

POPULAR PARTICIPATION: A STUDY OF PIAUÍ STATE ENVIRONMENTAL LEGISLATION

PARTICIPAÇÃO POPULAR AMBIENTAL: ESTUDO DA LEGISLAÇÃO AMBIENTAL DO PIAUÍ

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Abstract

The principle of popular participation is vital in encouraging society to support environmental protection. Federal and state laws are increasingly incorporating methods of public involvement. This study analyzes the inclusion of the popular participation principle in the environmental laws of the state of Piauí and its impact, significance, shortcomings, and potential improvements for environmental governance. The method involved identifying Piauí's environmental statutes that reference public involvement in political decision-making processes in legal provisions, outlining tools for public participation. Legislative and doctrinal

Resumo

O princípio da participação popular é uma ferramenta decisiva para mobilizar a sociedade em ações voltadas à proteção do meio ambiente. Os instrumentos de atuação da sociedade vêm sendo cada vez mais abordados nas leis ambientais federais e estaduais. Este artigo tem como objetivo analisar como a participação popular está contemplada na legislação ambiental piauiense, sua importância, suas consequências e suas lacunas, bem como oportunidades para melhorar seu funcionamento em favor da governança ambiental. A metodologia foi baseada na identificação das leis ambientais do Piauí que fazem referência à inserção da



legal research identified that five out of 15 environmental acts specify instruments for public participation. The results highlight a gap in laws regarding societal involvement in environmental management with Public Power.

Keywords: environmental legislation; participative democracy; popular participation; public engagement; Piauí.

sociedade nos processos de tomada de decisão política por meio dos dispositivos legais que apresentam as formas de participação popular. Uma pesquisa jurídica de caráter legislativo e doutrinário revelou que 5 das 15 leis relacionadas aos conteúdos ambientais declaram explicitamente os instrumentos de participação popular. O resultado evidencia uma baixa previsão nas leis para a atuação da sociedade na gestão ambiental em conjunto com o Poder Público.

Palavras-chave: ação pública; democracia participativa; legislação ambiental; participação popular; Piauí.

Introduction

The principle of public participation is an essential tool for integrating society into the formulation and implementation of measures aimed at environmental protection and sustainable development. It provides a pathway for individuals to exercise their citizenship, reinforce their democratic role in society, and legitimize public policies based on local knowledge and everyday experiences. Public involvement in the consultative and deliberative processes of environmental policy making thus constitutes a mechanism for safeguarding fundamental rights, positioning the individual as a political actor who plans and shapes their own environmental futures.

The ineffectiveness of these participatory mechanisms undermines institutional trust, weakens the sense of justice, and limits the transformative potential of public policies. Common obstacles to public participation include lack of understanding regarding local intervention due to low formal education within communities and lack of technical knowledge, limited announcement of hearings, unrepresentative social legitimacy, underfunding of Environmental Public Administration, and technical information that is inaccessible and/or incomprehensible. Moreover, impact assessments are often provided solely by the very companies responsible for environmental harm, and debate processes can be subject to manipulation. Other recurrent challenges include scheduling public hearings at inconvenient times for community members, lack of dialogue with directly impacted local representatives, and transportation difficulties for neighboring communities.

Society and its social representatives must collaborate in an integrated management of public actions, overcoming constraints that hinder democratic engagement, particularly regarding diffuse and collective rights. Socioeconomic exclusion not only perpetuates forms of oppression and domination but also impedes human development and democratic practice.

Public participation strengthens social institutions and prevents clientelist practices and narrow interests from overriding the common good. It enhances the relationship between the State and civil society in governance decisions by transcending technical discussions often dominated by technocrats. Thus, communities are expected to jointly arbitrate with authorities and businesses on issues determining the future of local territories.

The right to participate in environmental matters is supported by numerous legal provisions. The 1988 Brazilian Federal Constitution (CRFB), in Article 225, guarantees everyone the right to an ecologically balanced environment, assigning responsibility for its preservation to both public authorities and the collective. State laws derive from the Federal Constitution and must comply with its principles and norms, including those on public participation. This raises the question: How frequently does Piauí's environmental legislation provide for public participation? The working hypothesis is that all state environmental laws, regardless of federal provisions, should establish mechanisms for public involvement.

In Piauí—a state renowned for environmental attractions such as the Parnaíba River Delta, Serra da Capivara National Park, and Sete Cidades National Park—such a gap could undermine the conservation and public recognition of these areas. Moreover, no studies have yet examined Piauí's environmental protection laws from this perspective, underscoring the significance of this research.

This article analyzes how public participation is addressed in Piauí's environmental legislation, discussing its importance, consequences, gaps, and opportunities for enhancing environmental governance. To that end, a survey of Piauí's environmental laws was conducted, focusing on references to societal roles in policies, programs, plans, and actions that enable public debate and expression of popular interest in environmental decision-making.

1 Methodological considerations

This study is based on the legal provisions that address forms of public participation in Piauí's environmental legislation, employing doctrinal and legislative legal research. The choice of state is justified by the scarcity of studies on this topic

and the region's environmental diversity. Over the past fifteen years, Piauí has seen significant development in sectors such as renewable energy production (solar and wind) and agricultural frontier expansion, especially in the MATOPIBA region (Maranhão, Tocantins, Piauí, and Bahia) in the southern part of the state.

The 2013 State Constitution of Piauí was examined to identify and interpret terms related to public participation—such as “public consultation”, “community participation”, “public participation”, “public hearing”, “popular action”, “popular initiative”, “plebiscite”, and “referendum”. These terms were then searched for in current legislation and analyzed when their usage indicated mechanisms for integrating society into decision-making processes and expressing political will on environmental issues.

