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BETWEEN COMPENSATION AND SILENCE: ENVIRONMENTAL NECROPOLITICS IN THE LEGAL SETTLEMENT FOR FULL REPARATION OF THE MARIANA DISASTER

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Abstract

This article offers a critical analysis of the 2024 Full and Definitive Legal Reparation Settlement, signed following the failure of the Fundão tailings dam. It argues that the settlement institutionalizes a form of environmental necropolitics by converting the Mariana (MG) disaster-crime into a matter of technical management and financial compensation. Rather than delivering substantive justice, the legal framework suppresses the ongoing suffering and territorial claims of the affected communities. Grounded in political ecology and critical legal studies, the research focuses on clauses concerning broad discharge, waiver of appeal and procedural closure, interpreted as legal mechanisms for silencing the affected communities. Focusing on the Doce River Basin – particularly in Bento Rodrigues and Paracatu de Baixo – the study highlights how this model reinforces the coloniality of power by erasing local knowledge and lifestyles in favor of legal predictability. It concludes that the agreed-upon reparation fosters economic pacification rather than ecological, cultural and communal reconstruction.

Keywords

Political Ecology; Environmental Justice; Territory and Territorialities; Mariana Disaster; Doce River Basin.

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ENTRE A COMPENSAÇÃO E O SILÊNCIO: NECROPOLÍTICA AMBIENTAL NO ACORDO JUDICIAL PARA REPARAÇÃO INTEGRAL DO DESASTRE DE MARIANA

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Resumo

Este artigo analisa criticamente o Acordo Judicial de Reparação Integral e Definitiva de 2024, firmado após o rompimento da barragem de Fundão, argumentando que ele institucionaliza uma forma de necropolítica ambiental. Ao transformar o desastre-crime de Mariana (MG) em um problema de gestão técnica e compensação financeira, o acordo desmobiliza a justiça substantiva ao suprimir a continuidade do sofrimento e das reivindicações territoriais. A pesquisa articula ecologia política e crítica do direito, com foco em cláusulas de quitação ampla, renúncia recursal e encerramento litigioso, interpretadas como mecanismos de silenciamento jurídico das comunidades atingidas. Com ênfase na Bacia do Rio Doce, especialmente em Bento Rodrigues e Paracatu de Baixo, o estudo evidencia como o modelo adotado reforça a colonialidade do poder, esvaziando saberes e modos de vida locais em nome da previsibilidade jurídica. Conclui-se que a reparação pactuada promove pacificação econômica, e não reconstrução ecológica, cultural e comunitária.

Palavras-chave

Ecologia Política; Justiça Ambiental; Território e Territorialidades; Desastre de Mariana; Bacia do Rio Doce.

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1. Introduction

In November 2015, the failure of the Fundão Dam in the subdistrict of Bento Rodrigues (in Mariana, in the state of Minas Gerais – MG) triggered the largest environmental disaster in Brazilian history, with impacts extending throughout the entire Rio Doce Basin and reaching the coastline of the state of Espírito Santo. The collapse of the tailings containment structure belonging to the company Samarco—controlled by Vale S.A. and BHP Billiton—not only devastated entire ecosystems and communities, but also revealed how environmental governance in Brazil functions under logics of exception, managed by corporate consortia and mediated by legal institutions that often become complicit in the normalization of damage.

More than seven years after the catastrophe, in 2024, the Legal Settlement for the Full and Definitive Reparation Related to the Failure of the Fundão Dam was signed, aiming to litigiously terminate the companies' liability through provisions stipulating financial compensation, investment schedules, and broad release clauses. Although heralded as a milestone in Brazilian environmental justice, the agreement imposes a legal framework that reconfigures the disaster as a matter of administrative management and reduces suffering into a quantifiable liability, thereby effectively transforming devastation into an accounting problem capable of closure.

This article sets out to analyze the aforementioned settlement as an institutional expression of environmental necropolitics, insofar as the State, in collusion with economic actors, selectively administers the rights to life, reparation,

and memory. Drawing on political ecology, critical legal studies, and the geography of environmental conflicts, the study contends that the legal settlement operates as a mechanism for silencing the affected communities and economically pacifying impacted territories. By formally seeking to bring closure to a protracted disaster with irreversible damage, the legal pact becomes an instrument of governance that neither prevents nor repairs, but merely quantifies, encapsulates (Sanín-Restrepo; Araújo, 2020), and normalizes violence.

