

## **BREVES NOTAS SOBRE DESENVOLVIMENTO SUSTENTÁVEL, DIREITO TRANSNACIONAL E O OBJETIVO 17 DA AGENDA 2030 NO BRASIL**

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### **INTRODUCTION**

The article, based on the inductive method, relates sustainable development, Transnational Law, the Goal 17 of Agenda 2030 and its search in Brazil.

First, the concept and some implications of sustainable development are presented. Then, the study sustains that Transnational Law is, more than the International Public Law, able to promote sustainable development.

Next, the text presents a global vision of Agenda 2030 and its Goal 17, focusing on the politics for sustainable development in Brazil, dealing with Decree n. 8.892 of October 27, 2016, which created the National Commission for the Sustainable Development Goals and the Action Plan 2017-2019.

At the end, the study concludes that the Brazilian government, by creating the National Commission for the Sustainable Development Goals and proposing the Action Plan 2017-2019, adopted some initial measures to achieve these goals, but there is much more to be done in order to win it.

### **1 SUSTAINABLE DEVELOPMENT**

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Sustainable development “is not a concept that can or should be defined with any precision”,<sup>3</sup> but the word “sustainable” means “continued” and the word “development” means “growth”.<sup>4</sup> In other words, “*un développement qui permet la satisfaction des besoins présents, sans compromettre la capacité des générations futures à satisfaire les leurs.*”<sup>5</sup> Conceived as a global or transnational discourse related to international civil society, sustainable development translates a commitment with “continued economic development and environmental proceeding [...] with social justice both within and across generations.”<sup>6</sup>

Thereby, sustainable development represents a balance between economic and environmental concerns, that one intending to maximize production and profits, and this one, although (as will be seen in what follows) related not only to environmental issues, trying to preserve nature and ecosystems.

It reveals, besides that, a new conception of temporality, not limited to the present, and it reviews some certainties that were in vogue on developed societies, described this way by Agathe Van Lang:

La croyance dans un progress scientifique ininterrompu, dans la capacité de notre mère nature à renouveler indéfiniment ses fruits e à pardonner les outrages qui lui sont faites, et dans l´accession des pays pauvres à un niveau de développement économique et social comparable à celui des pays de l´hémisphère nort.<sup>7</sup>

These certainties were replaced by doubts about the future of the planet:

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<sup>3</sup> DRYZEK, John S. Transnational Democracy. **The Journal of Political Philosophy**, v. 7, i. 1, p. 30-51, 1999, p. 36.

<sup>4</sup> DRYZEK, John S. **Transnational Democracy**, p. 42.

<sup>5</sup> VAN LANG, Agathe. **Droit de l´environnement**. 3 édition mise à jour. Thémis Droit. Paris: Presses Universitaires de France, 2011, p. 192. Free translation: “development that meets the needs of the present, without compromising the ability of future generations to meet their needs.”

<sup>6</sup> DRYZEK, John S. **Transnational Democracy**, p. 36.

<sup>7</sup> VAN LANG, Agathe. **Droit de l´environnement**, p. 189. Free translation: “The belief in uninterrupted scientific progress, in the capacity of our mother nature to renew its fruits indefinitely and to forgive the outrages that are made to it, and in the access of poor countries to a level of economic and social development comparable to that of country of the hemisphere nort.”

[...] la poursuite effrénée de l'expérimentation scientifique peut nos laisser [...] confrontés à des éléments incontrôlables [...] On découvre aussi que les facultés de régénérations de la nature ne sont pas infinies, pas plus que ne sont extensibles les ressources qu'elle prodigue. Quant au développement des pays pauvres, il ne peut être conçu selon le vieux modèle capitaliste, sous peine de mettre en péril l'environnement mondial. Mais leur sous-développement est également source de dégradations importantes du patrimoine naturel [...]<sup>8</sup>

Sustainable development has an organic structure, "recognizing the existence of nested social and ecological systems",<sup>9</sup> and it does not consider national boundaries for the definition of its goals.

