

PRESENTATION

Highlighting with great honor the Estrato A1 from CAPES (Coordination of Improvement of High Level Personnel) of the Ministry of Education, the highest level of scientific journals in Brazil, the journal *Veredas do Direito* presents one more issue to the community.

This journal is prepared with great zeal within the Mestrado Acadêmico da Escola Superior Dom Helder Câmara that, like this Magazine, also has the Environment Law and the Sustainable Development as focus areas. In this copy the readers will certainly appreciate the product of the most profitable researches from foreign and Brazilian authors.

The first text, by Rene Patricio Bedón Garzón, Doctor en Jurisprudencia by the Pontificia Universidad Católica del Ecuador, Professor Decano of the Faculdade de Ciências Jurídicas da Universidade de *Los Hemisferios* in Quito (Perú) and the Pontificia Universidade Católica do Equador, with the title “*Aplicación de los derechos de la naturaleza en Ecuador*”. The autor describes how the Constitution of Peru disposes on the Environment, showing the means of legal protection used in that country.

Under the title “*La protezione penale dell’ambiente come diritto umano costituzionale*”, Luiz Gustavo Gonçalves Ribeiro, Post-Doctor by the *Università degli Studi di Messina* – Italy, and Romeu Thomé, Doctor by the Pontificia Universidade Católica de Minas Gerais, present a text where they assert that environmental protection, included under the Criminal Law, must be treated as a Human Right and, therefore, object of maximum protection.

Voltaire de Freitas Michel and Marc Antoni Deitos, both Doctors in Laws by the Universidade Federal do Rio Grande do Sul (UFRGS), as well as professors in the Centro Universitário Ritter dos Reis (UNIRITTER), present an article under the title “*A admissibilidade de demandas territoriais indígenas na Comissão Interamericana de Direitos Humanos*”. In the text, the authors present a history of the formation of the interamerican regional system of human rights protection, highlighting the creation of the mentioned Committee.

With the title “*Human dignity, national security and the environmental refugees in the Law 9.474/1997*”, Fernando Sérgio Tenório de Amorim, Post-Doctor of Law by the Pontificia Universidade Católica do Rio de Janeiro (PUC-Rio) and by the Université de Montreal (Canadá) and Professor of the Faculdade de Direito de Maceió, and Hugo Marinho Emídio de Barros, Bachelor of Laws by the Centro Universitário CESMAC, present their study that had as object the analysis of the Fundamental Rights Assured to refugees in Brazil, analyzing the Law n. 9.474/1997 (Brazilian Law of Refugees) and its mechanisms related to the harmony between the principles of human dignity and national security.

Talden Queiroz Farias, Doctor of Law by the Universidade do Estado do Rio de Janeiro (UERJ) and Professor of the Universidade Federal da Paraíba, jointly with Eduardo Fortunato Bim, Doctor by the Universidade de São Paulo (USP), present the article “*The indirect polluter and the environmental liability by prior damage*”, sustaining that the indirect polluter is the one that contributes to the environmental degradation without giving cause to it in a direct way and, thus, the State, as well as the Society, should be attentive to this form of degradation.

With the title “*Quebradeiras de Coco: Babaçu Livre e Reservas Extrativistas*” Joaquim Shiraishi Neto, Doctor of Law by the Universidade Federal do Paraná (UFPR)/ Doutor em Direito pela Universidade Federal do Paraná (UFPR) and Professor of the Programa de Pós-graduação em Direito e Sistemas de Instituição de Justiça da Universidade Federal do Maranhão (PPGDIR-UFMA), present an interesting study of a concrete case, where it deals about the Interstate Movement of the Babassu Coconut Breakers (MIQCB) that has been discussing measures to put an end to the babassu devastation process, as well as to assure free access to and common use of the palm trees.

Helena Cristina Guimaraes Queiroz Simões, Doctor in Education by the Universidade Federal de Uberlândia (UFU) and Professor of Master’s program in Environmental Law and Public Policies of the Federal University of Amapá (UNIFAP), jointly with Adriana Passos Ferreira, Master in Environmental Law and Public Policies by the Federal University of Amapá (UNIFAP) and Fernando Castro Amoras, Master in Regional Development by the Federal

University of Amapá (UNIFAP), present a text with the title “*Terms of Environmental Behavior Adjustment in Amazônia*”, where they analyse de reparatory, preventive and compensatory effectiveness of the Terms of Environmental Behavior proposed by the StatesPublic Ministries.

