

# URBAN AFFORESTATION OF MOSSORÓ/RN: EVALUATION ACCORDING TO THE NATO MODEL

**Lauro Gurgel de Brito<sup>1</sup>**

Universidade do Estado do Rio Grande do Norte (UERN) |

**Edmar Eduardo de Moura Vieira<sup>2</sup>**

Universidade do Estado do Rio Grande do Norte (UERN) |

**Jailson Alves Nogueira<sup>3</sup>**

Universidade do Estado do Rio Grande do Norte (UERN) |

## ABSTRACT

The State solves social problems through public policies, whose formatting process is usually divided into stages of agenda setting, formulation, decision-making, implementation and evaluation. The objective of this article is to analyze the formulation of the urban afforestation policy in the Municipality of Mossoró/RN, with an emphasis on the evaluation of the policy tool chosen by the Public Power to structure it. In the theoretical framework, we applied the NATO model proposed by Christopher Hood, which categorizes the policy tools used by policy-makers in formulating public policies. It is a qualitative, bibliographical and documentary research, based on empirical investigation and on the deductive method. The results indicate that, during the formulation of this policy, there was an option for the policy tool of authority, through regulation of command and control, with the possibility of punitive sanction in the event of a breach of law. If, however, the policy-makers had resorted to treasury-based tools, especially tax incentives, they would have achieved the same objective as the normative command, but with greater acceptance by the main people affected.

**Keywords:** NATO model; public policy; policy tools; urban afforestation.

1 Doctor in Law from Universidade de Brasília (UnB). Master in Constitutional Law from Universidade Federal do Rio Grande do Norte (UFRN). Law graduate from UERN. Professor at UERN. ORCID: <https://orcid.org/0000-0002-2231-5404> / e-mail: [laurogurgel@uern.br](mailto:laurogurgel@uern.br)

2 Doctoral student in Law at Universidade Federal do Paraná (UFPR). Master in Constitutional Law from UFRN. Law graduate from UERN. Professor at UERN. Attorney for the municipality of Mossoró (RN). Lawyer. ORCID: <https://orcid.org/0000-0002-2766-5454> / email: [edmar@advocacia1.com](mailto:edmar@advocacia1.com)

3 Master in Social and Human Sciences. Law graduate from UERN. ORCID: <https://orcid.org/0000-0003-3096-2609> / email: [jailsonalvesuern@hotmail.com](mailto:jailsonalvesuern@hotmail.com)

## **ARBORIZAÇÃO URBANA DE MOSSORÓ/RN: AVALIAÇÃO SEGUNDO O MODELO NATO**

### **RESUMO**

*O Estado resolve os problemas sociais por meio de políticas públicas, cujo processo de formação costuma ser dividido nas fases de montagem da agenda, formulação, tomada de decisão, implementação e avaliação. O objetivo deste artigo é analisar a formulação da política de arborização urbana no Município de Mossoró/RN, com ênfase na avaliação do instrumento político escolhido pelo Poder Público para estruturá-la. No aporte teórico, aplicamos o modelo NATO, proposto por Christopher Hood, que categoriza as ferramentas políticas a que recorrem os policy-makers ao formularem políticas públicas. Trata-se de pesquisa qualitativa, bibliográfica e documental, alicerçada em investigação empírica e no método dedutivo. Os resultados apontam no sentido de que, durante a formulação dessa política, houve opção pelo instrumento político da autoridade, mediante regulação de comando e controle, com possibilidade de sanção punitiva na hipótese de infração à lei. Se, entretanto, os formuladores tivessem recorrido a instrumentos baseados no tesouro, sobretudo a incentivos fiscais, teriam alcançado o mesmo objetivo do comando normativo, mas com maior aceitação dos principais afetados.*

**Palavras-chave:** arborização urbana; ferramentas políticas; modelo NATO; políticas públicas.

## INTRODUCTION

The maturing of citizen awareness has contributed to the State being increasingly reminded about the performance of its functions, especially in the field of implementing public policies. They need to be closer to popular interests and able to leverage social transformation.

In this sense, it is important to understand public policies and to analyze the determining reasons, the planning of actions, the development itself, the selection of the agents in charge of implementing them, the survey of disciplinary standards and the policy and technical tools chosen, as well as evaluating the impacts generated by the respective implementation.

