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Biopiracy and Legitimacy: Strategy of Brazilian Company Natura S.A. in the Murumuru Case

Biopirataria e Legitimação: A Estratégia da Empresa Brasileira Natura S.A. no Caso Murumuru

Biopiratería y Legitimación: La Estrategia de la Empresa Brasileña Natura S.A. en el caso Murumuru

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KEYWORDS

Legitimation.
Strategy.
Biopiracy.

Abstract:

The Legitimacy Theory seeks to understand how organizations try to legitimize themselves through adverse events to the image. Within this context, the research aims to analyze which organizational legitimacy strategies prevail in the annual reports of Natura Company, from 2006 to 2013, when the company was charged with biopiracy in the Brazilian Amazon forest. The focus of the most incident strategies in the early and final years of the lawsuit was generally highlighted, especially in 2009, when Natura Company disclosed the subject in the annual report for the first time, demonstrating the company's interest in seeking legitimacy before society.

PALAVRAS-CHAVE

Legitimação.
Estratégia.
Biopirataria.

Resumo:

A Teoria da Legitimidade busca compreender como as organizações tentam se legitimar mediante acontecimentos adversos à imagem. Neste contexto, a investigação objetiva analisar quais estratégias de legitimação organizacional predominam nos relatórios anuais da empresa Natura. S.A., dentre 2006 a 2013, quando a empresa passava por acusações de biopirataria na floresta amazônica. Evidenciou-se de forma geral, a concentração das estratégias mais incidentes nos anos iniciais e finais do processo, com destaque para 2009, quando a Natura S.A. expôs, pela primeira vez, o assunto no relatório anual, demonstrando, assim o interesse da empresa em buscar legitimação perante a sociedade.

PALABRAS CLAVE

Legitimación.
Estrategia.
Biopiratería.

Resumen:

La teoría de la legitimidad busca comprender cómo las organizaciones intentan legitimarse a través de eventos adversos a la imagen. En este contexto, la investigación tiene como objetivo analizar qué estrategias de legitimación organizacional predominan en los informes anuales de la empresa Natura. S.A., de 2006 a 2013, cuando la compañía estaba acusada de biopiratería en la selva amazónica. En general, se destacó la concentración de las estrategias más incidentes en los años iniciales y finales del proceso, especialmente en 2009, cuando Natura SA expuso por primera vez el problema en el informe anual, lo que demuestra el interés de la compañía en buscar legitimación ante la sociedad.

Introduction

The violation of natural resources and cultural heritage present in biological diversity are based on biopiracy (Rongoei, 2008). Biopiracy is a practice driven by the operations of companies that, at an appropriate time, have backdrop attitudes that can corroborate the environment in order to make use of their organizational logos with a focus on justifying the obtaining of natural resources (Nagan, Mordujovich, Otvos, & Taylor, 2010).

In addition, the practice of selecting and using biological raw materials and plants in order to produce new medicine and cosmetics for commercialization is called bioprospecting (Dutfield, 2003). Moreover, both biopiracy and bioprospecting go beyond the limits of disrespect to the local community as well as to the general population, whose purpose does not consist in generating jobs and income, but rather exploiting the environment for profitability to the organization by means of illegal trade (Shiva, 2000).

Companies working with the handling of seeds, vegetable fats, that is, the use of genetic heritage and/or traditional knowledge must fulfill certain requirements, among them Laws 9,279/1996 and 13,123/2015. The first deals with the rights and obligations of patents and titleholders, the latter deals with access to genetic heritage and traditional knowledge and compliance with the appropriate allocations to be made to those entitled by law (Law 9.279, 1996 & Law 13,123 2015).

However, the use of natural elements is not only beauty-related, but also linked to a health-related aspect. According to Mckee, Gilmore and Schwalbe (2004) the use of biological materials, such as plants, is a guide point between multinational companies that opt for the acquisition and treatment of plants, causing serious ecological and biodiversity loss, as well as health effects, because the annihilation of biological diversity causes deforestation through forest fires and climatic changes, which can lead to different epidemiological situations of communicable diseases.

In the light of this evidence, the general objective is to analyze which strategies are articulated by a Brazilian multinational in its annual reports from 2006 to 2013 when being charged with biopiracy. Thus, this approach is justifiable because there are works related to deforestation and to emissions of pollutant gases, but few studies addressing the issue of biopiracy and/or bioprospection are used by well-known multinational organizations (Rongoei, 2008).

It is also justified by organizations not to compete for clients and resources, in which organizational legitimacy becomes fundamental, through commitment to the environment, evidenced by society. In this perspective, the legitimacy of the organization can be promoted with socially accepted managerial practices and tools, which are in line with the view of society and stakeholders (Rossoni, 2016, DiMaggio & Powell, 1983).

The structure of this study is divided as follows: introduction (contextualization of the theme, research problem and justification). Following, topics related to the theory of legitimacy, biopiracy/bioprospecting in the Amazon Forest, the murumuru case as well as the

inherent laws, the lawsuit linked to Natura Company and the respective journalistic news are discussed.

Theoretical and Literature Review

Theory of Legitimacy

The Theory of Legitimacy relates companies as an integral part of a social system, and their existence is directly linked to the function of legitimacy proposed by society. In addition, companies do not have the rights related to resources, but rather the society that is responsible for legitimizing them (Deegan, 2002). In this context, there is an explicit contract between the company and society, governed by moral values in which the company must act in an accountable manner (O'Donovan, 2002).

Corroborating the idea of a social contract between the organization and society, the commitment between them and the actions they perform to be accepted by the community, through recognition and legitimacy, define the social survival of these companies (Guthrie & Parker, 1989). In addition, the Theory of Legitimacy aims to seek explanations for these contracts, particularly with regard to certain phenomena, such as social-environmental disclosure by organizations (Magness, 2006).

