



RESEARCH ARTICLE

OPEN ACCESS

## PAST FUND: CONCEPT, CHARACTERISTICS AND LEGALIZATION

**\*Eça Katterine de Barros e Silva Almeida and Sérgio Luiz Malta de Azevedo**

<sup>1</sup>Department of Technology and Social Sciences at the University of the State of Bahia - UNEB, Juazeiro-BA, Post-Graduate Student in Human Ecology and Socio-Environmental Management

<sup>2</sup>PhD in Geography, Federal University of Campina Grande- UFCG; Teacher of the Master's Degree in Human Ecology and Socio-Environmental Management DTCS, UNEB

### ARTICLE INFO

#### Article History:

Received 19<sup>th</sup> December, 2019

Received in revised form

03<sup>rd</sup> January, 2020

Accepted 06<sup>th</sup> February, 2020

Published online 30<sup>th</sup> March, 2020

#### Key Words:

Cultural Heritage. Pasture Fund. Bahia.

**\*Corresponding author: Eça Katterine de Barros e Silva Almeida,**

### ABSTRACT

The pasture fund is a community found in various parts of Brazil, mainly in the semi-arid hinterland. In general, these communities are considered a traditional population and live against the national productive system. The objective of this article is to demonstrate the importance of the pasture fund, since it has already been recognized as a cultural heritage of Bahia, it must be preserved and its legal rules implemented. It was concluded that the pasture fund preserves a differentiated productive system. For this, the article starts from a bibliographic research on the theme.

Copyright © 2020, Eça Katterine de Barros e Silva Almeida and Sérgio Luiz Malta de Azevedo. This is an open access article distributed under the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original work is properly cited.

**Citation:** Eça Katterine de Barros e Silva Almeida and Sérgio Luiz Malta de Azevedo. 2020. "Past fund: concept, characteristics and legalization", *International Journal of Development Research*, 10, (03), 34517-34524.

## INTRODUCTION

The pasture fund is a type of community widely found in the semi-arid hinterland of Bahia. Its organization for the use of the land takes place in a very peculiar way, where it associates plots of individual possession and plots of common use. In general, these communities have a specific form of work, which has traditionally been established, based on small-scale farming activities, in addition to the management of small flocks. The grassland communities in the Caatinga contradict the traditional secular national productive system that is characterized by the concentration of land and monoculture for export. These communities are characterized by the ownership and community use of the land and its resources, where animals are raised freely, being recognized by some marks made by their owners. Such a breeding model facilitates the access of animals to water and food, especially during periods of severe drought, in addition to being an example of adaptation and living with the semi-arid climate of the region. The pasture funds are made up of hundreds of communities spread across the Caatinga and are considered by the official

bodies of Brazil to be traditional populations. These are characterized as human groups marked by common identities and values. The ethnic and racial traits and their life trajectories are the most diverse, this is because there are quilombola pasture funds, indigenous or family farmers<sup>1</sup> and farmers that were born and raised in those localities, taking care of plantations or taking care of their animals, in general goats and cattle. The aridity of the environment is not the main challenge for these populations. The attacks of land grabbers, ranchers and agribusiness that try to enter the communal territories of the pasture funds are presented as the main threats to the communities. The inhabitants of these, in their most, do not have title to the properties, which is used as an argument for attempts to seize land. In several states, stories of resistance by men and women spring up to remain in their homes, on their land, with their animals and crops. Moreover, they resist

<sup>1</sup>Denomination created by the State to designate agricultural policies for small farmers, its emergence is very recent, occurring in 1996 under the government of President Fernando Henrique Cardoso with the creation of the National Program for Strengthening Family Agriculture (Pronaf), in 1996 (presidential decree 1946, 7/28/1996) and, later, with the Family Agriculture Law (Law 11,326) in 2006.

in an organized way, through associations, to exist in community and to have their identity respected. Thus, it is intended to study the possibility of recognizing the existing association for animal husbandry as a pasture fund in Town Serrote, located in the city of Paulo Afonso - BA, in the vicinity of ESEC - Ecological Station do Raso da Catarina. ESEC is managed by the Chico Mendes Institute for Biodiversity Conservation - ICMBIO and constitutes areas of rich biodiversity and scenic beauty. (BRASIL, 2000; ICMBIO, 2016). The Raso da Catarina Ecological Station is an area that aims to preserve nature, especially the Caatinga biome and to carry out scientific research, allowing the indirect use of natural resources, only for use that does not involve consumption, collection, damage or destruction of these resources. Public visitation is prohibited, except if for educational purposes, as defined in the Management Plan or Specific Regulation of this UC category (BRASIL, 2000; ICMBIO, 2016).