In this article we analyze the urban afforestation policy instituted in the Municipality of Mossoró, through Municipal Law n. 2,678/2010, with an emphasis on the tools used by policy-makers in its preparation phase. This assessment is carried out in the light of the taxonomy proposed by Christopher Hood, who developed the NATO model to categorize the tools used by public authorities to structure such policies.

First, we make some general considerations about public policies, especially addressing the concept, path/phases of creation and implementation tools. Then, we analyze the public afforestation policy developed in the city of Mossoró, in the state of Rio Grande do Norte, highlighting the normative aspects and the evaluation of the policy tool utilized by the policy-makers.

As for the methodology, the deductive method predominates, with the bibliographical and documentary research based, respectively, on productions related to the thematic area and, particularly, normative documents, among them the 1988 Constitution, laws of the Municipality of Mossoró/RN and resolutions of advisory and deliberative councils about the environment.

With regard to the central thesis of this article, we find that, although the Mossoró urban afforestation policy is relevant, its policy-makers opted for a tool of authority by providing (punitive) sanction through a fine, in the event of non-compliance with the rules. This factor gave rise to resistance and judicial questioning as to the validity of the measures. In fact, they could have preferred treasury-based tools, in the form of tax incentives, which would increase the adherence of those directly affected.

## 1 PUBLIC POLICIES: PHASES, POLICY-MAKERS AND TOOLS

Public policies are the actions taken by the Public Power in response to certain collective problems, generally resulting from political tensions and claims generated by society itself. Thus, the term “Public Policies” is broad and can be understood in the sense of a set of guidelines and ethical-legal references adopted by the State to solve a problem that society presents to it.

Souza (2006, p. 26) sees the area of public policy, especially with regard to the conceptual aspect, “as the field of knowledge that seeks, at the same time, to ‘put the government into action’ and/or analyze this action (independent variable) and, when necessary, propose changes in the direction or course of these actions (dependent variable)”. Such policies are conceived as government action programs to achieve certain goals, within a certain period of time (BUCCI, 1997), as responses offered by the State to a need experienced or manifested by society (TEIXEIRA, 1997).

Although there are variations in the doctrine, authors usually articulate the process of creating a Public Policy in 5 phases/cycles, namely: (a) agenda setting; (b) formulation; (c) decision-making; (d) implementation; and (e) evaluation (HOWLETT; RAMESH; PERL, 2013). Along the lines of these authors, agenda setting corresponds to the process by which public problems reach governments and they recognize the existence, importance and need to take a position on the subject. Formulation concerns the way in which policy proposals are developed by the governments, considering the available policy tools. Decision-making is the process in which governments take or do not take action. Implementation consists of carrying out or executing policy actions. And, finally, evaluation refers to the processes by which state actors and society monitor policy outcomes (HOWLETT; RAMESH; PERL, 2013).

Even though these cycles do not always reflect the true dynamics of a Public Policy, because they are generally intertwined, it is certain that establishing a sequence helps to organize ideas and develop a comparative reference for heterogeneous cases. At least for didactic purposes, the utilization of this planning is important.

In this article we analyze only the formulation stage, when opinions are identified on what to do about the public problem included in the official agenda. At this stage, policy-makers make an initial assessment of

the feasibility of the alternatives raised and the possible solutions identified. The expedient involves identifying, refining and analyzing the actions available to solve the problems recognized at the agenda setting stage (HOWLETT; RAMESH; PERL, 2013).

For this reason, the implementation phase is crucial in the process as a whole (LINDBLOM, 1981), as it is the moment when what will be done is thought and defined. In short, it is a theoretical process, in which political interests, pressure from social groups, availability of resources and the very experience of managers are also involved.

Still about this stage, it is important to mention the figure of policy-makers (Simon, 1957), as well as the relevance of the policy tools they prioritized. Public decision-makers need to follow rational guidelines at the time of formulation, although time, personal interests and information noise control their rationality. Therefore, to solve the problem identified, they must use appropriate policy tools and act according to science, based on technical information and criteria.

