

## A RESOLUTIVE AND SELF-COMPOSITIVE AGENDA FOR ENVIRONMENTAL CONFLICTS FOCUSING ON STRAY ANIMALS IN EVACUATED NEIGHBORHOODS AFFECTED BY LAND SUBSIDENCE IN MACEIÓ, ALAGOAS

### AGENDA RESOLUTIVA E AUTOCOMPOSITIVA DE CONFLITOS AMBIENTAIS COM FOCO NOS ANIMAIS ERRANTES EM BAIROS EVACUADOS ACOMETIDOS PELA SUBSIDÊNCIA EM MACEIÓ-ALAGOAS

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**Pedro Henrique Soares de Oliveira\***

\*Ministério Público Estadual de Alagoas (MPE-AL), Maceió, Alagoas, Brasil  
Lattes: <http://lattes.cnpq.br/0198303570663489>  
Orcid: <https://orcid.org/0009-0001-1999-985X>  
[pedrohenriquesoares439@gmail.com](mailto:pedrohenriquesoares439@gmail.com)

**Alberto Fonseca\***

\*Ministério Público Estadual de Alagoas (MPE-AL), Maceió, Alagoas, Brasil  
Orcid: <https://orcid.org/0009-0003-6506-8954>  
[alberto.fonseca@mpal.mp.br](mailto:alberto.fonseca@mpal.mp.br)

**Monica Melo dos Santos\*\***

\*\*Programa Grupo de Pesquisa e Extensão em Equídeos e Saúde Integrativa da Universidade Federal de Alagoas, (GRUPEQUI-UFAL), Viçosa, Alagoas, Brasil  
Lattes: <http://lattes.cnpq.br/4349746742931564>  
Orcid: <https://orcid.org/0000-0002-2904-4731>  
[melomonica@gmail.com](mailto:melomonica@gmail.com)

**Pierre Barnabé Escodro\*\***

\*\*Programa Grupo de Pesquisa e Extensão em Equídeos e Saúde Integrativa da Universidade Federal de Alagoas, (GRUPEQUI-UFAL), Viçosa, Alagoas, Brasil  
Lattes: <http://lattes.cnpq.br/3925953351129658>  
Orcid: <https://orcid.org/0000-0002-9409-660X>  
[pierre.escodro@vicos.ufal.br](mailto:pierre.escodro@vicos.ufal.br)

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#### Abstract

This article analyzes the case of stray animals abandoned in areas impacted by mining activities conducted by BRASKEM, with a focus on the extrajudicial approach adopted to address the problem. Initially, it outlines a general overview of the situation, highlighting the background of the procedure initiated by the Public Prosecutor's Office. It then details the methods of self-composition, mediation, and negotiation applied, grounded in the Civil Code and CNMP Resolution No. 118, which enabled the avoidance of judicialization. The Resolutive Agenda: BRASKEM Animals demonstrated the effectiveness of extrajudicial self-compositive solutions for complex conflicts, particularly in

#### Resumo

*O presente artigo analisa o caso dos animais errantes abandonados nas áreas impactadas pela mineração da BRASKEM, com enfoque na abordagem extrajudicial adotada para solucionar o problema. Inicialmente, é traçado um panorama geral da situação, destacando o histórico do procedimento instaurado pelo Ministério Público. Em seguida, o artigo detalha os métodos de autocomposição, mediação e negociação aplicados, fundamentados no Código Civil e na Resolução 118 do CNMP, os quais evitaram a judicialização da questão. A Agenda Resolutiva: Animais BRASKEM, demonstrou a eficácia de soluções extrajudiciais autocompositivas para conflitos complexos,*



contexts marked by the absence of adequate public policies for animal protection and the management of stray animals. The initiative stood out for its pioneering nature and for pursuing progressive and durable solutions to animal abandonment, aligned with the constitutional commitment of the Public Prosecutor's Office to safeguard fundamental rights. The article thus highlights the relevance of self-composition mechanisms, emphasizing CNMP Resolution No. 118/2014, which fosters a culture of participation and dialogue in conflict resolution, as well as the outcomes achieved over five years of implementation. This case represents a milestone in the development of sustainable and effective practices for addressing complex social challenges.

