

# A STUDY OF THE ENVIRONMENTAL COMPLEXITY, ETHICS AND THE FIELD OF LAW THROUGH THE *SÃO FRANCISCO* RIVER TRANSPOSITION PROJECT ANALYSIS

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## 1 INTRODUCTION

This scientific article is inserted in the field of law, specifically in environmental law, and it also concerns on some other areas of knowledge, such as the political ecology, sociology and philosophy. This article has its basis on the assumption that the natural environment is a complex system that is interconnected to other complex systems, such as is the law system. This article also shows a context in which this whole complexity takes place in situations of environmental depletion of natural resources, economic exploitation of nature's resources, improper conflicting relations among humanity and the natural environment, which is an environmental crisis scenario.

The studied object on the present article, therefore, is the relation among the natural environment, society and law, under the teachings of the complex thinking in order to discuss this relation in the practical situation of the *São Francisco* river transposition in some States of the Brazilian Northeast. The present study has been done with the aim of demonstrating that this complexity is an environmental issue which is eminently ethical and implies the need of and application of the previously referred complex thought in the management of natural resources, so it would be possible to achieve the goal of sustainability.

In this thematic field a crucial question arises: what is the relation among the natural environment, complex thought and law in the modern legal rationality? In order to have a satisfying answer for the above question, the main goal of this work is to build a relation among the theoretical complex thought basis with the environmental law in the context of environmental crisis that takes place currently. To achieve this paper's main goal, as specific goals, there are, first: describing of the complex thought and the environmental complexity in its interaction with the law field. Second: discussing the Brazilian model of environmental management through the referred real situation, revealing the application of complex thought. Third: demonstrating what kinds of relation are built from the society and natural environment interaction, considering the complex thought as a foundation for the strategic and epistemological basis in this interaction.

In methodological terms this article is based on theoretical references on complex thought on Edgar Morin (2005), on the environmental complexity of Enrique Leff (2006, 2010a). In addition to this, this paper work constitutes an analysis of a real situation study which describes the design of the *São Francisco* River transposition in the Brazilian northeast. On the basis of the present study, a set of consequences of this project on local natural environment are shown. This article also discusses the benefits of the mentioned river transposition on the environmental ethical field.

The current article has such an importance, since it brings discussions on the modern Western science linear behavior that has been having strong influence on the theories and methods that guide the relation among society and natural environment. This work also reveals the legal insufficiency of the environmental legal protection complexity, bringing out a deep reflection about legal systems as they are social and environmental control techniques.

## 2 COMPLEX THOUGHT, ENVIRONMENTAL COMPLEXITY AND THEIR RELATION WITH THE FIELD OF LAW

The preparation of the complex thought is situated in the context of the critique to modern rationality that has given a gigantic objective to the world and caused the metastasis of knowledge (Leff 2006, 123) through formal and instrumental rationality that built an empire for the predatory economy and to science as single and universal truth.

This complex thought is a way of thinking that, on the one hand, deconstructs the simplistic rationality, reductionist, deterministic, objective, analytical, linear and disjunctive science; on the other hand, it proceeds to deconstruct the economic rationality based on an unlimited economic growth, on depletion the resources of nature and local culture as well on the annihilation through the global discourse, causing the entropic death of the planet. In this way, the word "complex" is used here with the following meaning:

Every single phenomenon that brings a difference of levels and circularity among these different levels. Considering, simultaneously, these different levels (for instance, among the object, the environment of the object itself and the observer) and the relations of circularity settled among them, it is inherent to the epistemology of complexity, which can be said that it opposes, point by point, the Cartesian model: a method of identity and linear (Ost 1997, 280-281).

These ways that have been crossed by modern rationality constituted themselves through a single and self-including thought that was not careful to the different contexts, relations and interactions among situations, people and things in the several fields of knowledge and the senses. The criticism to this enlightenment model was the context in which it was created the systemic thinking. From the natural sciences to the social sciences, from Bertalanffy to Luhmann (Folloni 2016), the systemic thought, as a new way to observe and inter-acting in the phenomenal world, has created a new field of science, building new types of episteme for relations in the environment.