Then, the environmental laws of Piauí were selected and the terms related to popular participation were verified. This legislation was obtained via official websites on environmental laws in Piauí (Piauí, 2014b), available on the portal of the State Department of Environment (SEMAR), and a website linked to the State Government¹. The laws analyzed are listed in Table 1.

Table 1. Environmental laws in Piauí

State law	Summary
Law No. 6,947/2017	Establishes directives for state environmental licensing, sets deadlines, and procedures for issuing licenses, declarations, and authorizations, and provides other measures.
Law No. 6,565/2014	Concerns Environmental Education, establishes the State Environmental Education Policy, and presents other provisions.
Law No. 6,140/2011	Establishes the State Policy on Climate Change and Poverty Reduction Incluyir (PEMCP) and other provisions.
Law No. 5,959/2009.	Institutes the Piauí State Environmental Control and Inspection Fee (TCFA/PI).
Law No. 5,813/2008	Creates the ecological Tax on Commerce and Services (ICMS) benefit for municipalities excelling in environmental protection and other provisions.
Law No. 5,626/2006	Regulates control of pesticides, their components, and related substances in Piauí, as well as other measures.
Law No. 5,529/2005	Regulates the establishment of shrimp farming enterprises in Piauí and other provisions.
Law No. 5,178/2000	Concerns the State Forestry Policy and other provisions.
Law No. 5,165/2000	Concerns the State Water Resources Policy, establishes the State Water Resources Management System, and other measures.

¹ Available from: <https://www.leisopiaui.com/leis-ambientais>. Access on: April 23, 2025.

Law No. 4,940/1997	Introduces Environmental Education into primary and secondary school curricula, establishes the State Environmental Education Plan, and other provisions.
Law No. 4,854/1996	Concerns the State Environmental Policy and other measures.
Law No. 4,797/1995	Establishes the State Secretariat for Environment and Water Resources.
Law No. 4,717/1994	Establishes an environmental police unit within the Piauí Military Police.
Law No. 4,162/1987	Prohibits the deposit of atomic waste in the State of Piauí and provides other measures.
Law No. 3,888/1983	Prohibits the cutting of palm trees and certain tree species, and other provisions.

Source: elaborated by the authors.

This review highlights, among the laws examined, the key elements that enable the realization of public participation in the political-legal sphere. The intent is not to exhaustively analyze every provision but to focus on those that form the basis for societal involvement in environmental decision-making. Therefore, this study offers a literature review based on statutory sources with a defined scope, following the approach of Iocca and Fidélis (2021).

This study provides an analysis of popular participation mechanisms in environmental protection with an emphasis on legal-institutional aspects of Piauí state environmental laws.

2 Results and discussion

The 1972 Stockholm Declaration establishes, among its principles, the fundamental human right to freedom, equality, and the enjoyment of conditions of life in a quality environment conducive to pleasure and well-being (UN, 1972). The exercise of political and civil freedom is constitutive of human liberty, the deprivation of which restricts social and political life, thus serving as a vital means for promoting well-being (Sen, 2000).

The Brazilian Federal Constitution provides, in Article 14, for the exercise of popular sovereignty via political rights such as plebiscite, referendum, and popular initiative (Brasil, 1988). Regulated by Federal Law No. 9,709/1998, plebiscites and referenda consist of public consultations to deliberate constitutional, legislative, and administrative matters (Art. 2) (Brasil, 2016). The popular initiative enables the electorate to submit a bill to the Chamber of Deputies (Art. 13) (Brasil, 2016).

In Environmental Law, civil society may participate directly via popular initiative or indirectly via civil representatives. Under Law 6,938/1981 (Brasil, 1981), the Brazilian National Environmental System (SISNAMA) anticipates and encourages public participation by incorporating federal, state, and municipal environmental councils and other collegiate bodies. Article 2, item X, of this law highlights society's active role in environmental preservation and underscores the necessity of specific environmental education and access to environmental information.

According to Machado (2013), the democratic exercise by society depends directly on awareness of the surrounding environmental reality. Information—considered a fundamental principle of Environmental Law—is essential to individual and community education, enabling the population to form informed opinions on environmental issues that impact their lives.

2.1 Historical context: foundations of Brazilian public participation

To properly address public participation, it is necessary to outline the historical background that shaped civic engagement in Brazil. Although the country's Constitution is relatively recent, the Brazilian State recognizes popular intervention as a fundamental component of full political citizenship. As Wedy (2020) notes, the sole paragraph of Article 1 of the Federal Constitution states that political power emanates from the people, who may exercise it via elected representatives or directly.

In this context, historical restrictions on the right to vote, the exclusion of women from the electoral process, and mechanisms of power maintenance by *coronelismo* (rule of the colonels, who were agrarian oligarchs) and clientelism have impacted contemporary patterns of popular engagement in modern Brazil (Saes, 2001). From 1891 and 1988, political rights in Brazil were unstable and intermittent, limiting the exercise of political citizenship (Saes, 2001). Britto and Oliveira (2019, p. 698; free translation) assert that “the trajectory of political power in Brazil does not follow a linear progression and, even under the current constitutional order, lacks robust popular participation”².

Saes (2001) highlights the period of the First Republic, from 1889 to 1930 and from 1930 to 1964, as two cycles in which there was an evolution in political citizenship. The first was marked by the abolition of slavery and the establishment

2 In the original: “a trajetória do poder político no Brasil não segue uma linearidade e, mesmo sob a ordem constitucional vigente, carece de maior participação popular”.

of the republican Constitution; the second by industrialization policies and labor movements. Both periods were shaped by the domination of capitalist elites, electoral control by the “colonels”, and clientelist practices of the bourgeoisie. From 1964 to 1988, the military regime prevailed, named Military State, ending with the promulgation of the 1988 Constitution.