According to jurist Edis Milaré (2015, p. 1315), a pioneer in environmental advocacy in Brazil, in his work *Environmental Law*, the Caatinga Biome is the only exclusively Brazilian biome, corresponding to 11% of the national territory - an area that covers about 27 million of people; the majority needy and dependent on the biome's resources to survive. Much of its biological heritage cannot be found elsewhere in the world, which makes this biome so important for the country. Such importance, however, does not prevent 46% of its territory, a total of 844,453 km<sup>2</sup>, from being deforested and exploited illegally today. Milaré (2015, p.1320) also states that, despite the impact of the climate, the low content of organic matter in the soil and drought, the ecosystem is home to the greatest diversity of plants known in Brazil and one of the most important tropical dry areas in the planet. The semi-arid climate of the Caatinga preserved it for a long time from the colonists' attacks, but the use of wood for firewood, for example, it has considerably depleted the biome. With the burning of its biomass, the ecosystem ends up being driven to desertification. The present research discusses which characteristics identify a community as *Fundo de Pasto* and once the existence of these communities is identified, which are the legal mechanisms that enable its legal recognition.

**The Pasture Fund:** In 1534, D. João III extended the sesmarias regime instituted in Portugal as a way to give more use to the portions with low productivity in the country, with a view to the times of hunger of the population to Brazil with the hereditary captaincies that continued with the same concept that in Portugal, with some adaptations, meaning conquered lands not economically occupied, donated by donating captains and governing captains, with subsequent confirmation, for private exploitation, therefore, territory available for colonization by third parties, with government consent. The noun *sesmeiro* came to mean donator of sesmaria, unlike Portugal, where he called the agent of public power, in charge of the division of land by this regime. With the colonization of Brazil, the Portuguese crown at that time ended up fragmenting the area to be conquered into 14 linear parts extending from 30 leagues, division started on the Brazilian coast with extensive strips of land that went from the coast to the West, until the meridian drawn by Tordesillas, called *Hereditary Captaincies*.

The failure of the Hereditary Captaincy system ended up installing the federal government in 1548. In Bahia, the coastal

lands were left for the cultivation of cane, since the occupation of the interior happened around the São Francisco River. In the year 1891 with the approval of the first Constitution of the Republic of the United States of Brazil, the lands that were considered *asunocupied* began to belong to the States in which they were located. And it is in this context that the "loose lands"<sup>2</sup> emerged.

The main characteristics according to Garcez (1987, p. 06) are:

The historical possession of grazing areas, generally open, where creations circulate freely, preservation of traditions, social relations of solidarity and *compadrio*; low impact extractivism; adequate and rational use of natural resources; occupation in vacant areas and individual fenced areas.

Such communities end up being considered as a process of occupation of the semiarid, of those lands that are considered as vacant, that generated both the large estates and the grassland communities.

Garcez (1987, p. 25) when dealing with the pasture fund, teaches that these communities are seen as a peasant organization that has some specificities inherent to it and that end up distinguishing it from others, through agricultural practice and other life experiences.

In general, the pasture fund idea is not new:

The term Pasture Fund is recent. It is not a term that was born of the people, although today in certain regions the people use it more naturally. The term started to be used from the technicians' observations about this life system. Why Pasture Fund? Because in the semiarid region families have a tendency to live together. Members of the same family will build their houses close to each other. It can be clusters of three, four houses or even make a small village on the site. While the land behind the houses, the most distant, loose land is the land of pasture and employment. Hence are the funds, hence the terminology *Fundo de Pasto*. Behind the houses, behind the parts inhabited by the people, behind the gardens there is a free area for pastures in the back. (EHLE, Paulo. *Geographic Database*. Interview, Salvador, 2004).

The figure below demonstrates practices in the management of goats typical of grassland communities.

It is worth noting that the pasture fund arises from the moment the animals move away from areas close to the producers' homes (CAR, 1987).

Some studies tried to identify rural communities as peasants, analyzing the communities of *Fundo de Pasto* and listed some

<sup>2</sup>Regional term used to describe something very close to what the term "fund of pasture" came to represent.