Built on Cartesian basis, the modern rationality has built its own thoughts on an analytical way, so that to know something, an object, it is necessary to reduce this thing or this object to the smallest part as possible, and it is necessary to proceed to the study of this part, no matter how small it is, it is quite enough to understand the its behavior and it is possible to understand the behavior of the whole thing; this implies to say that the Cartesian analytical thought the founded the basis of modern scientific thought means to isolate something in order to understand it and since it is possible to know part of it, it all can be also understood (Capra 2007, 41).

The problem is: the insufficiency of this thought caused significant impacts in the world of relation among human and phenomenological nature in the several fields of science. The field of law, for instance, that has positivist basis, was intensively influenced by this linear, analytical, reductionist and simplifier thought. The structure built by epistemologists and legal methodologists, such as Kelsen (2009), reveals that: the positive law is divided into branches, in several parts that have been dividing into smaller parts day by day.

The positive law is classically divided in public law and private law and these are subdivided into other disciplines, such as constitutional law, administrative law, environmental law, tax law, criminal law, business law, civil law, labor law and so there is a stack of rights that demonstrate the efforts of the science of law to divide this field in smaller parts as possible for the object of study of law. The environmental law is one of the branches of the right that has been having deep influence of modern, scientific, linear, dissociative, reductionist, simplifier and analytical thought. From this field of law other "provinces" have emerged (Antunes 2013), such as the waters law, the oil law, the energy law, law of the sea, animal rights, biodiversity and many other fragments that were individualized from environmental law to further study of environmental issues. Based on this a question emerges: what will environmental law possess in a short future time?

This manner of scientifically conceiving the world provoked reactions towards new theories, new perspectives and new ways of facing these issues: the complex thought consists of a systemic theory that advances the issue of complexity by invoking a science paradigm change, economics, law, politics, society, culture so it is possible to reach the desired sustainability. This complex thought, as it

was adopted for this paper work, is based on complexity theory of developed by Morin (2005), which states:

Au premier abord, la complexité est un tissu (complexus: ce qui est tissé ensemble) de constituants hétérogènes inséparablement associés: elle pose le paradoxe de l'un et de multiple. Au second abord, la complexité est effectivement le tissu d'événements, actions, interactions, rétroactions, déterminations, aéas, qui constituent notre monde phénoménal<sup>1</sup> (Morin 2005, 21).

This conceptual notion is part of a context in which the "*La pathologie moderne de l'Esprit est dans l'hyper-simplification que rend aveugle à la complexité du réel*"<sup>2</sup> (Morin 2005, 23). This issue of complex thought emphasizes the importance that each part has for the systemic and whole organization; it also emphasizes the fact that these parts are also permeated by complexity of system, as the environment, as the larger system of phenomenal existence that it connects to several systems that comprise across a network or Web (Capra 2007, 33). Web hosts the legal system<sup>3</sup>, which constitutes another or even a micro or a complex subsystem. It is the specificity of the environmental system, called "complexity" (Leff 2010a), and the legal system, and the relation among them that are the central point of this article. This environmental complexity:

It is not about making the world more ecological. The complex thought, in accordance to the environmental rationality, goes further than cybernetic vision of a reality that structures itself and evolves through a set of relations as a process of development that goes from the matter self – organization to the thought of making the world more ecological. (Morin, 1977, 1980, 1986). The complexity is not only the incorporation of uncertainty, chaos and possibility of nature. (Prigogine, 1997). The environmental complexity, in its environmental knowledge meaning, recognizes the potentialities of what is real, incorporates values and identities of knowledge. It also interiorizes the conditions of subjectivity and of the human being on the construction of an environmental rationality (Leff 2006, 293).

According to what has been mentioned, it seems that the complex thought in the present perspective, does not concern about a set of interactions, actions and events; it does not have its basis on the idea of order and of clutter as constituent elements and the organizational complex system; the principles duality in unity and the recursion between product and producer, and also between part and whole part as in a mirror, in the retro-action that is located among causes and effects, in systemic organization of the elements that make up the complexity, the reintroduction of knowledge in meanings of new ways of thinking.