For much of the republican era, democratic exercise was limited to voting within paternalistic power structures that often suppressed majority interests in favor of privileged minorities. Patrimonialism and *coronelismo* in less urbanized regions reinforced the dominance of political and business elites, contributing to a fragility in popular participation and a resulting democratic deficit (Britto; Oliveira, 2019).

Friedrich and Alves (2017) argue that public integration in Brazil is hindered by a lack of incentives and effective outcomes. This deficiency is attributed to low social capital, comprising trust, norms of reciprocity, and civic engagement, which, in turn, is necessary to expand popular participation and support deliberative roles for the population (Friedrich & Alves, 2017).

Dias and Albuquerque (2019) emphasize the importance of preserving social gains secured by Federal Law No. 10,257/2001, regarding Urban and Environmental Policy, against pressures from economic and social power. They argue that resistance to these forces is crucial to restoring social justice and sustainability, laying the groundwork for a renewed democratic rule of law and profound transformation in power relations. Teixeira and Albuquerque (2018) further contend that sovereignty must be redefined—surpassing a logic of dominance and reaffirming collective will against undue capitalist pressures.

The International Labour Organization (ILO) Convention No. 169, ratified by Brazil and incorporated into national law, exemplifies advances in guaranteeing fundamental rights. Indigenous and tribal peoples now enjoy democratic resources at the same level as the rest of the population, as well as popular participation that, until recently, left aside the rights of these peoples who have been historically exploited and harshly massacred in their identities and territorial spaces. Brazil recognizes the contribution of these peoples to humanity’s cultural and ecological diversity (Chase, 2019).

2.2 Environmental public participation processes

Public participation is a mechanism intended to ensure the efficiency and sustainability of programs and projects by promoting transparency in government

actions and combating corruption in the public sector. Sharman (2023) highlights that the 1992 Rio Declaration on Environment and Development—a milestone in international environmental politics—acknowledges social participation as significant in shaping international environmental law. Nonetheless, such participation remains undervalued and insufficiently leveraged.

Active societal engagement strengthens social capital and fosters the construction and consolidation of regional identities, providing greater legitimacy and political support for public initiatives (Bandeira, 1999). Moreover, public inclusion in political decision-making enhances the government's capacity to address social demands, facilitating a balanced dialogue between citizens' perceptions of their local reality and the technical perspectives of public managers in urban planning, considered an artificial environment (Duarte & Gaio, 2017). "Urban planning should arise from a social pact, moving beyond a purely technical decision to become the product of direct dialogue with social actors living in the city, aiming for a sustainable, just, and inclusive urban environment"³ (Duarte & Gaio, 2017, p. 99; free translation).

Despite this, Simmons (2007) argues that citizens have limited participation and little influence over environmental decisions. Although their knowledge offers valuable input for policy formulation, their actual impact remains constrained. Consequently, if environmental decisions are made without considering citizens' concerns and interests, they lack decision-making power. Denying such participation is not only unethical but can lead to policies that are inadequate and disconnected from local needs.

When the public perceives that policies fail to reflect their local circumstances, debates can become hostile and protracted, incurring high costs to governments and involved organizations (Simmons, 2007). Simmons notes that the risk communication strategies of institutions engaged in local interventions should be scrutinized to ensure community power influences contributions and policy decisions. She argues that the quality of participation can vary. Encouraging citizens to contribute their knowledge to the decision-making process is different from allowing citizens to respond to policies that have already been determined. While the former addresses socially constructed policies, the latter sees the public as a controllable entity, incapable of contributing meaningfully to politics.

More recent studies by Akerboom and Craig (2022) observe that legal

3 In the original: "O planejamento urbano deve decorrer de um pacto social, deixando de ser uma decisão meramente técnica para ser fruto de um diálogo direto com os atores sociais que vivem na cidade, visando a alcançar uma cidade sustentável, justa e inclusive".

requirements for public participation typically limit the public's role to being informed and consulted on environmental matters and to commenting on proposed decisions, thereby reducing the likelihood that decisions meet social needs. Similarly, Hall and Lukey (2023) contend that legislation alone does not guarantee meaningful public participation; effective involvement requires that authorities and politicians recognize and embrace its importance.

2.3 Deficiencies in the decision-making processes in environmental public participation

Brazil's political trajectory has directly shaped the forms of societal participation in the pursuit of democratic sovereignty. Despite obstacles imposed by groups with clientelist and patrimonialist interests, civil society has made organizational advances that enable stronger interaction with the State and collective environmental advocacy.

However, in the arena of discussions between State and society, there are still vulnerabilities that must be overcome to ensure effective enforcement of legal frameworks guaranteeing the people's right to participate in the decision-making process of public policies. Lacerda and Cândido (2013) observe that decision-making is a complex process influenced by multiple variables that must be weighed, such as the diversity of stakeholders, resource constraints, market implications, environmental and technological factors, and the impacts of production growth and diversification.

In the context of environmental public policies, decision-making aimed at environmental protection confronts strong economic interests that marginalize rural, ethnic, and peripheral communities for various reasons. Among these, we highlight insufficient or ineffective dissemination of meeting notices and the limited technical knowledge and organizational capacity of local representatives (Wildhagen; Nascimento; Teodósio, 2016). As a result, only a select group within civil society benefits, thereby undermining deliberative outcomes.