Among these goals, according to the United Nations,<sup>10</sup> it is possible to refer the seventeen following ones: 'no poverty', 'zero hunger', 'good health and well-being', 'quality education', 'gender equality', 'clean water and sanitation', 'affordable and clean energy', 'decent work and economic growth', 'industry, innovation and infrastructure', 'reduced inequalities', 'sustainable cities and communities', 'responsible production and consumption', 'climate action', 'life below water', 'life on land', 'peace, justice and strong institutions' and 'partnerships for the goals'.

To achieve these goals, the actors and agents involved on sustainable development "are rather political bodies above and below the state, international organizations and citizens' groups of various kinds."<sup>11</sup> According to John S. Dryzek,

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<sup>8</sup> VAN LANG, Agathe. **Droit de l'environnement**, p. 189-190. Free translation: "the unbridled pursuit of scientific experimentation may leave [...] us with uncontrollable elements [...] We also discover that the regenerative powers of nature are not infinite, nor are the resources it expands extensible. As for the development of the poor countries, it can not be conceived according to the old capitalist model, under penalty of endangering the world environment. But their underdevelopment is also a source of serious damage to the natural heritage."

<sup>9</sup> DRYZEK, John S. **Transnational Democracy**, p. 36.

<sup>10</sup> UNITED NATIONS. About the Sustainable Development Goals. Available at:

<https://www.un.org/sustainabledevelopment/sustainable-development-goals>. Access on: 20 July 2019.

<sup>11</sup> DRYZEK, John S. **Transnational Democracy**, p. 36.

Sustainable development's function in the international system is to provide a conceptual meeting place for many actors, and a shared set of assumptions for their communication and joint action. It is these shared assumptions and capabilities which define the discourse.<sup>12</sup>

Even the conception of right holders changes as a result of the adoption of sustainable development, in order to include those who are not born yet (future generations) and the nonhuman beings, as well as state regulatory agencies and even non-state actors. But the most powerful actors nowadays are maybe, in Carrie Menkel-Meadow words, "private multi-national corporations, who attempt to avoid regulation (at national, supranational or international levels)."<sup>13</sup>

Another relevant issue related to sustainable development that deserves discussion is the one related to irreversibility. If we wish to leave to future generations a world in satisfactory conditions, we must worry about irreversibility. Agathe Van Lang explains:

Elle est la marque d'un processus de dégradation, et pour cette raison s'inscrit dans la durée. Lors que la dégradation atteint un point de non-retour surgit l'irréversibilité, exprimant le caractère inéluctable de cette dégénérescence. L'irréversibilité relève aussi du pari: rien n'est moins certain que l'irréversibilité d'un processus, mesuré à l'aune de la temporalité de la planète. [...] Mais l'intérêt bien compris des générations futures oblige à faire preuve de prudence, et à considérer le pire comme certain.<sup>14</sup>

Thus, especially in order to avoid irreversibility, it is necessary to inquire about the legal tools needed to promote sustainable development.

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<sup>12</sup> DRYZEK, John S. **Transnational Democracy**, p. 36.

<sup>13</sup> MENKEL-MEADOW, Carrie. **Why and How to Study "Transnational" Law**. 1 U.C. Irvine L. Rev. 97, 2011, p. 104. Available at: <https://scholarship.law.uci.edu/ucilr/vol1/iss1/8>. Access on: 3 Aug. 2019.

<sup>14</sup> VAN LANG, Agathe. **Droit de l'environnement**, p. 190. Free translation: "It is the mark of a process of degradation, and for this reason is in the long term. When degradation reaches a point of no return, irreversibility arises, expressing the inevitability of this degeneracy. Irreversibility is also a gamble: nothing is less certain than the irreversibility of a process, measured by one of the temporalities of the planet. [...] But the well-understood interest of future generations makes it necessary to be cautious, and to consider the worst as certain."