Therefore, the theory is part of the social context, with organizations seeking to demonstrate their responsibility towards society, coordinated by the beliefs and referred to as legitimacy (Patten, 1992). This theory provides aspects of the motivation of managers in the disclosure of environmental background information in order to find the understanding of the elements used for obtaining legitimate organization (Wilmshurst & Frost, 2000).

In Lindblom's (1994) view, Organizational Legitimacy is strongly related to social performance and its dissemination, in such a context that O'Donovan (2002) cites that it also helps as a prediction tool. Organizational Legitimacy deals with the search for legitimacy of companies, through the information available to society, to demonstrate the adequacy of their activities (Downling & Pfeffer, 1975).

Legitimacy has the power of an influencer in the daily flow process of resources inherent to the organization, symbolically representing the evaluative judgment that is performed on its image (Hybels, 1995). Companies considered to be well-legitimated have greater ease to continue their competitiveness, being able to readjust themselves to the contingencies in a nimble and adequate way (Neu, Warsame, & Pedwell, 1998).

On the other hand, organizations in their reports are less likely to publish socio-environmental information that would negatively have an impact on society (Deegan & Rankin, 1996). In the meantime, companies use the disclosure of social and environmental information to adjust themselves back to society as for social and political issues (Cho & Patten, 2007).

In short, the Theory of Legitimacy becomes fundamental to explain the disclosures of social and environmental information by organizations (Hybels, 1995). In accordance with the context of legitimacy, Suchman (1995) proposes a study model for the analysis and interpretation of Organizational Legitimacy and its strategies, as follows.

Suchman's Organizational Legitimacy strategies (1995) include the representation of behaviors constructed between an entity (class/association) and the beliefs presented by certain social groups. In addition, it is shown objectively speaking, through rules and regulations, but in a subjective way driven by beliefs and behaviors (Suchman, 1995).

Thus, Organizational Legitimacy is characterized by a

link between the social values shown, from the produced activities and the regulations ruling the behavior of organizations within the social system (Dowling & Pfeffer, 1975; Oliver, 1991). In this context, Suchman (1995) proposes three strategies: (i) pragmatic legitimacy, (ii) moral legitimacy; and (iii) cognitive legitimacy:

Pragmatic Legitimacy comprises the judgment of the individual on the acts and organizational facts, which may lead to further benefits to his organization or even his stakeholders (Thomas & Lamn, 2012). This typology of legitimacy serves as a form of exchange with the organization, thus seeking to predict values, if the company (Dowling & Pfeffer, 1975) adopts specific functions or policies. Immediacy in the evaluation of the individual, due to the actions promoted by the organization, reflects the pragmatic legitimacy, thus reflecting the impacts that the actions will result (Thomas & Lamn, 2012). Pragmatic legitimacy aims at a rapid understanding of how the organization's actions will be perceived by society, encompassing social, political and economic factors (Suchman, 1995).

In a comparison with pragmatic legitimacy, Suchman (1995) argues that moral legitimacy is more difficult to be handled or corrected, being divided into four different perceptions: (i) consequences of legitimacy; (ii) procedural legitimacy; (iii) structural legitimacy; and (iv) personal legitimacy. Corroborating the previous assertions, Aldrich and Fiol (1994) cite that moral legitimacy infers a positive or negative normative assessment of the organization and its recurrent activities. Moral legitimacy evidences whether the organization is in a favorable or unfavorable situation towards the stakeholders (Drori & Honing, 2013).

Cognitive legitimacy discusses the many possible standardization paths that the organization can adopt, which can lead to positive, negative or even zero impacts (Jepperson, 1991). In this sense, this type of legitimacy has an emphasis on explaining how the organization's line of business is clear and natural, raising the awareness of stakeholders, such as the cooperators as to the company's efforts (Suchman, 1995). This typology of legitimacy refers particularly to the fundamental premises, which by nature are characterized as truths and structure the way social activities flow, as well as organizations (Dart, 2004).

Biopiracy, Bioprospecting and the Brazilian Amazon Forest

From the 1980s, there has been an urge regarding the biopiracy issue, that is, the exploitation of natural resources aiming at economic leverage (Oguamanam, 2013). Thus, the term biopiracy was developed by nongovernmental organizations to regulate activities of misappropriation of natural resources, in an attempt to minimize environmental risks and protect biodiversity (Danley, 2012).

In addition, biopiracy comprises ethical, legal, and political issues, along with being particularly concerned with indigenous rights (Kidd, 2012). In line with bioprospecting, a term introduced to designate the use of plants and other elements with commercial focus on discoveries of new seeds and/or cosmetics; it also plays a stimulating role regarding the preservation of biodiversity (Dutfield, 2003).

In addition, Rosemary Coombe, a Canadian researcher who focuses her studies on cultural, political and social issues of intellectual property laws, argues about a "crisis of legitimacy in the global system of intellectual property" (Coombe, 2001, p. 275). In accordance with this, issues permeating the history of the Brazilian Amazon Forest are characterized over time in successive events of exploration for biodiversity (Homma, 2005).

In this way, the Brazilian Amazon Forest and its biosphere are not only present for the exhibit of enchantment with its various compositions of seeds, plants and a vast biodiversity, but also for the financial resources that are generated from exploration, having as its main "user" private companies with a backdrop for economic opportunism. Therefore, companies carry out business strategies while promoting social actions with the purpose of promoting socio-environmental attitudes such as the preservation of the environment and the correction measures for the deforestation (Engel, 2016).

In order for the organizations to take advantage of the elements belonging to nature, it is necessary to comply with legal bases for the control of the commercialization of biodiversity, which regulate the rights and obligations for the handling tasks and possible commercialization to occur, such as Law 9,279/1996 and Law 13,123/2015.

Law 9,279/1996 regulates the rights and obligations on industrial property as for patent and ownership. In this law, article 8 establishes a requirement so that there is the possibility of patents: that there is a discovery serving as a novelty, an inventive activity and/or an industrial application. In addition, article 90 expresses that the employee will only have the exclusivity for the invention or the utility model if he himself has developed it, and as long as it is unrelated to the employment contract, not resulting from the use of any resources such as information, materials, facilities and/or equipment of the employer (Law 9,279, 1996).