**Keywords:** Mining, Land Subsidence, Animal Abandonment, Self-Composition, Resolutiveness, Public Prosecutor's Office.

*especialmente em contextos de ausência de políticas públicas adequadas de proteção animal e gestão de animais errantes. A iniciativa se destacou por seu caráter pioneiro e por buscar soluções progressivas e duráveis para o abandono animal, alinhadas ao compromisso constitucional do Ministério Público em garantir direitos fundamentais. O artigo evidencia, assim, a relevância dos mecanismos de autocomposição, destacando a Resolução CNMP N° 118/2014, que promove uma cultura de participação e diálogo para resolução de controvérsias, bem como os resultados em cinco anos de execução. Este caso torna-se um marco na evolução de práticas sustentáveis e eficazes para enfrentar desafios sociais complexos.*

**Palavras-chave:** Mineração. Subsidência. Abandono Animal. Autocomposição. Resolutividade. Ministério Público.

## 1 INTRODUCTION

In 2018, earth tremors caused damage to buildings and streets in several neighborhoods of Maceió, the capital of the state of Alagoas, with the greatest impact observed in the Pinheiro neighborhood, followed by Mutange, Bebedouro, Bom Parto, and Farol. Investigations indicated that the phenomenon was related to rock salt extraction carried out by the company Braskem. This process resulted in gradual land subsidence and the collapse of underground mines, affecting approximately 40,000 residents in these areas. In response, compensation processes for residents and socio-environmental remediation measures were initiated. The five affected neighborhoods were expropriated due to the risk of collapse and ground fissures.

It is evident that human activity and the excessive exploitation of the environment by large corporations can lead to disasters such as the case under analysis, which required urgent environmental protection measures, here with a focus on domestic animals.

In light of this urgency, the 1988 Constitution, in Article 225, guarantees the population the right to an ecologically balanced environment. Furthermore, it establishes that this inalienable right is also the responsibility of the State, which must ensure its effectiveness.

Additionally, in paragraph 2, the Federal Constitution provides that any individual or legal entity engaged in the exploitation of mineral resources is obliged to recover degraded environments in accordance with technical solutions and regulatory standards established by the competent public authorities. Moreover, paragraph 3 stipulates that acts harmful to the environment shall subject offenders, whether individuals or legal entities, to criminal and administrative sanctions, regardless of the obligation to repair the damage caused.

Thus, as in numerous instances, the Judiciary has been called upon to resolve environmental conflicts, imposing limits, penalties, or even compensation on those who cause environmental harm, and it remains the principal and most traditional avenue for dispute resolution.

However, with the development of non-adversarial mechanisms within the judicial system, particularly following the enactment of the 2015 Civil Procedure Code, Chapter I, paragraph 3 establishes that judges, attorneys, public defenders, and members of the Public Prosecutor's Office must encourage conciliation, mediation, and other consensual methods of conflict resolution, even in the course of judicial proceedings.

In this context, in 2020, the State Public Prosecutor's Office, through the 4th Prosecutor of Justice of the Capital, initiated a Civil Inquiry based on a Notice of Fact reporting the increasing presence of stray domestic animals, namely dogs and cats, defined as any domestic animal found in public spaces without a responsible guardian or identification, suggesting abandonment, in the neighborhoods of Pinheiro, Mutange, Bebedouro, Bom Parto, and Farol. This situation emerged following the incident in the region involving seismic activity and subsequent land subsidence, resulting from rock salt mining conducted by the private legal entity BRASKEM S.A.

Accordingly, this article discusses the case of stray animals in areas affected by BRASKEM's mining activities. In the first stage, it presents a general overview of the situation of stray animals, including a historical account of the procedure initiated within the Public Prosecutor's Office. In the second stage, it examines the development of the procedure through the application of self-composition, mediation, and negotiation methods, as provided for in the Civil Code and grounded in CNMP Resolution No. 118, which prevented the judicialization of the issue of animal abandonment. Finally, the article presents the outcomes achieved between August 2020 and August 2025 through

what has been termed the “Resolutive Agenda: BRASKEM Animals,” over the course of nearly four years of civil inquiry.

## **2 ENVIRONMENTAL CONFLICT RESOLUTION WITHIN THE PUBLIC PROSECUTOR’S OFFICE**

Given the complexity and technical specificity involved in protecting the diffuse right to an ecologically balanced environment, the Judiciary faces significant challenges in resolving conflicts in this field. The interdisciplinary nature of environmental issues requires scientific, technological, and economic expertise, demanding integrated and specialized action from multiple actors, which may exceed the traditional scope of judicial competence.