Queiroz and Miller (2018) highlight that public hearings within the environmental licensing process are largely unknown to the very communities that will bear the negative impacts of development and are further compromised by the community's lack of technical expertise. This knowledge gap prevents meaningful input or challenge to project proposals, confining decision-making to those holding economic power. Consequently, public participation can exacerbate inequality and neglect vulnerable communities, rendering hearings symbolic and inefficient, and precipitating a legitimacy crisis.

Mattei and Matias (2019) similarly argue that the current environmental licensing framework is inadequate because information is produced unilaterally by entrepreneurs. They stress the crucial role of environmental agencies in monitoring debates within political arenas and call for a better-resourced Public Environmental Administration staffed with technically qualified personnel capable of verifying environmental data provided by companies and making them accessible and comprehensible to the public.

According to Christmann (2013), the company responsible for the local intervention, by exclusively providing technical information to society, restricts the power of discussion in the hearings, resulting in environmental repercussions. Consequently, the deliberative process becomes manipulated.

Moreover, social groups lack a legitimized representation to adequately articulate collective interests. In public hearings, the composition of advisory councils often fails to equitably represent diverse social groups, compromising the quality of participation (Mattei & Matias, 2019). As they state, “even in democratic regimes, participation may benefit only those segments of society that are better organized, whether due to the bureaucratization of participation or manipulation of participatory institutions”⁴ (Mattei & Matias, 2019, p. 467; free translation).

Mariotti, Fernandes, and Lunelli (2018) argue that the Judiciary must play a more active role in defending environmental rights by providing procedural instruments to facilitate proactive societal participation. These instruments include public civil actions, popular actions, direct actions of unconstitutionality, and declaratory actions. These legal mechanisms, accessible to civil society, ensure that public participation holds the appropriate means to defend and preserve the environment.

The authors emphasize that this approach requires Legislative and Executive branches to comply with Article 225 of the Federal Constitution. “The force of public participation must be recognized, encouraged, and especially reinforced by an active Judiciary that is aware of its fundamental role in the decision-making process, in seeking environmental preservation and, consequently, the dignity of the person”⁵ (Mariotti; Fernandes; Lunelli, 2018, p. 24; free translation).

4 In the original: “mesmo em regimes democráticos, a participação pode beneficiar apenas alguns segmentos da sociedade que estejam mais bem articulados, seja pela burocratização da participação, seja pela manipulação das instituições participativas”.

5 In the original: “A força da participação popular há que ser reconhecida, incentivada e especialmente reforçada por um Poder Judiciário atuante e consciente de sua fundamental tarefa no processo decisório, de busca da preservação do meio ambiente e, por consequência, da dignidade da pessoa humana”.

2.4 State Constitution of Piauí

The State Constitution of Piauí, promulgated in the Official State Gazette on October 5, 1989, is grounded in the Federal Constitution and assigns to the State—together with the Union—the responsibility for legislating and acting on environmental defense and preservation, pollution control, and regulation of exploitation activities such as hunting and fishing (Art. 14, item I, *f*). It likewise provides for protection of the cultural environment (Art. 14, item I, *g*), including historical, cultural, artistic, tourist, and landscape heritage, as well as for state accountability for environmental damage (Art. 14, item I, *h*) (Piauí, 2013).

The state constitutional text, more specifically in Art. 14, item II, *c*, *d*, *f*, and *g*, stipulates that, jointly with the Union and municipalities, the State shall: protect assets classified as the cultural environment; prevent the loss, destruction, or alteration of works of art and other items of historical, artistic, or cultural value; protect the environment and combat pollution in all its forms; and preserve forests, fauna, and flora.

Article 69 provides for the establishment of permanent and temporary commissions by the Legislative Assembly, defined in its Internal Rules, to conduct public hearings with professional associations or civil-society organizations to gather input for legislative improvement (Art. 70, items I e II); to receive petitions, complaints, or representations from any citizen against acts or omissions of authorities or public entities (Art. 70, item IV); and to summon any authority or citizen to testify (Art. 70, item V) (Piauí, 2013, p. 101). The State Constitution is aligned with the provisions of the Federal Constitution related to the protection and preservation of the environment, in accordance with the state competencies provided for and the principle of constitutional symmetry.

As for the mentions of public involvement in the decision-making mechanisms in policies, the State Constitution establishes, in its Art. 191, establishes guidelines and norms related to urban development, with the state and municipalities being responsible for ensuring “public participation in the elaboration of plans, programs, and projects aimed at solving urban issues”⁶ (Piauí, 2013, p. 209, free translation). Public participation also extends to health: Article 204, Paragraph 1, provides that public participation in the Unified Health System must be guaranteed via state and municipal health councils “composed equally of public authorities, legally recognized sector representatives, and beneficiaries of the State

6 In the original: “participação popular, na elaboração de planos, programas e projetos que visem à solução de problemas urbanos”.

and Municipal health systems, with deliberative power under the coordination of state and municipal health secretariats”⁷ (Piauí, 2013, p. 214; free translation).

Article 216, provides for the collaboration of the population as a means of promoting education, citizenship, and qualification for work. Specifically, Art. 219 guarantees “public participation, via representative organizations, in the formulation of policies and control of actions of the state educational system at all levels”⁸ (Piauí, 2013, p. 222; free translation), expressing a co-responsibility model in which the public acts as a partner in political decision and implementation.

Similarly, Article 229, Paragraph 2, secures cultural rights and access to national cultural sources, encouraging state cultural manifestations with community support (Piauí, 2013). As a diffuse right, responsibility falls to both State and civil society. Environmental provisions cite public participation only in Article 237, Paragraph 6, *d*, as an instrument for “managing and contributing to the recovery and maintenance of water quality according to type and intensity of use”⁹ (Piauí, 2013, p. 235; free translation). Notably, this legal provision confines societal involvement in environmental matters exclusively to water resources.