Thus, this study seeks to highlight how environmental justice is perpetually recoded through legal and economic mechanisms that operate under the guise of equity but, in practice, entrench the coloniality of power and exacerbate territorial inequalities, as evidenced in numerous critical studies on major socio-environmental disasters (Acosta, 2016).

2. Theoretical framework: environmental necropolitics and the legal closure of disaster

The concept of necropolitics, formulated by Achille Mbembe (2018), refers to the power to institute death as an instrument of government, i.e., the capacity of modern States, and other sovereign formations, to determine who may live and who must die (Agamben, 2010). Within the context of socio-environmental crises, this logic materializes in the constitution of sacrifice zones, where entire populations see their bodies, ways of life, and ecosystems rendered precarious, delegitimized, and often excluded from the very right to existence itself (Mbembe, 2018; Escobar, 2018; Foster; Clark, 2020).

In Brazil, this dynamic finds acute expression in large-scale mining, energy, and infrastructure projects, organized around a logic of accumulation through exhaustion (Porto-Gonçalves, 2006; Moore, 2015). This logic rests on the naturalization of environmental collapse as an inevitable cost of progress, by the reification of territories as spaces of extraction, and by the subjugation of local populations to legally normalized regimes of exception (Agamben, 2004). It constitutes, therefore, a development model that deploys institutional and normative instruments to administer devastation as an intrinsic component of prevailing economic rationality (Molina; Toledo, 2014; Hornberg, 2019).

In Latin American political ecology, this form of governance has been characterized as environmental necrogovernance, especially when state legal mechanisms are deployed to enable, legitimize, and shield destructive corporate practices under the guise of reparation or social responsibility (Acosta, 2016; Svampa, 2019; Foster; Clark, 2020). In such cases, the overriding institutional strategy involves the discursive appropriation of terms such as “justice”, “sustainability”, and

"transition", which operate as instruments of depoliticization while simultaneously obscuring the structural asymmetries that underlie territorial conflicts (Ávila, 2018; Martínez-Alier, 2002).

According to Svampa (2019), contemporary extractivism in Latin America reorganizes space through the logic of "sacrifice zones", wherein the pact between State and capital suspends popular sovereignty and converts territory into a financial asset. This mode of governance is not merely economic but also symbolic and juridical, since it reframes disaster into an opportunity for investment, institutional performance, and normative pacification (Falkner, 2016; Clapp; Dauvergne, 2011). In Brazil, this dynamic is manifested in instruments such as out-of-court settlements, which institutionalize asymmetries between the parties by obstructing the pursuit of substantive justice and effective accountability.

The critical literature on environmental law cautions that such agreements—particularly when negotiated outside the public arena of deliberation—tend to shield economic actors to the detriment of collective rights, especially in the aftermath of environmental disasters. In the case of the Legal Settlement for the Full Reparation of Mariana, the formalization of broad discharge clauses, waiver of appeals, and the termination of collective actions (clauses 1 to 3) reconfigures the tragedy as a closed and manageable event, even as its ecological, social, and symbolic repercussions continue to unfold.

These institutional strategies operate as mechanisms of conflict pacification and selective governance of life, transforming the right to justice into a procedural performance and collective suffering into a quantifiable liability. Reparation, therefore, does not materialize as the restoration of living conditions from the standpoint of affected populations, but rather as the commodification of damage into capital flows and structured investment plans (Graeber, 2011; Federici, 2012).

Accordingly, this article brings the concept of necropolitics into dialogue with critical perspectives from political ecology, environmental justice, and critical legal studies in order to interpret the Mariana legal settlement not as a normative resolution but as a legal device for sealing off an ongoing disaster. This perspective is essential to understanding how the coloniality of power is reinscribed within the legal frameworks of peripheral countries, where the ostensible promise of reparation frequently operates as a vector for the normalization of violence and the epistemic erasure of the ways of life of affected communities (Escobar, 2018; Salleh, 2017).

3. Methodology and documentary corpus

This study has adopted a qualitative approach grounded in critical perspectives, drawing on Latin American political ecology, the political geography

of environmental conflicts, critical environmental law, and extractivist governance theory. It is grounded in the premise that socio-environmental disasters, such as the Mariana (MG) catastrophe in 2015, are neither accidental nor contingent, but rather systemic expressions of an economic rationality structured by territorial inequality, the coloniality of power, and a logic of accumulation through exhaustion (Porto-Gonçalves, 2006; Acosta, 2016; Escobar, 2018; Hornberg, 2019).