With regard to such policy tools, it is true that many options are available to policy-makers, and it is up to them to identify the most appropriate solution for the specific problem they intend to solve. For didactic purposes, Howlett, Ramesh and Perl (2013) highlight the taxonomy developed by Christopher Hood. According to this classification, known as the “NATO Model<sup>4</sup>”, the policy tools used by policy-makers can be classified into the following categories: (a) Nodality (information); (b) Authority; (c) Treasury; and (d) Organization (HOOD, 1986). Some characteristics clearly demarcate these categories, as we will see below, in a dialogue with Howlett, Ramesh and Perl (2013).

According to Howlett, Ramesh and Perl (2013), with Nodality, government authorities seek strategies to better inform the population about a given policy, using mostly advertising campaigns, which are not intended to change opinion on a certain theme, but to clarify and guide the community so that rational and safe decisions are taken. Although there is no imposing bias in the dissemination of information, advertising has a persuasive nature, distancing itself from a pseudo-neutrality.

Therefore, Nodality, as a rule, presents data and indicators to create political insight, which depends, of course, on good articulation and political synchronization. Another point of this stage is the creation of commissions to collect data and make it available to the public. It is true that

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4 NATO is the acronym for Nodality, Authority, Treasure and Organization.

these commissions are often used to decrease or increase the political gain of government officials, depending on the context.

The Authority tool, on the other hand, is characterized as a means of regulating behavior in accordance with the policy to be carried out, which can be expressed through rules, licenses, laws, orders, which is called command and control regulation. There is also delegated regulation, when the government (un)consciously abstains from regulating activities, giving leeway and enabling institutions to self-regulate. Finally, still in the authority category, there is the advisory committee, represented by people selected by the government, who have some prerogatives during the political process, as they act under the government's seal.

Alongside the personal aspect, but focused on financial issues, the Treasury category refers to all kinds of financial decisions from the government, materialized in subsidies, tax incentives and loans, which constitute positive stimuli. There are also incentives in the form of funding for advocacy, interest groups and think tanks<sup>5</sup>, seen by democratic governments as an essential tool for the good development of projects, thus creating greater strength in decision-making and in the public policies implementation stages.

Another treasury-based policy tool refers to financial disincentives, which includes the payment of taxes and user fees, in contrast to positive stimuli. In this case, the government gives a negative "incentive" to penalize behavior that is not in the public interest, an instrument that can also be called a sanction. In the tax field, for example, it is common to set a higher tax burden on products that are harmful to human health, such as tobacco, alcoholic beverages and games of chance.

Also in relation to the NATO model, there is the Organization category, a policy tool that can be developed through direct provision, with the government providing goods and services through its personal and financial resources, or through public companies. The option for public companies has advantages because they generally have greater financial capacity to develop activities that require large investments. In addition, they can also simplify political-administrative management, as they undergo constant regulatory controls by state agencies, which does not occur with the same intensity in private companies. Another advantage is that public companies can contribute to increasing State profits.

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<sup>5</sup> Think tanks are public policy research and advisory organizations (SOARES, 2009). Also known as public policy institutes or powerhouses of ideas. They act in the production and dissemination of knowledge relevant to the formulation, decision and evaluation of public policy (SECCHI, 2013).

Nevertheless, we cannot deny the disadvantages of public companies. One of them is the difficulty in managing efficiency, which can lead to the impossibility of observing its bankruptcy, something that is easy to identify in the private sector. Another disadvantage is monopoly, as it transfers the costs of its inefficiency to consumers.

Still, Howlett, Ramesh and Perl (2013) teach that there are the “quangos”, companies that are semi-independent but rely, to a certain extent, on State resources. In this same scenario of proximity with the government, there are public-private partnerships, a kind of hybrid organization between market and state. The family, community and voluntary organizations can also be seen in this political organization, as they do not suffer from state coercion, being free from economic restrictions.

We can also address the organization of the market, which is shaped according to the interaction between consumer and producer, based on the supply and demand law. The former seeks to buy the maximum with the minimum; the latter, the largest profit margin. Finally, it is important to mention government reorganization. It is the creation or reconfiguration of offices, especially with decentralizations and deconcentrations, a phenomenon that happens more frequently in (municipal and state) secretariats and ministries.