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<sup>1</sup>As a first approach, complexity is a tissue of heterogeneous constituents inseparably associated that builds itself on the paradox of the single and the multiple, and it comes from the Latin word "*complexus*" which means what is woven together; on a second approach, the complexity means effectively the fabric of events, actions, interactions, determinations and acts which constitute the phenomenal world" (Free Translation).

<sup>2</sup>The modern pathology of the spirit is the hyper-simplification which removes the sense of the complexity of the real (Free Translation).

<sup>3</sup>This expression, in adopting a complex thinking is more appropriate than legal ordainment, because this expression brings an idea of order and elimination of disorder which, according to what has been mentioned in this article, are important categories of complex thought.

The environmental complexity in terms of complex thought search out of the systemic complexity, totalizing, paralytic and self-destructive; to rebuild the world in utopia, the possibility of real potential, synergies of nature, technology and culture; to replace the link between being and thinking (Leff 2010a, 18).

Environmental complexity, furthermore, when regarding to the preparation of a complex thought, claims for a dialogue of know-how, for life, for the integration of rationales, for the politics of difference and deference to the ethics, to the future that is not predetermined, but that can be thought of opening itself to the other, for the lack of objectiveness of knowledge, for the intercultural opening, for the resignification of the existence, for reterritorialization and social re-appropriation of nature.

This environmental complexity or this environmental complex thought relates to the environmental law concerning to rationality of this that is formally influenced by technical and instrumental modern enlightenment rationality. The product is triggered by the development of the complex thought to resign the construction; structure and functioning of the platforms legally operate the legal system through the consideration of moral values, cultural meanings, identities, ethics, politics of difference and dialogues on know-how.

## 2.1 APPLICATION OF THE COMPLEXITY IN RELATION TO THE WATER AS A CENTRAL ELEMENT: THE "ENVIRONMENTALIZATION" OF LARGE PROJECTS AS AN INDICATIVE OF THE COMPLEXITY

Since its preparation, the project of Integration of the *São Francisco* river basins Northeast (PISF) divides opinions and creates discussions. Castro (2011) states that there is a polarization among the donors and the recipients of the water. As a matter of fact, there is a specific speech on that: the receivers will have many benefits from the project, while donors will not be that succeeded. What happens in this conflict, says the author, is a competition for resources transferred by the federal Government. It is worth noting that, It was during the political struggle around the project, which came about a proposed alternative to transposition, which is the revitalization of *São Francisco* river. This action came to be advocated virtually as a kind of compensation for the donor States for the realization of the project of Transposition.

A study done by Castro (2011) on the PISF points out that: the proof of water deficit on receiving region is valid only for benefit in Brazilian states of *Ceará* and *Rio Grande do Sul* and Brazil's North; the basin's water resources are sufficient to fulfill the demand of the transposition in the middle term; the environmental impacts on the project are large and might be worse; the potential benefits of the project are overrated, the population served will be less than the stated, and the irrigated area and the reduction of emergency spending with droughts will not be in proportion to foreseen; the existing compensation to the donor states boils down to the river revitalization project.

Other studies that have been developed around the PISF show the following project (Oliveira 2007; Baracho 2014; Lima, 2013):

(a) all development of the environmental licensing of the transposition project violated the determinations of the participatory democracy of;

(b) the river transposition will benefit especially a small portion of society;

(c) the river transposition will not put an end to water scarcity in semi-arid regions, it will increase the availability, however, one problem here is the democratization of access, and not the offering;

(d) the problems could be solved with alternative solutions that can cause less environmental impact and financial and less social cost;

(e) the basin revitalization program is better accepted by the local community and considered by the scientific community as viable and sustainable;

(f) the generated economic development itself will not bring egalitarian positive results. Few will be widely benefit from, for example, the payment of expropriations, of contractors and farmers, as well.

(g) the damages and the environmental hazards will reach the present and future generations;

(h) Throughout the course of development of the river transposition several judicial actions have been proposed in order to suspend the granting of environmental permits on account of faults and omissions relevant of *EIA/RIMA*.

(i) the river transposition is susceptible to problems that are results from itself, and that may compromise its sustainability goals.