Law 13,123/2015, which expresses concern to the access to genetic heritage as well as to related traditional knowledge, approaches the issue of the distribution of benefits in order to preserve and use biodiversity in a sustainable way. Thus, inserted in article 1, paragraph 1, is the access to genetic heritage and/or associated traditional knowledge without any harm to the rights of material or immaterial property reaching the genetic heritage, and/or traditional knowledge, as well as the place where the harm occurred. In addition, article 2 of the same law includes, apart from the concepts and definitions contained in the Convention on Biological Diversity - CBD, promulgated by Decree no. 2,519, in March 16, 1998, the access to genetic heritage for research purposes for technological development, using samples of genetic heritage (Law 13,123, 2015).

The Murumuru Case

Murumuru fat (chestnut or palm fruit) was exploited and integrated into Brazilian exports until the mid-twentieth century. There were numerous publications describing its chemical composition, handling, its characteristics, areas of occurrence, etc. In addition to using murumuru for food purposes, the publications recommended this fat for the manufacture of soaps and shampoos because of its moisturizing capacity. In the meantime, there was interest on the part of the company for the insertion of this raw material in its products.

However, Natura Company was charged with misappropriating and exploiting inadequately part of the

heritage of the Ashaninka indigenous community, by using murumuru for the manufacture of cosmetics, triggering indictments, which culminated in court proceedings that initiated in 2007 and ended in 2013 with a favorable decision to the company (Federal Regional Court of the 1st Region, 2018).

For that reason, what was signed in the decision regarding the breach of contract clause was that they did not gather information that occurred that could have reached the image of the Ashaninka or the natives in general. Thus, the final decision stated that, as to the Ashaninka Indians, there was no evidence of disrespect for the community's image, which stands out for its courage in demonstrating a new paradigm of sustainability and relationship with society in the search for the preservation of its cultural identity. In addition, there was no evidence to prove the veracity of a breach of contract and its possible undermining of the social structure of the Ashaninka people (TRF1ª Region, 2018).

As for the media view regarding the murumuru case, the Federal Public Prosecutor of Acre filed a lawsuit against the Natura Company in 2007 under the allegation that it was conducting biopiracy through vegetables in the region, i.e., that the company would be illegally taking advantage of the knowledge of an indigenous community, from a vegetable oil that is extracted from a palm fruit located in the Amazon Forest. The owners of the company argued that the properties of murumuru have been long known by bibliographies since 1941 and that the extraction of the raw material as well as the compensation to the natives have occurred correctly (National Federation of Federal Police Officers, 2009).

In addition, the company was fined R\$21 million by the Brazilian Institute of Environment and Renewable Natural Resources (Ibama) due to apparently obtaining access to traditional knowledge of the Ashaninka people. To that end, the director of corporate affairs and government relations of Natura Company claimed that there were disagreements throughout the authorization process for access to biodiversity, understanding that legislation creates barriers to innovation. The executive said that the company is implementing the Convention on Biological Diversity (CBD), an international treaty signed at the Rio Eco-92 for the purpose of the sustainable use of biodiversity and that it agrees with the related bodies. Among these policies are the formalization of contracts as well as the distribution of benefits (Falcão, 2010).

Finally, in the year 2013 the cosmetics industry Natura Company was acquitted by the Federal Court of Acre. The lawsuit lasted about 6 years, following a public civil action by the Federal Public Prosecutor (MPF). The final decision had 53 pages, and the entrepreneurs were asked to pay a compensation to the Ashaninka indigenous community, corresponding to an amount of 15% of the profit obtained by Natura Company. However, the period set for the payment of the percentage was 15 years, i.e., since the beginning of the company's mining activities (Machado, 2013).

methodology employed by Suchman model (1995) arranged in Table 1. There are the three typologies (Pragmatics, Moral, and Cognitive). The strategies used for the interpretation of gains (G), maintenance (M) and repair (R) and the analysis focus in each.

Table 1 - Construct of Organizational Legitimacy

Strategies for Legitimacy proposed by Suchman				
Typologies	Strategies	Focus of the Analysis		
Pragmatic	G	Adapt to the requirements	Meet the needs Incorporate members Build reputation	
		Select markets	Find friendly public Recruit friendly cooperators	
			Advertise	The product The image
	M	Monitor interests	Seek the advice of leaders	
		Promote exchanges	Monitor reliability Communicate honestly Stock up confidence	
	R	Reject		
		Create monitors		
	Moral	G	Adapting to ideals	To produce suitable results Incorporate to the institutions Offer symbolic statements
			Select the domain	Set goals
Persuade			Demonstrate success Get individuals committed to ideals	
M		Monitor ethics	Seek advice of professional categories Monitor the responsibility	
		Encourage good behavior	Communicate officially Stock up favorable reviews	
R		Apologize and/or justify	Present justifications	
		Disassociate	Replace staff Review practices Reconfigure	
Cognitive		G	Adapting to models	Play by the rules Formalize operations Professionalize operations
			Select labels	Search certifications
	Institutionalize	Persist Popularize new models Standardize new models		
		M	Monitor prospects	Seek advice of those who have doubts Aim clarity
			Protecting hypotheses	Speak naturally and punctuality Stock up connections
	R	Explain		

Note. Source: Adapted from Suchman (1995).

The collection and interpretation of the information contained in the reports, from 2006 to 2013, included the year before the beginning of the lawsuit (2006) and the entire

Method

For the data collection and analysis, we used the



period that it was in progress (2007 to 2013). Through content analysis, based on Bardin concept (2011), the categorical and co-occurrence analysis (association between the categories found) were used in the reporting information, as adapted in Table 1.

The unit of analysis was the paragraph, as was the study by Zanchet, Gomes, Kremer, & Pasquali (2017), who also used the methodology employed by Suchman (1995). It is important to mention that, the reports have been read in full and the strategies have been scattered in the sense that they are not arranged in a standardized or sequential way in the reports.