In summary, it is possible to state that, according to the NATO model (HOOD, 1986), policy-makers can use the following tools: (a) awareness, to influence people’s behavior through appeal to the sense of moral duty (Nodality); (b) coercion, to avoid behavior by resorting to negative stimuli (Authority); (c) award, to influence personal behavior through positive stimuli (Treasure); and (d) technical solutions, to influence behavior indirectly (Organization).

Based on these circumstances, policy-makers choose the tools that will be used to implement public policy. At this point, it is important to highlight that each tool will require different technical, human, material and financial resources, and each alternative will have different demands and effects. Finally, the choice of tool can define the success or failure of a public policy. In the next item we investigate to what extent this phenomenon was expressed in the formulation of the Urban Afforestation Policy of Mossoró. After all, did the chosen tool interfere in the implementation of this Public Policy?

## 2 MOSSORÓ'S URBAN AFFORESTATION POLICY AND THE NATO MODEL

Urban afforestation is not just about planting trees. For urban law, afforesting the city consists in planting trees in orderly fashion, observing the particularities of the local fauna and flora. In this process, the type of soil, hydrography, climate issues, relief, among other geographic and social characteristics, are relevant. In other words, as Marques and Marques (2011, p. 192) well ponder, “urbanism is closely linked to citizen well-being, as this is the only way to fulfill the objective of reorganizing the urban space, which transcends the simple construction concept, reaching the ailments referred to as the Environment”.

Each city has peculiarities that will guide afforestation policies, in order to avoid problems with the traffic of people or vehicles, damage to buildings and pavements, electricity, telephone and sewage networks, among others (SILVA, 2005).

On the benefits provided by afforestation in urban areas, Silva (2005) points to climate improvement, because trees intercept solar radiation and, consequently, manage to reduce the temperature. Afforestation also improves air quality, as it absorbs gases that are harmful to humans and prevents soil erosion, in addition to reducing runoff, which, if not controlled, carry nutrients from the soil and make it infertile. We add to this its function as an acoustic barrier, as it muffles the frequent noises in urban spaces that come mostly from vehicles and industries. Finally, afforestation improves urban aesthetics. Bargas and Matias (2011, p. 185) present a concept of urban green areas:

[...] a concept for urban green areas should consider that they are a category of urban free space composed of arboreal and shrubby vegetation (including trees on public roads, provided that these reach a radius of influence that enables them to exercise the functions of a green area), with soil free of buildings or waterproofing covers (in at least 70% of the area), publicly accessible or not, and that minimally carry out ecological (increase in thermal comfort, control of air and acoustic pollution, rainwater interception, and shelter for fauna), aesthetic (visual and ornamental enhancement of the environment and diversification of the built landscape) and leisure (recreation) functions.

In the same sense, when conceptualizing what would be a “public green area”, Benini and Martin (2011) ratify the previous notion, as they take into account not only environmental aspects, but also social, ecological,

scientific and cultural objectives. In other words, it is a public space and a common good that must meet multiple interests, without moving away from ecological and sustainability parameters.

For these reasons, cities must have an afforestation plan, able to define the strategies and procedures to be adopted in the implementation of environmentally sustainable policies, which does not mean to impede their industrialization and metropolization process, but to contribute to raise ecological awareness. Thus,

[the] issue of sustainability involves several sectors, if not all, segments of society, the State and companies. In a logic of environmental education that generates knowledge that drives environmental defense interests. The establishment of policies involves not only theoretical discussion, but also the commitment of the most varied sectors involved in the ecological cause (ARAÚJO; ARRUDA, 2010, p. 291-293).

These discussions are also present in the city of Mossoró, located in the western region of the State of Rio Grande do Norte, with a population of 259,815<sup>6</sup> residents, with 237,241 (91.3%) in the urban area, and 22,574 (8.7%) in the rural area (IBGE, 2010). Due to its geographic location in the northeastern semiarid region, the city receives a strong incidence of solar radiation. In Mossoró, the temperature and relative humidity are, on average, 27°C and 70%, respectively (IDEMA-RN, 2008).