Furthermore, the need to balance public and private interests, combined with the collective nature of environmental law, further complicates the task of adjudicating such cases in an effective and fair manner. It is therefore necessary to acknowledge the limits of the Judiciary’s capacity to resolve these conflicts.

In recent years, there has been a growing need to seek faster and more effective pathways through self-composition and extrajudicial conflict resolution, in which the Public Prosecutor’s Office has assumed a fundamental and prominent role, given its constitutional commitment to ensuring the effectiveness and protection of fundamental rights.

“It is a permanent state institution, endowed with guarantees and prerogatives of independence and committed to the legal order, being essential to the jurisdictional function of the State when social and non-disposable individual interests are at stake” (Silva, 2009).

Among its institutional functions, the Public Prosecutor’s Office is constitutionally entrusted with ensuring the protection of the environment, urban order, and cultural heritage. The institution holds standing in public criminal prosecution, particularly through the promotion of civil inquiries and public civil actions, and, more recently, following CNMP Resolution No. 118/2014, through self-composition instruments. As a result, it has gained prominence in addressing environmental conflicts, pursuant to Article 129 of the Federal Constitution (Brazil, 1988).

In other words, as an institution essential to the administration of justice and recognized for its proactive character, in exercising its constitutional function of

promoting civil inquiries and public civil actions, it must adopt increasingly rational and effective practices to respond to an ever more complex and dynamic society (Sampaio *et al.*, 2016, p. 68).

Accordingly, there has been a clear effort within the Brazilian judicial system to encourage practices and mechanisms for conflict resolution, whether civil, administrative, or criminal, within the scope of self-composition, through conciliation centers such as the Judicial Centers for Conflict Resolution and Citizenship (CEJUSCs) and Special Civil and Criminal Courts.

The benefits of mediation in the environmental sphere extend beyond the advantages of celerity and the reduction of judicial backlog. Mediation enables the parties involved to engage in dialogue and develop a shared understanding of the dispute, moving beyond a binary outcome of winners and losers toward full satisfaction among those involved, as well as the mitigation, resolution, and compensation of environmental damages. In this type of dispute, resolution arises from mutual understanding regarding the shared interests affected (Meguer and Pamplona, 2015).

In this context, within the broader movement for access to justice in Brazil and the role of the Public Prosecutor's Office, the Second Republican Pact of State for a more accessible, agile, and effective justice system, established in 2009 by the Presidents of the three branches of the Federative Republic of Brazil, set among its objectives the prevention of conflicts. According to the Pact, this would be achieved through the strengthening of mediation and conciliation, encouraging the resolution of disputes through self-compositional methods aimed at greater social pacification and reduced judicialization.

Indeed, negotiation and mediation are self-compositional instruments for conflict resolution that seek to simplify social and legal relations in a less bureaucratic and more informal manner. These mechanisms are aligned with a contemporary model of legal practice appropriate to the twenty-first century, characterized by greater participation, informality, and a negotiation-oriented approach.

Aligned with this trend, the National Council of the Public Prosecutor's Office, through Resolution No. 118 of December 1, 2014, endorses the adoption of peaceful self-composition mechanisms for resolving conflicts, controversies, and problems as a global tendency, resulting from the evolution of a culture grounded in participation, dialogue, and consensus. It emphasizes, in particular, that negotiation, mediation, conciliation,

procedural agreements, and restorative practices are effective instruments for social pacification, as well as for the resolution and prevention of disputes, controversies, and problems, and that their appropriate use in programs already implemented within the Public Prosecutor's Office has reduced excessive judicialization and has led to greater satisfaction among the parties involved, social pacification, reduced recurrence, and empowerment (Brasil,2014).

### **3 THE “BRASKEM ANIMALS” CASE AND THE RESOLUTIVE AGENDA**

In 2020, representatives of civil society, namely the organization S.O.S. Pet Pinheiro, submitted an initial statement through a Notice of Fact, a formal request addressed to bodies of the Public Prosecutor's Office exercising essential functions and analyzed by the Prosecutor's Offices according to their respective competencies. The submission identified and requested immediate action regarding animal abandonment in the area expropriated by BRASKEM, thereby initiating a procedure that evolved into a Civil Inquiry (SaJ/MP No. 06.2020.00000252-8). The primary scope of the inquiry was to examine how the expropriation of residences was being conducted and to investigate the reported instances of animal abandonment during the relocation process.