Drawing on critical interdisciplinary approaches, the methodology combines the paradigm of environmental hermeneutics with insights from socio-ecological systems theory (Folke et al., 2005; Ostrom, 2009) to interpret legal instruments as mechanisms for reorganizing conflicts in the service of economic stability rather than justice. This approach underscores how the technical language of law is deployed to control, neutralize, and encapsulate ongoing tragedies in affected territories, particularly within sacrifice zones consolidated by extractivism (Svampa, 2019; Martínez-Alier, 2002).

The documentary corpus for this study comprises the full text of the Legal Settlement for the Full and Definitive Reparation Related to the Failure of the Fundão Dam, signed on October 25, 2024, encompassing 155 clauses across 88 pages and officially published by the 6th Region Federal Regional Court. The analysis concentrated on key provisions—namely, the broad discharge clauses, waiver of appeals, and the termination of judicial and administrative actions (clauses 1, 2, and 3)—as well as on the underlying logic of compensation and the governance framework. These components were examined as normative instruments for the institutional domestication of the conflict (Escobar, 2018; Graeber, 2011).

The research advances two central hypotheses:

i. the legal settlement, despite its conciliatory language, functions as a legal instrument to demobilize ongoing processes of resistance and territorial claims in the Rio Doce Basin; and
ii. the agreed reparation model reinforces a corporate necropolitical rationality by subordinating collective and ecological rights to the logic of legal predictability and the fiscal shielding of the companies involved (Mbembe, 2018).

In addition to documentary analysis, the investigation has drawn on a selection of key works in critical environmental thought and Southern epistemologies, interpreting the settlement as an expression of a normative governance of collapse, rather than as a mechanism for restoring the violated ecological and social conditions. As Foster and Clark (2020) have cautioned, in contexts of ecological crisis, conventional institutional responses often reproduce the very structural forms of inequality that generated the problems they purport to address.

Accordingly, this study does not aim to assess the formal-legal "efficiency" of the settlement, but rather to interrogate its political function in producing and perpetuating an exclusionary territorial order that remains entrenched within the frameworks of coloniality, the financialization of reparation, and the subordination of local knowledge. In doing so, it seeks to advance critical debate on the limits of environmental justice in Brazil and on the imperative of profound epistemological and political transformations in how reparation is conceived and enacted in disaster contexts (Salleh, 2017; Federici, 2012).

4. Legal settlement and silencing mechanisms

As noted above, the Legal Settlement for Full and Definitive Reparation Related to the Failure of the Fundão Dam, signed on October 25, 2024, constitutes a legal landmark intended to formally close the legal and administrative disputes stemming from the largest socio-environmental disaster in recent Brazilian history. However, a critical reading of its normative architecture reveals that the provisions it establishes function less as instruments of substantive reparation and more as mechanisms of legal, accounting, and political silencing of the affected parties and of obscuring the ongoing territorial conflicts the Rio Doce Basin.

The centrality of this silencing is most apparent in the clauses mandating a broad, comprehensive, and irrevocable release of the companies' liabilities, including for damage that have not yet been fully identified or quantified:

> **Clause 3**. The JUDICIAL APPROVAL of this SETTLEMENT shall result in the dismissal of all judicial actions, with judgment on the merits, pursuant to Article 487, III, "b" of Law No. 13,105 of March 16, 2015 (Civil Procedure Code), as well as of the administrative proceedings listed in ANNEX 23 – JUDICIAL ACTIONS AND ADMINISTRATIVE PROCEEDINGS TO BE TERMINATED BY THIS SETTLEMENT, involving the SIGNATORIES in connection with the FAILURE and the subject matter of this SETTLEMENT. The effect of *res judicata*[1] shall apply, binding against any subsequent action filed after the execution of this SETTLEMENT, whose object concerns the damages encompassed by this SETTLEMENT, as provided in Clause 1. (Brasil, 2024, p. 14-5)[2]

Although cloaked in legal technicality, this provision effectively enforces the closure of the rights to memory, contestation, and evolving reparation,

1. *Res judicata* (Latin for "a matter already judged") is a fundamental principle in civil procedure under which a final judgment on the merits is conclusive and binding on the parties, preventing the same claims or issues from being re-litigated in subsequent proceedings. Its purpose is to ensure legal certainty, prevent duplicative litigation, and uphold the stability of judicial decisions.