Data analysis

Table 2 - Summary of Observations

Typology		2006	2007	2008	2009	2010	2011	2012	2013	Total
Pragmatic	G	44	51	52	47	54	74	130	129	581
	M	12	16	27	115	38	80	63	41	392
	R	-	-	4	-	-	-	3	2	9
Subtotal		56	67	83	162	92	154	196	172	982
Moral	G	36	91	128	273	119	256	158	203	1264
	M	24	23	35	138	23	56	42	48	389
	R	21	3	51	58	36	23	44	36	272
Subtotal		81	117	214	469	178	335	244	287	1925
Cognitive	G	26	17	52	26	45	22	70	74	332
	M	15	18	13	10	4	4	23	33	120
	R	2	-	8	0	9	-	8	5	32
Subtotal		43	35	73	36	58	26	101	112	484
Total		180	219	370	667	328	515	541	571	3391

Note. Legend: G - Gain; M - Maintenance; R - Repair. Source: Research data.

Through the presence of Natura Company in operations related to biodiversity in the Amazon Forest and the lawsuit filed for biopiracy charges, in 2007, 3.391 observations were analyzed in the company's annual reports, from 2006 to 2013, as shown in Table 2.

Table 2 shows a grouping of the total observations of the parameters (gain, maintenance and repair), which allows an initial visualization of the volume of observations identified over the years studied, as the most evident ones. The example is the year of 2009. However, for a better explanation about the findings, it is interesting to note in which strategies there was a higher incidence of observations.

Thus, table 3 expresses the observations found in each parameter of analysis in their respective strategies:

Natura Company (<http://www.natura.com.br/>, recovered on August 2, 2018), founded in 1969, is a Brazilian multinational company inserted in the cosmetics, hygiene and beauty sector, with the purpose of developing products that promote positive impacts on social, cultural and environmental contexts. In 1999, for the first time Natura Company partnered with traditional communities, called Agro-Extractivism Development Corporation of Médio Juruá, located in the Amazon. In the following year, it creates the Ekos line, which started off the use of the Brazilian biodiversity.

Table 3 - Observations

Strategies		2006	2007	2008	2009	2010	2011	2012	2013	Total	
Pragmatic	G	Adapt to the requirements	22	42	38	41	39	69	80	76	407
		Select markets	8	3	6	2	5	3	7	8	42
		Advertise	14	6	8	4	10	2	43	45	132
	M	Monitor interests	1	3	-	4	8	6	9	9	40
		Promote exchanges	11	13	27	111	30	74	54	32	352
	R	Reject	-	-	3	-	-	-	3	2	8
	Create monitors	-	-	1	-	-	-	-	-	1	
Moral	G	Adapting to ideals	13	19	39	38	32	68	69	92	370
		Select the domain	3	17	22	62	30	45	24	30	233
		Persuade	20	55	67	173	57	143	65	81	661
	M	Monitor ethics	5	-	3	5	3	5	9	6	36
		Encourage good behavior	19	23	32	133	20	51	33	42	353
	R	Apologize and/or justify	13	2	33	48	28	23	32	32	211
	Disassociate	8	1	18	10	8	-	12	4	61	
Cognitive	G	Adapting to models	9	9	18	8	15	15	37	35	146
		Select labels	6	1	9	2	6	5	6	6	41
		Institutionalize	11	7	25	16	24	2	27	33	145
	M	Monitor prospects	2	1	1	3	-	3	-	8	18
		Protect hypotheses	13	17	12	7	4	1	23	25	102
	R	Explain	2	-	8	-	9	-	8	5	32
Total		180	219	370	667	328	515	541	571	3391	

Note. Legend: G - Gain; M - Maintenance; R - Repair. Source: Research data.

Regarding the observations mentioned in table 3, 56.77% fit in the moral typology, followed by those of pragmatic typology with 28.96% and cognitive with 14.27%. This incidence of the typologies of legitimacy proposed by Suchman (1995) corroborates the study of Zanchet *et al.* (2017), in which these strategies of legitimacy were used to highlight the legitimacy of Samarco Mineração Company, after an environmental disaster caused by the company, analyzing the management and sustainability reports from 2010 to 2015.

Due to the study's delimitation of period - from 2006 to 2013 - and according to the total of observations found, we sought to interpret the data separately, that is, they were divided into 3 subsections: i) Pragmatic Legitimacy; ii) Moral Legitimacy; and iii) Cognitive Legitimacy.

Pragmatic Legitimacy

The typology of pragmatic legitimacy is characterized by the immediacy of the response to the expectations of the stakeholders (Suchman, 1995). Within this context, Natura Company resorts to strategies to legitimize itself in a pragmatic way, such as adapting to requirements, selecting markets and through advertisement. As a way to maintain this typology, the strategies used are the monitoring of interests and the promoting of exchanges. For the repair of pragmatic legitimacy, some aspects are rejected or monitors created. Thus, as in the studies of Beuren, Gubiani and Soares (2013) and Zanchet *et al.* (2017), strategies related to gain were found more frequently, followed by maintenance and minimal presence in repair. In order to provide a better view on the three parameters (gain, maintenance and repair), they follow below with their respective findings.

With regard to the gain strategy on what concerns fulfilling the requirements and meeting the needs, Natura Company resorted to this strategy significantly throughout the analyzed period, especially in 2007, which is characterized by being the starting point of the legal proceedings against it. The percentage of observations related to this parameter tripled from 2006 (1.67%) to 2007 (5.48%), reducing by approximately half from 2008 to 2010 and once again became significant from 2011 onwards more than 5% of the total observations of each year. By means of this scenario, there was a greater need to fulfill the requirements in the early year (2007) and in the final years of the lawsuit (2011 to 2013).

Regarding the incorporation of members as a way of fulfilling the requirements, there was a greater concern in this sense in 2006 and 2007, with about 3.89% and 2.28% of the total observations in the respective years. In relation to the other years, the total number of observations related to this parameter was less than 1%, and in 2011 there was not any. Natura Company also concentrated heavily on building a reputation, with a total of observations exceeding 3.80% per year, especially 2007, where approximately 12% of

the paragraphs referred to this reputation building.