This type of communication may be carried out either in person or remotely, encompassing services, the receipt of information, documents, requests, or formal representations, and constitutes a communication channel for the population, pursuant to CNMP Resolution No. 174 of July 4, 2017. It triggered the action of the Public Prosecutor's Office, through its 4th Prosecutor's Office of the Capital, which holds jurisdiction in environmental protection matters.

In August of the same year, during a hearing involving the Public Prosecutor's Office, SOS PET, BRASKEM, the Federal University of Alagoas, the Regional Council of Veterinary Medicine, the Brazilian Bar Association, and the Zoonosis Control Unit, a comprehensive overview of the situation was presented, along with the measures being adopted at that time for the management of stray animals.

Given the complexity of the problem, the absence of effective public policies for animal protection and stray animal control, and the lack of precedents, the BRASKEM stray animals case became pioneering in seeking measures oriented toward progressive, gradual, and long-term solutions to the issue of animal abandonment.

Accordingly, the Prosecutor of Justice proposed the establishment of what became known as the Resolutive Agenda, in accordance with CNMP Resolution No. 118 of December 1, 2014 (Brazil, 2014), which recognizes the adoption of peaceful self-composition mechanisms for resolving conflicts, controversies, and problems as a global trend arising from the evolution of a culture grounded in participation, dialogue, and consensus. It was thus possible to observe that conflicts and issues brought before the 4th and 5th Prosecutor's Offices of the Capital could be addressed through such mechanisms, without the need to resort to litigation as the primary means of resolution.

At this stage, recognizing that many of the issues identified in the submitted records could be addressed in a manner that would reduce the time between the identification of environmental non-compliance and its effective remediation, it was deemed appropriate to employ the Resolutive Agenda as a tool for monitoring the process of urban-environmental regularization. This was carried out through the implementation of mitigation, restoration, and compensatory measures, among others, within a mutually agreed-upon schedule, always grounded in the commitment of all parties to the continuous improvement of urban-environmental quality until full compliance with legal requirements was achieved.

The Resolutive Agenda was structured with due respect for the autonomy of the parties involved and has been frequently applied to resolve identified non-compliance issues affecting communities surrounding potentially polluting enterprises, demonstrating a high rate of success.

#### **4 ANIMAL SUPPORT PROGRAM – INTEGRA ANIMAL PROJECT (UFAL–BRASKEM–FUNDEPES)**

The case of stray animals abandoned in areas impacted by BRASKEM's mining activities represents a landmark in the application of extrajudicial and collaborative solutions. The Resolutive Agenda, conducted by the Public Prosecutor's Office, enabled the development of innovative and effective initiatives in animal and human health, as well as environmental conservation, within a One Health framework. Notably, this included the implementation of the Integra Animal Project (PIA) in August 2020, funded by BRASKEM, technically executed by the Research and Extension Group on Equids and Integrative Health at the Federal University of Alagoas (GRUPEQUI-UFAL), and

financially administered through the University Foundation for the Development of Extension and Research (FUNDEPES).

All initial actions were primarily focused on assisting animals, promoting environmental education, and reducing zoonotic risks in neighborhoods affected by land subsidence, within the scope of BRASKEM's Financial Compensation and Relocation Support Program.

Accordingly, local diagnostic measures were conducted, revealing that in the Pinheiro neighborhood, the first area affected by subsidence, approximately half of the cats had access to the streets (48.07%), and only 19.23% were vaccinated against rabies (Barros *et al.*, 2020). These data, combined with findings from the Mutange neighborhood, where approximately 567 animals were registered but only 245 were relocated, indicate an abandonment rate of 56.8% (Teodósio *et al.*, 2022), mostraram que as ações de monitoramento das realocações, vacinação de raiva e controle populacional eram emergentes para diminuir a situação ameaçadora para Saúde única dos locais.

Thus, the actions of the Integra Animal Project (PIA) during its first three years included environmental education and responsible pet ownership guidance for families and field teams; rabies vaccination of animals prior to relocation; monitoring of all family relocations involving animals; provision of temporary shelter for animals while residents remained in provisional housing, including veterinary medical procedures such as sterilization, vaccination, and clinical and surgical care; and the implementation of population control, vaccination, deworming, clinical assistance, and feeding of all stray dogs and cats across the five affected neighborhoods.