2. This and all other non-English citations hereafter have been translated by the author.

transforming environmental justice into a ritual of institutional approval for erasure. As Escobar (2018) cautions, the modern-colonial logic governs collapse by silencing plural voices and knowledges, reorganizing conflict through technical, rather than political, forms of resolution.

Another crucial aspect is the imposition of waiver of appeals:

> **Clause 3, §2.** The SIGNATORIES also expressly acknowledge that the subject matter of the judicial actions, respective expert examinations, administrative proceedings, and civil inquiries listed in ANNEX 23 – JUDICIAL ACTIONS AND ADMINISTRATIVE PROCEEDINGS TO BE TERMINATED BY THIS SETTLEMENT falls within the scope of this SETTLEMENT, undertaking henceforth to ensure compliance with the provisions of this SETTLEMENT in the respective proceedings and to refrain from asserting, in such proceedings and administrative actions, positions contrary to the provisions of this INSTRUMENT. (Brasil, 2024, p. 15)

This provision institutionally forecloses avenues for future review and contestation, shielding the mining companies and the Renova Foundation from new claims, even with evidence of ongoing or escalating damage. As Svampa (2019) observes, within the logic of environmental necropolitics, the State functions as a legal guarantor of corporate interests, often under the rhetoric of safeguarding the public interest.

The structure of the settlement further redirects the focus of reparation toward entities of technocratic or corporate governance, which, while formally under state oversight, operate in practice as privately managed contractual execution bodies. The instrument stipulates the following:

> **Clause 18**. Each entity of the PUBLIC AUTHORITY shall be exclusively responsible for defining the execution of the projects and actions to be carried out with the resources arising from the OBLIGATION TO PAY of the OBLIGOR and/or the RENOVA FOUNDATION as provided in this SETTLEMENT, with the entity responsible for the ANNEX determining the form of management and contracting, which shall be subject to the execution and governance oversight mechanisms applicable to them, as well as to the relevant legislation. (Brasil, 2024, p. 34)
>
> **Clause 48**. The OBLIGATIONS of SAMARCO and/or RENOVA FOUNDATION TO PERFORM in relation to the FAILURE are redefined in this SETTLEMENT, in accordance with the criteria and adjustments contained herein and in their respective ANNEXES. (Brasil, 2024, p. 50)

Under this form of management, transparency and social oversight are supplanted by compliance mechanisms, performance appraisals, and managerial reports, which replicate a corporate logic of performance, detached from the lived

experiences and knowledge systems of the affected communities (Acosta, 2016; Folke et al., 2005). Justice is thus reduced to a managerial protocol for achieving targets, rather than a process of territorial restoration guided by the affected populations. The acknowledgment of symbolic, spiritual, cultural, and ecological damage—repeatedly reported by local riverine communities, Indigenous peoples, fishers, and farmers—is largely subordinated to, and largely underestimated by, frameworks of monetary valuation:

> **Clause 83**. The broad, definitive, and irrevocable discharge of the OBLIGATIONS TO PERFORM and the OBLIGATION TO PAY in favor of the OBLIGOR, the SHAREHOLDERS, the RELATED PARTIES, and the RENOVA FOUNDATION shall be granted by the OBLIGEES upon verification of compliance with the aforementioned obligations, as provided in this SETTLEMENT, precluding any further claims in or out of court, except for future, supervening, or unknown damage as of the date of execution of this SETTLEMENT, in accordance with Brazilian law. (Brasil, 2024, p. 68)

The pain, the rupture of community continuity, and the loss of territorial and affective bonds are thus translated into definitive figures, which constitutes — according to Escobar (2018) and Graeber (2011)— a process of technical abstraction of suffering, a structural feature of modern legal-financial rationality.

Thus, the settlement, far from constituting a civilizational advance in environmental accountability, reaffirms the intentionality and structural constraints of state law in the context of systemic catastrophes. Its provisions not only litigiously bring the tragedy to a close but also establish a new framework that normalizes the failure, effectively designating the Rio Doce Basin as a legally sanctioned sacrifice zone. Ultimately, it enacts a form of legal necropolitics, wherein life is governed through institutional closure and territorial death is converted into a mechanism of fiscal equilibrium.

5. Legal governance of the disaster and territorial pacification

The Legal Settlement for Full and Definitive Reparation Related to the Failure of the Fundão Dam not only formalizes the institutional closure of ongoing judicial and administrative disputes, but also inaugurates a new paradigm of legal governance over socio-environmental collapse. Rather than strengthening mechanisms of socio-environmental justice, this governance operates as a device for technocratic management of the catastrophe, whose primary function is to ensure the economic predictability and institutional stability of the companies, as well as the pacification of the affected territories.