Public consultations are linked to plebiscites for expressing public opinion on municipal creation, incorporation, merger, or division, as established in Article 30, item III, and on municipal establishment, as provided by Article 35, Paragraph 1, items I and II, with decisions approved by absolute majority of participating voters. Popular initiative is provided in Article 21, item XI, allowing the population to propose bills with support from at least 5% of the electorate, and in Article 75 for complementary and ordinary laws (Piauí, 2013).

The State Constitution establishes, in the environmental sphere, the participation of society specifically in the recovery and maintenance of water quality. However, it is relevant to highlight that, in a systemic interpretation and, according to the Federal Constitution, popular participation in environmental issues must occur regardless of express provision (Garbaccio; Marin; Biehl, 2021; Reis Neto; Alves; Araújo, 2017).

7 In the original: “composto paritariamente por órgãos públicos, entidades representativas do setor, reconhecidos por lei, e representantes dos beneficiários do sistema de saúde do Estado e dos Municípios, com poder deliberativo e sob a coordenação das secretarias de saúde estadual e municipais”.

8 In the original: “a participação da população, por meio de organizações representativas, na formulação das políticas e no controle das ações do sistema educacional do estado, em todos os níveis”.

9 In the original: “gerenciamento e obrigatoriedade de contribuição para recuperação e manutenção da qualidade da água em função do tipo e da intensidade do uso”.

2.5 Popular participation in the environmental legislation of Piauí

Within the scope of infraconstitutional legislation, State Law No. 5,529/2005 regulates the establishment of shrimp-farming enterprises in Piauí. State Law no. 5,529/2005, in Articles 4 and 5, requires prior environmental licensing and an environmental study, as evaluated by the state environmental agency, for all shrimp-farming operations. For large-scale or exceptional projects, an Environmental Impact Study (EIA) and Environmental Impact Report (RIMA) are mandatory (Art. 5, Paragraph 10). However, Law No. 5,529/2005 acknowledges public interest only in terms of employment and income generation via shrimp farming, without involving local communities in discussions about site selection or operating conditions (Piauí, 2005).

State Law no. 5,529/2005, thus, does not explicitly provide mechanisms for public participation. However, CONAMA Resolution No. 1/1986, in its Article 11, Paragraphs 1 and 2, requires that the RIMA be made publicly available and opens a period for interested parties to comment (Brasil, 1986). In addition, SEMAR or the Municipality may hold public hearings whenever it deems necessary. In this way, State Law No. 5,529/2005 is supplemented by the federal resolution to facilitate public intervention during the licensing of shrimp-farming operations. However, because community involvement is subject to the discretion of public agencies, this unilateral approach can undermine both the legitimacy and effectiveness of the participatory process.

Simpson and Basta (2018) emphasize the importance of actively including stakeholders—especially marginalized or directly impacted groups—in EIA decision-making. Environmental professionals should tailor public participation processes to the capacities of different stakeholder groups. Sufficient participation, cited by the authors as the free condition of harmful coercion and substantial pressure, can hinder the success of public participation in the EIA. Thus, CONAMA Resolution No. 1/1986 itself could be revised to define clearer boundaries and opportunities for more decisive public intervention.

According to the state environmental licensing guidelines established in State Law No. 6.947/2017, the Article 4 mandates certain procedural steps, including “the holding of a public hearing, where applicable, in accordance with the relevant regulations”¹⁰ (Art. 4, item IV) (Piauí, 2017, p. 2; free translation). The qualification “where applicable” creates a gap that may lead to insufficient public notice or even the total omission of community involvement in these procedures. Such

10 In the original: “audiência pública, quando couber, de acordo com a regulamentação pertinente”.

omissions can compromise transparency and integrity on the part of licensing authorities, leaving directly impacted communities at the mercy of technical and political decisions.

Moreover, the provision for “requests for clarifications and supplementary information arising from public hearings, with the possibility of reiterating the request if the information is deemed unsatisfactory”,¹¹ established in Art. 4, item V, does not actually mandate additional hearings (Piauí, 2017, p. 2; free translation). It remains up to the competent environmental agencies to determine what constitutes “satisfactory” information, even if this assessment occurs without the direct involvement of the affected community

Article 7 of State Law No. 6,947/2017 allows for the centralization of licensing decisions and exemptions, when environmental impact is considered low, within SEMAR alone. Under Paragraph 4, projects deemed to pose insignificant environmental impacts may be exempted from local or technical approval, effectively dispensing with any public-participation requirement (Piauí, 2017).

Exempting projects on the basis of “low impact” without civil-society consent reveals another gap that excludes communities from decisions about measures that aim to mitigate environmental impacts—thereby underestimating even minor impacts. Yet, if fundamental ethical principles are upheld and projects are adapted to match appropriate levels of public involvement based on scale, impact, complexity, and technical requirements, trust among actors can still be fostered without undermining democratic deliberation (Hourdequin *et al.*, 2012). This adaptation can occur without compromising the democratic process of deliberation.

State Law no. 6,565/2014, which establishes the State Environmental Education Policy, provides in Article 4 that civil-society engagement shall occur via formal and non-formal public and private educational institutions across Piauí and its municipalities, as well as via non-governmental organizations (NGOs) active in the field. The law does not, however, specify direct community participation, even for those most impacted by these measures. Article 4 assigns policy-setting responsibility to the State Environmental Council (CONSEMA), the Secretariat of Education (SEDUC), SEMAR, and the Interinstitutional Environmental Education Commission (CIEA) (Piauí, 2014a).