Environmental education initiatives and the monitoring of relocations resulted in only 7.3% (38/520) of animals fleeing during the first month of intervention, of which 97.4% (37/38) were felines and only 2.6% (1/38) were canines, representing a sharp reduction from the initial abandonment rate of 56.8% (Teodosio *et al.*, 2022).

Within this scope, the largest capture, sterilization, and return program for free-roaming cats in the country was implemented, with 3,813 free-living felines sterilized by December 2024 (Escodro *et al.*, 2025). This initiative contributed to the development of a dedicated chapter on the topic in the National Program for Ethical Protection and Population Management of Dogs and Cats and in the National Registry of Domestic Animals (Brazil, 2025). Furthermore, following a request submitted by the PIA to the Federal Council of Veterinary Medicine, Resolution No. 1595/2024 was enacted,

authorizing identification procedures consisting of a straight cut at the tip of the left ear of domestic felines, performed under anesthesia and analgesia, for identification purposes in animals sterilized within capture, sterilization, and return programs and in other population control and reproductive management actions.

Since August 2021, the PIA has also established an adoption channel named Focinho Responsável, which had successfully rehomed 892 animals by December 2024 (Escodro *et al.*, 2025), currently exceeding 1,000 responsible adoptions with ongoing monitoring.

From December 2024 onward, due to soil instability and the collapse of a mine, the capture and sheltering of all animals in the affected areas was mandated. At present, 490 animals are housed at GRUPEQUI-UFAL, including 414 cats.

The results have been significant: 2,559 families assisted, more than 9,000 animals treated and vaccinated, over 6,500 animals sterilized, including 873 dogs and 1,711 owned cats, more than 1,900 animals sheltered, and 974 dogs and cats adopted through the program. These measures have demonstrated scientifically validated impacts on public health and animal welfare, reinforcing the importance of planned and integrated actions (Escodro *et al.*, 2025; Oliveira and Silva *et al.*, 2025). In addition, through the PIA, it was possible to establish a pattern of the most common diseases among rescued animals, with relevance recognized in international publications (Silva *et al.*, 2025).

Accordingly, the approach adopted by the Public Prosecutor's Office, in collaboration with its partners, underscores the importance of progressive and sustainable solutions, establishing a pioneering model that not only mitigates the impacts of animal abandonment but also promotes the strengthening of long-term public policies for protection and awareness.

## 5 CONCLUSIONS

The case of stray animals abandoned in areas affected by BRASKEM's mining activities has become an emblematic example of how the adoption of self-composition mechanisms and extrajudicial solutions can generate concrete and effective outcomes in highly complex situations. The role of the Public Prosecutor's Office, through the Resolutive Agenda, was essential in preventing judicialization and in establishing a collaborative model of conflict resolution grounded in CNMP Resolution No. 118/2014.

In addition to other procedures and records developed within the 4th Prosecutor's Office, although the Resolutive Agenda proved highly successful in addressing the issue of stray animals, it cannot yet be regarded as a universal or definitive solution for all problems. Nevertheless, its application has demonstrated that viable alternatives exist for resolving conflicts beyond exclusively judicial means. By fostering consensual and administrative solutions to environmental issues and irregularities, it contributes to reducing the caseload of the Judiciary, which often faces excessive demand and procedural delays.

Furthermore, the formulation and implementation of the Resolutive Agenda are aligned with a modern and efficient institutional posture of the Public Prosecutor's Office, which seeks not only to oversee and sanction but also to act strategically and collaboratively in conflict resolution. This reflects a commitment to efficiency and to the pursuit of practical solutions that benefit both society and the environment.

The joint effort underscored the importance of interinstitutional partnerships and the implementation of progressive and sustainable policies, not only to address the problem at hand in an immediate manner but also to ensure durable long-term solutions. Accordingly, the case of stray animals in the BRASKEM mining area stands as a milestone in the defense of animal rights and in the strengthening of practices that reconcile social and environmental responsibility, reflected in the firm commitment and shared purpose of all stakeholders to pursue practical and timely solutions that benefit both society and the environment.

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### Authors' contributions

All authors contributed equally to the development of this article.

### Data availability

All datasets relevant to the conclusions of this study are fully available in the article.

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