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Economic Development and Biofuel Production: Towards a Sustainable Regulation Model

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Abstract

The research, using an interdisciplinary approach to Law & Economics, analyses the different interests involved in the development of biofuel production and trade: on one hand, the economic interests of the open market and, on the other hand, the pressing needs for both social and environmental sustainability. The object of the study can be justified in three levels: philosophical, theoretical and pragmatic. On the first, philosophical, the research is based on the modern paradigms of science, *i.e.*, postpositivism or postempiricism, the metatheoretical stance following positivism. In applied sciences in general, this metatheory has had a profound impact on the way the acquisition of knowledge is understood. In Law, particularly, this paradigm – which is still under construction – has led to a true revolution in areas such as Constitutional Law, where theories have been emerging regarding a “new constitutionalism”, which places the Constitution in the centre of the legal system. Pragmatically, the study aims to explore the historical moment the international community has been undergoing: the rise of economies whose potential is truly titanic, especially when taken as a group, offers a unique opportunity to study the nuances in the equilibrium between economic growth – a necessity – and social and environmental sustainability – an urge. In this context, to study renewable energy is to touch the very core of this necessity – and of this urge. The scientific developments regarding biofuels focus primarily on productivity: which biomass offers the best cost/production relationship, for instance. However, a crucial aspect is, sometimes, overlooked: the social and environmental consequences of such developments and, even more neglected, the role of legal regulation in ensuring this sustainability is fully achieved. Thus, by situating in a position between the borders of Law and of Economics, this study aims to draft the principles and general aspects of legal regulation regarding biofuels, using, as a parameter, the Brazilian experience in bioethanol and biodiesel.

Keywords: Biofuel, regulation, sustainability