As Mbembe (2018) stated, this represents a contemporary modality of necropower, in which the selective governance of life and death is enacted through legal norms that terminate, circumvent, and instrumentalize suffering. In this context, legal reparation ceases to function a process of attentive engagement and collective reconstruction, and instead operates as an instrument of normative closure, thereby transforming exception and suffering into a routine of the State.

The governance instituted by the settlement is imposed not with the affected populations, but upon them — through contractual provisions that silence voices, reterritorialize conflict, and reshape memory. As Porto-Gonçalves (2006) observes, this reflects the transition from territories of resistance to zones of regulated obedience, where struggles are demobilized and the future is controlled by flows of capital. This legal rationality is expressed in clauses such as:

> **Clause 1, §6**. This SETTLEMENT takes into account what has already been executed and what is in progress, effecting a novation[3] with respect to all agreements entered into between all and/or some of the SIGNATORIES of this SETTLEMENT, relating to the FAILURE and its impacts, and the Resolutions of the Inter-federative Committee ("CIF"), so that all duties, rights, and responsibilities of the SIGNATORIES shall be governed exclusively by the provisions contained in this SETTLEMENT, from the date of JUDICIAL APPROVAL of this SETTLEMENT. (Brasil, 2024, p. 14)
>
> **Clause 28**. The establishment of public or private funds for the management of resources arising from this SETTLEMENT shall observe the following minimum requirements:
>
> I. Prohibition against allocating resources to purposes unrelated to this SETTLEMENT.
>
> II. Implementation of mechanisms ensuring transparency and accountability.
>
> III. Maintenance of comprehensive records concerning investments and the allocation of the fund's resources.
>
> IV. Adoption of internal integrity and audit mechanisms, including procedures to encourage the reporting of irregularities.
>
> V. Submission of the fund's annual financial statements to audit, without prejudice to other oversight mechanisms. (Brasil, 2024, p. 39)

Although formally conceived as arenas of social oversight and participatory deliberation, these committees operate within the confines of technical and managerial rationality, thereby eroding the political capacity of communities to

3. According to the text of the settlement, "novation" refers to the extinguishment of an existing obligation through the creation of a new one, with the purpose of replacing the former.

claim justice on the basis of their own cultural, ecological, and territorial references (Foster; Clark, 2020). Instances of participation are reduced to administrative forums rather than genuine spaces of democratic contestation.

In this process, it is possible to observe what Svampa (2019) terms the post-politicization of environmental conflicts: the substitution of political confrontation with mechanisms of institutional negotiation, whereby territories come to be governed by opinions, contracts, and technical reports rather than by relations of belonging, ancestry, or care (Escobar, 2018; Harvey, 2012). The settlement, therefore, does not restore the bonds severed by the disaster—it merely converts them into governance targets and performance reports.

The very notion of "definitive reparation," which structures the agreement from Clause 1 onward, must be understood as part of this architecture of pacification and of disregard for human, cultural, affective, and memorial dimensions:

> **Clause 1, §1**. The obligations set forth in this AGREEMENT are intended to provide full and definitive reparation, restoration, recovery, compensation, and/or indemnification for socio-environmental damage and for collective and diffuse socioeconomic damage of any nature (...) arising from the FAILURE and its consequences. (Brasil, 2024, p. 13)

The legal definition of the "end of damage" consequently imposes the end of conflict, denying populations the right to continuously reinterpret their suffering and to reconstruct their territory according to their own cosmologies and ways of life (Escobar, 2018; Salleh, 2017)

The settlement, therefore, not only establishes a modality of legal governance; it reinscribes the disaster within new forms of normative domination, restructuring collective spatialities, temporalities, and subjectivities through instruments of institutional neutralization. It amounts to the creation of a juridical regime of territorial death, in which the loss of culture, relations, and future possibilities is administered by clauses and performance targets under the banner of conciliation.

6. Bento Rodrigues and Paracatu de Baixo: emblematic territories of institutional silencing

An analysis of the districts of Bento Rodrigues and Paracatu de Baixo, within the municipality of Mariana (MG), enables an in-depth understanding of the mechanisms by which the institutional production of socio-environmental injustice operates within the context of the Samarco/Vale/BHP disaster-crime. These localities, epicenters of the direct impact of the Fundão tailings dam, also exemplify what has been described as the "legal governance of disaster", a framework whose primary

function is not restitution but the management, suppression, and pacification of conflicts through legal and institutional instruments that perpetuate inequality.