There is a dispute of forces around the project that to be understood, it is important to analyze it from elements of the field concept of Pierre Bourdieu (2007). The works of transposition and revitalization of the *São Francisco* river set as a true symbolic field disputes that add different practices and speeches from different actors, occupying different positions in that field, and whose confrontation takes place around the use of its resources and also about its effects. This process fits in that identified by Silva (2016), in that the environment takes the form of disputes. These agents attach different senses and relate in different ways about the processes in question, taking into account the different ways as the works relating to their conditions of existence in space that are inserted.

In the field, the power relations among different agents are asymmetrical and each agent may use symbolic resources and materials that vary according to their position. The main objective of these actors is to put their will as dominant, and then to establish them as legal. In the field of dispute, the State occupies a privileged position in terms of asserting its interests and wills, asymmetrical relations of power that expresses resonate on the processes decision-making procedures. According to the consulted literature, making decisions about the implementation of the work occurred in a centering manner with limits and violations of the participation and deliberations of civil society divisions. Thus, the State, during implementation of the referred project, took advantage of its privileged position in terms of power and manipulated elements of the field to its benefits, in particular those institutional.

The State presents a speech based on sustainable development to justify and legitimize the river transposition; however, the State does not respect the principle of environmental sustainability and development. About this sustainable development discourse, Leff (2001) States that affirms the ecological conditions that present the limits and contradictions of ownership and capitalist transformation of nature; the State's speech ignores the differences and conflicts among the actors, pointing to the same purpose among them to reach sustainable growth. This is a speech co-opted by the power and the market.

The objectives of the *São Francisco* river transposition seem to be more technical, aiming to become a rational and effective management of resources. The *São Francisco* river transposition, as having negative results, violates basic principles of environmental sustainability and development. This way, the speech that deals with the elements of sustainability in the actions of the project, is especially performer. That is, to legitimize the work as valid, in particular under a context where megaprojects are large infrastructure surveillance on the part of environmentalists.

The PISF, which is a Federal Government enterprise, on the responsibility of the Ministry of Integration (MI), is perceived as a development of water infrastructure. In this, there are two independent systems, named north axis and east axis, will catch water from the *São Francisco* River to temporary rivers and lakes of the semi-arid areas. The PISF is linked to other enterprises, having been planned in order to complement a set of initiatives that have been performed already and others that still are under analysis, being such as lakes and other federal and state programs (Brazil 2004).

The basic objectives of the project are described as being: to increase the supply of water, with the guarantee to semi-arid areas; to provide additional water to lakes in the affected regions, enabling better management of water; to reduce regional differences caused by insufficient supply of water among river basins and populations. The *São Francisco* water distribution will be controlled in order to respect the needs of the receiving regions, as well as environmental, social conditions and the *São Francisco* basin (Brazil 2004). The Environmental impact report (RIMA) of the megaproject identifies 44 impacts from 23 considered as being of greater relevance. Twelve from these impacts are positive and thirty-two are negative impacts (Brazil 2004). The assessment of the negative impacts arising, combined with other requirements, led to the development of environmental Programs. The electronic site of the Ministry of Integration National (MIN) list thirty-eight programs. One of these is the resettlement of populations, which has been analyzed in this research. Three different kinds of researches were made in productive villages countryside that are linked to the program, in the cities of *São José dos Piranhas* and in the city of *Monteiro* in *Paraíba* state, and *Sertânia* in *Pernambuco* state. According to the website of MI, there are currently three hundred and eighty two families allocated in eleven villages that are spread across the States of *Paraíba*, *Ceará* and *Pernambuco*. This research has come to the following results:

(a) the State's attitude in face of the process of displacement of populations an authoritative characteristic, displacing them harmfully in financial terms and by lack of information on the ongoing process and its consequences for the lives of those who are affected.

(b) in the case displacement, the development that would represent the river transposition showed a marginalized social inclusion, in contrast to the idea of inclusive development (Sachs 2008). This happens because the process did not properly happen with the respect, preparation and support to those who are affected, showing up itself even careless with those essential issues.