Within the scope of market selection, Natura Company emphasized harder the issue of recruiting cooperators rather than friendly audiences. As for the friendly cooperators, there were no observations in 2011, and only a few (0.30%) in 2009. In other years, it remained between 1% and 2.5%. Whereas in relation to friendly audiences observations were only made in 2006 and between 2011 and 2013, all of them being lower than 1.2%.

As for advertising the product and the image, it was more representative in the early and final years of the period. In relation to the image, Natura sought to use this typology with greater expression in 2006, 2012 and 2013, representing the two extremes of the longitudinal analysis; the three of them with over 6% of the observations in each respective year.

According to Dart (2004), the way to gain more basic pragmatic legitimacy is by reputation building and advertising the image and products - strategies that Natura Company used expressively during the period of analysis. Reputation building has been used significantly over the years, while the strategy to advertise the image and the products was more used in the year prior to the start of the legal proceedings and in the last two years of its termination.

As for the maintenance strategy, regarding the ways of maintaining pragmatic legitimacy, Natura Company sought to check out the opinion of the leaders, particularly in 2007 and from 2010. Concerning the promoting of exchange, the company generally sought to monitor the reliability in almost every year except in 2007 in addition to having low representativeness in 2009. It remained constant when compared to communicating honestly with the stakeholders, reaching around 1% of the total of the observations, and sought to store confidence with them, particularly in 2009 and 2011, a period of time when the frequency of their observations increased over 10%.

As to the repair strategy, as a way of repairing pragmatic legitimacy, the organization rejected some attitudes, assertions, programs and measures that it had been taking. Such rejections occurring in 2008, 2012 and 2013, but with observations often lower than 1%. As for the creation of monitors, a single case of this strategy was identified in the reports in 2008.

As a way of combining these three parameters (gain, maintenance and repair) which entered into the pragmatic legitimacy, it is inserted that the prevailing observations, permeated the field of fulfillment to the requirements, with a greater focus on meeting the needs of the stakeholders (clients, consultants, suppliers). In addition, another emphasis that was highlighted, was the strategy of reputation building, demonstrating the concern of Natura Company in conveying information that corroborated so that there was no decline as to its credibility. This reputation-building strategy had become more prominent in the last two years leading up to the termination of the legal proceedings.

Moral Legitimacy

The typology of moral legitimacy has in its three parameters (gain, maintenance and repair) the existence of reasons with the intent to demonstrate ways for the company to adapt to the ideals, the search to select a domain and the

power of persuasion of the organization. In addition, it also intends to show the possibility to monitor the ethics and to attempt the encouragement of good behavior. Besides that, moral legitimacy looks for elements that may justify or ways for the company to apologize for something that happened. Finally, disassociation as a way of detaching some individual or group from the organization, as well as the necessary adjustments to some sectors of the company, for example. These strategies and reasons for having some legitimacy on the part of the organization can be considered as a form of suitability so that the company can obtain satisfaction from the stakeholders (Suchman, 1995).

Regarding the gain strategy, the analysis enabled Natura Company to show a predominance of 57 observations in 2013 (9.98%), in the strategy to produce adequate results, that is, in the year that culminated the lawsuit, whereas compared to 2006, 3 observations were identified representing 1.67%. Based on this observation, it can be inferred that in 2013 there were more attempts by the company to demonstrate its capacity to provide subsidies that were perceived as acceptable by the stakeholders (clients, consultants, suppliers, institutions).

Therefore, it was observed that the combination of the institutions occurred in an increasing way throughout time under consideration, with 47 observations only between 2012 and 2013, out of 90 observations found in the 8-year study analysis. It is worth mentioning that in the strategy of offering symbolic statements, Natura Company presented 64 observations mentioning the focus.

From the collected data, it can be inferred that the strategy of selection of domains, whose focus of analysis was setting goals, found 62 observations only in the year of 2009, representing 26.61% of the 233 regarding 8 years of analysis. Thus, in 2007, the volume of observations found (17) represented 7.3% of the total collected over the study analysis allowing the interpretation that Natura Company sought to legitimize itself of some impact caused by means of its activities. Therefore, as a way of highlighting what was mentioned, 2009 was the first year after the start of the lawsuit when the company expressed itself about it in its annual report.

Finally, the last strategy related to the gain parameter refers to persuasion, divided into two focuses of analysis: demonstrating success and getting individuals committed to ideals. These focuses can usually be expressed in the form of the handling of their products, that is, the company tries to evidence its items so as to exalt them (Suchman, 1995). In 2009, 131 observations were found, representing 19.64% of the findings in the year in relation to the success demonstration. However, in 2006, one year before the start of the lawsuit, Natura Company demonstrated 11 observations in its annual report as a way to success, which represented 6.11% of the total of observations in the year.

Regarding the focus of analysis on getting supporters, who are admirers of the archetype of the organization, 42 observations were found in 2009, compared to 173 observations identified in the 8 years of analysis. These results showed that the company sought arguments able to provide optimistic and favorable ideas that could elect new members to the company. As a way of exemplifying, some information quoted by Natura Company in 2009 is available as follows:

In initiatives promoting sustainable development, we seek to have a broader view. In 2009, we supported projects aimed at expanding awareness of each one's role in building a better world and social entrepreneurship. (Natura, 2009, p. 81).

Regarding the maintenance strategy for legitimacy of the moral parameter, there are two strategies: (i) monitoring the ethics and (ii) encouragement of good behavior. The first expresses as focus of analysis the query by professional categories in order to connect the reviews of other organizations. In this sense, the observations found from 2006 to 2013 amounted to 36 observations, taking as an example a quote by Natura Company: "All the work takes place with the support of the managers of these conservation units" (2012, p. 126).

