



Environmental law and local economic development: project del as a sustainability management tool

Direito ambiental e desenvolvimento econômico local: o del de projeto como uma ferramenta de gestão da sustentabilidade

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ABSTRACT

Highlighting local economic development through good management and governance practices makes one reflect on what is the duty of the State, the private sector and the population in general and what is the right to an ecologically balanced environment. The objective of the research is to draw attention to the subject, analyzing some aspects of environmental law trimmed by international and national measures, but also, analyzing the LED methodology as a tool of good sustainability practices aimed at local economic development, protection and balance of the environment. Regarding the methodology used, the deductive method was chosen, where normative sources were used qualitatively, consulting the doctrine and websites that address the theme. The analysis of this work was based on international and Brazilian legislation in the field of environmental law, with emphasis on the environment, sustainable development, and the application of practices that foster local economic development, DEL program. Finally, it is understood that the public power, private initiative and population have the constitutional duty to guarantee the effectiveness of environmental rights, applying solutions aimed at local economic development, preservation of an ecologically balanced environment, using sustainability practices that guarantee a minimum quality of life for present and future generations.

Keywords: Environmental Law, DEL, Local Economic Development

1 INTRODUCTION

The present research aims to promote an analysis of the application of the DEL methodology as an improvement tool for local economic development, corroborating with the realization of environmental rights with regard to the use of the environment in a sustainable manner aiming at its current and future preservation.

When addressing the theme it is relevant to highlight aspects of environmental law on the environment and economic development, mainly because the constituents have dedicated a chapter of our Federal Constitution/88 to the theme "environment".



Corroborating with the approach of environmental law, we highlight the international agreements "The 2030 Agenda for Sustainable Development and The New Urban Agenda", in addition to "The Brazilian Charter for Smart Cities".

In addition, but with the scope of explaining this theme, the application of transformative actions that assist in the management of environmental sustainability is addressed.

A qualitative research was carried out through deductive method, using as data sources, books, articles, and websites about the theme.

Next, the theoretical framework is verified, which seeks to corroborate with authors who deliberate on the subject, through bibliographic and normative research techniques.

2 ENVIRONMENT AND SUSTAINABLE DEVELOPMENT

The environment theme is dealt with in our Federal Constitution/88 in a specific Chapter, which is Chapter VI, of Title VII, on the "Social Order", that is, it is a social right of man. The Environmental Law, thus, finds its normative core (SILVA, 2011, p. 52).

Art. 170 of our Magna Carta should be highlighted for delimiting that the protection of the environment consists of one of the guiding principles of the Brazilian Economic Order (BRASIL, 1988). In this sense, a perfect equation of the principles of Environmental Law with economic principles is essential, with the purpose of understanding the need to maintain an ecologically balanced environment as a way of guaranteeing a minimum quality of life for present and future generations.

This is also stated in art. 225, CF/88, when it states that everyone has the right to an ecologically balanced environment, a common good of the people and essential to a healthy quality of life, imposing on the Public Power and the community the duty to defend and preserve it for present and future generations.

The denomination in the legal scope of the environment is provided for in Law No. 6,938/1981 (BRASIL, 1981), which establishes the National Environmental Policy and, in its art. 3, I, when it conceptualizes: "The environment is understood as the set of conditions, laws, influences and interactions of a physical, chemical and biological order, which allows, shelters and governs life in all its forms". As a right, the environment can be framed in the category of diffuse right, as it is characterized as a good that belongs to



all and to each one at the same time, indivisible, linking its holders by related factual circumstances.

Considering the interrelationship and interdependence of the various types of human rights, it considers that the right to development should be considered as a relevant part of the right to a sustainable environment. The category of the human right to development emerges in the contemporary context of human rights protection as:

[...] a set of processes of multiple natures (economic, political, social and cultural), aimed at the expansion and realization of human freedoms and, therefore, calls for a universal, integrated and interdependent view of rights (FACHIN, 2014, p. 144).

In 1987, the World Commission on Environment and Development, part of the United Nations, used the term "sustainable development" for the first time when it mentioned it during the edition of the report "Our Common Future", a document also known as the Brundtland Report. In it, sustainable development is referred to as being that "which meets current needs without compromising the ability of future generations to meet their own needs".

Sustainable development is envisioned as an instrument capable of meeting human needs, either by fostering productive potential or by ensuring equal opportunities for all. Thus, Loureiro, Layrargues and Castro (2009, p. 21) understand that sustainability, "through environmental policies, is important to regulate access to environmental resources, so that there is a distribution of both wealth and losses arising from the use of environmental products and services".

Brazilian legislation sets out guarantees for people to exercise their full right to sustainable cities. A major landmark of infra-constitutional legislation is Law No. 10,257/2001, also known as the "City Statute", which, by regulating articles 182 and 183 of the Federal Constitution, establishes rules of public order and social interest aimed at regulating the use of urban property in favor of the collective good, safety and well-being of citizens, as well as environmental balance.