Under the title “*Gerenciamento ambiental e descarte do lixo hospitalar*”, Valmir Cesar Pozzetti, Master and Doctor in Environmental Law by the Université de Limoges (France), and Jorge Fernando Sampaio Monteverde, Master in Environmental Law by the Universidade do Estado do Amazonas (UEA), maintain in their study that waste is one of the greatest urban problems faced by the contemporary society, because the unbridled consumption has generated several externalities that the capitalism cannot solve.

In the article “*Inferencias sobre la Ley Brasileña de Delitos Ambientales en comparación con El Código Penal Colombiano*”, Anselmo Jose Spadotto, Post-Doctor in Legal-Agri-Environmental by the Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP) and Professor da Universidade Nove de Julho (UNINOVE) and Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP), jointly with Gerson Araújo de Medeiros Post-Doctor by *University of Alberta* (UALBERTA), Canadá and Maria Del Pilar Romero Barreiro, MSc in Environmental by the Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP), explain that the environmental issues are transboundary, that is, it is imperative to know International Law, as well as the legislation from different countries in order to effectively to protect the Environment, preventing damages that surpass a nation territorial limits, specially Colombia and Brazil.

With the article “*Função Ambiental da Propriedade: Uma Proposta Conceitual*”, Giselle Marques de Araújo, Docor in Law by Universidade Veiga de Almeida (UVA/RJ) and Professor at Universidade Católica Dom Bosco (UCDB) searches deeply the contents of the expression “*função ambiental da propriedade privada*”, private property environmental function, checking whether the environmental function would be species of the gender “*social function*”, and the pertinence of the frequent use of the expression “*property socio-environmental function*”.

Cleide Calgaro, Post-Doctor in Philosophy and Law by the

Pontifícia Universidade Católica do Rio Grande do Sul, together with Agostinho Oli Koppe Pereira, Post-Doctor of Law by Universidade do Vale do Rio dos Sinos (UNISINOS), both professors of the Programa de Pós-Graduação Stricto Sensu and Graduation in Law of the Universidade de Caxias do Sul (PUC/RS) discuss in the article *“Public Policies and Social Cooperation in John Rawls”* the need for local public policies to minimize the socio-environmental issues caused by the inappropriate discharge of goods and products and, at the same time, pretending to check how this inadequacy weakens the socio-environmental context.

Entitled *“The Judicial Recovery of the Rural Producers Physical Person: legal and jurisprudential requirements”*, the text from the author Gessuir Pigatto, Doctor and Master in Production Engineering by Universidade Federal de São Carlos (UFSCAR) and Professor of Post-Graduation in Agribusiness and Development of the Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP) together with Ubirajara Garcia Ferreira Tamarindo, MSc in Agribusiness and Development by Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP) and Sergio Silva Braga Junior, Doctor in Business Administration by the Universidade Nove de Julho (UNINOVE) and Professor of Post-Graduation in Agribusiness and Development and Post-Graduation in Business Administration of Universidade Estadual Paulista Júlio de Mesquita Filho (UNESP), explain that the judicial recovery, which aims to make viable the maintenance of the producer source, has increasingly aroused the businessmen’s attention. However, the authors assert that there is a doctrine and jurisprudence discussion about the legal requirements in face of the rural producer physical person, specially whether they must or not to be registered in the mercantile companies’ board upon the application of request for judicial recovery, included with the need of a socio-environmental analysis.

Helene Sivini Ferreira, Doctor and Master in Laws by the Universidade Federal de Santa Catarina (UFSC) and Adjunct Professor of the Undergraduation Course and the do Programa de Pós-graduação em Direito of the Pontifícia Universidade Católica do Paraná (PUC/PR) jointly with the Doctor Ana Paula Maciel Costa, present the text *“A Dimensão Socioambiental do Estado de Direito”*. In the article, they defend that the world society has lived through

deep and significant changes that have brought radical questioning and multiple redefinitions, showing the great relevance of the socio-environmental theme from the perspective of the fundamental rights theory in the format of the current legal-constitutional bill.

Under the title “*Prioridade legal do abastecimento público e geração hidrelétrica*”, Carlos Ari Sundfeld, Doctor and Master in Laws by the Pontifícia Universidade Católica de São Paulo (PUC/SP) and Full Professor Titular of the Escola de Direito de São Paulo da Fundação Getúlio Vargas (FGV Direito SP), presents his article dealing with the coexistence between the right to use water for hydroelectrical power generation, which involve competence from more than one federal authority , and the posterior Grant for public supply that may involve also state and municipal competences.

So, dear reader, the Escola Superior Dom Helder Câmara, through this scientific journal, calls for the reading of this journal to promote cultural aggrandizement and nonetheless be also an instrument of awareness of the importance of living in a balanced Environment.

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