## **2 THE RAISE OF TRANSNATIONAL LAW AS A LEGAL TOOL TO PROMOTE SUSTAINABLE DEVELOPMENT**

According to Peer Zumbansen, the term “Transnational Law” includes every law that regulates actions or events that transcend national boundaries, “pointing to the myriad forms of border-crossing relations among state and non-state actors.”<sup>15</sup> This conception surpasses the separation between domestic and international issues, and recognizes the relevance of non-state actors in cross-border relationships.<sup>16</sup> Besides that, Transnational Law is composed by “a large, decentralized and non-harmonized body of norms”,<sup>17</sup> produced by a multitude of norm makers.

In fact, Transnational Law is not enacted only by states, and it is perhaps more complex than formal state law.<sup>18</sup> It includes, according to Carrie Menkel-Meadow, issues related to consumption of products, business contracts, leisure activities, communication, medical treatments, technology and research, entertainment, health, criminal issues, migration, immigration<sup>19</sup> and, we can add, sustainable development.

Differently from that, the International Public Law is still based on a state-centred view of international relations, whose main actors are states and main sources of law are the international treaty and the “customary law (legal norms so persuasive they become binding on even non-signatory states).”<sup>20</sup> This is the “Westphalian legal order – centred around nation states that relate to each other in accordance with the principle of sovereign equality.”<sup>21</sup>

About this issue, Carrie Menkel-Meadow teaches:

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<sup>15</sup> ZUMBANSEN, Peer C. **Transnational Law**. March 12, 2008. CLPE Research Paper No. 09/2008, p. 738. Available at: <https://ssrn.com/abstract=1105576>. Access on: 3 Aug. 2019. DOI <http://dx.doi.org/10.2139/ssrn.1105576>.

<sup>16</sup> ZUMBANSEN, Peer. **Transnational Law**, p. 738.

<sup>17</sup> ZUMBANSEN, Peer. **Transnational Law**, p. 745.

<sup>18</sup> MENKEL-MEADOW, Carrie. Why and how to study ‘Transnational’ Law, p. 103.

<sup>19</sup> MENKEL-MEADOW, Carrie. Why and how to study ‘Transnational’ Law, p. 104.

<sup>20</sup> MENKEL-MEADOW, Carrie. Why and how to study ‘Transnational’ Law, p. 109.

<sup>21</sup> ZUMBANSEN, Peer. **Transnational Law**, p. 744.

Traditional conceptions of international law most often contemplate treaties (*formal* signed documents and obligations) or *customary practices* (less formal but recognized by courts and other bodies) that bind states or sovereigns and are often known as *public international law* (or the relations between post-Westphalian states) [...] Public law is enforced by formal institutional bodies (like the International Court of Justice at The Hague) or, more often, by diplomatic, political and negotiated processes.<sup>22</sup>

Harold Hongju Koh considers Transnational Law to be a hybrid of international and domestic law, which governs the gaps between them.<sup>23</sup> Transnational Law is the law that moves from the international to the domestic legal order (downloaded, in his words) and often back again, from the domestic to the international legal order (uploaded, in his words), and also “horizontally transplanted” from one legal order to another.<sup>24</sup>

Anyway, International Public Law does not seem to be enough anymore to deal with an issue as complex as sustainable development, as outlined above, which is better approached by Transnational Law, especially in the interdependent (globalized) world in which we live nowadays.

### **3 AGENDA 2030 AND GOAL 17: A GLOBAL VISION**

In this context, the seventh goal of the United Nations for sustainable development (revitalize the global partnership, involving governments, the private sector, civil society and individuals) seems to be essential, urgent and relevant.

The so-called “Global Moment of Action for People and the Planet” presented an unprecedented historical opportunity to draw the attention of the population and countries to the need to improve people's living conditions in order to try to eradicate problems related to poverty, well-

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<sup>22</sup> MENKEL-MEADOW, Carrie. Why and how to study ‘Transnational’ Law, p. 101.