Since 2015, residents of these territories have been subjected to a protracted process of forced deterritorialization, characterized by systematic delays, denial of recognition as affected parties, and immersion into an "institutional time" of prolonged waiting and uncertainty (Teixeira; Lima, 2022). The creation of the Renova Foundation, under the 2016 Term of Transaction and Conduct Adjustment (TTAC), embodies the privatization of environmental justice and the transformation of collective suffering into compensatory metrics. The management of the reparatory temporality—the so-called "politics of time"—here becomes an instrument of domination (Bourdieu, 1996; Auyero, 2016), capable of subordinating the right to housing and territorial existence into demands subject to technocratic procedures.

In Paracatu de Baixo, resettlement has been repeatedly stalled due to land tenure impasses, exclusionary technical assessments, and disputes over the environmental viability of the proposed sites (Teixeira; Lima, 2022). The initial selection of the "Lucila" site disregarded local socio-economic dynamics, affective ties to the land, and communal and ancestral land practices. The requirement for legal frameworks such as Special Guideline Areas (AdEs) and the obligation to comply with Mariana's Master Plan imposed additional mechanisms of deferment waiting and demobilization. As the Latin American political ecology literature shows, these requirements are less oriented toward rational territorial planning than toward the depoliticization of socio-environmental conflicts (Escobar, 2018).

Furthermore, the normative control over the formation of new family units—using the arbitrary cutoff of January 2019 as the criterion for official recognition—illustrates how necropolitical rationality operates through exclusionary mechanisms that negate the dynamism of social relations and the lived practices of rural communities (Scott, 1998). The production of a "timeless" temporal regime, characterized by indefinite waiting, constitutes a form of managing suffering that recasts reparation as an instrument for the prolongation of institutional violence (Zhouri et al., 2017).

Bento Rodrigues, in turn, has become a pilot site for the Renova model. While the resettlement process is more advanced in physical terms, it is also marked by the technicization of conflicts, the erosion of community consultation, and the denial of the symbolic and cultural dimensions of territoriality. Even with the delivery of housing units, testimonies from affected residents indicate that the "new land" functions primarily as a utilitarian space rather than a locus of belonging. The new constructed neighborhoods were designed as "civil engineering projects", detached from community organization, religious life, traditional festivals, and agro-extractive practices.

The construction of houses, streets, public facilities, and urban infrastructure without the meaningful mediation of local knowledge and collective subjectivities perpetuates a logic of imposed solutions. As Zucarelli (2018) and Teixeira and Lima (2022) indicated, reparation programs are conceived within bureaucratic and corporate spheres, exhibiting limited receptivity to community input, even when framed in the rhetoric of participation. The role of the "communicator" or "social facilitator", frequently deployed by Renova, emerges as a mechanism of asymmetrical mediation, oriented more toward transmitting top-down directives than fostering territorial consensus.

Thus, the cases of Bento Rodrigues and Paracatu de Baixo occupy a pivotal position in critical analyses of the legal governance of disaster. They expose how the reparation model deployed by the Renova Foundation is suffused with necropolitical logics, thereby selectively determining who is heard, who is recognized, and who will ultimately be silenced. The purported promise of territorial reconstruction, under the guise of corporate social responsibility, is transformed into a rationalized apparatus for managing the enduring consequences of damage.

Beneath the veneer of a definitive solution, the 2024 judicial settlement consolidates a form of normative catastrophe management. It enforces a regime of liability administration while politically foreclosing avenues for community expression and interpretation of the disaster. As Mbembe (2018) emphasizes, necropolitics is precisely the power to decide who is granted a future and who is consigned to oblivion. By crystallizing a reparation model premised on accounting efficiency, the settlement turns Bento Rodrigues and Paracatu de Baixo into emblematic territories of institutionalized violence, justified in the name of legal stability and corporate consensus.