Given this scenario, as of 2006, the theme of urban afforestation entered the city's political agenda. The Municipal Complementary Law n. 012/2006, which instituted the Master Plan of the Municipality of Mossoró, established a measure to guarantee the protection of the natural environment and the good quality of life of the population. Afforestation even became one of the elements that should be considered in neighborhood impact studies (MOSSORÓ, 2006).

By conforming these provisions of the Master Plan, Municipal Law No. 2,678/2010 created the Urban Afforestation Program, forcing car dealerships located in the municipality to plant trees. The explanation for this obligation lies in the fact that economic activity is directly linked to the sale of cars, which are significant carbon dioxide (CO<sub>2</sub>) emitters. According to this program, they were compelled to carry out the planting and demonstrate that they had done it.

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6 According to the latest estimate of the resident population in Brazil and states, carried out by the Brazilian Institute of Geography and Statistics (IBGE), in 2020, the population contingent in Mossoró/RN was 300,618 inhabitants (IBGE, 2020).

Under this law, for every two new cars sold, dealerships had to plant a tree, thus offsetting the emission of carbon dioxide. With this, the clearest intention was to remedy the environmental damage in proportion to the amount of new cars sold. In addition, to contribute to the formation of forest continuums between conservation units, minimizing the gas emission effects that contribute to the greenhouse effect.

Without going into the analysis of formal constitutionality, we understand that the normative command fits the provisions of the 1988 Constitution in terms of protection and promotion of the environment<sup>7</sup> and to combat all forms of environmental pollution<sup>8</sup> (BRASIL, 1988).

The law established the locations and procedures for planting, in addition to setting a fine for non-compliance with the obligation. Thus, trees should be planted in permanent preservation areas, forest reserves, parks and gardens, ecological corridors or other ecologically appropriate environment, within the municipality, as designated by the Executive Branch and monitored by the Executive Management of Environmental Management (GGA). Violations of this regulation were punishable by a fine in the amount of R\$ 2,000.00 (two thousand *reais*) for each car sold without the respective tree compensation (MOSSORÓ, 2010).

Once established, this policy caused a controversy among car dealers, especially with respect to the definition of what would be considered “car dealership” as well as in relation to the form of compliance with the requirements. In order to resolve the controversy, the Municipal Council for the Defense of the Environment (CONDEMA) instituted Resolution No. 011/2011 (MOSSORÓ, 2011b), regulating the matter and putting an end to the questions and doubts raised.

According to the resolution, “dealership” was any company that sold new vehicles, whether it was an authorized dealer or multi-brand. Therefore, if the objective of the law was to offset the amount of carbon dioxide that is released into the atmosphere by vehicles, it did not matter the nature or type of the company, but whether it sells vehicles.

The resolution also established the deadline for compliance with the obligation and the possibility of its conversion into materials and services,

<sup>7</sup> According to art. 225, caput, all people have the right to an ecologically balanced environment, a good for common use by 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 current and future generations.

<sup>8</sup> Art. 23, VI, it is incumbent upon the Union, the States, the Federal District and the Municipalities to protect the environment and combat pollution in any of its forms.

which would be used in the production of seedlings. To implement this alternative, it was established that the dealerships would have a period of not less than 30 days and not more than 90 calendar days, from the date of delivery of the car sales report, to submit the Execution Report to GGA, proving the carrying out of the planting through photographic record.

According to data from the Environmental Management Agency of the Municipality of Mossoró, from Dec. 2, 2010 to Dec. 2, 2011<sup>9</sup>, the enforcement of Municipal Law n. 2,678/2010 resulted in the planting of 1,038 trees, as shown in the table below:

**Table 1** – Report of trees planted by car dealerships (12/02/2010 to 12/02/2011)

<b>Dealership</b>	<b>Brand</b>	<b>Seedlings</b>	
Dunas	Multibrands	12	
Bonsai	Mitsubishi	7	
Import's	Porcino	Suzuki	21
	Dical	Multibrands	31
	Povel	Fiat	315
	Canal	Ford	120
	Victoire	citron	3
	Motoeste	Honda	38
	Saint Land	Multibrands	22
	Mare Premium	Multibrands	36
Caminhões	J R	Multibrands	22
	Urivel	Multibrands	1
	Victoire	Multibrands	11
Import's	Porcino	Multibrands	26
	Bonsai	Multibrands	14
	Porcino Autos	Multibrands	19
	Socel	VW	340
<b>Total</b>			<b>1,038</b>

Source: Mossoró (2011a).