(c) one of the tasks of the State in the process of authentic development, some are to promote partnerships among the actors, resulting in agreements and strategic planning and management of the economy and society, aiming at a balance among different sustainability (Sachs 2008). The performance of the State in towns hurt these principles, as reports suggest that a relation among the Government and residents; it is not possible to notice in the villages a set of actions that are able to mobilize beneficiaries in any productivity activities, however, it noticeable little professional contact with the representatives of Governments. All the Government does it to promote courses without many practical implications for organization and productive activities. Some people reported neglect on them by the Government agents.

(d) it can be seen among the beneficiaries the desire and disposition for the productive activity. These people, however, do not have the material means that were promised by the Government for such a task, the speeches report training courses, technical support, irrigation techniques, etc. Instead of providing the elements for production, the Government provides a monthly quantity of money, without the massive manpower available to be used for any purpose. In this way, the Government denies to beneficiaries the ability of work and expand them freedom, putting limits to their productive and creative capacities that are not exercised. These aspects, however, are basic requirements for personal development (human) and the National (Sen 2000).

(e) the development, as being process that has among its main objectives, the offer of employment and self-employment for the whole population, it is important the promotion of affirmative actions to improve the workers conditions, supporting forms of business shared activities. This way, it is essential to the existence of a public entity which operates as Planner committed to the interests of

small producers (Sachs 2008). Instead of the financial autonomy that the beneficiaries should have, they have the complete dependency on a monthly fee. Instead of this “helping monthly allowance”, the workers should count on a logistical support for the production, giving them a yield that does not limit consumption and opportunities for improvement and expansion of their work and the fruits of this work. In the villages, the local workers can not count on this support, even if they want it.

(f) it is noticeable the lack of initiative and political actions from the Government toward the villages, although a wide range of beneficiaries are farmers who have some knowledge, skills and the needed creativity to a productive organization. Since the local workers do not have the tools for such, all they can do is to wait for the initiative of a political interested on the productive development of the villages. Endogenous development has as a condition for such development that political will to show creative forces (Furtado 2002), in the case of villages and farmers.

(g) some residents claimed they receive some instructions on sustainability practices from the courses provided by the representatives of the Government. They have reported, also, a significant difficulty in understanding the content of these courses, and some related the complexity in content in the face of their limited learning ability. At this point it is important to note the vast majority of the residents of the villages have low education level, and there is still a widespread illiteracy among older people. Also, there is a great lack of information, and even quite a contradiction among those presented, on the content of these courses. This could mean a lack of pedagogical mediation to adapt scientific knowledge to the knowledge and culture of the residents. Sustainable development requires an articulation among the different types of knowledge, specifically the scientific crew and the local communities, and this way it is possible for one to contribute to another and these kinds of knowledge are finally useful to the development of communities (Leff 2015).

(h) there is a broad political demobilization of the local communities in regarding to organization and decisions. The political action and initiative is restricted especially to a small group that forms the associations and who is in charge of the entire task of claim, discuss and negotiate with the representatives of the Government.

(i) the State has not developed sophisticated spaces for an effective deliberative political discussion and frequent dialogue between itself and the residents, which ended in towns whose characteristics do not represent the identity and wishes of the population. According to Sachs (2008), planning for the sustainable development must occur with the creation of spaces for the exercise of direct democracy, in the form of local forums local development become advisory boards and deliberative bodies, empowering communities and giving them the conditions to performing their creative role as agents in the projection of the future.

## 2.2. ENVIRONMENTAL ETHICS: AN ENDOGENOUS COMPONENT TO SUSTAINABILITY

The changes in the social, economic, and political areas, the passage of the family unification to the emergence of the first tribes, going through the emergence of subsistence agriculture that evolved to a production with surplus until we reached the feudal system and, subsequently, the transition to a economy-market with the consolidation of capitalism that the natural environment is suffering direct interference and/or indirect of human action. These changes occurred in different conceptions of ethical society and began to be discussed in the world of ethics and not within into an environmental ethics. In other words, the rational construction brought about by enlightenment ratio not only has what is called the human sciences as their objects of study establishing life, language and work (Foucault 1995) as spaces of knowledge delineated and that started to separate from the specialization of knowledge (Arendt 2014).