7. The Definitive Compensation Program (PID) as a mechanism for the normative closure of injustice: between standardization of suffering and the neutralization of conflict

The prominence afforded to individual compensation in the 2024 legal settlement strikingly exemplifies the transformation of collective suffering into a parametrized financial arrangement. Annex 2 establishes the so-called Definitive Compensation Program (PID), presented as a comprehensive, individual, and final remedy for the damage arising from the disaster. Enrollment in the PID requires the compulsory signing of standardized transaction agreements (Appendix 2.10), through which affected individuals are required to grant broad and irrevocable discharge not only to the Renova Foundation but also to the shareholder companies

and any affiliated parties. This provision operates as a mechanism of legal silencing, thereby foreclosing the possibility of future claims, and depoliticizing the conflict, reducing it to a merely compensable liability.

Although the settlement purports to guarantee equal treatment and legal certainty, the provisions of Annex 2 reveal the persistence of profound asymmetries: compensation is contingent upon the regularity of personal data on digital platforms (PIM-AFE System), the absence of allegations of document fraud, and compliance with standardized evidentiary requirements—even within contexts of structural informality, such as the impacted rural communities. Compensation amounts are not determined through individual assessments or direct negotiation but are instead assigned according to standardized ranges, based on the damage matrices outlined in items 4, 5, and 6 of Appendix 2.2 of Annex 2. The discharge of these amounts, as stipulated in Clause 20 of Annex 2, is construed as sufficient and adequate to extinguish any and all liability related to homogeneous individual damage.

Rather than fostering attentive listening and the restoration of territorial bonds, the PID enshrines the logic of compensation governance, whereby reparation becomes a tool for the control and closure of conflicts. The breadth of the discharge instrument, coupled with the requirement to withdraw ongoing lawsuits (Clauses 7 and 9 of Annex 2), recasts justice as a technical apparatus for economic pacification. Far from promoting substantive justice, the compensations operate as devices of political neutralization, ensuring budgetary predictability for the obligors while formally foreclosing the possibility of social resistance by the affected communities.

This compensatory rationality is further compounded by the technocratic structure governing the compensation programs. Assistance for affected individuals is mediated exclusively through digital platforms, as stipulated in Clause 3 of Annex 2, which reinforces barriers to information and access to justice—particularly for rural populations with limited internet connectivity or with low levels of formal education. Even the ostensibly public dissemination of the rules—intended to take place through campaigns lasting at least 60 days (Clause 11 of Annex 2)—fails to accommodate the traditional communication channels of the affected communities. The settlement thus disregards oral traditions, the centrality of trust networks, and the historical rhythms of local ways of life.

In Paracatu de Baixo, for instance, delays in resolving land tenure issues and disputes over the viability of proposed sites have exacerbated the sense of legal insecurity. Aggravating this situation, the cutoff date for program enrollment has been rigidly set for December 31, 2026 (Clause 14 of Annex 2),

imposing a schedule that disregards the social temporality of the communities and the deliberate slowness of the institutions involved. The risk of "automatically closed" registrations (Clause 12, II of Annex 2) due to alleged lack of minimum data further underscores the exclusionary character of the reparation process, effectively converting the vulnerability of affected populations into a criterion for ineligibility.

As Escobar (2018) contends, technical planning divorced from local territories and local cultural practices tends to reproduce a governance of non-place. In Mariana, the mechanisms outlined in Annex 2 function as instruments for managing exclusion: they standardize suffering, automate payment, and foreclose rights. This constitutes a juridical form of necropolitics, wherein recognition is conditional upon renunciation, and compensation is contingent upon submission.

8. Final remarks

An analysis of the Legal Settlement for Full and Definitive Reparation Related to the Failure of the Fundão Dam, through the lens of critical political ecology and necropolitical theory, indicates that this legal instrument does not represent a substantive advance in the pursuit of socio-environmental justice. Rather than restoring the dignity of the affected territories, it is structured as a form of normative governance designed to contain conflicts, manage suffering, and normalize ecological collapse through legal devices and procedures grounded in rationality of accounting.

As Adger (2003) demonstrated, territorial reconstruction entails the activation of social capital, collective action, and community resilience. However, the settlement under analysis not only demobilizes these capacities but actively obstructs their development by imposing clauses of broad discharge, waiver of appeals, and the closure of litigation, thereby undermining the rights to memory, contestation, and self-determination of the affected communities. By prioritizing legal predictability and the fiscal stability of the involved companies, the State assumes the role of a co-manager of territorial pacification—a process that, as Biermann et al. (2012) noted, reflects the structural deficit of global environmental governance.