<sup>9</sup> The Environmental Management Agency presented information only for that period.

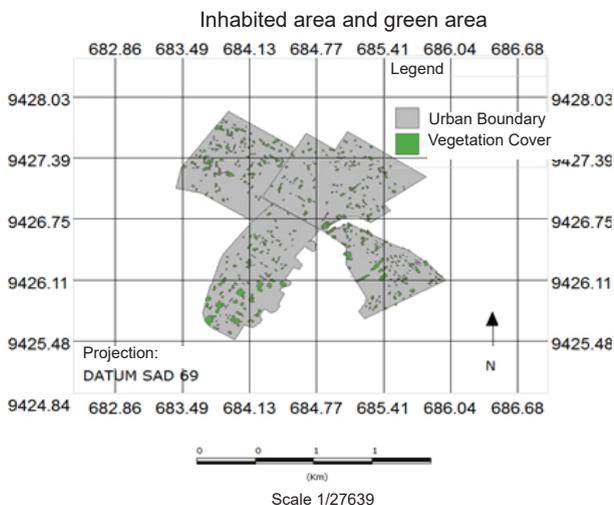
From the perspective of convenience and opportunity, the program proved to be very important. The need to increase the green area in the municipality of Mossoró can be seen from the work by Arruda *et al.* (2013). The study of these authors analyzed the total green area and the number of residents of 4 neighborhoods in Mossoró: Centro, Doze Anos, Alto da Conceição, and Ilha de Santa Luzia, as shown in the table below:

**Table 2** – Areas determined in the study of each neighborhood analyzed in the municipality of Mossoró (RN)

Neighborhood	Neighborhood area (m <sup>2</sup> )	Squares area (m <sup>2</sup> )	Neighborhood green area (m <sup>2</sup> )	Green area of squares (m <sup>2</sup> )
Centro	919,503.14	28,770.97	39,023.86	7,310.31
Doze Anos	712,188.72	9,717.90	47,121.74	1,750.45
Alto da Conceição	823,672.68	6,366.74	66,282.35	1,945.46
Ilha de Santa Luzia	514,605.14	4,562.34	52,738.65	1305.72
<b>Total</b>	<b>2,969,969.68</b>	<b>49,417.95</b>	<b>205,166.60</b>	<b>12311.94</b>

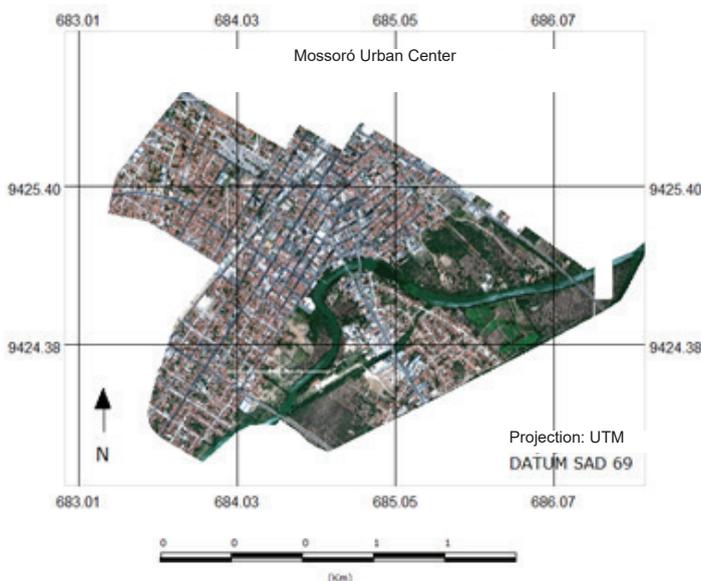
Source: Arruda *et al.* (2013).

These data can be clearly seen in the figures below, which represent the inhabited area and the green area, as well as the urban center of Mossoró, referring to the neighborhoods that were the research object.



**Figure 1** – Delimitation of the inhabited area and vegetation cover.

Source: Arruda *et al.* (2013).



**Figure 2:** Urban boundary studied.

Source: Arruda *et al.* (2013).