Until 1982, *fund de pasto* was a regional name for pastoralist communities, applied to the common areas of caatinga used as natural pastures for breeding goats. From this period onwards, this regional denomination began to generalize and to gather pastoralist communities from various parts of the state of Bahia in which similar realities had other names ("solta", "terra solta", "bode solto"). *pasture funds* refers to a whole related to a territory (*sertão*, caatinga), a history (of the corrals), a culture (*sertaneja*), an identity, a production pattern, a pattern of relations with the environment and relations social. People refer to the pasture fund to designate the physical base of productive activity and the community, with immemorial possession recognized internally and externally. (Ferraro, 2008)

of the main elements that characterize them as such (Santos, 2010, p. 86-87):

1. Force of family work, with the family being the center of the production and consumption unit;
2. Mutual assistance through collective effort schemes;
3. Ancillary work and salaried working hours, identified through migratory processes in the dry season, in addition to the presence of day laborers;
4. Socialization, a process present as a form of reproduction of the community itself in dealing with the land, reinforcing in this case the centrality of the work for the social reproduction of the group;
5. Ownership of land, in the sense of appropriation of vacant lands, in recent years a process of land tenure regularization has occurred;
6. Ownership of the means of production, linked to instruments directly related to the way of dealing with the land; and
7. Free working day, which is characterized by several activities, including livestock, carried out throughout the day.



Photo Jesus Carlos

Source: Christian Family Edition 925 (2015)

**Figure 1. Pasture fund**



Source: Agência Brasil (2019)

**Figure 2. Pasture fund**

Added to these characteristics, the religiosity presents itself as a very strong cultural trait, in addition to other elements of the conflict for the permanence in the land, something fundamental to understand the question of being peasant in the communities of Fundo de Pasto. It is clear that in times of greater legal stability, some groups tend to fragment and

weaken the very structure of areas of common use. This fact is less evident in communities that have greater associative strength and / or leaders who manage to aggregate workers around a specific agenda. The complexity of Pasture Funds today is due to the changes that occurred in the late twentieth century with greater State intervention in agrarian communities. According to Torres (2011, p.50):

[...] it was at the same time a productive system and social, economic, cultural and family relations that in some areas dated for two hundred, three hundred years, which came to be known as the "pasture fund system" which, from the 1980s, underwent State intervention through what it called the "pasture fund project", aiming at land tenure regularization in these areas.

Torres (2011, p.51-52), in his work, also brings the elements that were considered by public agencies in the 1980s, and that were used as a basis for understanding what this system of common land use is. These are:

- The occupation of pasture funds occurs from inheritances, the family bond being determinant for entering the community;
- The family structure persists today as well as the traditional form of relationship, "contributing to consolidate the identity of this social group";
- The common breeding areas are larger than the housing and cultivation areas, with no division between them;
- The pasture fund areas are often limited to other community areas, without any limit problems;
- The spatial conformation of pasture bottoms gives a particular character to these areas. It consists of large expanses of coating a land, more or less delimited without, however, being surrounded, where each family, members of the community group, owns a house and a fenced area for small agricultural production, the rest of the land being used communally for grazing and extractive activities.
- It is currently estimated that 5,000 families live in these communities.

**Pasture fund as cultural heritage of the traditional populations of Bahia:** Cultural Heritage is an expression of the ways of life developed by a community and passed down from generation to generation, including customs, practices, places, objects, artistic expressions and values, and is often expressed as intangible or tangible cultural heritage. As part of human activity, Cultural Heritage produces tangible representations of value systems, beliefs, traditions and lifestyles, as an essential part of culture as a whole, it contains these visible and tangible traits from antiquity to the recent past. Heritage could be described as a record of the genius of human beings, such as the legacy of artifacts, antiques, sacred places like rituals, traditions and living expressions seen as an unintelligible footprint left behind by the next generations to mark our way through this world. It is for this reason that the pasture fund was recognized as a material cultural heritage of the traditional populations of Bahia, since it brings with it a pre-determined identity and memories. Federal Decree No. 6,040 of February 7, 2007, recognized traditional communities and instituted the National Policy for Sustainable Development of traditional peoples and communities. In accordance with Federal Decree No. 6,040 / 2007, the State of Bahia issued

State Decree No. 13,247 of August 30, 2011 providing for the State Commission for the Sustainability of Traditional Peoples and Communities - CESPCT, in which its role is defined.

State Decree nº 13.247 / 2011, brings the concept of traditional populations and territories, in its art. 1st:

Article 1 - The State Commission for the Sustainability of Traditional Peoples and Communities - CESPCT is a deliberative body, with the purpose of coordinating the elaboration and implementation of the Policy and State Plan for the Sustainability of Traditional Peoples and Communities in the State of Bahia.

