environment and sustainable development, known as ECO-92. The basic objective of the event was to contain the worsening global warming exaggerated and frame, 150 countries, including Brazil, signed the document in which was established the United Nations Framework Convention on Climate Change (UNFCCC).

The parties undertook to draw up a strategy that would lead to stabilization of greenhouse gas concentrations, in order to protect the climate system for present and future generations. The Convention went into effect as of March 21, 1994, with 182 signatory countries.

Are distinguished common but differentiated obligations between developed and developing countries and stresses the need to promote integrated and coordinated measures between States/Nation to reduce the emission of greenhouse gases. Are also set out the principles to be followed, as the common but differentiated responsibility, equity between managements; the precaution and sustainable development.

Among the General obligations are: the preparation, updating and publication of periodic national inventories of anthropogenic emissions of all greenhouse gases not controlled by the Montreal Protocol; the establishment of national programmers and, as appropriate, for regional climate change mitigation; the adoption of measures for adaptation to this change; the development, application, diffusion and transfer of technology from developed countries to developing countries in promoting sustainable management; cooperation between the parties, in scientific, technological and socioeconomic research and the transmission of information to the Conference of Parties, among others.

Sachs raises a criticism when the universality of human rights is contested, when faced with the cultural difference of the Asian countries; however, he believes that we should respect differences of social values among countries. Human rights, according to the UN, lie about their universality. Each country should, with time, reach its fullness in human rights.

With regard to the positioning of the Portuguese jurist Gomes Canotilho, although following the issue and emphasize the defense of environmental protection,

where a broad and coherent States debate on the topic, his speech follows the legal-constitutional line, where it believes that the principle of sustainability should be better defined and, if such clarity of its meaning is accepted and legitimized, can allow includes it as constitutional principles of the different countries. He alludes to other Portuguese-speaking countries, including Brazil, which features in their constitutions chapters earmarked for environmental protection.

During all 23 items that develops the article, topics relating to normative references are clear as to the defense of the theme. When it comes to the legal and constitutional sense, he alludes to other principles that were once controversial and were in fact important. Emphasizes the difficulty in determining a legal content to the principle of sustainability. And proposes the study of distinction of the two concepts of sustainability: the restricted or ecological and broad. In the latter there is being considered the three pillars of sustainability: ecological sustainability; the economic sustainability and social sustainability. The last topic she talks about the environmental Legalizes. In this topic are treated basic instruments where he defends the amplitude of the terms when treated in the constitutions as always will be required and weaves commentary on the developments of these dimensions.

The item dealing with the principle of solidarity between generations, he emphasizes the need to compel present generations to be included as a measure of action and weighting the interests of future generations. And they are attached to three problematic fields: the field of irreversible changes of terrestrial ecosystems; the field of resource depletion and the field of long-term risks.

Finally he deals with the principle of proportional environmental risk, where is emphasized the principles of precaution and prevention of environmental risks according to the most advanced level of science and technology and mark the limits of practical reason.

Both authors offer splendid contribution to the study of sustainability under the environmental point of view and its insertion in the constitutional legal bulge of the various countries of our planet Earth.