The reality of these neighborhoods studied by Arruda *et al.* (2013) should be seen as a relevant sample, as it encompasses four of the most populous neighborhoods in the city of Mossoró. As can be seen, there is a deficit of afforestation in the analyzed neighborhoods, a situation that could have been mitigated, to some extent, by an afforestation policy, providing a significant change in the city’s characteristics, with direct effects on the urban environmental quality.

Arruda *et al.* (2013) also show, in the table below, that the Total Green Area Index (IAVT) of the neighborhoods indicated in Table 2 (Centro, Doze Anos, Alto da Conceição, Ilha de Santa Luzia) is 0.57m<sup>2</sup>/inhabitant:

**Table 3 –** Total Green Area Index (IAVT) in the neighborhoods indicated in table 2

Estimated population in 2012 for the neighborhoods indicated in Table 2 (inhabitant)	IAVT (m <sup>2</sup> /inhabitant)
<b>21,433</b>	<b>0.57</b>

Source: Arruda *et al.* (2013).

The Total Green Area Index (IAVT), widely disseminated in Brazil and attributed to the United Nations (UN), World Health Organization (WHO) and the Food and Agriculture Organization of the United Nations (FAO), is 12 m<sup>2</sup>/inhabitant (HARDER; RIBEIRO, TAVARES, 2006). However, the Brazilian Society of Urban Afforestation (SBAU, 1996) established that this index should be at least 15 m<sup>2</sup>/inhabitant.

Also according to a study by Arruda *et al.* (2013), the Percentage of Vegetation Cover (PCV) found in the city of Mossoró was 6.90%<sup>10</sup>, which is much lower than the minimum 30% recommended to provide an adequate thermal comfort in urban areas. We emphasize that values below 5% are similar to climatic characteristics of desert regions, which reinforces the need for municipal afforestation policies (ARRUDA *et al.*, 2013).

**Table 4** : Vegetation Cover Percentage (PCV) in the urban center of Mossoró

Total area of neighborhoods (m <sup>2</sup> )	PCV (%)
<b>2,969,969.98</b>	<b>6.90</b>

Source: Arruda *et al.* (2013).

But this afforestation policy, which, as highlighted, would represent a significant element for the expansion of vegetation cover in the city, remained compromised and was discontinued in 2013, due to the granting of preliminary injunctions in demands filed by dealerships, which began to question the constitutionality of Municipal Law n. 2678/2010. An example of this questioning can be seen in Lawsuit No. 0103163-83.2013.8.20.0106<sup>11</sup>, in which an injunction was granted determining that the Municipality of Mossoró refrain from demanding the planting of trees by the dealerships that figured in the active pole of the lawsuit. The decision was confirmed by the Court of Justice of Rio Grande do Norte (TJRN).<sup>12</sup>

<sup>10</sup> “[...] obtained from the sum of the treetop areas of the neighborhoods, divided by the total area of the four sets and the result multiplied by one hundred” (ARRUDA *et al.*, 2013).

<sup>11</sup> The lawsuit was filed by Bonsai Comércio de Automóveis Ltda., Canal Automóveis Ltda., Porcino Import & Automóveis Ltda., Povel-Porcino Veículos Ltda., and Porcino Autos Comércio de Veículos e Peças Ltda. The preliminary injunction was granted by the Public Finance Court of Mossoró on 03/26/2013

<sup>12</sup> Headnote: Constitutional. Interlocutory Appeal. Interim relief granted in the sense that the Municipality of Mossoró/RN, now aggravating, refrained from requiring the car dealerships, now aggravated, to plant a tree for every two new cars sold by them, pursuant to Municipal Law no. 2678/2010. Verification of the presence of the necessary requirements for the measure. The likelihood of the allegation, given the unconstitutionality of the aforementioned rule by extrapolation of municipal jurisdiction through the invasion of the concurrent jurisdiction of the union, the states and the federal district to legislate on the environment, provided for in art. 24, VI, of the Federal Constitution. Based

In 2019, when judging the merits of Civil Appeal No. 2018.003825-5<sup>13</sup>, the Court of Justice of Rio Grande do Norte (TJRN) recognized the formal unconstitutionality of the law, under the argument that the competence of the Union and States to legislate on matters of Environmental Law was extrapolated. According to the Potiguar Court, Law No. 8723/1993 establishes a policy to control the emission of pollutants and authorizes state and municipal governments to create specific plans, standards and additional measures to control air pollution for motor vehicles in circulation, as well as directing the fight against pollution in relation to vehicles circulation, and not to the planting of trees. In our understanding, this decision was involved in a hermeneutic error, which will be the object of future analysis in another article.