Sole paragraph - For the purposes of this Decree, it is understood by:

I - Traditional Peoples and Communities: those who occupy or claim their Traditional Territories, permanently or temporarily, having their ancestry as a reference and recognizing themselves based on their belonging based on ethnic identity and self-definition, and who retain their own social, economic, cultural and political institutions, specific languages and collective relationship with the environment that are decisive in the preservation and maintenance of its material and immaterial heritage, through its cultural, social, religious, ancestral and economic reproduction, using practices, innovations and knowledge generated and transmitted by tradition;

II - Traditional Territories: the spaces necessary for the cultural, social and economic reproduction of traditional peoples and communities, whether they are used permanently or temporarily, observed, with regard to Indigenous and Quilombola Peoples, respectively, as provided for in Art. 231 of the Federal Constitution and Art. 68 of its Transitional Constitutional Provisions Act and other regulations.

It is unimaginable to separate people's cultural heritage from their own people and their rights. Currently, there are many complex legal cases about cultural heritage waiting to be resolved. These cases are a judicial challenge for all interested parties.

Two significant changes in the academic focus of ethnologists and anthropologists have taken place in recent decades. The first concerns an intensified interest in cultural heritage. The concept of traditional culture that used to define the focus of anthropology has been transformed into the concept of inheritance, as a functional survival. He did this using concepts such as invented traditions and social memory and criticizing the concept of modernization.

The notion of functional survival is understandably perceived differently in the past, depending on the perception of time and place and the bonds created in different social and cultural circumstances.

At the theoretical level, the concept of heritage is considerably more diverse and functionalistic than tradition used to be. It represents a shift from political to social aspirations. As heritage shapes people's shared social foundations through education, culture and science, it plays a significant role in defining so-called groups.

Soon:

In some locations in the Northeast Region of Bahia, small producers develop an alternative for organizing production, based on community grazing, in areas of collective use, forming a productive system called the Fundo de Pasto region. It is a productive system, whose main economic activity is extensive goat farming, exploited by small producers, which finds its justification and viability in the maximum use of the region's natural resources. (CAR, 1987, p. 50)

Because of our shared past that we are unified in the present, and the rights, competences and positions of power that define it according to your own needs are essential in defining the domain of cultural heritage. Becoming more and more a dynamic and active heritage that is constantly reinvented and built.

**Legislation on Past Fund:** The normative evolution of protection of cultural goods in our country occurs with the Federal Constitution promulgated in 1988 in Title VIII (Of the Social Order), Chapter III (Of Education, Culture and Sport), Section II (Of Culture), in arts. 215 and 216, which outlined the concept, scope, instruments and responsibilities for the protection of Brazilian cultural heritage and other international conventions, realizing the rights of Traditional Peoples and Communities.

Art. 215. The State will guarantee to everyone the full exercise of cultural rights and access to the sources of national culture, and will support and encourage the valorisation and dissemination of cultural manifestations.

§ 1 The State will protect the manifestations of popular, indigenous and Afro-Brazilian cultures, and those of other groups participating in the national civilizing process.

(...)

Art.216. The Brazilian cultural heritage consists of goods of a material and immaterial nature, taken individually or together, bearing reference to the identity, the action, the memory of the different groups that form Brazilian society, which include:

I - forms of expression;

II - the ways of creating, making and living;

III - scientific, artistic and technological creations;

IV - works, objects, documents, buildings and other spaces intended for artistic and cultural manifestations;

V - urban complexes and sites of historical, scenic, artistic, archaeological, paleontological, ecological and scientific value.

Thus, the common use of land is guaranteed in the Federal Constitution of 1988, which ends up guaranteeing the uniqueness of a traditional people with the new conquests brought by the new constitutional order, SOUZA FILHO (2009, p. 22) further emphasizes that:

The most important novelty brought in 1988, without a doubt, was to change the concept of goods that are part of the cultural heritage, starting to consider that they are "bearers of reference to the identity, to the action, to the memory of the different groups that form Brazilian society". For the first time in Brazil, Brazilian cultural diversity was recognized in a legal text, which in consequence started to be protected and praised, and the

popular, indigenous and Afro-Brazilian values became legally relevant. The previous constitutional tradition marked monumentality as a conceptual reference, and by abandoning this reference, what the current Constitution wishes to protect is not the monument, the grandeur of appearance, but the intimate value of national representativeness, the essence of nationality, the reason for citizenship.