<sup>23</sup> KOU, Harold Hongju. **Why Transnational Law Matters**. (2006). Faculty Scholarship Series. 1793, p. 745. Available at: [https://digitalcommons.law.yale.edu/fss\\_papers/1793](https://digitalcommons.law.yale.edu/fss_papers/1793). Access on: 6 Aug. 2019.

<sup>24</sup> KOU, Harold Hongju. **Why Transnational Law Matters**, p. 746.

being, and environmental protection, with an agenda that adopts themes of sustainable development.<sup>25</sup>

This “moment” occurred in 2015, when Heads of State, Government and High Representatives met and set ambitious new goals and decided that, within 15 years, they would be committed “[...] to end poverty in all its forms and dimensions, including the eradication of extreme poverty by 2030. Everyone must enjoy a basic standard of living, including through social protection systems.”<sup>26</sup>

According to the United Nations,

All countries and all stakeholders working in collaborative partnership will implement this plan. [...] As we embark on this collective journey, we pledge that no one will be left behind. [...] The 17 Sustainable Development Goals and 169 goals we are announcing today demonstrate the scale and ambition of this new universal Agenda. [...] They seek to realise the human rights of everyone [...] The Goals and targets will stimulate the action for the next 15 years in areas of crucial importance for humanity and for the planet [...].<sup>27</sup>

The goals on the means of implementation, according to the final post-2015 agenda document, “[...] are fundamental to the realization of our Agenda and are of equal importance in relation to the other Objectives and targets.” However, inserted as one of the Objectives set out is Objective 17, which is based on “Strengthening the means of implementation and revitalizing the global partnership for sustainable development.”<sup>28</sup>

Such objective takes on particular importance in this study, considering

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<sup>25</sup> NAÇÕES UNIDAS BRASIL. Momento de ação global para as pessoas e o planeta. Available at: <https://nacoesunidas.org/pos2015/>. Access on: 28 July 2019.

<sup>26</sup> NAÇÕES UNIDAS. **Transformando Nosso Mundo: A Agenda 2030 para o Desenvolvimento Sustentável.** Tradução: Centro de Informação das Nações Unidas para o Brasil. 13 out. 2015. Available at: <https://nacoesunidas.org/wp-content/uploads/2015/10/agenda2030-pt-br.pdf>. Access on: 28 July 2019.

<sup>27</sup> NAÇÕES UNIDAS BRASIL. Transformando Nosso Mundo: A Agenda 2030 para o Desenvolvimento Sustentável.

<sup>28</sup> NAÇÕES UNIDAS BRASIL. **Parcerias e meios de implementação.** Available at: <https://nacoesunidas.org/tema/ods17/>. Access on: 28 July 2019.

[...] o ideal da Sustentabilidade e sua imprescindibilidade de um ambiente qualitativo, não somente garantindo a pureza do ecossistema na exploração consciente das gerações presentes, mas concedendo qualidade de vida para as gerações futuras, com enfrentamento de outras mazelas sociais, em diversas dimensões, considerando todas indispensáveis.<sup>29</sup>

In respect to the quality of life for present and future generations, there is no way of not relating the issue to the need to implement and revitalize the global partnership for sustainable development. One model that can be cited is south-south cooperation, with exchange of knowledge and skills.<sup>30</sup>

It is important to clarify that

O desenvolvimento (que, lembrando, implica, por si só, crescimento) mesmo sendo muito “sustentável”, não é, pois, o único caminho, mas uma opção a mais contribuindo com o objetivo da sustentabilidade. É o mais desejável, sem dúvida, sempre que for possível e consequente, mas nunca inexorável. Em última análise, a sustentabilidade deve ser entendida como a meta global a ser atingida e o desenvolvimento sustentável como um dos instrumentos que devem permitir sua consecução.<sup>31</sup>