The second strategy refers to the focus of analysis on the monitoring of accountability, the official communication and the storing up of favorable reviews. These three focuses were found in 2009 and were considered as the most frequently observations found in the annual reports under discussion, respectively 48, 43, 42 out of 152, 115 and 86 observations, respectively. It should be noted that these findings express an idea that Natura Company sought to legitimize itself through arguments that exemplify its activities and attitudes in an effort to demonstrate the non-abstention from its responsibilities.

The repair strategy lies in that the parameter repair gets to begin work on the apology and/or justification as well as the disassociation as strategies of legitimacy. These strategies have as a guiding line a reactive response to possible contingencies (Suchman, 1995). Thus, Natura Company demonstrated, in the sense of apologizing and/or justifying itself, that in the years 2008 and 2009, 81 observations were found, compared to the total identified between the years 2006 and 2013, that is, 211 observations.

In addition, as far as disassociation is concerned, there are three focuses of analysis: staff substitution, practice reviews and reconfiguration. In summary, the focuses allow the view of an attempt to express a change in the attitudes undertaken by the managers in the company. In the meantime, according to the findings, the years 2008 and 2009 presented the largest number of observations found, corroborating the interpretation that after the beginning of the legal proceedings Natura Company sought to legitimize itself in a more timely manner in those two years, as shown in the quote below regarding the second focus, i.e., practice reviews:

At the same time that we are recognized for the progress already made, we know that there is still a long way to go, as for establishing quality relationships with these

communities. For example, we must improve measurement tools of the social, environmental and economic impacts of our relationship. (Natura, 2008, p.35).

In this way, managers try to express themselves in order to minimize some conflicts, trying to demonstrate through behaviors that consider them legitimate. Thus, it is said that a behavior pattern denotes legitimacy when there is a consensus of acceptance by observers (stakeholders or groups as a whole) (Suchman, 1995).

Cognitive Legitimacy

The typology of cognitive legitimacy is characterized by the effort of the organization in order to convince society about the importance of activities carried out by such company (Suchman, 1995). In order to legitimize itself cognitively, Natura Company may make use of strategies such as adapting to models, selecting labels and institutionalizing models. As a way of maintaining this typology of legitimacy, the strategy consists in monitoring perspectives and in protecting hypotheses. For the repair of cognitive legitimacy, the strategy diffuses through explanations.

The role of the gain of legitimacy strategy is to adapt to models and it has been used mainly to formalize and/or professionalize operations, keeping up with a certain frequency over the period used, particularly in the early and final years of the sample in which around 2% to 3% of the total observations are present. Still, when it comes to adapting to models, Natura Company makes use of, less often, the strategy of playing by the rules, which was more representative in 2008 (1.62%) and 2013 (2.10%).

The company sought to use the strategy of selecting labels aiming at seeking certifications throughout the period, with a higher incidence on the total observations in 2006 (3.33%) and 2008 (2.43%). Another strategy to legitimize itself in a cognitive way is the institutionalization, aiming at persevering in certain ways, popularizing or standardizing new models. Of these three strategies, Natura Company uses particularly the popularization of new models, followed by standardization. In relation to the total number of observations, the popularization remained somewhat constant throughout the period, while the standardization of the new models was more frequently used in the early years.

In line with the maintenance strategy, this one consists in monitoring perspectives as a focus on seeking advice of those who have doubts. Through the analysis, it was evidenced that Natura Company made little use of this strategy since the highest frequencies in relation to the total of observations were found at the extremes of the period, both amounting to an average of approximately 1%.

The other strategy for maintaining this typology of legitimacy is through the protection of hypotheses, whether for clarity, speaking with simplicity and punctuality, or storing up connections. Of these three parameters, the first two were the most

used by the organization, again emphasizing both the early and final years of the sample. The attempt to store up connections with stakeholders was more frequently used in 2006 and 2007, approaching 3% of the total observations of the respective years.

Regarding the strategies used to gain and maintain legitimacy in a cognitive way, greater representativeness was suggested in their use in the early and final stages of the lawsuit, corroborating Tolbert and Zucker (1983), who argue about the factors of externality and objectivity, claiming the cognitive use of legitimacy to change the conception of a certain fact (accusation of biopiracy) by controlling the very factors who originated it.

According to Suchman (1995), the repair strategy emphasizes the issue of the explanation of certain aspects, attitudes, events or positions. In the annual reports of the organization, little was said about this, being found in a non-standardized way over the years, in the sense of being present every other year in that period, and none exceeded 3% of the total observations.

As an example of an explanation for the repair of cognitive legitimacy, the following quote is presented in the 2010 annual report:

Between the months of November and December 2010, Natura received 68 assessment notices from the Brazilian Institute of Environment and Renewable Natural Resources (IBAMA) amounting to R\$ 22 million for allegedly irregular access to biodiversity for conducting research and product development. Just like Natura, other domestic and foreign companies, scientists and public research institutions were warned. . . . Natura does not agree with the procedure and formally objected to these assessments. (Natura, 2010, p. 64).

Final considerations

The study aimed to analyze which strategies are articulated by a multinational in its management reports from 2006 to 2013 when accused of biopiracy. For that, the reports analyzed 3,391. Of these, more than half (56.77%) fit into the moral typology, followed by the pragmatic (28.96%) and cognitive (14.27%) typology.

The moral legitimacy was found with greater expressiveness in the 8 years of analysis, occurring progressively from the beginning of the lawsuit proceedings. Thus, the focus of analysis that addresses the concern of the company Natura Company in demonstrating success, followed by the attempt to set goals, was found with greater emphasis in the gain parameter. For Aldrich and Fiol (1994), the demonstration of success is not the only factor that moves an organization, however, it becomes necessary from the moment the company is involved by external pressures, that can influence its relationship with the stakeholders as well as their competitiveness vis-à-vis other organizations.

The predominance of the strategies in the pragmatic legitimacy was those of gain, followed by those of maintenance, and less often those of repair. As a way of gain, the organization used strategies particularly as adapting to the needs, responding to the needs and building its reputation, as

well as advertising its image. The main strategy for maintaining legitimacy concerns promoting of exchanges aimed at monitoring the reliability before the stakeholders.