All the concepts included with the new Brazilian Constitution is not only a legal advance, but brings effective changes in the legal concepts of protection, such as the consolidation of the term "cultural heritage" that was already used internationally and was widespread in Brazilian literature, even official, but not in the law; the creation of new forms of protection, such as inventory, registration, surveillance and the possibility of innovation, by the Government, in other ways, in addition to the traditional tipping and expropriation. In addition, the constitutional text itself declares listed properties that it considers relevant to the Brazilian cultural heritage, such as the documents and sites of the former quilombos (SOUZA FILHO, 2009, p.23). The constitution protects the right to the protection and enjoyment of cultural heritage in the form of a diffuse interest<sup>3</sup>, which can only be satisfied from a community perspective, since cultural heritage, as an appropriate value, belongs to everyone at the same time that it does not, individually, to anyone. Brazil rectified Convention 169 of the International Labor Organization (ILO) on indigenous and tribal peoples, together with 18 other countries in 2003, which provided for remedial actions for the excluded part of society, the intention was to revert to secular and historical inequality both racial, as ethnic and cultural, through Decree nº 5.051 / 2004.

But, without any legal support, says Paulo Ehle, that since 1970 the process of invasion of lands for community use, known as "grilagem", has intensified, threatening the survival and community organization of thousands of backcountry families. Many of these families were expelled from the lands where they lived and were used to guarantee their survival since their ancestors. Even then, it made the situation of grassland communities even more difficult, with the creation of "municipal laws popularly called the " Law of the high foot "or" Law of the 4 wires ". This action carried out by the legislature based on the Civil Code of 1916, article 588, which it allowed the owner of the right to fence, wall, or cover in any way and his building, whether urban or rural.

Art. 588. The owner has the right to surround, wall, ditch, or in any way cover his building, urban or rural, complying with these provisions:

§ 1 The dividing walls between properties are assumed to be common, and the owners of the adjoining properties are obliged to compete, in equal parts, for the costs of their construction and conservation.

§ 2º "Sidings" means hedges, wire or wooden fences, ditches or stools, or any other means of separating the land, observing the dimensions established in municipal postures, according to the customs of each locality, as long as they prevent the passage of large animals, such as cattle, horses and mules.

§ 3 The obligation to surround the properties in order to keep domestic birds and animals that require special siding, such as: goats, sheep and pigs, will be under the

exclusive responsibility of the respective owners and owners.

§ 4 When it is necessary to cut the hedge or repair the dividing wall, the owner will have the right to enter the neighbor's land, after preventing it. This right, however, does not exclude the obligation to indemnify the neighbor of any damage that the work may cause.

Paragraph 5. The marginal fences of public roads will be made and preserved by the administration, whom they entrust, or by the people, or companies, who exploit them.

In some municipalities it was mandatory to surround the property with at least four wire strands to control the passage of cattle, but it did not prevent the passage of goats and / or sheep, favoring the occupation of land by large beef cattle ranchers at the expense of occupation in the loose goat regime, EHLE (1997, p. 15).

In the 1980s, bowing to the interests of farmers, several municipalities in the semiarid region introduced the "Law of 4 wires", or the "Law of the Tall Foot", which requires the use of a fence with four wire wires. About 4 wires are sufficient to retain the cattle (the "Tall Foot"), but small animals penetrate without difficulty, inside the large property, being then chased, mistreated and killed. Their owners are threatened with lawsuits or suffer other acts of arbitrary violence. Due to the Lei do Pé Alto, entire municipalities, such as Mirangaba and Campo Formoso, practically ended up with loose breeding (EHLE, 1997, p. 15)

The "High Foot Law" mainly provided that the breeding of goats and sheep should be carried out in a fenced area to avoid damage to other people's properties. A reality that intensified the struggle of the Pasture Background workers with the public authorities so that the right of community ownership of the land could be legally regularized, thus being able to be demarcated and handed over property titles, so that the possession of the land and the maintenance of work on a pasture background.

From mobilizations, occupations of public agencies, petitions, workers from grassland communities, supported by organizations, such as the Pastoral Land Commission (CPT), the Central Workers Union (CUT), the Association of Rural Workers' Lawyers (AATR) and other entities, which leads to the legal recognition of community ownership of land in the 1989 Bahia Constitution, in Article 179, Sole Paragraph:

In the case of collective use and cultivation of land in community form, the State, if deemed convenient, may grant the real right to grant use, recorded as an inalienability clause to the association legitimately built, especially in areas called Pasture or Closing Fund and islands owned by the State, the transfer of ownership is prohibited.