Considering that, nowadays, the great concentration of people is settled in large urban conglomerates, it is interesting to reflect on how sustainable development needs to be implemented in cities, since it is in these places that most human beings experience their existence, being, therefore, the region where they need to develop and be happy. Therefore, sustainable development needs to be carried out to the extent of cities in order to offer their residents a dignified life.



In this vein we have the international agreements that Brazil is a signatory, by making commitments to environmental sustainability, such as the "2030 Agenda for Sustainable Development" and the "New Urban Agenda - NAU".

In response to these international agreements, Brazil has issued "The Brazilian Charter for Smart Cities", which aims to help the country improve the quality of life of its population, while obeying the maxim that sustainable development must meet the needs of current generations without compromising the needs of future generations.

In view of the above, it appears that social participation in the construction of this sustainable city is vital. Thus, one can highlight the thought of Santos Júnior and Montandon (2011) when they explain the:

[...] there is a clear need to deepen the discussion in municipalities about the democratic management of cities, in order to give effectiveness to the established channels of participation and incorporate the population, especially the popular segments historically excluded from the decision-making processes, in the discussion of urban projects and programs and in the process of city management.

With this, when the theme concerns sustainability and urban life, planning needs to be applied, simultaneously with participatory democracy, in which people belonging to a given community are protagonists in making decisions about the place where they live.

To this end, it is good to use tools aimed at perfecting the ideal of participatory governance for local economic development. In this step, the DEL methodology has been used as the main means of guiding improvements in public policies and governance in several Brazilian cities.

3 PROJECT DEL

The Local Economic Development Project, symbolized by the acronym DEL, is a methodology inspired by the German model to boost the management of local economic development, with initiatives aimed at promoting technology to local public and private institutions, to help them develop and manage sustainable practices that make each municipality a smart city.

In summary, LED employs a participatory management methodology, involving society, the public sector and the private sector. It is the triple alliance of these three sectors that results in best practices for local sustainable development.



In 2012, the DEL program began to be applied in Santa Catarina through partnerships signed by the Federation of Business Associations (FACISC). Initially, it was adopted by some municipalities in the State of Santa Catarina, but soon it reached the municipalities of the States of Rio Grande do Sul and Rio Grande do Norte, through the Federation of Business Associations of Rio Grande do Sul (FEDERASUL-RS) and the National Service of Commercial Learning of Rio Grande do Norte (SENAC RN). Currently, in addition to cities in the three states, some cities in the states of Minas Gerais, Mato Grosso do Sul, Acre and São Paulo have also joined.

The DEL methodology is transferred to partner institutions through various forms of capacity building of their technical and professional staff, for which workshops, theoretical-practical courses and consultancies with field training are used. To this end, DEL is propagated through seven stages, namely: initialization, formalization, situational analysis, institutionalization of DEL, development policies, management of the development plan and, finally, DEL seminar, initially added within 12 months (DEL Technical Manual, 2021).

The actions of the DEL method seek to involve the entire community, whose objective is to develop improvements for the city based on a sustainable and long-term strategy, which strengthens the local economy and improves the quality of life of the citizens, through participatory governance management.

4 CONCLUSIONS

When addressing the theme it is relevant to highlight aspects of environmental law on the environment and economic development, mainly because our Federal Constitution/88 dedicates a chapter to the environment, which is Chapter VI, Title VII, on the "Social Order", that is, it is a social right of man. It should be noted that the Environmental Law, in this way, finds its normative core (SILVA, 2011, p. 52).

It is observed in the field of human rights, that promoting sustainable environmental development, in order to ensure an adequate quality of life for current and future generations, is the goal determined by the countries that make up the United Nations (UN). In this context, it is important to highlight the importance of the joint effort between society and government, in the sense of a globalized mobilization for sustainable development, aiming to reach all humanity.

These guarantees of rights defended by the UN are themes adduced in international agreements concluded between the member countries, where specifically



the following are highlighted: "The 2030 Agenda for Sustainable Development and The New Urban Agenda".

In the same vein, Brazil in 2020 issued "The Brazilian Charter for Smart Cities", whose objective is to help the country improve the quality of life of the population, using sustainable practices for a balanced development that respects and preserves the environment.

In view of the above, it can be concluded that there is a clear need for good public policy and governance practices for the correct application of environmental law legislation aimed at protecting the environment, that is, the adoption of programs and methodologies to improve local economic development in a sustainable manner.

The LED program was presented in the research as a driving tool for participatory governance and local sustainability, when adopted by some Brazilian cities, which began to stand out on the national and international scene by assimilating LED as an instrument capable of ensuring a better quality of life for the population, reconciling economic and social development with environmental protection.

In time, it is important to clarify the author's predilection for the bibliographic review, since this has the advantage of allowing the investigator to cover a much wider range of phenomena. This can be identified in the thought of Vergara (2019), when he says that bibliographic research allows the author to have greater clarity in the formulation of the research problem, through books, journals, among others.

Finally, it is understood that the objective of the study was achieved, and it is expected that this will awaken new research in the area, since the intention was not to exhaust the theme, but rather to leave positions that involve the improvement of new theoretical perspectives, which may guide future questions.



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