Within this context, the judicial pact emerges as a tangible expression of environmental necropolitics, in which life, rather than being safeguarded, is selectively administered, transforming the disaster into a quantifiable liability and reparation into a tool of corporate management (Mbembe, 2018; Foster; Clark, 2020). As Escobar (2018) observed, coloniality persists precisely through the imposition of a single model of life and justice, even when veiled under the camouflage of institutional recognition.

Moreover, by supplanting community bonds and the plurality of knowledge systems with technical compensation formulas, the settlement erodes the political foundations of environmental justice. The management of damage through matrices and financial indicators nullifies essential dimensions such as belonging, ancestry, and care for the territory—elements central to the sustainability of traditional communities, as demonstrated by Berkes (2004) and Garnett et al. (2018). The conversion of reparation into managerial targets aligns with what Avila (2018) identified as the expansion of the geography of conflict under the guise of corporate sustainability.

The legal governance instituted by the settlement likewise fails to bolster socio-ecological resilience. According to Folke et al. (2005), adaptation to systemic disasters necessitates polycentric, participatory, and reciprocity-based arrangements. In contrast, the model adopted by the settlement centralizes implementation within corporate consortia and technocratic bodies such as the Renova Foundation, promoting a form of ecological restoration detached from the practices, knowledge and needs of the affected communities.

By shifting politics toward technical performance, the legal instrument recodes justice as managerial efficiency—depoliticizing the conflict and producing a new regime of invisibilization, as Clapp and Dauvergne (2011) diagnose in their critique of the green economy. The language of "definitive reparation", provided for in Clause 1 of the settlement, acts as a performative device for the institutional closure of the disaster, denying communities the right to continuously reinterpret their losses and to reconstruct communal bonds according to their own symbolic references.

The Mariana case thus illustrates the limits of juridical-administrative rationality in addressing structurally-rooted environmental collapses. The promise of justice is replaced by a governance of exception that, under a new guise, perpetuates the same logics of appropriation and domination that have historically shaped peripheral spaces in Latin America (Martínez-Alier, 2002; Moore, 2015).

As both a theoretical and political contribution, this article contends that advancing toward robust environmental justice is unattainable without a radical restructuring of governance, participation, and reparation modalities. In contexts marked by structural socio-environmental disasters, such as Mariana, it becomes evident that approaches centered on state legal pacts and technocratic governance models are incapable of addressing the symbolic, cultural, and territorial dimensions of damage. When confined to the frameworks of positive law and corporate crisis management, environmental justice risks reproducing the structures of domination that gave rise to the failure, perpetuating the coloniality of power and knowledge (Escobar, 2018; Salleh, 2017).

Significant transformation requires the construction of reparation processes that go beyond the limits of formal legality and are rooted in the epistemologies of the affected territories. This entails understanding justice not as the product of judicial decisions or agreements among institutional elites, but as a political, ecological, and intersubjective process of rebuilding the ties between life, culture, and place (Ostrom, 2009; Folke et al., 2005). It requires recognizing territories as rights-bearing subjects and traditional ways of life as holders of ecological rationalities and distinct ontologies, whose restitution cannot be reduced to the provision of material goods or the execution of accounting schedules.

Authors such as Federici (2012), Hickel (2021), and Altieri and Toledo (2011) have demonstrated that emancipatory alternatives to the environmental crisis entail the recognition and valorization of collective forms of life reproduction, including care, agroecology, food sovereignty, and the commons—understood as resources, knowledge, and practices collectively managed by communities for the sustenance of social and ecological well-being. These elements not only challenge the market-oriented logic of reparation but also underscore the imperative of transitioning from governance based on damage management to governance rooted in reciprocity, mutualism, and epistemic plurality (Acosta, 2016; Pimbert, 2018).

Reimagining environmental justice, therefore, also entails reimagining the legitimate political subjects of the reparation process. Affected communities must cease to be treated as passive vulnerable populations and instead be recognized as central epistemic and political agents, capable of determining the terms, rhythms, and meanings of reparation (Hardt; Negri, 2000; Wright, 2010). This requires abandoning vertical models centered on State or corporate tutelage and adopting polycentric, horizontal, and intercommunity arrangements (Ostrom, 2009).

In sum, environmental justice must be conceived as a dynamic, open-ended, and pluralistic process that affirms local knowledge, territorial self-organization, and the cosmopolitics of care. The central challenge lies in breaking with the logic of compensatory efficiency and cultivating, from the ground up, new political ecologies of reparation capable of articulating autonomy, solidarity, and intergenerational justice as the foundational principles of a sustainable and plural future.

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