In the cognitive legitimacy, it can be noted that the gain strategy, which consisted in the adaptation to models, with emphasis on the formalization and professionalization of the operations, was used by Natura Company particularly in the early and final years of the lawsuit. Regarding the maintenance of legitimacy in this typology, the organization promoted a greater effort in the protection of hypotheses, particularly the communication with simplicity and punctuality, as well as aiming for clarity. Efforts to maintain this legitimacy were concentrated predominantly on the early period and the end of the legal proceedings.

As a way of repairing cognitive legitimacy, in a quote found in the 2010 report, Natura disclosed the assessment notices received from Ibama in the same year and positions itself against these assessments. They argue the need for new laws as for the access to biodiversity, aiming at the advancement of science, as well as to ensure the rights of traditional communities and the protection of biomes, as a way of repairing cognitive legitimacy.

In order to synthesize the findings, it was found that the observations in the company's annual reports were predominantly in the parameter gain, with greater evidence from the occurrence of the legal proceedings, with an emphasis in 2009. Thus, it is interpreted that the organization sought subsidies to legitimize itself, conveying arguments to adapt the requirements that were needed, as well as to select the domain, that is, to build up its structure in order to demonstrate that its activities are legitimate, thus providing more credibility to the stakeholders.

The findings of this research contribute to debates and discussions on the Theory of Legitimacy, with emphasis on the typologies of Organizational Legitimacy proposed by Suchman (1995). It is interesting to highlight the legitimacy of companies involved in environment-related problems, such as Natura Company, in the face of its charges with biopiracy.

For future studies, it is suggested to carry out this same study for years after the termination of the legal proceedings in order to verify if the strategies of legitimacy of Natura Company continue in the same line or have changed their focus. Regarding the disclosure of typologies of legitimacy proposed by Suchman (1995), a perceived limitation made it difficult to analyze some observations with aspects related to technology and innovation, being advisable to elaborate an adaptation to the model, in an attempt to approach more specifically the issues aforementioned.

References

- Aldrich, H.E., Fiol, M., 1994. Fools Rush in? The Institutional Context of Industry Creation. *The Academy of Management Review*, 19(4), 645-670.
- Bardin, L. 2011. *Análise de conteúdo*. São Paulo: Edições 70.
- Beuren, I.M., Gubiani, C.A., Soares, M., 2013. Estratégias de legitimidade de Suchman evidenciadas nos relatórios da administração de empresas públicas do setor elétrico. *Revista de Administração Pública*, 47(4), 849-876. <http://dx.doi.org/10.1590/S0034-76122013000400003>
- Cho, C., Patten, D.M., 2007. The role of environmental disclosures as tools of legitimacy: a research note. *Accounting, Organizations and Society*, 32(7-8), 639-647. <https://doi.org/10.1016/j.aos.2006.09.009>
- Coombe, R.J., 2001. The Recognition of Indigenous Peoples' and Community Traditional Knowledge in International Law. *St. Thomas Law Review*, 14, 275-285.
- Danley, V., 2012. Biopiracy in the Brazilian Amazon: Learning from International and Comparative Law Successes and Shortcomings to Help Promote Biodiversity Conservation in Brazil. *Florida A & M University Law Review*, 7(2), 291-327.
- Dart, R., 2004. The Legitimacy of Social Enterprise. *Nonprofit Management & Leadership*, 14(4), 411-424. <https://doi.org/10.1002/nml.43>
- Deegan, C., 2002. The legitimising effect of social and environmental disclosures - A theoretical foundation. *Accounting, Auditing & Accountability Journal*, 15(3), 282-311. <https://doi.org/10.1108/09513570210435852>
- Deegan, C., Rankin, M., 1996. Do Australian companies report environmental News objectively? An analysis of environmental disclosure by firms prosecuted successfully by the environmental protection authority. *Accounting, Auditing e Accountability Journal*, 9(2), 50-67. <https://doi.org/10.1108/09513579610116358>
- DiMaggio, P.J., Powell, W.W., 1983. The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields. *American Sociological Review*, 48(2), 147-160.
- Dowling, J., Pfeffer, J., 1975. Organizational Legitimacy: Social Values and Organizational Behavior. *The Pacific Sociological Review*, 18(1), 122-136.
- Drori, I., Honig, B., 2013. A Process Model of Internal and External Legitimacy. *Organization Studies*, 34(3), 345-376. <https://doi.org/10.1177/0170840612467153>
- Dutfield, G., 2003. Bioprospecting: legitimate research or 'biopiracy?'. *Science and Development Network*. Available at: <<http://comenius.susqu.edu/biol/312/bioprospectinglegitimateresearchorbiopiracy.pdf>>. Accessed on: 15 Jun. 2018.