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<sup>29</sup> SOUZA, Maria Claudia da Silva Antunes de; MAFRA, Juliete Ruana. **A sustentabilidade e seus reflexos dimensionais na avaliação ambiental estratégica**: o ciclo do equilíbrio do bem-estar. Available at: <http://www.publicadireito.com.br/artigos/?cod=ec82bd533b0033cb>. Access on: 28 July 2019. Free translation: “[...] the ideal of Sustainability and its indispensability of a qualitative environment, not only guaranteeing the purity of the ecosystem in the conscious exploitation of present generations, but granting quality of life to the future generations, confronting other social hardships in various dimensions, considering all of them indispensable.”

<sup>30</sup> NAÇÕES UNIDAS BRASIL. Representante do UNFPA apresenta em Nova Iorque experiência do Brasil em Cooperação Sul-Sul. 18 jul. 2019. Available at: <https://nacoesunidas.org/representante-do-unfpa-apresenta-em-nova-iorque-experiencia-do-brasil-em-cooperacao-sul-sul/>. Access on: 28 July 2019.

<sup>31</sup> FERRER, Gabriel Real; CRUZ, Paulo Márcio. Direito, sustentabilidade e a premissa tecnológica como ampliação de seus fundamentos. **Revista da Faculdade de Direito da UFRGS**, Porto Alegre, n. 34, p. 276-307, ago. 2016. Available at: <https://webcache.googleusercontent.com/search?q=cache:ka-Rmq6jd80J:https://seer.ufrgs.br/revfacdir/article/download/62003/38600+&cd=8&hl=pt-BR&ct=clnk&gl=br&client=firefox-b-d>. Access on: 28 July 2019. Free translation: “Even though the development (which, recalling, implies, by itself, growth) is very “sustainable”, it is not, therefore, the only way, but an additional option contributing to the goal of sustainability. It is, without a doubt, the most desirable one, whenever it is possible and



Included in Goal 17 is Goal 17.15, which establishes: "Respect the political space and leadership of each country to establish and implement policies for poverty eradication and sustainable development." This goal is of utmost importance when it comes to global action in a transnational context, understood as

[...] novos espaços públicos não vinculados a um território específico [...] aceitam a pluralidade como premissa e possibilitam o exercício de poder a partir de uma pauta axiológica de comum consensual destinada a viabilizar a proposição de um novo pacto de civilização.<sup>32</sup>

Cooperation and implementation of specific public policies, but with the same goals, underpin the hope of achieving the Agenda 2030, because there may be a lot of technological cooperation and intelligence in this process.

However, the great challenge presented is that

Ao se fundamentar boa parte da esperança em atingir uma sociedade sustentável através da aplicação geral das tecnologias que derivam do conhecimento, é lógico que se defenda que seu uso esteja disponível para o maior número de pessoas e grupos sociais. Entretanto, seu acesso está frequentemente submetido aos onipresentes interesses econômicos, o que é até certo ponto lógico, por conta do modelo econômico ser como é. Contudo, devem ser estabelecidos limites quando a apropriação supõe significativos prejuízos para o ambiente ou gere flagrantes injustiças sociais.<sup>33</sup>

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consequent, but never inexorable. Ultimately, sustainability must be understood as the overall goal to be achieved and sustainable development as one of the instruments that should enable it to be achieved."

<sup>32</sup> CRUZ, Paulo Márcio; BODNAR, Zenildo. **A transnacionalidade e a emergência do estado e do direito transnacionais.** Available at: <https://revistas.ufpr.br/cejur/article/view/15054/11488>. Access on: 28 July 2019. Free translation: "[...] new public spaces not linked to a specific territory [...] accept plurality as a premise and enable the exercise of power based from a common consensus axiological agenda aimed at making possible the proposition of a new civilization pact."