The community customs becomes law, however the legal recognition now present in the Constitution of the State of Bahia of 1989, did not solve the problems of the traditional communities, since many of them had been in dispute for several years and continue without having their land regularized. Certainly, the fight was intensified through several mobilizations carried out by existing organizations and entities, with the objective that the Government of Bahia assumed its responsibilities within these communities and

<sup>3</sup>Diffuse interest - need common to indeterminate sets of individuals

solved the problems of property, thus improving the quality of life in the communities. Pasture Fund Communities gained new impetus with their recognition as Traditional Communities that since then have sought nationally respect and legitimate recognition of their way of living and living with the land, seeking the implementation of public policies that contribute to maintaining this tradition for the next generations. The legislation on the Traditional Pasture Fund Communities in Bahia then emerged, as a consequence of an expansionist action, through the associations that the residents of the traditional communities end up fighting in defense of their rights and their ancestors. The legal recognition of such communities came from the Constitution of the State of Bahia and later with the State Law of nº 12.910 / 2013, which had the scope of the mentioned conflicts.

The Constitution of the State of Bahia states that the State must regularize the land tenure process of public lands:

Article 184 - The State, within a specified period, will promote land regularization and grant the real right of use, in vacant areas of up to one hundred hectares, to producers who have made them productive, reside and cultivate under a family regime.

Art. 187 - The State, through a competent body, will carry out discriminatory action, aiming at the identification and collection of public lands as an indispensable element for land title regularization, which will be used, preferably, for the settlement of rural workers without land or ecological reserves.

It also brings in article 178, the possibility of changing the term and the destination to be given to the lands where the grassland communities are located:

Art. 178 - Whenever the State deems it convenient, the real right to grant use may be used, providing for the destination of the land, the concession period and other conditions.

State Law No. 12,910 / 2013, provides for the land regularization of state, rural and vacant public lands that are occupied by remaining quilombo communities and pasture funds, in Article 2 and 3, guaranteeing the maintenance of communities in their places of origin, allowing community pasture fund associations to conclude contracts granting of the real use right will last for 90 years and may be extended for equal and successive periods:

Art. 2 - The granting of real right to use state, rural and vacant public lands, traditionally, collectively occupied by communities of Pasture Funds or Pasture Closures, is authorized, with a view to maintaining their physical, social reproduction and cultural, according to self-definition criteria, and in which the following characteristics are simultaneously observed:

I - community use of land, which may be combined with individual use for subsistence;

II - animal production, family-based agricultural production, subsistence food polyculture, for consumption or commercialization, or low impact extractivism;

III - own culture, kinship, cronyism or community solidarity associated with the preservation of social traditions and practices;

IV - adequate use of available natural resources and preservation of the environment, according to traditional practices;

V - location in the caatinga and cerrado biomes, as well as in the caatinga / cerrado transitions.

Art. 3 - The contract for granting the real right to use the area will be signed by a public instrument with a community association, made up of all its real occupants, and recorded with an inalienability, non-enforceability and imprescriptibility clause.

Paragraph 1 - The contract will have a duration of 90 (ninety) years, renewable for equal and successive periods.

And in article 9 it declares the existence of grassland communities through the certification issued by the Secretariat for the Promotion of Racial Equality, after regular administrative process, to officially inform the National Commission for the Sustainable Development of Traditional Peoples and Communities. It is up to the community to indicate the occupied area and carry out the work at the level of self-definition organization as a traditional community that retains a series of different characteristics.

Article 9 - The State of Bahia, through the Secretariat for the Promotion of Racial Equality - SEPRMI, will proceed:

I - forwarding to the Instituto do Patrimônio Artístico e Cultural - IPAC, the Fundação Cultural Palmares - FCP and the Instituto do Patrimônio Histórico e Artístico Nacional - IPHAN of information related to cultural, material and immaterial heritage related to the communities covered by this Law, for the relevant legal provisions;

II - the identification and mapping of the communities covered by this Law in the State of Bahia, and must develop and maintain an inter-sectorial and integrated information system, involving the bodies and entities of the State's Direct and Indirect Administration.

SEPRMI Ordinance No. 007/2014 creates the Registry of Communities of Pasture Funds and Pasture Closures of the State of Bahia, reaffirming the criteria for self-definition in line with the characteristics established in State Law No. 12,910 / 2013 and lists the documents necessary for the certificate of recognition is issued. This certificate is the condition for entering into the contract for granting the real right to use these communities on state, rural and vacant public lands. Through popular organizations, a Letter of Repudiation was sent in August 2014, to the State Secretariat of Agriculture, due to the opinion issued by the State Attorney General on the contract for granting the real right to use collective areas to be signed between communities and the State, since it meets the milestones previously discussed with the government itself, with the State Articulation of Fund and Pasture Closure and support entities (IRPAA, 2014).