Could it be that this judicial questioning of the dealerships resulted from an inadequate option at the time of public policy formulation? Before answering, we need to remember that:

[...] policy-making includes identifying technical and political constraints on state action. It involves recognizing limitations, which reveal what is unfeasible and, by implication, what is feasible. This may seem obvious, but it is still not reflected in the many proposals about what policy-makers should be doing, who often fail to recognize the limitations that constrain a proposed course of action (HOWLETT; RAMESH; PERL, 2013, p. 125).

As we applied the NATO theoretical model, we found that, in the development of the Mossoroense urban afforestation plan, policy-makers resorted to a typical command and control regulation and opted for the political tool of authority, based on coercion. The policy-makers imposed on the owners of car dealerships the obligation to plant trees and set fines for the event of non-compliance with the normative command.

It so happens that, in this case, it would be more effective, according to the NATO model, to use political tools based on the “Treasury”, through rewards in the form, for example, of tax incentives, without prejudice to

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on fear of irreparable damage or difficult repair arising from the possibility that car dealerships, now aggravated, may be fined, if they did not comply with the determinations contained in said standard. Decision that must be maintained on its own grounds. Appeal known and denied (TJRN, Interlocutory Appeal n. 2013.007082-5; Appellant: Municipality of Mossoró; Appellees: Bonsai Comércio de Automóveis Ltda. and Others; Rapporteur: Judge Dilermando Mota; j. 09/26/2013).

13 Headnote: Civil appeal. Declaration of unconstitutionality of Municipal Law n. 2,678/2010, of the Municipality of Mossoró, which, by implementing a policy to combat air pollution by planting trees by car dealerships, invades the competences of other entities of the federation. Similar laws, including, declared unconstitutional by this court in terms of concentrated control (add No. 2017.003489-0). Sentence appealed that does not deserve repair. Appeal known, but denied (TJRN, Civil Appeal No. 2018.003825-5; Appellant: Municipality of Mossoró; Appellee: Socel Automóveis AFG Ltda.; Rapporteur: Judge Maria Zeneide Bezerra; 07/02/2019).

other tools. From the perspective of dealerships, directly affected by legal provisions, the award sanction (tax exemption) for complying with the law would be received with sympathy. The punitive sanction of a fine for breaking the law was never tolerated. Therefore, if policy-makers had opted for financial incentives in the case of compliance with the policy, they could have avoided the resistance and legal questioning that culminated in the annihilation of public policy.

## CONCLUSION

Public Policies must be understood from a detailed analysis of each of the respective phases and constituent elements, in order to prevent mistaken options from compromising convenient and opportune state action. Regarding the formulation phase, the NATO model suggests the existence of a list of political instruments at the disposal of the government, with a view to formatting the best strategy for implementing measures to confront and solve the problems included in the official agenda.

As we analyzed the urban afforestation policy instituted in the Municipality of Mossoró/RN, according to Municipal Law No. 2,678/2010, we found that the use of an inadequate political tool (authority, command and control, punitive sanction) was decisive in generating resistance and consequent judicial challenge, an immediate cause of its discontinuity. But tools linked to the “Treasury” could have been adopted, through the granting of tax incentives (prize sanction) that would stimulate “natural” adherence to the normative commands.

Once this slip is identified, the Municipality of Mossoró/RN may correct it at any time. And, for that, it will have to resort to other political tools, especially those explained in the NATO model. By having personnel, time and resources, it is enough to put the subject back on the official agenda, since the city’s climatic characteristics demand an afforestation policy.

In this new policy, awareness campaigns could be adopted to demonstrate the importance of afforestation for the well-being of all people, in order to minimize damage to trees and the equipment that protect them, in addition to distributing seedlings to the population. Therefore, policy-makers could resort to Nodality and Organization tools.

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