<sup>33</sup> FERRER, Gabriel Real; CRUZ, Paulo Márcio. **Direito, sustentabilidade e a premissa tecnológica como ampliação de seus fundamentos**, p. 302. Free translation: "On the basis of much of the hope of achieving a sustainable society through the general application of knowledge-based technologies, it is logical to advocate that their use is available to as many people and social groups as possible. However, the access to them is often subject to ubiquitous economic interests, which is to some extent logical because the economic model

In this context, we must understand how Agenda 2030 has been implemented in Brazil, especially Goal 17.

#### 4 POLITICS FOR SUSTAINABLE DEVELOPMENT IN BRAZIL

In Brazil, Decree n. 8.892 of October 27, 2016<sup>34</sup> created the National Commission for the Sustainable Development Goals, whose purpose is to “internalize, disseminate and give transparency to the process of implementing the 2030 Agenda for Sustainable Development of United Nations, signed by the Federative Republic of Brazil.” (art. 1).<sup>35</sup> This normative act also provides for the attributions of the Commission (art. 2),<sup>36</sup> its composition (art. 3)<sup>37</sup> and its operation (arts. 4 to 13).<sup>38</sup> This

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is as it is. Nevertheless, limits should be set when the appropriation entails significant damage to the environment or generates flagrant social injustices.”

<sup>34</sup> BRASIL. Decreto 8.892, de 27 de outubro de 2016. Cria a Comissão Nacional para os Objetivos de Desenvolvimento Sustentável. **Diário Oficial da União**, Brasília, DF, 31 out. 2016. Available at: [http://www.planalto.gov.br/ccivil\\_03/\\_ato2015-2018/2016/decreto/D8892.htm](http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/decreto/D8892.htm). Access on: 28 July 2019.

<sup>35</sup> BRASIL. Decreto 8.892, de 27 de outubro de 2016.

<sup>36</sup> Art. 2º À Comissão Nacional para os Objetivos de Desenvolvimento Sustentável compete: I - elaborar plano de ação para implementação da Agenda 2030; II - propor estratégias, instrumentos, ações e programas para a implementação dos Objetivos de Desenvolvimento Sustentável - ODS; III - acompanhar e monitorar o desenvolvimento dos ODS e elaborar relatórios periódicos; IV - elaborar subsídios para discussões sobre o desenvolvimento sustentável em fóruns nacionais e internacionais; V - identificar, sistematizar e divulgar boas práticas e iniciativas que colaborem para o alcance dos ODS; e VI - promover a articulação com órgãos e entidades públicas das unidades federativas para a disseminação e a implementação dos ODS nos níveis estadual, distrital e municipal.

<sup>37</sup> Art. 3º A Comissão Nacional para os Objetivos de Desenvolvimento Sustentável será integrada por: I - um representante, titular e suplente, de cada um dos seguintes órgãos: a) Secretaria de Governo da Presidência da República; b) Casa Civil da Presidência da República; c) Ministério das Relações Exteriores; d) Ministério do Desenvolvimento Social e Agrário; e) Ministério do Planejamento, Desenvolvimento e Gestão; e f) Ministério do Meio Ambiente; II - um representante, titular e suplente, dos níveis de governo estadual e distrital; III - um representante, titular e suplente, do nível de governo municipal; e IV - oito representantes, titulares e suplentes, da sociedade civil.

<sup>38</sup> Art. 4º A Comissão Nacional para os Objetivos de Desenvolvimento Sustentável se reunirá, em caráter ordinário, semestralmente e, em caráter extraordinário, a qualquer tempo, mediante convocação de seu Presidente. Art. 5º A Secretaria de Governo da Presidência da República exercerá a função de Secretaria-Executiva da Comissão Nacional para os Objetivos de Desenvolvimento Sustentável. Art. 6º O Instituto de Pesquisa Econômica Aplicada e o Instituto Brasileiro de Geografia e Estatística prestarão assessoramento permanente à Comissão Nacional para os Objetivos de Desenvolvimento Sustentável. Art. 7º A Comissão Nacional para os Objetivos de Desenvolvimento Sustentável poderá convidar representantes de órgãos e entidades públicos, da sociedade civil e do setor privado para colaborar com as suas atividades. Art. 8º A Comissão Nacional para os Objetivos de Desenvolvimento Sustentável poderá criar câmaras temáticas destinadas ao estudo e à elaboração de propostas relacionadas à implementação dos ODS. Art. 9º A Comissão Nacional para os