So the man was separated from himself to be transformed into merchandise to sell his/her labor power, which was the only element that remained in the process of deconstruction into the process of consolidating capitalist event. Through this way of thought, we come to Marx when he says that "the devaluation of the human world increases in direct proportion to the increase in the value of things" (Marx 1970, 90).

Based on this thought, the ethical and legal philosophic challenges lies, first: in reestablishing the balance between man and nature and the re-signification of this same man as a citizen in the Aristotelian term. It is indeed important to notice that for Aristotle (2003) "man who cannot live in society, or that it lacks nothing because he is enough just to himself, does not participate in the state; it is a rough or a deity" (Aristotle, 2003, 15). And even as shown by Cunha and Rangel (2016) by stating that the "remain apathetic to these issues reveals the loss of men's identity as well as an escape from reality, so present and vivid, from which he cannot escape" (Cunha and Rangel 2016, 26).

It is possible to notice, this way, the importance of bringing this man to be part of the life of the state and exercise his role as a citizen. Through this way a long process can be initiated, a restoration of the link between men and nature. This relation between men and nature has been destroyed along the economic transformations that have occurred throughout history and legitimated by various legal institutions that emerged with the process of socialization of man. In the lesson of Nalini (2015), he states that the

Understanding of nature as a vital niche leads to man's conscience to be protective and vigilant. Among the paradoxes of contemporary civilization, to issue clear messages that life sometimes seems so desvaliosa, is the devote themselves to the task of value it" (Nalini 2015, 51).

And, this way, the second plan that comes to be the needed of the law field to seek in other territories of knowledge theoretical elements that have always been close to the law. It is impossible in the current century for those who deal with the law in the thinking in presenting solutions to environmental issues without the presence of ethics as an endogenous component of to the legal thought. Thus, the protection of the environment is situated beyond the standard positive regulation and permeates through an understanding of ethics and otherness. In accordance to Nalini (2015), when he said that "only the ethic is capable of rescuing the nature which is like a hostage of the human arrogance. It is the tool to replace the damaged anthropocentrism in a healthy biocentrism" (Nalini 2015, 45). According to Leff (2010b): "*the environment is another of metaphysical thought, the logos of science and of economic rationality*" (Leff 2010b, 161).

Thus, it is correct to ensure that Law can not indicate responses to environmental issues using normative sets that do not consider the other as essential to human survival. It is much less possible to do it when the other is the environment. In other words, there is a human being, although it is essential to human life. Redeem men from this world they have been put, establishing a new social harmony in which human relations are important, not just exist, it requires a range of legislation with ethical foundation. It is indeed necessary, therefore, to redeem man from kantian thought so that man can notice he is the guilty of a set of environmental issues. The absences of decisions that build the possibility of facing the environmental problems make the men hostage of themselves and the fear of looking to the other. In this case, the Environment. Based on this, Leff (2010b) states:

The emergence of environmental issues in the development field and in the field of



inter-disciplinarily in the knowledge area emerge as two current problems as an answer to a rationality economic and theoretical crisis of modernity (Leff 2010b, 167).

Leff (2010b) shows two of many ways that need to be noticed within the complexity that the environmental issue requires. Discussing the development is an action that needs the understanding of the complexity, the look and not understanding or vision. The look goes beyond the delimited territory through the knowledge taught by the illuminist ratio and points to a philosophical reflection about the fact legal philosophic fact to be analyzed. The look is able to make man realize the systemic way in which the environmental issues must be read. And, therefore, only the look is able to understand, beyond the superficiality of the vision, the environmental issue. In accordance to the thought of Leff (2010b), when he states that:

The environmental fact has generated new social problems that have been bringing new thematic spaces for inter – disciplinary researches. Researches on social sciences and on the sociology specifically. These researches have created dialogues with other disciplines, like economy, psychology and philosophy. Among these new themes, the following ones have been on the headlights: the thought about quality of life, and the politics ecology and environmental social movements (Leff 2010b, 146).