According to State Decree No. 8.925/1993, CONSEMA is composed of

11 In the original: “solicitação de esclarecimentos e complementações decorrentes de audiências públicas, podendo haver reiteração da solicitação quando os esclarecimentos e complementações não tenham sido satisfatórios”.

the Department of State for Planning and representatives of various state agencies and institutions (Piauí, 1993). Civil society is limited to being represented by institutions specialized in education and public agencies linked to the state's environmental policies, lacking greater space for political discussions that reach the beneficiaries of environmental education.

This limitation is not necessarily detrimental: studies show that NGO participation, when coordinated with local government, can yield more positive governance outcomes than individual citizen involvement alone (Wu *et al.*, 2020). However, it is necessary to consider, according to the authors, the contextual limitations that each locality presents in the process of interaction between political actors.

State Law no. 4,940/1997 integrates environmental education into Piauí's primary and secondary school curricula and establishes the State Environmental Education Plan. This law does not mention the participation of society as a beneficiary of the contents and actions included in the school curricula, but highlights SEMAR's responsibility for the planning and coordination of the State Environmental Education Plan with the support of university specialists, national and international teaching and research centers and institutes, and non-governmental organizations, according to Article 3, Paragraph 1 (Piauí, 1997).

This emphasis on specialized institutions reflects a technocratic model of environmental education that prioritizes academic expertise over direct engagement with school communities and civil society. Attention is drawn to the role of NGOs, which function as strategic partners of the State. Machado (2013) notes, however, that NGOs do not compete with formal authorities but complement them in realizing an ecological rule of law.

State Law no. 5,178/2000, which governs forest management in Piauí, provides in Article 4, item XVI, for institutional, technical, and scientific cooperation at national and international levels. Article 43 allows communities to submit management-plan suggestions and review conservation-unit plans established by the government (Piauí, 2000). Although civil-society input is legally envisioned, it does not guarantee that proposals will be integrated into decision-making. Participation thus often remains symbolic—limited to satisfying formal requirements without granting real deliberative power.

The absence of clear, binding legal provisions—reflective in the legislative language—contributes to the existence of a gap, revealing a merely formal model of participation, without real popular influence in the deliberations. In environmental governance, it is possible that the dynamics of power underutilizes popular

participation in decision-making processes, incapable of breaking the economic-development priorities (Wildhagen; Birth; Teodósio, 2016).

In this scenario, forest-management debates are dominated by technical-ly and scientifically trained bodies—often with national or international representation—while neighboring communities struggle to engage equitably in decision-making processes since they lack technical expertise. Their contributions may be undermined, forcing them to passively accept directives from legal and institutional authorities.

This dynamic undermines effective public participation, as the inability to present technical counterarguments limits substantive community input and weakens the deliberative process (Christmann, 2013). These challenges highlight the need for mechanisms that enable more informed, equitable participation, ensuring communities are heard and meaningfully considered.

Piauí's legislation does make strides in addressing climate change and poverty. State Law no. 6,140/2011 establishes the State Policy on Climate Change and Poverty Reduction (PEMCP). Article 3, items III and VII, regards “social control and transparency” and the “right of access to information, transparency, public participation in decision-making, and access to justice on climate-change issues”¹² (Piauí, 2011, p. 6; free translation). The statutory language clearly obliges society to participate in relevant decisions, supported by clear information for future choices.

Among PEMCP's objectives, Article 5, V, calls for “the participation and collaboration of interested or beneficiary economic and social agents, especially those particularly vulnerable to various climate impacts”¹³ (Piauí, 2011, p. 6; free translation). The policy further mandates raising public awareness of climate change causes and consequences via the education system (Art. 5, item XIV) and disseminating program- and action-related information to facilitate gradual shifts in habits, culture, and practices (Art. 5, item XVII).

PEMCP envisages cooperation across all government levels and other climate-related organizations (Art. 6, item II), promoting both public and private participation (Art. 6, item IX) and involvement of the productive sector, academia, and organized civil society in policy, plan, program, and project development and execution (Art. 6, item XIX) (Piauí, 2011).

12 In the original: “direito de acesso à informação, transparência e participação pública no processo de tomada de decisão e acesso à justiça nos temas relacionados à mudança do clima”.

13 In the original: “a participação e colaboração dos agentes econômicos e sociais interessados ou beneficiários, especialmente aqueles particularmente vulneráveis aos seus diversos efeitos”.

State Law No. 6,140/2011 addresses, in Articles 15 and 16, strategies for mitigating greenhouse gas emissions in both the public and agricultural sectors. Regarding the agricultural sector, Article 16, item XIII, refers to the involvement of social actors in the creation of government systems for the socio-environmental certification of agricultural activities. The PEMCP references popular participation via civil society and its organizational forms.

In the context of water resources in Piauí, State Law No. 5,165/2000 establishes the State Water Resources Policy and institutes the State Water Resources Management System. Article 1 of the law establishes the principle of decentralized water resource management, involving the participation of the government, users, and communities (Piauí, 2000). This decentralized management model is reaffirmed in the composition of River Basin Committees (Article 37, items I and II), which include representatives from state and municipal governments, users, and communities. The latter are characterized as civil water resource organizations with proven activity within the watershed.