decree established national governance to the process of development of Agenda 2030, and it is an example of Transnational Law norm enacted in Brazil, once it seeks, in the country, to achieve goals that were globally established by the United Nations on sustainable development.

The National Commission for the Sustainable Development Goals proposed the Action Plan 2017-2019, composed by the government as well as the civil society in Brazil; it gathers an integrated view of the three dimensions of sustainable development (economic, social and environmental), tending to contribute to the achievement of the goals in all regions of the country. The promotion of Human Rights and the improvement of social and economic conditions of vulnerable populations are the priorities.

As the plan establishes, "sustainable development depends on overcoming poverty, including extreme poverty, which is essential for the full exercise of citizenship in an environment of justice and social peace."<sup>39</sup>

Among the strategies already adopted to implement the Agenda 2030 are: to map public policies, to suit global goals to national reality, to define national indicators of sustainable development goals and to locate Agenda 2030 all over the country. Local governments have an important role in this last subject.

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Objetivos de Desenvolvimento Sustentável deverá, no prazo de noventa dias, contado da data de publicação deste Decreto, elaborar seu regimento interno, a ser aprovado pelo Ministro de Estado Chefe da Secretaria de Governo da Presidência da República. Art. 10. A participação na Comissão Nacional para os Objetivos de Desenvolvimento Sustentável será considerada prestação de serviço público relevante, não remunerada. Art. 11. A participação dos representantes na Comissão Nacional para os Objetivos de Desenvolvimento Sustentável será custeada pelo órgão, pela entidade ou pela instituição de origem de cada representante. Art. 12. As despesas decorrentes deste Decreto correrão à conta das dotações orçamentárias anualmente consignadas aos órgãos e às entidades envolvidos, observados os limites de movimentação, empenho e pagamento da programação orçamentária e financeira anual. Art. 13. A Comissão Nacional para os Objetivos de Desenvolvimento Sustentável ficará extinta após a conclusão dos trabalhos previstos pela Agenda 2030, devendo apresentar relatório circunstanciado contendo as atividades realizadas, as conclusões e as recomendações. Parágrafo único. O acervo documental e de multimídia resultante da conclusão dos trabalhos da Comissão Nacional para os Objetivos de Desenvolvimento Sustentável deverá ser encaminhado ao Arquivo Nacional.

<sup>39</sup> COMISSÃO NACIONAL PARA OS ODS. **Plano de Ação 2017-2019**. Brasília, DF, out. 2017. Available at: [http://www.itamaraty.gov.br/images/ed\\_desenvsust/Plano-Acao-ComissaoNacional-ODS.pdf](http://www.itamaraty.gov.br/images/ed_desenvsust/Plano-Acao-ComissaoNacional-ODS.pdf). Access on: 28 July 2019.

In this context, it is necessary to improve the execution of the Goal 17, which, in fact, all the other goals depend on, in order to speed up the achievement of all them. The targets of Goal 17 are related to finance (17.1 – 17.5), technology (17.6 – 17.8), capacity building (17.9), trade (17.10 - 17.12) and systemic issues (17.13 - 17.19).<sup>40</sup>