- Engel, M., 2016. *When Money Grows on Trees: The case of beyond-compliance companies sourcing from the Amazon Rainforest*. Master Thesis, Lund University, Lund, Sweden.
- Falcão, J., 2010. *Ibama multa Natura em R\$21 milhões por biopirataria*. São Paulo. Recuperado em 02 agosto 2018, de <https://oglobo.globo.com/economia/ibama-multa-natura-em-21-milhoes-por-biopirataria-2926013>
- Federação Nacional dos Policiais Federais., 2009. *Empresa Acusada de Biopirataria*. Recuperado em 02 agosto 2018, de <http://fenapef.org.br/contato/>
- Guthrie, J., Parker, L.D., 1989. Corporate Social Reporting: a rebuttal of Legitimacy Theory. *Accounting and Business Research*, 19(76), 343-352. <https://doi.org/10.1080/00014788.1989.9728863>
- Homma, A.K.O., 2005. Biopirataria na Amazônia: Como reduzir os riscos?. *Amazônia: Ciência & Desenvolvimento*, 1(1), 47-60.
- Hybels, R.C., 1995. On Legitimacy, Legitimation, and Organizations. A critical review and integrative theoretical model. *Academy of Management Proceedings*, (1), 241-245. <https://doi.org/10.5465/ambpp.1995.17536509>
- Jepperson, R.L., 1991. Institutions, institutional effects, and institutionalism. In: W.W. Powell., & P.J. Dimaggio, ed., *The new institutionalism in organizational analysis*. Chicago: The University of Chicago Press.
- Kidd, I.J., 2012. Biopiracy and the Ethics of Medical Heritage: The Case of India's Traditional Knowledge Digital Library. *Journal Medical Humanities*, 33(3), 175-183. <https://doi.org/10.1007/s10912-012-9179-3>
- Lei n. 9.279, de 14 de maio de 1996. *Regula direitos e obrigações relativos à propriedade industrial*. Brasília, DF. Recuperado em 02 agosto, 2018, de http://www.planalto.gov.br/ccivil_03/Leis/L9279.htm
- Lei n. 13.123, de 20 de maio de 2015. *Dispõe sobre o acesso ao patrimônio genético, sobre a proteção e o acesso ao conhecimento tradicional associado e sobre a repartição de benefícios para conservação e uso sustentável da biodiversidade; revoga a Medida Provisória no 2.186-16, de 23 de agosto de 2001, e dá outras providências*. Brasília, DF. Recuperado em 02 agosto, 2018, de http://www.planalto.gov.br/ccivil_03/_Ato2015-2018/2015/Lei/L13123.htm
- Lindblom, C.K., 1994. *The Implications of Organizational Legitimacy for Corporate Social Performance and Disclosure*. Critical Perspectives on Accounting Conference, New York.
- Machado, A., 2013. *Justiça Federal inocenta Natura da acusação de biopirataria no Acre*. Acre. Recuperado em 02 agosto 2018, de <http://amazonia.org.br/2013/05/justi%C3%A7a-federal-inocenta-natura-da-acusa%C3%A7%C3%A3o-de-biopirataria-no-acre/>
- Magness, V., 2006. Strategic posture, financial performance and environmental disclosure: an empirical test of legitimacy theory. *Accounting, Auditing & Accountability Journal*, 19(4), 540-563. <https://doi.org/10.1108/09513570610679128>
- McKee, M., Gilmore, A.B., Schwalbe, N., 2005. Cooperação internacional e saúde. Parte I: questões e conceitos. *Jornal de Epidemiologia e Saúde Comunitária*, 59 (8), 628-631. <https://doi.org/10.1590/1413-81232018236.05172018>
- Nagan, W.P., Mordujovich, E.J., Otvos, J.K., Taylor, J., 2010. Misappropriation of Shuar Traditional Knowledge (TK) and Trade Secrets: A Case Study on Biopiracy in the Amazon. *Journal of Technology Law & Policy*, 15(9), 9-64.
- Neu, D., Warsame, H., Pedwell, K., 1998. Managing public impressions: environmental disclosures in annual reports. *Accounting, Organizations and Society*, 23(3), 265-282. [https://doi.org/10.1016/S0361-3682\(97\)00008-1](https://doi.org/10.1016/S0361-3682(97)00008-1)
- O'Donovan, G., 2002. Environmental disclosures in the annual report: extending the applicability and predictive power of legitimacy theory. *Accounting, Auditing & Accountability Journal*, 15(2), 344-371. <https://doi.org/10.1108/09513570210435870>
- Oguamanam, C., 2013. Book Review: 'Global Bio-Piracy: Patents, Plants and Indigenous Knowledge,' by Ikechi Mgbeoji. *University of British Columbia Law Review*. 39(2), 397-405.
- Oliver, C., 1991. Strategic Responses to Institutional Process. *The Academy of Management Review*, 16(1), 145-179. <https://doi.org/10.2307/258610>
- Patten, D.M., 1992. Intra-industry environmental disclosures in response to the Alaskan oil spill: a note on legitimacy theory. *Accounting, Organization and Society*, 17(5), 471-475. [https://doi.org/10.1016/0361-3682\(92\)90042-Q](https://doi.org/10.1016/0361-3682(92)90042-Q)
- Rongoei, P.J., 2008. Biopiracy: Threat to Biodiversity Conservation. *Proceedings of the International Conference on Bioethics*, 45-52.
- Rossoni L., 2016. O que é legitimidade organizacional. *Organizações e Sociedade*, 23(76), 110-129. <http://dx.doi.org/10.1590/1984-9230766>

- Shiva, V., 2000. North-South Conflicts in Intellectual Property Rights. *A Journal of Social Justice*, 12(4), 501-508.
- Suchman, M.C., 1995. Managing Legitimacy: Strategic and Institutional Approaches. *The Academy of Management Review*, 20(3), 571-610. <http://dx.doi.org/10.2307/258788>
- Thomas, T.C., Lamn, E., 2012. Legitimacy and organizational sustainability. *Journal Business Ethics*, 110(2), 191-203. <https://doi.org/10.1007/s10551-012-1421-4>
- Tolbert, P.S., Zucker, L.G., 1983. Institutional Sources of Change in the Formal Structure of Organizations: The Diffusion of Civil Service Reform, 1880-1935. *Administrative Science Quarterly*, 28(1), 22-39.
- Tribunal Regional Federal da 1ª Região., 2018. *Consulta processual*. Disponível a partir de <https://processual.trf1.jus.br/consultaProcessual/processo.php?secao=AC&proc=200730000021173>
- Wilmshurst, T.D., Frost, G.R., 2000. Corporate environmental reporting: a test of legitimacy theory. *Accounting, Auditing & Accountability Journal*, 13(1), 10-26. <https://doi.org/10.1108/09513570010316126>
- Zanchet, A., Gomes, J.K.O., Kremer, J.K., Pasquali, K.S., 2017. Estratégias de Legitimidade nos Relatórios de Sustentabilidade e Administração da Samarco Mineração. *Revista de Contabilidade da UFBA*, 11(special edition), 51-74.