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Environmental Conduct Adjustment Agreements Performed by the Public Prosecutors’s Office in Morrinhos, Goiás, Brazil: Mechanisms for Promoting Sustainability

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Abstract

The Environmental Conduct Adjustment Agreements are instruments regulated in Brazil that aim to allow the adaptation of enterprises to the legislation and to avoid civil liability lawsuits. In theory, these extrajudicial agreements aim to recover the degraded environment and to protect diffuse rights by those who have harmed them. These agreements enable entrepreneurs to overcome legal problems, promoting sustainable development and the continuity of economic activities. Thus, it is possible for the entrepreneurs to maintain a environmental licenses, without subjecting themselves to fines, since by carrying out a repairing environmental project, it is possible to obtain longer terms to fulfil environmental obligations. Considering normative intention and the aim to achieve sustainability, this research, with a geographical profile of Morrinhos, a medium-sized municipality in mid-western Brazil, which has its economy based on rural activities, intends to verify whether these agreements are effective or not. Through a deductive method, in a qualitative approach, the research discusses the agreements made between 2017 and 2020 and, through an interview with the municipality’s public prosecutor, it assesses the perception of public agents about the effectiveness of these agreements. Although the agreements aim to reduce the number of lawsuits and accelerate the response to society, it appears that public prosecutors in Goiás do not sign many agreements, especially considering the great amount of registered environmental crimes. Still, in the few cases that were raised, using a deductive method, it is possible to assess the perception of public agents about the effectiveness of these agreements and to verify their contents and results. Considering the perception of the responsible public agents, it concludes that the Conduct Adjustment Agreements are able to guarantee the responsibility of those who violate environmental norms, guaranteeing the continuity of agricultural and agro-industrial production, however, in addition to their celebration, they need follow-up. Thus, it is inferred that improving monitoring methods is needed. Also, trained personnel and the use of technologies, such as drones and satellite images, would allow the identification of compliance with agreements and judicial decisions.

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