Among these targets, it is important to refer the following ones: “strengthen domestic resource mobilization, including through international support to developing countries, to improve domestic capacity for tax and other revenue collection” (17.1); “developed countries to implement fully their official development assistance commitments” (17.2); “mobilize additional financial resources for developing countries from multiple sources” (17.3); “assist developing countries in attaining long-term debt sustainability through coordinated policies aimed at fostering debt financing, debt relief and debt restructuring, as appropriate, and address the external debt of highly indebted poor countries to reduce debt distress” (17.4); “adopt and implement investment promotion regimes for least developed countries” (17.5); “enhance North-South, South-South and triangular regional and international cooperation on and access to science, technology and innovation and enhance knowledge-sharing on mutually agreed terms” (17.6); “promote the development, transfer, dissemination and diffusion of environmentally sound technologies to developing countries on favourable terms, including on concessional and preferential terms, as mutually agreed” (17.7); “fully operationalize the technology bank and science, technology and innovation capacity-building mechanism for least developed countries” (17.8); “enhance international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the sustainable development goals, including through North-South, South-South and triangular cooperation” (17.9); “promote a universal, rules-based, open, non-discriminatory and equitable multilateral trading system under the World Trade Organization” (17.10); “increase the exports of developing countries” (17.11); “realize timely implementation of

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<sup>40</sup> UNITED NATIONS. **Sustainable development goal 17**. Knowledge platform. Available at: <https://sustainabledevelopment.un.org/sdg17>. Access on: 6 Aug. 2019.

duty-free and quota-free market access on a lasting basis for all least developed countries, consistent with World Trade Organization decisions” (17.12); “enhance global macroeconomic stability, including through policy coordination and policy coherence” (17.13); “enhance policy coherence for sustainable development” (17.14); “respect each country’s policy space and leadership to establish and implement policies for poverty eradication and sustainable development” (17.15); “enhance the global partnership for sustainable development, complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries” (17.16); “encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships” (17.17); “enhance capacity-building support to developing countries [...] to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts” (17.18); “build on existing initiatives to develop measurements of progress on sustainable development that complement gross domestic product, and support statistical capacity-building in developing countries” (17.19).<sup>41</sup>

Brazilian government, by creating the National Commission for the Sustainable Development Goals and proposing the Action Plan 2017-2019, adopted some initial measures to achieve these goals, but there is much more to be done in order to win it.

## **FINAL CONSIDERATIONS**

At the end of this research, based on the inductive method, it is possible to conclude that sustainable development is a continued growth, both within and across generations, related to economic and environmental concerns, independent from national boundaries, that reveals a new

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<sup>41</sup> UNITED NATIONS. Sustainable development goal 17.

conception of temporality and of right holders and a worry with irreversibility.

In order to promote sustainable development, Transnational Law appears as a more able legal tool than the International Public Law, because it surpasses the separation between domestic and international issues and recognizes the relevance of non-state actors in cross-border relationships. Moreover, it is not enacted only by states and represents a hybrid of international and domestic law.

On the other hand, the International Public Law is still based on a state-centred view of international relations, whose main actors are states and main sources of law are the international treaty and customary law, and that is essentially because these characteristics are not considered appropriate to deal with sustainable development nowadays.

The Agenda 2030 of the United Nations, especially its Goal 17, based on strengthening the means of implementation and revitalizing the global partnership, is another relevant tool for sustainable development.

In Brazil, Decree n. 8.892 of October 27, 2016, an example of Transnational Law norm, created the National Commission for the Sustainable Development Goals, whose purpose is to internalize, disseminate and give transparency to the process of implementing the 2030 Agenda for Sustainable Development of United Nations.

The National Commission for the Sustainable Development Goals proposed the Action Plan 2017-2019, composed by the government as well as the civil society in Brazil, which gathers an integrated view of the three dimensions of sustainable development (economic, social and environmental), tending to contribute to the achievement of the goals in all regions of the country.

Therefore, Brazilian government, by creating the National Commission for the Sustainable Development Goals and proposing the Action Plan 2017-2019, adopted some initial measures to achieve these goals, but there is much more to be done in order to win it.

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