IRPAA comes together with the State Articulation of Fund and Pasture Closing contributing to the organization of communities in order to pay attention to legal norms, to other threats imposed and to economic and political interests by Brazilian and foreign governments and business groups, dialoguing on territoriality, through existing mobilizations and constant training. Also according to IRPAA (2014), these formations are aimed at communities with characteristics of Pasture Funds, but those are not in the list of regularized communities or with a triggered process or that have not

requested certification with SEPROMI - State Secretariat for Promotion of Racial Equality. In Bahia today, 447 traditional communities of Bottom and Pasture Closure are registered in the CDA. Of these, 107 are the ones that still received land titles, granted by the state until 2007. With contracts for the concession of real right to use rural lands of vacant land or with processes underway at the CDA are 147 communities and with certification granted by SEPROMI they are 164. (IRPAA, 2014). According to estimates by the State Articulation of Fund and Pasture Closing there are between 700 and 1000 traditional communities of Bottom and Pasture Closure across the state that have not yet had their collective areas regularized or that have not yet identified themselves as traditional communities (IRPAA, 2014).

And in Article 6 of State Law No. 12,910 / 2013, it says:

Art. 6 - When the occupied lands are superimposed on state conservation units, the competent bodies will adopt the appropriate measures, aiming to guarantee the sustainability and / or permanence of these communities, reconciling, whenever possible, aspects of public interest in examination, in compliance with the relevant state and federal legislation, in particular Federal Law No. 9,985, of July 18, 2000.

It is observed that this is the path to be studied and followed by the Serrote Village Community Association for recognition as a background community in Pasture.

## Conclusion

The pasture fund can be understood as communities settled in a specific place for generations, most of them are relatives who organize themselves through mutual help in the creation of animals of small size in common areas, without any delimitation. With the promulgation of the Federal Constitution of 1988 and the Constitution of the State of Bahia of 1989, the norms inherent in the Fundo de Pasto Communities called for the regulation of these norms, which recognized rights in general. The constant and relentless struggle of traditional pasture fund communities in Bahia after two more decades was fundamental for the approval by the Bahia Legislative Assembly of State Law No. 12,190 / 2013, which regulates the possibility of land regularization of state, rural public lands and vacant ones that were occupied by quilombola communities and by pasture funds and closures. It is evident that if such regulation had occurred before, numerous conflicts of a different order would have been avoided, in particular the territorial issue, due to the appropriation of public lands traditionally occupied by the Fundo de Pasto Communities. State Law No. 12,190 / 2013 recognizes the existence of pasture funds through a certification that was issued by the Secretary for the Promotion of Racial Equality, showing that the Pasture Fund Communities was recognized as a cultural heritage mainly by history and tradition and it is important for maintaining their way of life.

It can be said that grassland communities have benefited from this legislation and now have a legal instrument that regulates the possession and use of such areas that are used for extensive grazing. In this way, the populations of Fundo de Pasto Communities are guaranteed the right to perpetuate their culture and tradition maintaining their roots, without suffering the interference of new technologies and innovations, such as

agribusiness. This is what the residents of Serrote Village in the Municipality of Paulo Afonso in Bahia want, the recognition of the existence of the pasture fund in that location, regardless of being located around the Ecological Station of Raso da Catarina.