The problem is: society is not ready to understand the environment as being essential to obtaining what has been called “quality of life” in its ethical meaning. Leff (2010b) affirms in regarding to this that the quality of life is necessarily connected to the quality of the environment (Leff 2010b, 148). It is fundamental to realize that it will only be possible to achieve quality of life by ensuring the minimum conditions for the environment to healthily exist. The quality of life requires the existence of less risk to the existence of diseases and for this it is necessary to maintain the environmental balance, and it is correctly understood that the quality of life depends also on the construction of an environmental ethics. Based on this to recover the ethical in man is an essential condition to show an exit to environmental issues and problems. The ethical behavior cannot be considered a utopia in the construction of the denial of human existence. The ethics is the founding element to man and it should be seen as a link between man and the natural resources.

It is impossible, indeed, to achieve sustainability without the ethical question. The environmental issue is ethics, rather than being an economic matter, a political matter, a social matter and cultural life. Then it is necessary to work on the sustainable economic development based on ethics.

It is noticeable that such a situation takes the reasoning for the necessary ethical discussion because “without ethical conscious conversion, directed to the protection of the environment, there will be no alternative for the inhabitant of this insulted planet” (Nalini 2015, 51). For a better understanding it is necessary to proceed to a reading of the lesson of Leff (2006) that “in this sense, the bet in a policy of difference is leading to the invention of cultural identities and the development of new strategies of repossession of nature” (Leff 2006, 376).

Such strategies, as new ones, as they were pointed out by the above mentioned author, only find space for construction in the field of ethics in the development of an environmental ethics in which there is a possibility of redemption of otherness in living man-nature. In accordance to Leff (2006), the establishment of a new conception of environmental ethics is not only essential to overcoming the current environmental problems, but means the overcoming of human loneliness outside the environment so that it is possible to think of the opening of men to each other.

Finally, this is not the fundamental ethical thought that has gone through the academic thinking from Aristotle (2003) to Kant (2008). It is necessary to have new foundations for the construction of a new ethics, now an environmental ethics. Considering the nature not only as a space of survival, but a space for living. The death of nature, natural resources, will bring for sure, men’s death And here it is the need to refund the ethics in the sense that men can see the nature not as a reflection of the mirrored image, but as a component, that is of nature itself.

### 3 CONCLUDING REMARKS

The discussion on the environmental complexity, related to the fundamental right to a sustainable economic development, which is one of its paths, finds a shelter in the constitutional text. The problem is not, therefore, about legal space, but about establishing practical conditions for the existence of what is firm on the Federal Constitution of Brazil. These conditions, which are referred to practical conditions, would happen based on a systemic reading through the approach of complex thinking, the Brazilian Constitution and a dialog of knowledge that would involve Law, Sociology, Philosophy, History, education and, as required, the ethics in the pursuit of the understanding of environmental issues.

It is important to emphasize that for having a discussion about the environmental problems; it should be considered that the environment as a whole, artificial or constructed, natural or digital, suffered and still does day and human influence. Thus, more important than the doctrinal discussion in terms of grading the environment is to establish that the right has not found answers to environmental problems because they cannot be resolved only through the doctrine, the law, case law, nor the Constitution, because this discussion needs ethics, understood as endogenous component of the environment.

Such findings reveal, in the context of what was presented in this article, dissonance with an environmental management model based on complex thinking, since, as far as the PISF (government program) it was not considered the complexity involved, allowing the State and market-groups to have more importance on their interests than various situations with protection of natural resources and the interests of the local population.

This conclusion requires the environmental law the challenge to revise itself, to rebuild itself as a science and as a technique to consider social and environmental values in legal instruments that regulate the actions of managers, users and the involved communities, and so, by applying complex thought in political strategies, the economic instruments and in the dialog of knowledge with the local community, it is possible to build the environmental ethics achieve the goal of sustainability.

There is, however, a real difficulty in achieving sustainability without the environmental ethics as priority. The environmental issue is ethics, rather than being an economic matter, a political matter, a social matter and cultural life. Then it is necessary to work on the sustainable economic development and an environmental complexity in ethical basis. Without such elements of philosophy that go through the Law field, theoretical, methodological and practical obstacles to the goal of sustainability are created.

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