The State Water Resources Council (Art. 40) is responsible for approving and establishing said Committees (Art. 40, item IX), and for approving the classification of water bodies according to predominant uses (Art. 40, item XIII), both of which involve the participation of users and communities. These Committees, as deliberative and normative bodies, make decisions regarding water bodies via public hearings, as provided in Article 43, IX (Piauí, 2000). Article 47, Paragraph 4, clarifies which entities qualify as civil water resource organizations for the purposes of the law:

The participation of non-governmental organizations that aim to defend diffuse and collective societal interests in the State Water Resources Management System shall depend on accreditation issued by the State Water Resources Management Body, according to criteria approved by the State Water Resources Council (Piauí, 2000, p. 36; free translation)¹⁴.

The legislation governing water resource management explicitly includes civil society participation and establishes instruments such as public hearings. Water, as a vital resource for life and ecosystem maintenance, is inherently tied to collective interests and the common good. Within the scope of environmental governance, water is the only natural resource explicitly mentioned in the State

¹⁴ In the original: “A participação de organizações não-governamentais com objetivos de defesa de interesses difusos e coletivos da sociedade no Sistema Estadual de Gerenciamento de Recursos Hídricos dependerá de credenciamento emitido pelo Órgão Gestor Estadual dos Recursos Hídricos, segundo critérios aprovados pelo Conselho Estadual dos Recursos Hídricos”.

Constitution, which provides for popular participation, underscoring its strategic nature and the social relevance of its governance.

State Law no. 4,854/1996, which institutes the Environmental Policy of the State of Piauí, establishes guidelines for environmental protection at the state level. Among its core principles is community participation in the stages of drafting, implementing, and monitoring Piauí's Environmental Policy, as stated in Article 2, item II (Piauí, 1996). This legal provision reaffirms the role of civil society as an active agent in environmental governance. Notably, Article 6, item XVI states:

The State of Piauí, in exercising its constitutional and legal responsibilities related to the environment, shall mobilize and coordinate its actions and human, financial, material, technical, and scientific resources, as well as public participation to achieve the objectives established in this law, and must: [...] XVI – Ensure community participation in the planning, execution, and oversight of activities aimed at protecting, restoring, or improving environmental quality (Piauí, 1996, p. 6-8; free translation)¹⁵.

The State Department for the Environment and Water Resources is responsible for adopting legal and administrative measures for environmental preservation. According to Article 9, Paragraph 1, item XVIII, it must require, assess, and rule on environmental impact studies, while hearing the community via public hearings. The Environmental Policy Law of Piauí mandates public hearings, as stipulated in Article 15, to discuss Environmental Impact Studies (EIA) of any potentially polluting project or activity (Piauí, 1996).

The Environmental Policy recognizes society as a key component of the decision-making process necessary to achieve environmental goals. Active citizen engagement fosters shared responsibility and strengthens the legitimacy and effectiveness of the proposed and implemented strategies. By incorporating diverse social segments into policy development and implementation, a broader understanding of co-responsibility is promoted, making shared benefits more visible.

The remaining legal provisions analyzed—such as State Law No. 3,888/1983, which deals with the prohibition of cutting trees; State Law No. 4,797/1995, which establishes the State Secretariat for Environment and Water Resources; State Law No. 4,717/1994, which creates the Environmental Police of Piauí; State

15 In the original: “Ao Piauí, no exercício de suas competências constitucionais e legais relacionadas com o meio ambiente, incumbe mobilizar e coordenar suas ações e recursos humanos, financeiros, materiais, técnicos e científicos, bem como a participação da população na consecução dos objetivos estabelecidos nesta lei, devendo: [...] XVI – Garantir a participação comunitária no planejamento, execução e vigilância de atividades que visem a proteção, recuperação ou melhoria da qualidade Ambiental”.

Law No. 4,162/1987, which prohibits the disposal of atomic waste in Piauí; State Law No. 5,959/2009, which institutes the Environmental Control and Inspection Fee of Piauí (TCFA/PI); and State Law No. 5,813/2008, which establishes the Ecological Tax on Commerce and Services (ICMS Ecológico)—do not contain key terms or provisions indicating mechanisms for civil society participation in decision-making processes.

These laws are primarily operational and institutional in nature, focusing on the creation of administrative bodies and tools for environmental management—such as agencies, enforcement units, taxation mechanisms, and regulatory provisions for the direct protection of sensitive environmental resources. They lack explicit provisions for participatory instances of social oversight or public deliberation, which is, to some extent, justifiable given their administrative and technical regulatory focus.

State Law no. 5,626/2006, which regulates the control and use of pesticides in Piauí, does not contain provisions for direct civil society participation in decision-making processes. Nevertheless, the law assigns collective responsibility for compliance with its rules and legitimizes administrative, civil, and criminal actions in cases of noncompliance or negligence, as per Article 17. Furthermore, the legislation provides for reparative and punitive measures, including mandatory damage reparation (Art. 18, Paragraph 8), the imposition of fines (Art. 18), and other sanctions (Art. 19) in cases in which public health or the environment are harmed (Piauí, 2006).

The results presented in Table 2 show that most environmental laws currently in effect in Piauí do not explicitly provide for public participation. This finding reveals a regulatory framework marked by a predominantly technocratic and centralized approach, highlighting the urgent need to expand and strengthen legal and institutional mechanisms for public participation.