## REFERENCES

- BAHIA. STATE DECREE No. 13,247, OF AUGUST 30, 2011. Available at: <<https://www2.camara.leg.br/legin/fed/lei/1910-1919/lei-3071-1-janeiro-1916-397989-publicacaooriginal-1-pl.html>>. Accessed on: 14. out. 2019.
- BRAZIL. LAW No. 3,071, OF JANUARY 1, 1916. Available at: <<https://www2.camara.leg.br/legin/fed/lei/1910-1919/lei-3071-1-janeiro-1916-397989-publicacaooriginal-1-pl.html>>. Accessed on: 13. out. 2019.
- BRAZIL. Law No. 9,985, of July 18, 2000. Available at: <[http://www.planalto.gov.br/ccivil\\_03/LEIS/L9985.htm](http://www.planalto.gov.br/ccivil_03/LEIS/L9985.htm)>. Accessed on: 13. out. 2019.
- CAR - Regional Development and Action Company. Evaluation of Government Intervention in the Fundo de Pasto Productive System. CAR / SEPLANTEC, 1987
- CASTANHO, R. B. Use of Geo processing in the study of agricultural production in the micro-region of Carazinho - RS (2002). 2006. 237 f. Thesis (PhD in Geography) - Federal University of Uberlândia, Uberlândia, 2006.
- CODEVASF - São Francisco Valley Development Company. Internet: <http://www.codevasf.gov.br>, 2014. Accessed on September 7, 2014.
- CODEVASF, Development Company of the São Francisco and Parnaíba Valleys. Irrigated Perimeters, Lagoa Grande. Janaúba, July 15. 2013. Available at: <http://www.codevasf.gov.br/principal/perimetros-irrigados/elenco-deprojetos/lagoa-grande>>. Accessed on: January 3, 2015.
- EHLE, Paulo. Geographic database. Interview, Salvador, 2004.
- CHRISTIAN FAMILY. Pasture for Everyone. Available at: <https://www.paulinas.org.br/familia-crista/?system=news&action=read&id=9460>. Accessed on: 01. fev. 2020.
- FERRARO Jr. L.A. & BURSZTYN, M. On the fringe of four and a half centuries of latifundium: Reasons for pasture funds in the history of Brazil and the Northeast (1534-1982). IV National Meeting of the National Association of Research and Graduate Studies in Society and Environment (ENANPPAS), Brasília, 2008.
- GARCEZ, Angelina noble Rolim. Fundo de Pasto: a country life project. Bahia: INTERBA / SEPLANTEC / CAR, Salvador, 1987.
- HERCULANO, S. There as here: conflict, injustice and environmental racism. In: I Ceará Seminar against Environmental Racism, Fortaleza, 2006.
- ICMBIO - Chico Mendes Institute for Biodiversity Conservation. Conservation units. Available at: <<http://www.icmbio.gov.br/portal/biodiversidade/unidade-s-de-conservacao/categorias.html>>. Accessed on: 10. out. 2019.
- IPCC. Intergovernmental Panel on Climate Change. Climate change 2007: Impacts, adaptation and vulnerability. Available at: <<http://www.mct.gov.br/index.php/content/view/50400.html>>. Accessed on: 10. out. 2019.
- IRPAA - APPROPRIATE SMALL AGRICULTURAL REGIONAL INSTITUTE. Available at: <<http://www.irpaa.org/modulo/terra>>. Accessed on 10. out. 2019.

- LOMBARDO, M. A. Vegetation and climate. In: III NATIONAL MEETING ON URBAN ARBORIZATION. Annals. Curitiba, PR. P. 01-13, 1990.
- MATIAS, L.F. For a political economy of geotechnologies. *GeoCrítica / Scripta Nova. Electronic Journal of Geography and Science*. Barcelona: University of Barcelona, 2004, vol. VIII, no. 170-52. Available at: Accessed October 2019.
- MARTINE, G. (Org.). Population, environment and development: truths and contradictions. Campinas: UNICAMP, 1996.
- MARTINS, A. Environmental Conflicts in Conservation Units: Dilemmas of Territorial Management in Brazil. *Bibliographical Journal of Geography and Social Sciences*. Vol. XVII, nº 989, 2012. Available at: <<http://www.ub.edu/geocrit/b3w-989.htm>>. Accessed on: 23. fev. 2019.
- MILARÉ, E. Environmental law. São Paulo: Revista dos Tribunais, 2015.
- MALTA, Sérgio. Vale Mais que Pesa: The Articulation of Small Agricultural Producers in the Municipality of Paulo Afonso-BA, with the Region's Fair Circuit. *Revista Canudos, Salvador*, v. 05, n. 1/1, p. 97 - 117. Jun. 2001.
- SÁ, I. B.; RICÉ, G. R.; FOTIUS, G. A. Abiotic factors: priority areas and actions for caatinga conservation. In: SILVA, J. M. C. et al. (Org.). *Caatinga biodiversity: and priority actions for conservation*. Brasília: p.37-44, 2003.
- SANTOS, C. J. S. e. Fundo de Pasto: weaving of resistance, ruptures and permanence in time-space of this peasant way of life. 2010. 290f. Thesis (Doctorate in Human Geography) - Graduate Program in Human Geography, Faculty of Philosophy, Letters and Human Sciences, University of São Paulo, São Paulo, SP, 2010.
- SOUZA FILHO, Carlos Frederico Marés. *Cultural Property and Legal Protection*. 2. ed. rev. ampl. Porto Alegre: Editorial Unit, 1999.
- TORRES, Paulo Rosa. *Land and territoriality of pasture fund areas in the Bahian semiarid*. Feira de Santana: UEFS Editora, 2013.

\*\*\*\*\*