Table 2. Explicit provisions for public participation in environmental legislation of piauí

State law	Summary	Explicit provision for public participation	Related articles
Law no. 6,947/2017	Establishes guidelines for state environmental licensing	YES	Art. 4, items IV, V
Law no. 6,565/2014	Establishes the State Environmental Education Policy	YES	Art. 4
Law no. 6,140/2011	Establishes the State Policy on Climate Change and Poverty Reduction (PEMCP)	YES	Art. 5, item V; Art. 6, items IX, XIX; Art. 16, item XIII

Law no. 5,959/2009.	Establishes the Environmental Control and Inspection Fee of the State of Piauí (TCFA/PI)	NO	-
Law no. 5,813/2008	Creates the ecological Tax on Commerce and Services (ICMS) benefit for municipalities excelling in environmental protection	NO	-
Law no. 5,626/2006	Regulates the control and use of pesticides in the State of Piauí	NO	-
Law no. 5,529/2005	Regulates the establishment of shrimp farming enterprises in the State of Piauí	NO	-
Law no. 5,165/2000	Establishes the State Water Resources Policy and creates the State Water Resources Management System	YES	Art. 1; Art. 37, items I, II; Art. 40; Art. 43, item IX
Law no. 5,178/2000	Establishes the State Forest Policy of Piauí	YES	Art. 43
Law no. 4,940/1997	Introduces Environmental Education into primary and secondary school curricula and establishes the State Environmental Education Plan	YES	Art. 3, Paragraph 1
Law no. 4,854/1996	Establishes the Environmental Policy of the State of Piauí	YES	Art. 2, item II; Art. 9 Paragraph 1, item XVIII; Art. 15
Law no. 4,797/1995	Establishes the State Secretariat for Environment and Water Resources	NO	-
Law no. 4,717/1994	Establishes the Environmental Police Unit within the Military Police of Piauí	NO	-
Law no. 4,162/1987	Prohibits the disposal of atomic waste in the State of Piauí	NO	-
Law no. 3,888/1983	Prohibits the cutting of palm trees and other tree species	NO	-

Source: Elaborated by the authors.

The main laws structuring Piauí's environmental policy incorporate, albeit occasionally, mechanisms for public participation. Institutionalized channels offer civil society concrete opportunities to engage in political debates, demonstrating a state commitment to promoting spaces for participatory democracy.

However, even when there is a provision for popular participation, there is still the use of imprecise language, which can favor omissions or the non-adequate presentation of environmental issues to the population, especially affecting the most vulnerable groups. Moreover, the laws tend to favor a form of participation that is largely representative, which may limit the involvement of organizations with specialized technical knowledge. In this sense, it is expected that organized civil society will play a role in shaping governance and ensuring the effectiveness of the policies in question (Weiss, 2016). As Weiss (2016) argues, the capacity to coordinate and act depends on the social actors, formal institutions, and informal arrangements involved in decision-making processes.

Conclusion

This article assessed environmental legislation in Piauí, highlighting provisions that enable civil society participation in decision-making processes. Of the 15 environmental laws analyzed, only five explicitly include mechanisms for public participation: the State Forest Policy, the State Water Resources Policy, the Environmental Policy, the PEMCP, and the Environmental Licensing Law. In addition to these laws, State Law No. 4,940/1997 and State Law No. 6,565/2014—both focused on environmental education—also provide participatory mechanisms via the representation of organized institutions. In total, seven state laws demonstrate some degree of openness to social participation within environmental policy. The findings do not confirm the initial hypothesis, indicating that public participation in Piauí's environmental legislation falls short of expectations.

It is essential that public spaces for debate be guaranteed, and that the laws provide greater clarity regarding the forms of civil society participation in decision-making processes. Legal provisions that omit or restrict social engagement need to be improved in order to grant society effective deliberative power. Notably, the current format of public participation often assumes a passive role, in which social input lacks binding authority. In view of this, it is therefore necessary to revise the legal wording to reflect the state's genuine commitment to democratizing environmental policy and strengthening civic engagement.

Environmental protection is intrinsically tied to political power structures,

public initiatives, and strategic government decisions. These elements must converge to mitigate environmental and societal impacts, thus laying the foundation for a more sustainable use of natural resources. The recognition of the environment as an integral part of the identity of a social group links the environment to the responsibility of that group. This sense of ownership tends to be more evident where there is a cultural and historical connection to the environment—as is the case with Indigenous peoples and traditional communities—or when public authorities at various levels directly engage citizens in environmental decision-making.

Traditional, local, and popular knowledge should not be viewed as competing with scientific and technical knowledge; rather, their integration should be actively promoted to reach consensus that aligns societal interests with environmental protection. Moreover, democratic spaces must avoid symbolic forms of representation, and power structures must not privilege certain groups or social associations solely based on their display of technical expertise as justification for political decisions.

Public participation, grounded in the principles of Environmental Law and in existing legislation, plays a crucial role in safeguarding the fundamental rights of society. Thus, it is necessary to adopt measures that intensify public engagement in environmental and political matters. This entails reflecting on the participation models currently in place and evaluating their effectiveness in Piauí's environmental legislation.

While the findings of this study contribute to a better understanding of environmental legislation in Piauí, it is important to acknowledge certain limitations that point toward future research directions. The study focused exclusively on analyzing the normative content of state laws, without examining the practical dimension of public participation in decision-making. Additionally, the perspectives of key social actors—such as councils, communities, and civil society organizations—were not considered, which could have enriched the analysis of the effectiveness of these legal provisions.

Another limitation encountered was the lack of availability of most laws and decrees on the official state publication platform, the *Diário Oficial* of the State of Piauí. As many of these norms are old, they could not be directly accessed via this means. In such cases, digitized versions from official government websites, compilations, and alternative platforms were used.

As proposals for future research, it is suggested to expand the scope of analysis to include municipal legislation and its impact on different regions of the

state, as well as to investigate how these instruments are implemented in practice. Additionally, comparative studies with other Brazilian states could offer a broader perspective on mechanisms for public participation in environmental legislation, contributing to the assessment of democratization and effectiveness of these policies at the national level.

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